



Please ask for Joel Hammond-Gant  
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The Chair and Members of Cabinet

9 July 2018

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 17 JULY 2018 at 10.30 am in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)

To approve as a correct record the Minutes of the Cabinet meeting held on 26 June, 2018.

4. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

5. Delegation Report (Pages 9 - 10)

## Items Recommended to Cabinet via Cabinet Members

### Deputy Leader

6. Month 2 Budget Monitoring 2018/19 & Medium Term Financial Plan (Pages 11 - 24)

### Cabinet Member for Economic Growth

7. Community Infrastructure Levy (CIL) Expenditure Strategy (Pages 25 - 58)

### Cabinet Member for Governance

8. Equality and Diversity Annual Report 2017/18 (Pages 59 - 82)
9. Funding to voluntary and community organisations 2018/19 and 2019/20 (Pages 83 - 92)

### Cabinet Member for Homes and Customers

10. Review of New Allocations Policy (Pages 93 - 216)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Smith', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

## CABINET

Tuesday, 26th June, 2018

Present:-

Councillor P Gilby (Chair)

Councillors	Bagley	Councillors	T Gilby
	Brunt		Huckle
	A Diouf		Ludlow

Non Voting Members  
Dickinson

\*Matters dealt with under the Delegation Scheme

12 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Blank, Catt, J Innes and Serjeant.

14 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 15 May, 2018 be approved as a correct record and signed by the Chair.

15 **FORWARD PLAN**

The Forward Plan for the four month period 1 July to 31 October, 2018 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**16** **DELEGATION REPORT**

Decisions taken by Cabinet Members during April and May 2018 were reported.

**\*RESOLVED –**

That the Delegation Report be noted.

**17** **MINUTES OF THE SHEFFIELD CITY REGION COMBINED AUTHORITY**

The Minutes of the meeting of the Sheffield City Region Combined Authority held on 9 March, 2018 were reported for information.

**\*RESOLVED –**

That the Minutes be noted.

**18** **COMMUNICATIONS AND ENGAGEMENT STRATEGY 2018-2023**

The Communications and Marketing Manager submitted a report outlining the Council's proposed Communications and Engagement Strategy.

The proposed strategy, as attached at Appendix A to the officer's report, was a combination of the three previous independent strategies that covered external communications, internal communications and community engagement.

The Communications and Marketing Manager advised that the new, overarching strategy would aim to improve communication and engagement with residents, businesses and visitors to the borough.

An annual action plan had been introduced to ensure that the eight key strategy objectives would be delivered; the first year action plan was attached at Appendix B to the officer's report.

**RESOLVED –**

That it be recommended to full Council that the Communications and Engagement Strategy for 2018/19 through 2022/23 be approved and adopted with immediate effect.

## **REASON FOR DECISION**

To communicate and engage effectively with residents, businesses, visitors and partner organisations.

### **19 BUSINESS RATES PILOT 2018/19**

The Director of Finance and Resources submitted a report for Cabinet to consider the arrangements for the Derbyshire Business Rates Pilot scheme for 2018/19.

The report noted that Derbyshire County Council, Derby City Council, Derbyshire Fire and Rescue, as well as the district authorities in Derbyshire (including Chesterfield Borough Council) had agreed to pool their business rates to allow each authority to retain a greater percentage of growth within their respective local areas.

In autumn 2017, a bid was submitted to the Ministry of Housing, Communities and Local Government (MHCLG) for this pool of Derbyshire authorities to take part in a Business Rates Pilot scheme in 2018/19, which would allow all business rates received above baseline funding to be retained during the year, compared to just 50 per cent under the previous arrangement.

In December 2017, it was confirmed by the MHCLG that the Derbyshire bid had been successful.

Detail on the projected financial gains for each participating authority was set out in Appendix A to the officer's report.

#### **\*RESOLVED –**

1. That the Derbyshire Business Rates Pilot Memorandum of Understanding (MoU) for 2018/19 be approved, and that delegated authority be granted to the section 151 officer to sign the MoU.

2. That the estimated financial gains of the Derbyshire Business Rates Pilot for 2018/19, as set out in Appendix A of the officer's report, be noted.

## **REASON FOR DECISION**

To meet statutory requirements relating to setting a Business Rates Pool.

## **20 SKILLS ACTION PLAN**

The Senior Economic Development Officer submitted a report and delivered a presentation to update members on the progress made in the delivery of the Skills Action Plan since its approval by Cabinet on 27 June, 2017.

The report and presentation provided detail on the work undertaken and achievements realised against the key objectives of the Skills Action Plan in its first year of operation.

### **\*RESOLVED –**

That the update on progress made in the delivery of the Skills Action Plan be noted.

## **REASON FOR DECISION**

To keep members informed of progress made in the delivery of the Skills Action Plan.

## **21 EXCLUSION OF THE PUBLIC**

### **RESOLVED –**

That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972.

22 **ENVIRONMENTAL IMPROVEMENTS - HEATH COURT, ST AUGUSTINE'S**

The Assistant Director – Housing submitted a report to advise Cabinet of proposed environmental improvement works to be made at Heath Court, St Augustine's.

A detailed plan of the proposed work was attached at Appendix A to the officer's report.

**\*RESOLVED –**

1. That the proposed scheme of work to be carried out, as contained in Appendix 1 to the officer's report, be noted.
2. That approval be given to demolish 12 purpose-built garages.

**REASON FOR DECISIONS**

To meet the Council's priority 'to improve the quality of life for local people'.

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## CABINET MEETING

17 July 2018

## DELEGATION REPORT

### DECISIONS TAKEN BY LEAD MEMBERS

#### Cabinet Member for Economic Growth

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>3/18/19</b>	<b>Keswick Drive Garage Site</b>	<b>G260L</b>	<b>20 April 2018</b>
<p>Decision</p> <p>(1) That the sale of Keswick Drive garage site be approved on the terms set out in the officer's report.</p> <p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree late amendments to the terms of the sale.</p>			
<p>Reasons for Decision</p> <p>1. To meet the Council's priority "to improve the quality of life for local people" and objective 5 "To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs.</p> <p>2. To ensure the contract for sale is completed in a timely and efficient manner.</p>			

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## **For publication**

### Month 2 Budget Monitoring 2018/19 & Updated Medium Term Financial Plan

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Meeting:	Council Cabinet
Date:	18 <sup>th</sup> July 2018 17 <sup>th</sup> July 2018
Cabinet Portfolio	Deputy Leader
Report by:	Director of Finance & Resources

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## **For publication**

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### **1.0 Purpose of report**

- 1.1 To provide the Council with an update on the budget position at the end of month 2, covering:
- General Fund Revenue
  - General Fund Capital Programme
  - Housing Revenue Account
- 1.2 To meet the requirement in the Financial Procedure Rules to provide the Council with regular updates on the Council's financial position.

### **2.0 Recommendations**

- 2.1 To note the financial performance in the first two months of the financial year and the new medium term forecast (Sections 4 and 8).
- 2.2 That the changes to the medium term forecast outlined in Section 4 are approved.
- 2.3 That the proposed use of reserves as set out in Section 5 of the report be agreed and the new applications for funding in paragraph 5.2 be approved.
- 2.4 To note the updated capital programme outlined in section 7.
- 2.5 That the additions to the capital programme detailed in paragraph 7.2 are approved including Beetwell Street car park, Barrow Hill engine shed and the Winding Wheel.
- 2.6 That the financing of the capital programme detailed in paragraph 7.3 is approved.
- 2.7 To note the position on HRA budgets (Section 8)

### **3.0 Background**

- 3.1 The Council approved the original budget for 2018/19 on 22<sup>nd</sup> February 2018. The Band 'D' Council Tax was set at £159.89. The forecast budget for 2018/19 was a surplus of £56k.
- 3.2 All of the indications are that the medium term outlook will continue to be challenging. The Medium Term forecast approved by the Council on 22<sup>nd</sup> February 2018 showed increasing deficits of £291k in 2019/20 rising to £1.0m by 2021/22.

### **4.0 Current Year's Budget**

- 4.1 We started the year with a forecast surplus of **£56k**. At the end of the second month, known variances have produced an

anticipated surplus forecast of **£298k**. A summary of the key variances is provided in the table below:

<b>2018/19 UPDATED BUDGET FORECAST - TO MONTH 2</b>		
Surplus Forecast at the start of the year		(56)
<b><u>Budget Saving - increased income:</u></b>		
Business Rates (BR - 100% BR Pilot growth and BR growth)	(697)	
Contribution from Reserves – ICT Digital Innovation	(242)	
Spirepride Surplus	(40)	
Legal Fee's Income	(23)	
Cemeteries	(12)	(1,014)
<b><u>Budget Saving - reduced expenditure:</u></b>		
Contribution from HRA – Grants to Voluntary Organisations	(80)	
Private Sector Housing Staffing Costs funded by Disabled Facilities Grants	(59)	(139)
<b><u>Budget Increase - reduced income:</u></b>		
Pavements Rent Review	79	
Tapton House Rental Income	20	
Reversal of Contribution from Business Rates Reserve to fund future risks	252	351
<b><u>Budget Increase - increased expenditure:</u></b>		
Waste Collection	21	
Linacre Site Preparation	80	
ICT Digital Innovation	402	
Holiday Pay	50	
Venues Restructure – staffing costs	12	565
Other Miscellaneous Movements		(5)
<b>Updated Surplus Forecast</b>		<b>(298)</b>

#### 4.2 Changes to Approved Budgets

- 4.2.1 100% Business Rate retention – due to uncertainty on the impact of becoming a pilot authority the original forecast did not include any additional income arising from this. Now that the model for distribution of growth has been finalised, the additional estimated benefit of becoming a pilot authority and general estimated growth has been included in the budget figures for 2018/19 and provides an additional business rate income estimate of £697k.
- 4.2.2 Contribution from Business Rate Reserve – the original budget included a contribution of £252k from this reserve. The proposal is to remove this contribution to maintain the Business Rate Reserve at current levels to meet anticipated deficits through increasing appeals in business rate income in 2019/20.
- 4.2.3 ICT Digital Innovation – the approved revenue costs associated with this project have been included in the Medium Term Forecast and the ICT digital innovation reserve has been used to partially offset the costs of this development.
- 4.2.4 A number of small savings were identified as a result of an exercise which took place in the final quarter of 2017/18 and these have been built into the medium term forecast. This includes the proposal to fund an element of the current grants to voluntary organisations from a contribution from the HRA of £80k per annum.
- 4.2.5 Recent changes in legislation relating to the payment of holiday pay entitlement for overtime is estimated to increase costs by £50k per annum for 2018/19 onwards. The impact of this has been included in the latest forecast.
- 4.2.6 A restructure of staffing at the Venues is currently underway and the probable small payroll impact of this has been included in the medium term forecast.

4.2.7 An assessment of underspends identified in 2017/18 has been made with any variances of a recurring nature being built into the updated medium term forecast.

4.2.8 Additional preparatory work and appointment of advisors to the Council to enable the sale of land at Linacre Rd has been included in 2018/19. These will be met from the capital receipt generated from the sale. However the cost of this is included in the medium term forecast.

## 5.0 Reserves

5.1 In addition to the General Working Balance, which is maintained at £1.5m, the Council operates a number of other reserves. Many of the reserves are earmarked and committed for specific purposes, such as property repairs and vehicle & plant replacements. There are two major reserves where the Council has wider discretion on how they are used – the Budget Risk Reserve and the Service Improvement Reserve.

5.2 **Budget Risk Reserve** – the Council maintains this reserve as a supplement to the Working Balance. It is also used to finance the severance costs arising from voluntary staffing reductions and the outcomes of service restructuring exercises. The table below shows the opening balance in the reserve at the start of the financial year and the currently approved or anticipated movements on the reserve. There are two new applications to the fund to note:

1. D2N2 careers strategy – contribution to enterprise advisor network.
2. Provision to cover possible redundancy costs as a result of the Venues restructuring proposals.

<b>Budget Risk Reserve</b>	<b>Updated Forecast £'000</b>
<b>Balance b/fwd 1<sup>st</sup> April</b>	<b>683</b>

<b>Less Approved Commitments:</b>	
Transfers to other reserves	<b>(69)</b>
Private sector stock survey	<b>(26)</b>
17/18 carry forward – Peak Resort business case	<b>(30)</b>
Tourism	<b>(2)</b>
Skills Action Plan	<b>(2)</b>
Venues redundancy provision	<b>(70)</b>
D2N2 – enterprise advisor network	<b>(12)</b>
Kiosk Payment Terminals x 3	<b>(14)</b>
Pavements – rough sleeping solution	<b>(15)</b>
IDOX – reimbursement	<b>39</b>
<b>Uncommitted Balance</b>	<b>482</b>

5.3 **Service Improvement Reserve** – The table below shows the opening balance in the reserve at the start of the financial year and the currently approved or anticipated movements on the reserve.

<b>Service Improvement Reserve</b>	<b>Updated Forecast £'000</b>
<b>Balance b/fwd 1<sup>st</sup> April</b>	<b>339</b>
<b>Less Approved Commitments:</b>	
Linacre Master Planning	<b>(10)</b>
HS2 Project Officer – 2yrs FTC	<b>(62)</b>
Former QPSC – business case	<b>(5)</b>
TPIC/DIC - Reimbursement	<b>76</b>
<b>Uncommitted Balance</b>	<b>338</b>

5.4 The uncommitted balances in these two major reserves have now reduced to £0.82m. There will be significant demands on these reserves to fund budget deficits, investment in transformation projects and to pay for severance costs from staffing restructures. The Cabinet should, therefore, continually review the commitments against these finite financial resources to ensure that they are used in the most effective way.

## 6.0 Medium Term Outlook



6.1 The latest medium term forecast indicates increasing deficits in future years. The deficits beyond 2018/19 are challenging without officer and member plans to increase income, reduce costs and reduce net expenditure. The Council has a number of savings and income generation opportunities:

- Business plans reducing the venues and sport centre subsidies
- Potential VAT savings on sports venues
- Procurement savings
- Tighter control on spending
- Greater capital receipts through grants and asset disposals

6.2 However, the Council also faces a number of costs pressures on budgets including:

- Inflation on pay and non-pay costs
- Business Rate appeals
- Declining rents across particularly across our retail portfolio
- Resourcing (staffing and resource) demands to deliver services
- Government policy changes
- Loss of all NHB and RSG

6.3 The table below compares the latest forecast with the original budget forecast:-

	<b>Budget Forecasts</b>				
	<b>2018/19</b> <b>£'000</b>	<b>2019/20</b> <b>£'000</b>	<b>2020/21</b> <b>£'000</b>	<b>2021/22</b> <b>£'000</b>	<b>2022/23</b> <b>£'000</b>
<b>February 2018 budget Deficit / (Surplus)</b>	<b>(56)</b>	<b>291</b>	<b>848</b>	<b>1,010</b>	<b>1,000</b>
Increase / (Decrease) Month 2	(242)	200	447	636	464
<b>Latest Forecasted Deficit / (Surplus) Month 2</b>	<b>(298)</b>	<b>491</b>	<b>1,295</b>	<b>1,646</b>	<b>1,464</b>

Transformation Projects - Savings to be Achieved	25	100	100	100	100
Cease and Reduce Programme - Savings to be Achieved	25	53	53	53	53
CBC GF Properties - Business Rates Appeals	0	0	78	80	82
<b>Latest Savings Requirement</b>	<b>(248)</b>	<b>644</b>	<b>1,526</b>	<b>1,879</b>	<b>1,699</b>

## 7.0 General Fund Capital Programme

7.1 **Capital Receipts** - To date, £48k of capital receipts have been received during 2018/19. The original forecast for the year was £2.4m and included the rephasing of capital receipts for land at Ashgate Road, New Square and Poolsbrook currently all under offer. The current forecast of capital receipts for the year is £2.2m. Further large capital receipts need to be identified by the Council beyond 2019/20 when the 'pipeline' declines, otherwise the Council's borrowing will increase to fund further capital projects, putting more pressure on the General Fund deficits.

7.2 **General Fund Capital Spend** –the original capital budget for 2018/19 was £10m, the revised position now stands at £15.5m (see appendix A for details). This includes £2.6m in respect of slippage from the 2017/18 capital programme. The other major differences in the capital programme are:

- Inclusion of Winding Wheel expenditure in respect of redecoration and toilet refurbishments £210k (approved Cabinet 20<sup>th</sup> Feb 2018), plus an additional £125k in respect of asbestos works £50K and increased costs of the refurbishment project with the final tenders being £75k over budget;
- Essential repairs required to Barrow Hill Railway Bridge (estimate £100k);
- Inclusion of the 2018/19 costs associated with the Information and Communication Technology Review (£2.2m approved by Council 25<sup>th</sup> April 2018);

- Inclusion of works to Somersall Park Play Area (£48k) to be fully funded from S106 contributions and grants;
- Beetwell Street car park - Kier undertook a full condition survey and inspection of the Beetwell Street Car park at the end of 2017 as is normally expected every few years. They highlighted work to be conducted within 12 months. The estimated capital budget required for this work is £400k comprising: scaffolding £120k, repairs £180k and £100k to replace a barrier and fill in pot holes.

**7.3 Net Capital Financing** – The original 2018/19 capital programme assumed a break even position and was approved by Council on 22<sup>nd</sup> February 2018. The full amount of the Sheffield City Region Infrastructure Fund contribution towards the Northern Gateway schemes (£5.8m) was received in March 2018 in advance of the works, and this will allow the grant contribution to be applied in full in 2018/19 with a re-profiled CBC contribution occurring in 2019/20. Borrowing of £3.2m is required in 2018/19 and £1.3m in 2019/20 to fund Saltergate MSCP (£3m) and the increased capital programme. Repayment of prudential borrowing from capital receipts obtained in 2017/18 has been deferred in order to fund the increased capital programme. The repayment of prudential borrowing in respect of the Town Hall Restack will take place in 2020/21. An updated capital programme will be reported to members in October 2018.

## **8.0 Housing Revenue Account (HRA)**

**8.1 Housing Revenue** - At the end of month 2 rental income was slightly ahead of target due to a reduction in void losses. The main expenditure items were on target, including Housing Repairs where the second £500k budget reduction was made in 2018/19 as part of the measures to improve the financial viability of the Business Plan.

**8.2 Housing Capital Programme** - At the end of month 2 the majority of claims from contractors for work carried out in the

period were still outstanding. Therefore, the position on HRA capital will be reported in the next monitoring report.

**8.3 HRA Business Plan** - The 30 Year HRA Business Plan is due to be reviewed shortly to account for changes since the last version was presented to Cabinet on 19<sup>th</sup> December 2017. This includes accounting for underspends in 2017/18, approved budget carry forwards, right to buy sales, any changes to the capital programme, inclusion of the HRA element of the ICT Digital Innovation project and reviewing the assumptions made in respect of bad debts, voids, inflation rates etc. The revised Business Plan will be presented to Cabinet at a future date.

## **9.0 Risk Management**

9.1 Budget forecasting, particularly over the medium term, and in the current economic climate is not an exact science. Assumptions have to be made about possible changes where the final outcome could be very different e.g. government grants, pay awards, investment returns, etc. A full budget risk assessment will be included in the budget setting reports later in the year.

## **10.0 Legal Considerations**

10.1 There is a legal requirement for the Council to set a balanced budget before the start of each financial year and for the Director of Finance and Resources to report on the robustness of the estimates and the adequacy of the reserves. Clearly, there is a lot of work to be done over the coming months to be in a position to set a balanced budget for 2019/20 in February 2019.

## **11.0 Conclusions**

11.1 Work continues to identify savings and to raise income. Already officers are developing VAT saving proposals, zero subsidy

plans on venues and sports facilities, procurement savings, efficiency savings, cost control etc. We are still facing a budget deficit in the next financial year and some major financial challenges in the years ahead. Officers and members will have to agree plans to reduce the deficits as under the Local Government Act 2012 the Council must provide a balanced budget. Decisions on where costs/services have to be managed, investment focused/reduced and income raised will have to be continued by the Council to formulate medium term plans. At the same time there are a number of risks that could add further pressure to the forecast deficits in future years e.g. Business Rates income, Universal Credit, retail rents, inflation, staffing resource and the economy (Brexit).

## **12.0 Recommendations**

- 12.1 To note the financial performance in the first two months of the financial year and the new medium term forecast (Sections 4 and 8).
- 12.2 That the changes to the medium term forecast outlined in Section 4 are approved.
- 12.3 That the proposed use of reserves as set out in Section 5 of the report be agreed and the new applications for funding in paragraph 5.2 be approved.
- 12.4 To note the updated capital programme outlined in section 7.
- 12.5 That the additions to the capital programme detailed in paragraph 7.2 including Beetwell Street car park, Barrow Hill engine shed and the Winding Wheel are approved.
- 12.6 That the financing of the capital programme detailed in paragraph 7.3 is approved.
- 12.7 To note the position on HRA budgets (Section 8).

## 13.0 Reasons for recommendations

- 13.1 To actively manage the Council's finances in the current financial year and forecast forward the emerging budget position to future financial years.

### Decision information

<b>Key decision number</b>	<b>822</b>
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	To become financially self-sufficient by 2020

### Document information

<b>Report author</b>	<b>Contact number/email</b>
Helen Fox	<b>Ext. 5452</b>
<b>Background documents</b> These are unpublished works which have been relied on to a material extent when the report was prepared.  <i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	
Appendix A	Revised Capital Programme

## GENERAL FUND CAPITAL PROGRAMME REVISED 2018/19

Code	CAPITAL EXPENDITURE	Original 18/19 £'000	Revised 18/19 £'000	19/20 £'000	20/21 £'000
8295	Home Repairs Assistance	275	317	275	275
8292	Disabled Facilities Grants	946	1,604	650	650
8943	Town Hall Alterations (GPGS)	636	1,020		
8943	Town Hall Alterations - CCTV (GPGS)		191		
8956	Grant to Chesterfield Waterside Ltd - Basin Square Infrastructure		493		
8959	Northern Gateway - Saltergate MSCP	5,725	6,317		
8973	Northern Gateway - Public Realm	800	935		
8974	Northern Gateway - Enterprise Centre			4,519	38
8960	Peak Resorts		143		
8979	Somersall Park Play Area		48		
8981	Beetwell Street Car Park	324	400		
	IT Project		2,191	1,009	924
8978	Hazel Drive Play Area		57		
	Barrow Hill Railway Bridge		100		
8913	Kiosk Upgrades		14		
8972	Artificial Sports Pitches - Former QPSC Site	750	750		
8980	Winding Wheel Foyer	426	761		
8971	Tatpton Terrace Flood Resilience Work	145	149		
	<b>Total Expenditure</b>	<b>10,027</b>	<b>15,490</b>	<b>6,453</b>	<b>1,887</b>

	Original 18/19 £'000	Revised 18/19 £'000	19/20 £'000	20/21 £'000
<b>CAPITAL FINANCING</b>				
Borrowing - Saltergte	3,000	3,000		
Borrowing - general	662	238	1,276	
Borrowing - Town Hall restack				
Grants & Contributions - see below	3,546	7,689	952	660
Capital Receipts	2,288	2,246	4,150	3,379
Theatre Restoration Fund	426	426		
Flood Reserve	16	16		
Budget Risk Reserve		14		
S106 Reserve		122		
Vehicle and Plant Reserve		191		
Home Repairs Reserve (Repaid Improvement Grants)	75	75	75	75
Repay prud borrowing: Town Hall Restack				-1,392
Repay prud borrowing: Ex-Fire Station Site	-537			
Repay prud borrowing: Market Hall Refurbishment	-151			
<b>Total resources available in year</b>	<b>9,325</b>	<b>14,017</b>	<b>6,453</b>	<b>2,722</b>
Less total expenditure in year	10,027	15,490	6,453	1,887
<b>Net in-year surplus / (deficit)</b>	<b>-702</b>	<b>-1,473</b>	<b>0</b>	<b>835</b>
Surplus / (deficit) b/f from prev yr	702	1,473	0	0
<b>Cum surplus / (deficit) c/f</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>835</b>

	Original 18/19 £'000	Revised 18/19 £'000	19/20 £'000	20/21 £'000
<b>CAPITAL GRANTS ETC (Accruals Basis)</b>				
Flood Relief Grant - CLG				
Flood Risk Management Grant - EA	129	134		
Disabled Facilities Grants (BCF / Derbys PCT)	1,221	1,921	650	650
Home Repairs Assistance Grants (FILT / SSE)	10	10	10	10
Langer Lane play space - DCC/Viridor/Friends				
Eastwood Park skate park				
Somersall Park Play Area		25		
Hazel Drive Play Area		57		
Whitebank Close				
Grant to CWL Basin Square Infrastructure - SCRIF		493		
Peak Resorts - SCRIF		143		
Northern Gateway (Refurb of Saltergate MSCP) - SCRIF	1,690	4,906	292	
Northern Gateway (Streetworks / Env Imps) - SCRIF	496			
Northern Gateway (Managed Office Space) - SCRIF				
Staveley King George V Bowls Pavilion Ph 2 - Viridor / Entrust				
<b>Grants Total</b>	<b>3,546</b>	<b>7,689</b>	<b>952</b>	<b>660</b>

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## For publication

### Community Infrastructure Levy (CIL) – Expenditure procedure and Governance (J010R)

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Meeting: Cabinet

Date: *17<sup>th</sup> July 2018*

Cabinet portfolio: Economic Growth

Report by: Economic Growth Manager

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For publication

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#### 1.0 **Purpose of report**

1.1 To set out the process by which collected receipts from the Community Infrastructure Levy (CIL) will be allocated to infrastructure projects.

#### 2.0 **Recommendations**

2.1 That Cabinet resolves to approve the CIL Expenditure Strategy setting out the process by which collected receipts from the Community Infrastructure Levy (CIL) will be allocated to infrastructure projects.

2.2 That the Council's Constitution be amended to include the delegations relating to expenditure of CIL referred to in the CIL Expenditure Strategy.

2.3 To authorise the Strategic Planning Manager and Infrastructure Planning Officer, in consultation with the Leader of the Council and Executive Member for Economic Growth, to make any non-material changes to the expenditure strategy as may be required.

### 3.0 **Background**

3.1 The Community Infrastructure Levy (CIL) works as a charge that councils can place on new development in their areas. The money raised through the levy will help to fund the infrastructure that is needed to support new development and growth.

3.2 The Chesterfield Community Infrastructure Levy Charging Schedule was approved by Full Council on 14<sup>th</sup> October 2015. The Council began charging CIL on new development approved from 1st April 2016.

3.3 CIL contributions only begin to be payable upon commencement of those CIL-liable schemes. There will inevitably be a time lag in this process. CIL revenues have been received from a limited number of developments which were approved after 1<sup>st</sup> April 2016 and which have commenced on site. This has allowed an opportunity to develop a CIL Expenditure Strategy, setting out the approach which the Council will follow to identify the specific items of infrastructure upon which CIL revenue should be spent in order to support growth and development across the Borough.

3.4 According to the most recent projections, the Levy is forecast to raise between £16,830,678 and £23,460,978 over the plan period to 2033, depending on a range of assumptions and scenarios (summarised in the Table at Appendix 2). Income raised can be used to contribute to a wide range of infrastructure projects so long as they support development

growth. CIL income will build up over time but early contributions will particularly depend on the development programmes for individual CIL-liable developments. To date just over £750,000 has been received<sup>1</sup>. Throughout the development of the Chesterfield CIL scheme, it was always acknowledged that there would be a funding 'gap' i.e. a difference between the total financial cost of delivering all the infrastructure needed to support future planned growth across the Borough, and the revenues likely to be raised from CIL. CIL was never intended to act as the sole source of infrastructure revenue.

- 3.5 Planning Policy Guidance requires CIL Charging authorities to identify the total cost of infrastructure to be funded through CIL including the additional infrastructure is needed to support development, and what other sources of funding are available. The Local Plan identifies the scale and type of infrastructure needed to deliver the Borough's local development and growth needs. The Government recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term, and advises that the focus should be on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy.
- 3.6 Accordingly, the Chesterfield CIL evidence base included a CIL Infrastructure Funding Gap Review Report. The Chesterfield CIL Examiner's report concluded that "the CIL Council's approach is realistic in achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that development remains generally viable across the Borough.
- 3.7 There is considerable flexibility around the types of infrastructure which could be provided to deliver the development plan. The Planning Act 2008 provides a wide

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<sup>1</sup> CIL Revenue received amounted to £764,133 (gross) at 31<sup>st</sup> March 2018

definition of the infrastructure which can be funded by the CIL, including:

- Roads and other transport
- Flood defences
- Schools and education facilities
- Medical facilities
- Sporting and recreational facilities
- Open spaces

The CIL Regulations exclude the use of CIL for the provision of affordable housing.

3.8 The Regulation 123 List sets out the types of infrastructure on which CIL revenue would be spent. The Chesterfield CIL Regulation 123 list (reproduced at Appendix 1) largely sets out generic items of expenditure rather than specific infrastructure items. The intention was to allow the Council the flexibility to determine expenditure as circumstances required. It does however now require the Council to develop and agree an expenditure strategy to allow decisions on how to spend CIL contributions to be taken in a way which is transparent and understandable, and which provides certainty. The acknowledged infrastructure funding gap means that the Council will need to balance competing infrastructure requirements. This is the primary purpose of this exercise.

3.9 This report sets out how collected receipts for Community Infrastructure Levy could be allocated to infrastructure projects on the published Community Infrastructure Levy Regulation 123 list to ensure that CIL is able to support the agreed growth strategy for the Borough.

#### **4.0 CIL Expenditure**

## **The relationship between the Community Infrastructure Levy and planning obligations (Section 106 Agreements)**

- 4.1 The introduction of the CIL in Chesterfield has not completely replaced the system of planning obligations. S.106 agreements continue to operate alongside CIL, but with a narrower scope. CIL funds are intended to help deliver infrastructure which is necessary to support the development of an area, rather than to make individual planning applications acceptable in planning terms. As a result, there may be some site specific mitigation requirements without which a development should not be granted planning permission. In these circumstances, Section 106 planning obligations continue to be used.
- 4.2 The purpose of the Regulation 123 List is to provide clarity on what CIL might be spent on and ensure that there is no duplication between CIL and S106 agreements in funding the same infrastructure projects. In other words it is no longer possible to request contributions through Section 106 agreements for infrastructure items which are contained within the CIL Regulation 123 list since this would amount to 'double charging'.
- 4.3 The inclusion of a project or type of infrastructure in this list does not signify a commitment from the Council to fund either in whole or in part the listed project or type of infrastructure through CIL. Nor does the order of the Regulation 123 List imply any order of preference or weighting of one project as opposed to another.
- 4.4 The Council can review the Regulation 123 list as part of its monitoring of CIL collection and expenditure. The Authority Monitoring Report will identify progress on collecting and spending CIL and indicate the need for any review of the Regulation 123 list. Any revisions to the Regulation 123 list will need to be clearly explained and subject to appropriate local consultation.

4.5 Unlike developer contributions from S.106 agreements, CIL does not have to be spent on the site or in the area from which it is collected. CIL must, however, be spent on infrastructure items that are included in Regulation 123 list.

### **Distribution of Expenditure**

4.6 The CIL Regulations set out the overall breakdown for how monies collected from the CIL are to be distributed. This is illustrated in the table below.

<b>Purpose of Funding</b>	<b>% Allocated</b>
Administration – Costs of administrating receipt and expenditure of CIL	5% of all receipts
Neighbourhood Area portion	15% of CIL collected within that area capped at £100 per dwelling. (in a designated Neighbourhood Area where there is a Neighbourhood Plan in place 25% of CIL collected within that area uncapped.)
CIL infrastructure	80% - Remaining CIL receipts collected for the financial year.

4.7 This report addresses each of these areas in 3 sections:

Section 1: Administration Expenses

Section 2: Strategic Infrastructure

Section 3: Local Infrastructure / Neighbourhood funding

### **Section 1: Administrative expenses**

- 4.8 Whilst the overwhelming majority of revenue from the levy is directed towards infrastructure provision, the CIL Regulations recognise that there are costs associated with operating CIL and allow charging authorities to use funds from the Levy to recover the costs of its administration. [Regulation 61](#), allows the Council to spend up to 5% of total levy receipts on administrative expenses. If the Council spends less than its permitted allowance on administrative expenses, it must transfer the remaining allowance for use on capital infrastructure projects.
- 4.9 Administrative expenses associated with the levy include the costs of the functions required to establish and run a levy charging scheme. These functions include levy set-up costs, such as consultation on the levy charging schedule, preparing evidence on viability or the costs of the levy examination. They also include ongoing functions like establishing and running billing and payment systems, enforcing the levy, the legal costs associated with payments in-kind and monitoring and reporting on levy activity.
- 4.10 To help charging authorities with initial set up costs, the regulations allow for a 'rolling cap' on administrative expenses (see Regulation 61). This covers the period comprising the first part year that the Council set the levy (2016) and the following three financial years taken as a whole (2017-18, 2018-19, and 2019-20). From year four onwards of the Levy's operation, the restriction works as a fixed in-year cap, meaning that the Council may spend up to 5% of receipts received in-year by the end of that year on its administrative expenses.

## **Section 2: Strategic infrastructure**

### **Key foundations of the CIL Expenditure Strategy:**

- 4.11 The purpose of CIL is to help to provide the infrastructure needed to support the development of the Borough. CIL receipts (excluding the neighbourhood element and

administration fees) will be placed into a centralised pot for the purpose of supporting the delivery of strategic and local infrastructure improvements on a Borough wide basis.

- 4.12 In order to avoid ad hoc or piecemeal decisions, the approach to prioritising CIL expenditure in the draft Expenditure Strategy is anchored by the Local Plan strategy. This would support coherent and transparent spending decisions which accord with the wider direction of policy and support growth on the scale and in the broad locations which the Plan sets out.

### **The Local Plan**

- 4.13 The adopted Core Strategy (2013) identifies the strategic and local infrastructure fundamental to achieving the Council's ambitions for shaping the Borough to 2031, and provides the strategic context for infrastructure requirements. The emerging draft Local Plan (January 2017) updates and clarifies the strategy, extending the plan period to 2033. The overall approach to future growth and development across the Borough is to concentrate new development in areas which are easily accessible to centres, and to focus on areas that need regenerating.

- 4.14 An Infrastructure Delivery Plan (IDP) was prepared in parallel to the Core Strategy and is being updated in parallel with the emerging draft Local Plan. The IDP identifies the essential strategic and local infrastructure which will be required at different times over the duration of the plan period to deliver the Plan strategy. It sets out what infrastructure will be needed and when, who will deliver it and how it will be funded. Their cost is estimated at significantly more than the amount expected to be raised through CIL. The IDP is a 'living document' which will continue to be updated as the infrastructure delivery programme moves forward and the future programme develops



- 4.15 The IDP has identified major infrastructure items that will be critical to unlocking these sites. In relation to the Staveley and Rother Valley Corridor Strategic Site for example, school capacity has been identified as an obstacle to the development of a new community in this strategic location and it will be therefore be necessary to address this through the provision of a new school as part of the wider regeneration proposals. Strategic transport infrastructure, particularly in the form of a new link road/regeneration route, is also required in order to improve accessibility. Work is continuing with the County Council (as education authority and highways authority), the landowners, and other key partners to identify the options for funding and delivery of critical infrastructure.
- 4.16 In view of the above, the Local Plan Strategy is considered to represent the most appropriate focus for prioritising CIL expenditure. In broad terms this would support the delivery of critical infrastructure necessary to unlock strategic sites, and support positive development in RPAs which will deliver homes and jobs.

### **Apportioning Strategic CIL Income - Governance**

- 4.17 The draft CIL Expenditure Strategy sets out a systematic and transparent process for allocating CIL resources to infrastructure projects, including a series of steps which should be taken in developing a clear and transparent methodology to identify priorities. The Council's Constitution will need to be amended to include the delegations on expenditure contained within the Expenditure Strategy.

### **Forward Funding**

- 4.18 In order to provide an adequate level of certainty to infrastructure delivery partners, it would be advantageous to put in place a long term investment framework, covering say a 5 year period, to enable delivery partners to commit to forward

funding projects with an undertaking that the CIL funds will be directed to them. It may be that some investment commitments are not taken forward. In these cases and to maintain the Investment Framework time horizon, an annual review could be undertaken to respond to any changes in circumstances, including development activity, and set priorities for future years.

## **County Functions**

4.19 Derbyshire County Council is the local education and transport authority. The County Council provides infrastructure and services that the Infrastructure Delivery Plan identifies as critical to delivering the Borough Local Plan. Work will continue alongside the County Council on apportioning CIL income to the County Council's education and transport functions, including using CIL income to secure match funding wherever opportunities arise, in a way which helps to support development growth proposed for the Borough.

## **Section 3: Local Infrastructure / Neighbourhood Funding – the Neighbourhood Portion**

4.20 The Community Infrastructure Levy Regulations (Regulation 59A) place a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This is known as the neighbourhood portion.

### **A. Parished Areas**

4.21 The 2010 Regulations require charging authorities to pass the 15% of CIL receipts directly to parish councils where the chargeable development has taken place<sup>2</sup>. Parishes can

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<sup>2</sup> (This increases to 25% where there is a neighbourhood development plan in place or where permission is granted for a neighbourhood development order. That amount will not be subject to an annual limit).

contribute towards strategic projects but are ultimately autonomous in taking spending decisions.

4.22 There are 2 parishes, Staveley and Brimington, where the neighbourhood portion of CIL receipts will pass to Staveley Town Council or Brimington Parish Council if chargeable developments take place in their areas.

## **B. Non-Parished Areas**

4.23 The extent of the parishes however does not cover the majority of the urban area of Chesterfield Borough. This creates a gap in the coverage for the neighbourhood portion in the Borough where there are no parishes or town councils to oversee its expenditure. Parishes and Wards are listed in Appendix 4 and shown on map 'Chesterfield Ward Boundaries and Parished Areas' in Appendix 5.

### **Expenditure of Neighbourhood Portion in Non-Parished Areas**

4.24 Communities without a parish or town council will still benefit from the neighbourhood portion of CIL receipts. Where the chargeable development takes place in an area where there is no parish council, the charging authority retains the levy receipts but must spend the neighbourhood portion on, or to support, infrastructure in the area where the chargeable development takes place. Funds from the neighbourhood portion can be used for a wider range of spending than is the case with the strategic portion.

4.25 There is no prescribed process for agreeing how the neighbourhood portion should be spent, but guidance suggests that charging authorities should use existing community engagement processes, proportionate to the level of levy receipts and the scale of the proposed development to which the neighbourhood funding relates. The draft CIL Expenditure Strategy sets out proposals for the Council's consultation local

communities over how the neighbourhood portion of CIL receipts will be spent in non-parish areas. This can build on the experience of managing the Council's previous Community Chest programme.

### **Forecast income from the Neighbourhood Portion**

4.26 Over the plan period, current forecasts estimate that forecast income from the Neighbourhood Portion could equate to over £500,000 (including around £176,000 to Staveley Town Council, £19,000 to Brimington Parish Council, and £318,000 to non-parished wards).

### **Next steps:**

4.27 Following approval of the CIL Expenditure Strategy, a number of further steps need to be taken:

- (i) In identifying priorities for strategic expenditure, as indicated in the draft Expenditure Strategy, there will be a need to focus down on particular sites in the priority areas and strategic sites identified in the Local Plan, and the specific infrastructure items needed to deliver them. This will involve identifying the extent of potential CIL expenditure which could be made available and additional sources of funding to bridge the infrastructure gap. This will necessitate updating and further developing the Infrastructure Delivery Plan alongside the Local Plan, and working closely with delivery partners, particularly the County Council, SCR and D2N2, and other strategic infrastructure providers.
- (ii) Continue to engage with Staveley Town Council and Brimington Parish Council and for the neighbourhood element of CIL expenditure in the parished areas of the Borough, in line with CIL Regulations.

- (iii) Agree how the Neighbourhood Portion in non-parished areas will be managed

## **Timescales**

- 4.28 The fundamental purpose of CIL is to generate revenues to fund infrastructure which is necessary to support growth and development across the Borough. The Infrastructure Delivery Plan will identify the infrastructure necessary to implement the Local Plan. The CIL expenditure strategy therefore needs to support the draft Local Plan, which will set out the strategy and preferred sites to deliver the growth and development in Chesterfield to 2033.
- 4.29 Alongside consultation on a revised National Planning Policy Framework (NPPF), the government is proposing reforms to the system of developer contributions. The consultation is leaning towards requiring the publication of Infrastructure Funding Statements which would explain how the spending of any forecasted income from both CIL and section 106 planning obligations over five years would be prioritised and to monitor funds received and their use. This may result in removal of Regulation 123 lists. If this is confirmed following the current consultation, this may require an early review of the CIL Expenditure Strategy.

## **5.0 Financial considerations**

- 5.1 The financial ramifications of introducing a CIL were originally reported to Cabinet in December 2011 and in subsequent reports. Importantly, as set out in paragraph 4.8 of this report, the CIL regulations permit charging authorities to finance initial set-up and ongoing administration costs from up to 5 per cent of CIL receipts. Therefore, over time, it should be possible to recover the costs of preparing the CIL evidence base and Charging Schedule (including examination costs) and other ongoing administration or staffing costs. The introduction of a

Payment in Kind Policy now offers a mechanism to allow acceptance of full or part payment of a CIL liability by way of a physical provision of land and / or infrastructure..

## 6.0 Risk management

6.1 The potential risks of introducing a CIL Charging Schedule were considered by Members in October 2015 and are shown below. The subsequent introduction of a Payment in Kind and Exceptional Circumstances Relief Policies have been added to the original Risk assessment, together with proposed mitigating actions.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Developers not assuming liability in timely manner	L	M	Set up robust monitoring including reminders to developers	L	L
Developers not notifying LPA of commencement	M	M	Set up robust monitoring including reminders to developers	L	L
CIL funds not received within specified time period	M	M	Set up robust enforcement procedures including reminders to developers	L	L
Introduction of Exceptional Circumstances Relief Policy					
Reduction in CIL funding from granting relief for	M	M	Robust application of policy to ensure only used where	L	M

exceptional circumstances			relevant		
Introduction of Payment in Kind Policy					
Reduction in CIL funding from payments in kind	M	M	Robust application of policy to ensure only used where relevant	L	M
Development not coming forward due to difficulties making infrastructure provision on site	H	M	Adoption of Payment in Kind policy	L	L

## **7.0 Legal and human rights implications**

7.1 The preparation of CIL has been in accordance with the statutory requirements of the Planning Act 2008 and CIL regulations 2010 (as amended).

## **8.0 Consultation**

7.1 All public consultation has been in accordance with the statutory requirements of the Planning Act 2008 and CIL Regulations 2010 (as amended).

## **9.0 Environmental sustainability and bio-diversity**

9.1 Local authorities have a duty to have regard to the conservation of biodiversity in exercising their functions in accordance with the Natural Environment and Rural Communities Act which came into force on 1 October 2006.

9.2 CIL will provide funds to protect enhance and promote the Borough's existing green infrastructure assets.

## **10.0 Equalities Impact Assessment (EIA)**

10.1 A preliminary Equalities Impact Assessment (EIA) has been undertaken and no negative impacts on protected groups have been identified (Considered by Members in October 2015). On the basis of the original assessment, the Council's Policy & Equalities Team have confirmed that it is not necessary to carry out a full EIA for the proposal set out in this report.

## **11.0 Alternative options and reasons for Rejection**

11.1 Receipts from the Chesterfield CIL could be allocated on an ad hoc basis as bids are received. It is not considered that this would offer an objective or transparent solution and this would undermine the Council's objective of providing infrastructure necessary to support planned growth and development across the Borough set out in the Local Plan.

## **12.0 Recommendations**

12.1 That Cabinet resolves to approve the CIL Expenditure Strategy setting out the process by which collected receipts from the Community Infrastructure Levy (CIL) will be allocated to infrastructure projects.

12.2 That the Council's Constitution be amended to include the delegations relating to expenditure of CIL referred to in the CIL Expenditure Strategy.

12.3 To authorise the Strategic Planning Manager and Infrastructure Planning Officer, in consultation with the Leader of the Council and Executive Member for Economic Growth, to make any non-material changes to the expenditure strategy as may be required.

## **13.0 Reasons for recommendations**



- 13.1 To help facilitate sustainable development growth and Chesterfield’s continued vitality through CIL investment.

**Decision information**

<b>Key decision number</b>	<b>794</b>
<b>Wards affected</b>	<b>ALL</b>

**Document information**

<b>Report author</b>	<b>Contact number/email</b>
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<b>Appendices to the report</b>	
Appendix 1	Community Infrastructure Levy: Regulation 123 List
Appendix 2	Projected CIL Income Summary
Appendix 3	Parish Council payment periods
Appendix 4	Parish and non-parish areas
Appendix 5	Draft CIL Expenditure Strategy

## Appendix 1: Community Infrastructure Levy: Regulation 123 List

<b>REGULATION 123 INFRASTRUCTURE LIST</b>	
<b>Infrastructure Type or Project</b>	
<b>Strategic Green Infrastructure</b>	
<ul style="list-style-type: none"> <li>• Public Open Space and/or play provision and/or improvements*</li> <li>• Sports and Playing Pitches*</li> <li>• Restoration of Chesterfield Canal</li> <li>• Access improvement to Green Wedges and Strategic Gaps</li> <li>• Biodiversity and habitat enhancement including tree planting*</li> </ul>	
<b>Transport Infrastructure</b>	
<ul style="list-style-type: none"> <li>• Improvements to A61 Chesterfield Inner Relief Road Junctions*</li> <li>• Chesterfield Staveley Regeneration Route</li> <li>• Hollis Lane Link Road</li> <li>• Implementation of Chesterfield Strategic Cycling Network*</li> <li>• Measures to improve walking, cycling and public transport provision within*:               <ol style="list-style-type: none"> <li>i. The A61 Corridor</li> <li>ii. The A619 Chatsworth Road</li> <li>iii. The A619 corridor through Brimington and Staveley</li> <li>iv. Access to Chesterfield Railway Station</li> <li>v. The proposed Strategic Cycle Network</li> </ol> </li> </ul>	
<b>Other Infrastructure</b>	
<ul style="list-style-type: none"> <li>• Strategic Flood Defences and alleviation measures*</li> </ul>	
<b>Education Provision</b>	
<ul style="list-style-type: none"> <li>• Provision of additional pupil capacity in existing schools and contributions to a new school or schools to address shortfalls in capacity arising from new housing growth</li> </ul>	

**\*Excluding Site Specific measures arising as a result of specific development proposals, subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates**

**the following:**

***A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –***

***a) necessary to make the development acceptable in planning terms***

***b) directly related to the development; and***

***c) fairly and reasonably related in scale and kind to the development.***

## Appendix 2:

### Projected CIL Income Summary

Lower Floorspace Assumptions*				Higher Floorspace Assumptions*			
Estimated total CIL receipts £	Admin Costs (5%) £	Neighbour- hood funding (No. houses x £100)	Remaining CIL Income £	Estimated total CIL receipts £	Admin Costs (5%) £	Neighbour- hood funding (No. houses x £100)	Remaining CIL Income £
16,830,678	841,534	513,340	15,475,804	23,460,978	1,173,049	513,340	21,774,589

\*Projections based on expected CIL contributions from extant planning permissions and potential contributions from current draft Local Plan allocations using alternative scenario assumptions based on a lower average floorspace (70M<sup>2</sup> per dwelling) and a higher average floorspace (100M<sup>2</sup> per dwelling) over Local Plan period (to 2033).

## **Appendix 3:**

### **Parish Council payment periods**

The Borough Council may come to an agreement with Staveley Town Council or Brimington Parish Council on when CIL funds which are due under the neighbourhood element may be passed on. Where no agreement is in place the Borough Council must make payment in respect of CIL it receives from 1st April to 30th September in any financial year to the town/parish council by 28th October of that financial year and pay the CIL received from 1st October to 31st March in any financial year by the 28th April of the following financial year.

## **Appendix 4:**

### **Parish and non-parish areas**

#### **Parish areas**

Chesterfield has 2 parish areas which cover the following Wards:

##### **Staveley Town Council:**

Barrow Hill & New Whittington (part)

Lowgates & Woodthorpe

Middlecroft & Poolsbrook

Hollingwood & Inkersall

##### **Brimington Parish Council:**

Brimington North

Brimington South (part)

#### **Non-Parished Areas**

The non-parished areas of Chesterfield Borough cover the following Wards:

Barrow Hill & New Whittington (part)

Brimington South (part)

Brockwell,

Dunston

Hasland

Holmebrook

Linacre

Loundsley Green

Moor

Old Whittington

Rother

St Helens

St Leonards

Walton

West

# **Community Infrastructure Levy:** **Expenditure Strategy**

**June 2018**

## **1. Purpose:**

- 1.1 The purpose of the Community Infrastructure Levy (CIL) is to help to provide the infrastructure needed to support the development of the Borough. CIL receipts (excluding the neighbourhood element and administration fees) will be placed into a centralised pot for the purpose of supporting the delivery of strategic and local infrastructure improvements on a Borough-wide basis.
- 1.2 This Strategy sets out the process by which collected receipts from the Community Infrastructure Levy (CIL) will be allocated to infrastructure projects.

## **2. Background:**

- 2.1 The Council began charging CIL on new development granted planning permission from 1<sup>st</sup> April 2016.
- 2.2 CIL works as a charge that councils can place on new development in their areas. The money raised through the levy helps to fund the infrastructure that is needed to support new development and growth.

## **3. CIL Expenditure - Foundations**

- 3.1 CIL income can be used to contribute to a wide range of infrastructure projects so long as they support development and growth. CIL income will build up over time but early contributions will particularly depend on the development programmes for individual CIL-liable developments.
- 3.2 The Local Plan identifies the scale and type of infrastructure needed to deliver the Borough's local development and growth needs. Throughout the development of the Chesterfield CIL scheme, it was always understood that there would be a funding 'gap' i.e. a difference between the total financial cost of delivering all the infrastructure needed to support future planned growth across the Borough, and the revenues likely to be raised from CIL. Whilst it was never intended to act as the sole source of infrastructure funding, CIL will however play a key role in providing necessary infrastructure and offer an important opportunity for match funding.

### **The Chesterfield Borough Local Plan**

- 3.3 The Local Plan (adopted Core Strategy (2013) and the emerging draft Local Plan (2017)) sets out the overall approach to future growth and development across the Borough, which is to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.

- 3.4 The Local Plan identifies broad locations for new housing, as well as specific sites. Broad locations are identified as:
- Chesterfield Sub-Regional Centre,
  - Staveley and Rother Valley Corridor Strategic Site
  - Staveley Town Centre
  - Local Service Centres (Brimington, Hasland, and Holme Hall)
  - Regeneration Priority Areas (Barrow Hill, Duckmanton, Holme Hall, Mastin Moor, Poolsbrook).
  - Local Centres
- 3.5 The Local Plan also identifies broad locations for new employment on already committed sites, principally Markham Vale and at Staveley and Rother Valley Corridor.
- 3.6 The Infrastructure Delivery Plan (IDP), which forms part of the adopted Local Plan, then identifies the strategic and local infrastructure which will be required at different times over the duration of the plan period to deliver the Local Plan strategy. This sets out what infrastructure will be needed and when, who will deliver it and how it will be funded. The IDP estimates that the cost of providing all necessary infrastructure is significantly in excess of the amount expected to be raised through CIL. Nevertheless, CIL will form the basis for funding of key infrastructure to support growth, including in bids for match funding.
- 3.7 In order to avoid ad hoc or piecemeal decisions, the CIL Expenditure Strategy will be anchored by the Local Plan strategy. This will support coherent and transparent spending decisions which accord with the wider direction of policy and support growth on the scale and in the broad locations which the Plan sets out. Fundamentally, this will support the delivery of critical infrastructure necessary to unlock strategic sites, and support positive development in Regeneration Priority Areas which will deliver homes and jobs.

#### 4. CIL Expenditure

- 4.1 The CIL Regulations set out the overall breakdown for how monies collected from the CIL are to be distributed (summarised in Table 1).

<b>Table 1: Distribution of CIL income</b>	
<b>Purpose of Funding</b>	<b>% Allocated</b>
Administration (Costs of administrating receipt and expenditure of CIL)	5% of all receipts
Strategic infrastructure	80% of CIL receipts collected for the financial year.
Neighbourhood Area portion	15% of CIL collected within that area (capped in each financial year at an amount equal to £100 per dwelling in the local council's area)



## **A. Administrative expenses**

- 4.2 The CIL Regulations recognise that there are costs associated with operating CIL and allow charging authorities to use funds from the Levy to recover up to 5% of total levy receipts to cover the costs of its administration. Administrative expenses associated with the levy include the costs of the functions required to establish and run a levy charging scheme. These functions include levy set-up costs, such as consultation on the levy charging schedule, preparing evidence on viability or the costs of the levy examination. They also include ongoing functions like establishing and running billing and payment systems, enforcing the levy, the legal costs associated with payments in-kind and monitoring and reporting on levy activity.

## **B. Strategic infrastructure**

- 4.3 The purpose of CIL is to help to provide the infrastructure needed to support the development of the Borough. CIL receipts (excluding the neighbourhood element and administration fees) will be placed onto a centralised pot for the purpose of supporting the delivery of strategic and local infrastructure improvements on a Borough wide basis.
- 4.4 CIL must be spent on infrastructure needed to support the development and growth of the area in accordance with a published list of infrastructure projects set out in a list approved under Regulation 123 of the CIL Regulations (the 'Regulation 123 List'). The Chesterfield Regulation 123 Infrastructure List was adopted as part of the CIL Charging schedule: <https://www.chesterfield.gov.uk/media/217383/cil-reg-123-list-april-2016.pdf>. The list sets out the types of infrastructure on which CIL revenue will be spent, ensuring that there is no duplication between contributions from CIL and S106 agreements in funding the same infrastructure projects. However, it was always made clear that inclusion of a project or type of infrastructure in this list is not a commitment to fund the listed project or type of infrastructure through CIL.
- 4.5 The Local Plan sets out the overall approach to future growth and development across the Borough, including site allocations. The IDP identifies the major infrastructure that will be critical to unlocking these sites.

## **Expenditure Strategy**

- 4.6 The acknowledged infrastructure funding shortfall means that the Council will need to balance competing infrastructure requirements. This Strategy sets out how collected receipts for Community Infrastructure Levy will be allocated to infrastructure projects on the published Community Infrastructure Levy Regulation 123 list. The Strategy will be the basis for decisions on how the Council will spend CIL contributions to be taken in a way which is transparent and understandable, and provides a degree of certainty.
- 4.7 Given the scale of some items of strategic infrastructure needed to support, major development identified in the Local Plan, this is likely to require retaining a significant proportion of receipts received in any year to accumulate for the larger infrastructure projects.

## **Apportioning Strategic CIL Income – Methodology and Governance**

- 4.8 In allocating CIL resources to infrastructure projects, the methodology will follow the following steps:

### **Stage One: Identifying Available Funds**

A full breakdown of the CIL receipts collected for the previous financial year along with the distribution of those monies will be reported to Cabinet and published on the Council's website each December in an Annual CIL Monitoring report. This is the first step in distributing CIL monies and establishing the total amount of CIL available to be allocated to CIL Infrastructure Projects.

### **Stage Two: Assessing Infrastructure Projects**

The second stage would identify which infrastructure projects are eligible as candidate schemes for an allocation of CIL expenditure. Projects included on the CIL Regulation 123 List are strategic, long term schemes which can require significant lead in times in order to secure the necessary funding, resourcing and decision making processes are in place. Therefore at any one time, some of these projects will be more deliverable than others.

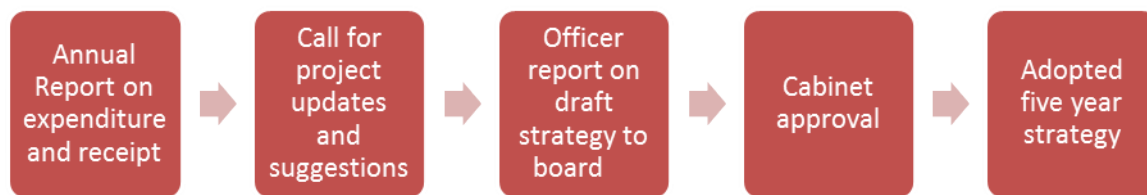
The infrastructure projects are led by a range of statutory authorities and infrastructure providers and therefore this stage will involve requesting that appropriate bodies prepare and submit project data, including total cost, contribution sought from CIL (and what percentage of total funding this would amount to), additional match funding secured, relationship to Local Plan/IDP, and timescale for delivery. Projects which meet these essential criteria would progress to stage 3.

Through the assessment process, it is recognised that education infrastructure projects must be delivered in accordance with DfE guidance, whereby the expansion in schools created by housing development should be funded through developer contributions alone.

A five year strategy will be reported to and agreed by Cabinet, and will be reviewed annually (reporting on progress on delivery, allowing new projects to be identified or existing projects which are no longer required). Requests would be made to responsible bodies for updates on projects and to identify any new projects they wish to be considered for CIL funding (including CBC Leisure, and Derbyshire County Council (Highways/Transportation and Education (co-ordinated by the County Infrastructure Officer)

Officers will then identify proposals to move to stage 3. The process will commence in January each year, following the required annual report on CIL collection and expenditure, with the intention to have each review agreed and in place for start of next financial year. The suggested process is summarised in Figure 1 below.

Figure 1:



### **Stage Three: Ranking of schemes**

The assessment, ranking and prioritising could be based on the following criteria (relating to status, financial standing, and deliverability):

- Is the project on the CIL Regulation 123 list? (Yes/No)  
(*N.B. unless Regulation 123 Lists are rescinded through the government's newly published proposals for developer contributions*).
- Is the project included in the Local Plan Infrastructure Delivery Plan (IDP)? (Yes/No)  
–
- If the project is not on either the CIL Regulation 123 list or the Local Plan IDP, could it be considered for funding through the Neighbourhood Portion?
- To what extent would the project contribute towards Local Plan objectives (below)?  
(Weak or N/A / Medium / Strong / Essential to Delivery)

- S1: Minimise greenhouse gas emissions in line with Government targets, increase the use of renewable energy and help the borough adapt to the effects of climate change.
- S2: Provide sites for 4629 homes to be built between 2016 and 2033 to meet the housing requirement for Chesterfield borough
- S3: Support the growth, vitality and viability of Chesterfield and Staveley town centres and the borough's district and local centres.
- S4: Adopt the approach to flood risk set out by the Government in allocating land for development, so that risk of flooding at existing and new properties is reduced.
- S5: Deliver significant amounts of affordable and adaptable housing to meet identified needs.
- S6: Provide 83 ha of new employment land between 2016 and 2033
- S7: Promote a net gain in biodiversity and protect and improve the borough's key green infrastructure assets and landscape character
- S8: Ensure that new development is designed to a high standard, promotes architectural quality, protects and enhances the borough's historic environment and reflects local distinctiveness.
- S9: Tackle traffic congestion, improve air quality, secure strategic improvements to the transport system in the borough and enable healthier and more sustainable

- transport choices.
- S10: Ensure that all development is supported by appropriate and inclusive infrastructure provision.
  - S11: Maintain and enhance the Green Belt.
  - S12: Restore the Chesterfield Canal to a navigable state along all its length within the borough.
  - S13: Enhance the health and wellbeing of the borough's residents.

- What evidence is there of need (in relation to specific developments – housing for example and standard pupil formula)?
- What evidence is there of delivery? (the amount of gap funding required, as a percentage of total project cost required to enable the project to be delivered , any match funding secured, programme in place to obtain permissions, carry out works etc.)

#### **Stage Four: Recommendations**

A series of recommendations will be made to the CIL approval body for approval. This will include a summary of the projects and what they will deliver, alongside confirmation of the total CIL funding for infrastructure.

#### **Stage Five: Allocation and Monitoring:**

Allocation of the CIL monies to schemes will be presented to Council as part of the budget cycle and published in the annual CIL monitoring report. More frequent reports will be presented to Cabinet to allow adequate scrutiny and transparency.

#### **CIL Expenditure Approval**

- 4.9 Cabinet will decide the overall expenditure strategy and have a continuing role in considering regular reports of ongoing CIL expenditure. Decisions on whether or not to approve CIL expenditure in accordance with the agreed strategy will be made by the Cabinet Member for Economic Growth after consultation with the Leader.

#### **Forward Funding**

- 4.10 In order to provide an adequate level of certainty to infrastructure delivery partners, the Strategy puts in place a long term investment framework covering a 5 year period. This will enable delivery partners to commit to forward funding projects with an undertaking that the CIL funds will be directed to them. It may be that some investment commitments are not taken forward. In these cases and to maintain the investment framework time horizon, an annual review will be undertaken to respond to any changes in circumstances, including development activity, and set priorities for future years.

#### **County Functions**

- 4.11 Derbyshire County Council is the local education and transport authority. The County Council provides infrastructure that the Infrastructure Delivery Plan identifies as critical to delivering the Borough Local Plan.
- 4.12 Work will continue alongside the County Council on apportioning CIL income to the County Council's education and transport functions, including using CIL income to secure match funding wherever opportunities arise, in a way which helps to support development growth proposed for the Borough. The County Council will be invited to contribute to the officer group which will identify and appraise candidate schemes and make recommendations for priority approval.

### **Balancing short term and long term priorities**

- 4.13 Given current financial pressures, it is inevitable there will be pressure on the authority to seek to utilise CIL funding for purposes which are not central to provision of infrastructure to support growth and development, including commercial ventures. The risks of taking such an approach are that it could undermine the long term development strategy for the Borough and ultimately the ongoing credibility of the CIL charging scheme, to which developers contribute in the expectation that available funds will support growth and mitigate the impacts of development.

### **Local Plan Delivery**

- 4.14 The Strategy will contribute to demonstrating that the new Local Plan is deliverable. A significant component of this will be in ensuring that the infrastructure identified as being necessary to support planned development can be funded. CIL is the Council's primary mechanism for achieving this. However, in order to be able to demonstrate this, it is vital that decisions on CIL expenditure continue to support infrastructure which is central to delivering planned development.

## **C. Local Infrastructure / Neighbourhood Funding**

- 4.15 The CIL Regulations place a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend where development is taking place. This is known as the 'Neighbourhood Portion'. The CIL Regulations state that the Neighbourhood Portion must be used 'to support the development of the local area by funding:
- The provision, improvement, replacement, operation, or maintenance of infrastructure; or
  - Anything else that is concerned with addressing the demands that development places on an area
- 4.16 In practice this means that the neighbourhood portion could be spent on a wide range of projects. This could include anything from public art, upgrading green spaces and improving streets, to supporting community events. It follows that local communities and their ward members should decide what they need to help mitigate the impacts of development.

### **How much CIL will be available to spend under the Neighbourhood Portion?**

- 4.17 Table 2 below provides an estimate of the neighbourhood portion of CIL which may be expected to be available over the local plan period (to 2033). It is important to note that the figures shown are provided only as an illustration of the levels of CIL which might be expected... The actual amount of CIL collected and available to spend locally is likely to change according to the scale, nature, and timing of development coming forward.

	Total available 2016-18 (£)	Projected available funding to 2033 (lower assumption)	Projected available funding to 2033 (higher assumption)
Staveley Town Council area	4,284	691,000	979,000
Brimington Parish Council area	0	104,000	144,000
Unparished Area	94,270	1,729,000	2,394,000

**(i) Parished Areas**

- 4.18 The 2010 Regulations require charging authorities to pass the 15% of CIL receipts directly to parish councils where the chargeable development has taken place<sup>1</sup>. Parishes can contribute towards strategic projects but are ultimately autonomous in taking spending decisions.
- 4.19 Chesterfield Borough Council has 2 parishes Staveley and Brimington, where the neighbourhood portion of CIL receipts will pass to Staveley Town Council or Brimington Parish Council if chargeable developments take place. The parishes cover the following Wards:

**Staveley Town Council:**

Barrow Hill & New Whittington (part)  
 Lowgates & Woodthorpe  
 Middlecroft & Poolsbrook  
 Hollingwood & Inkersall

**Brimington Parish Council:**

Brimington North  
 Brimington South (part)

**(ii) Non-Parished Areas**

- 4.20 The extent of the parishes however does not cover the majority of the urban area of Chesterfield Borough. This creates a gap in the coverage for the neighbourhood portion in the Borough where there are no parishes or town councils to oversee its expenditure.

<sup>1</sup> (This increases to 25% where there is a neighbourhood development plan in place or where permission is granted for a neighbourhood development order. That amount will not be subject to an annual limit).

4.21 Parishes and Wards are shown on map 'Chesterfield Ward Boundaries and Parished Areas' in Appendix 1. The non-parished areas of Chesterfield Borough cover the following Wards:

Barrow Hill & New Whittington (part)  
Brimington South (part)  
Brockwell,  
Dunston  
Hasland  
Holmebrook  
Linacre  
Loundsley Green  
Moor  
Old Whittington  
Rother  
St Helens  
St Leonards  
Walton  
West

4.22 Communities without a parish or town council will still benefit from the 15% neighbourhood portion. There is no prescribed process for agreeing how the neighbourhood portion should be spent in non-parish areas. This section of the Strategy sets out how the Council will consult with the local communities over how the neighbourhood portion of CIL receipts will be spent in non-parish areas.

4.23 Where the chargeable development takes place in an area where there is no parish council, the charging authority retains the levy receipts but must spend the neighbourhood portion on providing, improving or maintaining infrastructure, or anything else that is concerned with addressing the demands that development places on an area.

4.24 Funds can be used for a wider range of spending that is open to local councils. In deciding what to spend the neighbourhood portion on, the charging authority and communities should consider such issues as the phasing of development, the costs of different projects, the prioritisation, delivery and phasing of projects, the amount of the levy that is expected to be retained in this way and the importance of certain projects for delivering development that the area needs.

4.25 There is the potential for some of this neighbourhood portion to be aligned with corporate spending priorities where this takes place in accordance with an agreed protocol and in consultation with local communities and ward members.

## **Identification and Consultation on Local Infrastructure Projects in non-parish areas**

### **Step 1: Identifying expected CIL receipts and available neighbourhood funding**

- 4.26 CIL monies available for allocation would be limited to the amount of neighbourhood funding expected to be collected from chargeable developments. As indicated above, the actual amount of CIL collected and available to spend locally is likely to change according to the scale, nature, and timing of development coming forward.

## **Step 2: Identifying Potential Projects**

- 4.27 Local communities and ward members will be invited to identify appropriate projects for expenditure of the neighbourhood portion of CIL receipts. This could involve the Council identifying the objectives and eligibility criteria, and then inviting councillors, officers, organisations, individuals and groups apply for CIL funding for specific projects.
- 4.28 The whole non-parish area of the Borough will be treated as a single community for the purposes of eligibility for expenditure of the neighbourhood portion.
- 4.29 Project proposals will be required to identify certain key information, including:
- Details of project lead;
  - Detailed costings for the project;
  - Amount of funding required through CIL;
  - whether any other funding is available;
  - project plan, with phases and their costs;
  - details of any permissions needed;
  - need/benefits/outcomes, and
  - arrangements for long term maintenance.

## **Step 3: Identifying Candidate Projects**

- 4.30 Alongside a forecast of expected CIL receipts for the upcoming year, the Borough Council will then prepare on an annual basis, a schedule of candidate projects. This will identify the projected neighbourhood portion of CIL receipts expected to be received for the non-parish area of the Borough. Candidate projects will be presented as a single Neighbourhood Fund List. This List will include the projects and schemes which the CIL Neighbourhood Portion for non-parish areas could be spent on over the next few years.

## **Step 4: Assessment of Candidate Projects**

- 4.31 All candidate schemes would be considered by the CIL Neighbourhood Projects Panel, a multi-disciplinary officer group, which would assess each scheme against the identified criteria and rank candidate schemes. The officer group will then prepare a report identifying the schemes recommended for funding. This will then be considered by the Cabinet member for Planning, before Cabinet formally agrees the final neighbourhood portion funding allocations.
- 4.32 Candidate projects will be assessed in a similar way to strategic infrastructure projects, but against the following criteria:



- Contribution to [Council Plan objectives](#)
- Contribution to [Local Plan objectives](#)
- Evidence of ability to deliver
- Evidence of wider support
- Evidence of justification for project

In addition:

- Funding will only be granted to projects which directly benefit Chesterfield residents in the non-parished areas of the Borough.
- Any CIL funding award does not have to fund the whole amount requested; particular parts of projects could be funded, or a contribution made, from CIL.
- Projects with match funding should be viewed as favourable

### **Step 5: Allocation of Funding**

- 4.33 If a project is successful with its request for neighbourhood funding, the funds will then either be allocated to the relevant Borough Council service area, or transferred to a third party who will then be responsible for delivering the project. If funds are to be transferred to a third party, a legal funding agreement will be signed. It is expected that the CIL Neighbourhood Project Panel will receive regular updates on the progress of each project.
- 4.34 Unsuccessful projects will receive feedback detailing the reasons why the request for funding was unsuccessful and if appropriate, details of what information or actions would be required in order to secure a future positive result.

### **Step 6: Monitoring and Review**

- 4.35 The Borough Council is committed to ensuring that the use of CIL is open and transparent. To this end, the Borough Council is committed to publishing an Annual CIL Monitoring Report setting out CIL receipts, balances and expenditure, including details of the neighbourhood allocation of CIL for non-parished areas. The report will be published on the Council's website.
- 4.36 The Borough Council will monitor the operation and implementation of the neighbourhood allocation of CIL. An annual review of the process will be undertaken and any amendments made as and when necessary.

**Contact: Strategic Projects & Key Sites Team, Chesterfield Borough Council**

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## For publication

### **Equality and Diversity Annual Report 2017/18 (GV430)**

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Meeting: Cabinet

Date: 17 July 2018

Cabinet portfolio: Cabinet Member for Governance

Report by: Policy Officer

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## **For publication**

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### **1.0 Purpose of report**

1.1 To present the Council's Equality and Diversity Annual Report for 2017/2018 for consideration.

### **2.0 Recommendations**

2.1 That the Equality and Diversity Annual Report be supported.

2.2 That the Equality and Diversity Annual Report is published on the Council's website and circulated to partners.

### **3.0 Report details**

3.1 Equalities legislation and good practice require public bodies to publish annual equalities reports. The report should

summarise equalities progress during the last year, and future plans.

3.2 The Equality and Diversity Annual Report (2017/18) is attached at Appendix 1. It covers improvements and achievements over the last year, including progress in delivering the corporate Equality and Diversity Strategy and Action Plan, and also future plans.

3.3 The Annual Report has been developed in consultation with the Equality and Diversity Forum. It also includes a summary of the Equality Impact Assessments undertaken during 2017/18 along with progress on Equalities issues during the year.

3.4 Risk management template

This work concerns the implementation of statutory and good practice performance requirements. It is required that all relevant documents and reports are published.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Reputational and legislative risk of not publishing the Annual Report which demonstrates compliance with Equality Annual Report.	M	L	Publish the Annual Report on the Council's website and distribute via partner mailing lists (eg. Links).	L	L

#### **4.0 Alternative options and reasons for rejection**

4.1 The alternative approach would be to not publish the Annual Report; however, this would make it difficult to demonstrate the Council's progress in delivering Equalities outcomes.

## 5.0 Recommendations

- 5.1 That the Equality and Diversity Annual Report be supported.
- 5.2 That the Equality and Diversity Annual Report is published on the Council's website and circulated to partners.

## 6.0 Reason for recommendations

- 6.1 To provide the community and relevant organisations with an update of the Council's progress in delivering equalities outcomes.

### Decision information

<b>Key decision number</b>	<b>Non-Key 86</b>
<b>Wards affected</b>	<b>All</b>
<b>Links to Council Plan priorities</b>	An inclusive Borough, where everyone feels valued and has equal and fair access to local services.

### Document information

<b>Report author</b>	<b>Contact number/email</b>
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<b>Background documents</b> These are unpublished works which have been relied on to a material extent when the report was prepared.	
<b>Appendices to the report</b>	
Appendix A	Equality and Diversity Annual Report 2017/18

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# Equality and Diversity

Annual Report

2017-2018



**CHESTERFIELD**  
BOROUGH COUNCIL



## ARE WE ACCESSIBLE TO YOU?

If not, ask us

- ✓ We want everyone to be able to understand us.
- ✓ We want everyone to be able to read our written materials.
- ✓ We aim to provide what you need for you to read, talk, and write to us.

### **On request we will provide free:**

- ✓ Language interpreters, including for British Sign Language.
- ✓ Translations of written materials into other languages.
- ✓ Materials in braille, large print, on tape, in Easy Read.

### **Please contact us:**

Telephone: 01246 345247

Email: [enquiries@chesterfield.gov.uk](mailto:enquiries@chesterfield.gov.uk)

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## 1. Introduction from Cllr Sharon Blank, Cabinet Member for Governance



*Welcome to Chesterfield Borough Council's Equalities Annual Report for 2017/18. This report highlights the work we have been doing over the last year to promote equality with our partners and the wider community.*

*Our organisational vision is "Putting Our Communities First". Chesterfield Borough Council is committed to treating people fairly in everything we do as a service provider, employer and community leader. We want to ensure that our employees and the people we serve receive fair treatment in all aspects of our work.*

*In the current climate, our work in promotion of equality is becoming more of a challenge, but is also increasingly important - as you will see in this report, working with partners in the community is now an essential part of how we do this. We are very proud of our achievements over the last year, including our continued promotion of equalities and celebration of diversity within our services, as well as out in the wider community.*

*The Equality and Diversity Forum continues to promote equality and diversity in the wider community, and has organised a number of activities and events over the year on a range of locally relevant themes. We have now completed the first year of the Equality and Diversity Action Plan which is part of the Equality and Diversity Strategy launched during 2017, and we are confident that this framework is enabling us to continue to meet the changing needs of our communities in Chesterfield.*

*We believe we are continuing to make a real difference to the quality of life of our residents, businesses and visitors. We would like to take this opportunity to highlight some of our key equalities achievements and outcomes during the year.*



## 2. Equality and Diversity Strategy – Action Plan Progress

Our current Equality and Diversity Policy and Strategy outlines our corporate equality objectives between 2017 and 2019, and the way in which we plan to achieve them, including a set of corporate principles. The Policy and Strategy provide a framework for the Council to continue to ensure that the services we provide are fair and meet the needs of the local community, and that we discharge our responsibilities under the Equality Act 2010.

In addition to reporting on our progress in implementing the strategy through these annual reports, progress is also monitored via the corporate performance management framework. The Equality and Diversity Forum also have a role in scrutinising our performance in delivering the strategy.

During 2017/18 we have completed following activities which make up the action plan for the first year of the Strategy:

**Continue to work in partnership with communities to organise a range of equality themed awareness activities and events, through the Equality and Diversity Forum.**

During 2017 and 2018, the Equality and Diversity Forum have worked together to plan and deliver a number of community events. These have helped us to work with residents to create communities which challenge discrimination and embrace difference, and to work in partnership with other organisations, the voluntary sector, and local businesses to promote, recognise and celebrate difference within the context of fairness and equality.

You can read more about these activities in the Equality and Diversity Forum section later in this report.

**Outcome:** - Working with residents to create communities which challenge discrimination and embrace difference, and working in partnership with other organisations, the voluntary sector, and local businesses to promote, recognise and celebrate difference within the context of fairness and equality.



### **Review the corporate arrangements for equalities monitoring in line with best practice.**

To support the Council to monitor and assess the impact of our work, we have reviewed the way that we collect equalities monitoring information about our customers. Equalities monitoring continues to be an optional part of the majority of our consultations and engagement with customers, but where customers choose to provide such information, we are able to use it to look at trends in the way that customers use our services and how satisfied they are with them. Whilst reviewing our equality monitoring arrangements, we were able to take advice from our equality partners to ensure that the way that equality monitoring questions are asked is inclusive. For example, we have amended the way that we ask about gender based on expert advice.

**Outcome:** - Being able to monitor and assess the impact of our strategies, policies, programmes, projects and commissioning on equality, and, where appropriate, improve upon any adverse impacts. Being open and transparent, publishing and ensuring easy access to equality information and outcomes.

### **Review the data set collected and published as part of the Public Sector Equality Duty in line with best practice**

Since the Public Sector Equality Duty was introduced in 2010, each January, we have published a set of information about the way that different groups access our services and how satisfied they are with them. In order to ensure that we continue to demonstrate good practice, this year we have undertaken a review of the information we collect and publish as part of the Public Sector Equality Duty. We have compared the information that we publish with that of similar local authorities and are confident that we are meeting the Duty and also providing information that is useful and accessible to our communities.

**Outcome:** - Monitoring and assessing the impact of our strategies, policies, programmes, projects and commissioning on equality, and, where appropriate, improve upon any adverse impacts. Being open and transparent, publishing and ensuring easy access to equality information and outcomes.

### **Providing equality advice and support to the town hall refurbishment project to improve accessibility.**

Ongoing support has been provided to ensure that the town hall remains accessible to employees and customers during the refurbishment, including considering reasonable adjustments in temporary office accommodation, and lift use and disabled access to the town hall while certain areas are out of use.

**Outcome:** Ensuring that we are meeting the needs of our employees during the town hall refurbishment, including temporary and longer term arrangements. Ensuring that the town hall is as accessible as possible for employees, tenants and wider public.

### **Review the Equality Impact Assessment process in line with best practice.**

We have taken account of best practice examples and feedback from our own employees to improve the way we undertake equality impact assessment. Although we found our Equality Impact Assessment (EIA) process to be robust, we have made a number of improvements to the toolkit and assessment form to make the assessment more transparent and accessible for members, employees and the wider public. The toolkit provides step by step support for employees in measuring the impact of policies and procedures, and also further support is given by the Policy Team in completing EIAs.

**Outcome:** - Ensuring an evidence and needs based approach is taken in all decision making through the development and completion of Equality Impact Assessments for strategies, policies, programmes and projects and our commissioning activities.

## **3. Chesterfield Equality and Diversity Forum**

During 2017/18 Chesterfield Equality and Diversity Forum have continued to work together to share ideas and best practice, be a 'critical friend', and raise awareness in the community of equality and diversity. One of the most important contributions of the forum is the successful engagement with the wider community, and at the beginning of this year, the Forum held a workshop looking at demographics and locally relevant topics to develop a plan of activities and events for the year. This resulted in another year of excellent educational and awareness raising activities led by the forum. The forum has

acted as a critical friend for many of the Council's services during the year and has played a key role in the scrutiny and development of equality impact assessments which inform the Council's decision making process.

***A message from Sarah Roy, Chair of Chesterfield Equality and Diversity Forum***



It is a great pleasure to be chairing the Equality and Diversity Forum again this year and I think that we have made excellent progress in the last 12 months, working together to meet the aims that we agreed as a forum last year and to make Chesterfield an even more diverse and welcoming town. Our training opportunities and awareness-raising events have been very popular and feedback has shown that those attending felt that they have better understanding of equality issues as a result, which is what we hoped for!

We have been proud to work closely with Derbyshire LGBT+ throughout the last year to deliver a series of training days for professionals and the public as well as holding a sensory impairment awareness day at the Assembly Rooms and an event at the Town Hall to mark International Women's Day. Yet again, our Holocaust Memorial Day speaker was well-received and we have already begun planning for 2019, when the theme will be "Torn From Home" We will be reflecting on what happens when individuals, families and communities are driven out of or torn from their homes because of persecution, alongside the continuing difficulties survivors face as they try to find and build new homes when the genocide is over.

I would like to thank all our Forum members who have been involved this year for their hard work and dedication and am really looking forward to getting stuck in to the task of making the plans we have made together become reality. So, watch this space – we are really going to be putting equality and diversity at the heart of Chesterfield communities this year.

### **3.1. Equality and Diversity Forum meetings and engagement**

A key aim of the Forum is to raise awareness of equalities and issues affecting local people. The Forum now has over 200 members who receive regular information about the meetings, events and equalities news, and a core

membership of around 25 people who regularly attend the meetings and actively support the organisation of events and activities. Some of the participants represent a community group, or statutory organisation, while others are there as individuals from the community with an interest in promotion of equality and diversity.

During 2017/18 there were high levels of engagement at the meetings with a variety of issues being considered including an initial workshop to plan equality and diversity events, training and activities, followed by ongoing planning throughout the year. Participants also took part in a workshop to develop the CBC Equality and Diversity Strategy and Action Plan and associated action plan for the next two years.

### **3.2. Equality and Diversity Forum events and activities**

During 2017/18 the Equality and Diversity Forum have continued to organise, host and support a number of events throughout the year on a range of equality themes that are relevant to the community. We continued to work on these events in partnership with a number of organisations to maximise the impact we can all make in the community and to pool our limited resources. We would like to thank all those who have given up their time to support and help plan the following events that have taken place over the past year. Events during 2017/18 included:

#### **Sensory Impairment Awareness Event**

During September the Forum held a sensory impairment awareness event at the Assembly Rooms in the Market Hall. The event consisted of a series of workshops including:

- Deaf-initely Women gave a talk about their organisation, which is a group of deaf women who give each other emotional resilience to cope within their working and family lives. Deaf-initely Women provides opportunities for deaf women to gain confidence in trying new experiences.
- Guide Dogs Chesterfield gave a talk about Guide Dogs, including the training process, how dogs are paired with their partner, and also a personal perspective about how Guide Dogs can enable a person to be independent. Two 'off duty' Guide Dogs also joined us for the morning.
- Deaf and Hearing Support delivered an interactive workshop about communicating effectively with deaf and hearing impaired people, including lip-reading activities and finger spelling.
- Sight Support Derbyshire, who gave a talk about the work of their organisation, which provides essential support and services to blind and

partially sighted people to help them to become independent. There was also a practical demonstration of the resources and aids available for people with sight impairment.

The workshops were very well received, and participants expressed an interest in taking part in future similar workshops, which we hope to be able to organise in the forthcoming year.

### LGBT+ Training Sessions



The Forum was successful in bidding for some funding

from the Derbyshire Community Leadership Fund which we put towards holding four LGBT (Lesbian, Gay, Bisexual and Trans) awareness and training sessions between August and November. These sessions were delivered by Derbyshire LGBT+ and provided an understanding of LGBT issues and practical ways of supporting people, as well as equality law in relation to LGBT. The sessions were free to attend and open to all, and were designed to be of particular use to those providing services for local people. The final session focussed in particular on the needs of older lesbian, gay, bisexual and transgender people in the local community.

Derbyshire LGBT+ is Derbyshire's only LGBT specific support service, which supports anyone who is Lesbian, Gay, Bisexual and Transgender or anyone who is having issues with their sexual identity or gender identity, this includes family and friends.

A total of around 120 people attended the training sessions, which we hope will have a positive impact on the understanding of LGBT issues, and the way that local services are delivered.



## Holocaust Memorial Day 2018



The Holocaust Memorial Day activities continue to be very well supported by local communities, drawing in large audiences. The theme set by the Holocaust Memorial Day Trust for 2018 was 'The Power of Words', which explored how language has been used in the past, and how it is used in the present day by individuals, corporations, community organisations or the state.

In keeping with this theme, the Equality and Diversity Forum organised for author Sarah Matthias to be the key speaker at the event which took place on the evening of 29<sup>th</sup> January 2018.

Sarah Matthias is the author of 'A Berlin Love Song' which focusses on the Romani sufferings during the Second World War. An estimated 220,000 to 500,000 Romanis were killed by Nazis and collaborators between 1939 and 1945, which is sometimes referred to as the forgotten Holocaust. During the event, Sarah gave a talk about the research she undertook while writing the book, taking questions and holding a discussion about lessons learned and opportunities to foster community cohesion.



*Sarah Matthias, author*

The event was also attended by Waterstones, who made Sarah's book available for sale on the evening.

## International Women's Day 2018

In celebration of inspirational women, the Equality and Diversity Forum held an open event in March this year to coincide with International Women's Day. This was particularly significant at Chesterfield Borough Council this year as we welcomed a female Leader and Mayor, Cllr Tricia Gilby and Cllr. Maureen Davenport.

During the morning of the event, there was a drop in art therapy taster session facilitated by the Elm Foundation which is a local charity that offers a range of services to support those affected by Domestic Abuse. Also during the morning, motivational speaker, Beverley Burton led two equipped2succeed sessions which are designed to enable people to develop the thinking and behaviours to





continuously improve, achieve, overcome challenges as well as maintain balance in life and wellbeing.

Later in the day there were a series of short talks from local inspirational women in Chesterfield including: Sally Goodwin, Chief Executive of SV2, an organisation which supports victims of sexual violence; Councillor Tricia Gilby, the first female leader of Chesterfield Borough Council and Beverley Burton, founder of equipped2succeed.



*Attendees at the International Women's Day event*



*Sally Goodwin, Cllr Tricia Gilby, Beverley Burton, Cllr Maureen Davenport and Mrs Liz Archer (Mayor and Mayoress of Chesterfield)*

Each of the speakers talked about their personal journey and people who had inspired them along the way. This was followed by a question and answer session where attendees took the opportunity to ask the panel of speakers a range of questions about their experiences.

A networking lunch closed the event. This was provided by Gussie's Kitchen, a community volunteer led social eating project where every week dedicated volunteers cook a fresh, healthy low cost meal for the community at St. Augustine's Church.

To mark International Women's Day, the Town Hall was also illuminated purple in the evening.

#### **4. Promoting equality and diversity through our services**

Throughout the year, a range of activities and developments take place in the Council's services which contribute towards our commitment to embrace diversity and treat everyone fairly.

##### **4.1. Customer services**

The Council's Customer Services has retained its accreditation against the Customer Service Excellence standards and for the first time, done so with no

partial compliances. Retaining the accreditation gets harder each time as we have to prove that not only do we continue to deliver good customer service but we have also improved since the last assessment.

The Customer Service Excellence standards consist of 5 key areas:

- Customer Insight
- The Culture of the Organisation
- Information and Access
- Delivery
- Timeliness and Quality of Service

Through our case studies and evidence, we were able to demonstrate that there had been a high standard and overall improvement in the customer service delivery over the five areas, and a commitment to continual improvement providing a quality customer service to our customers.

#### **4.2. Community Development**

Our community development activity continues to contribute to the promotion of health, wellbeing and equality in the wider community.

During 2017/18 we continued to support and facilitate the successful financial inclusion partnership project, “Health, Wealth and Wellbeing” which takes an outreach approach to providing people with information and advice in their local community. This year, activities took place in Grangewood, Rother, Old Whittington and Mastin Moor. This project involved Chesterfield Borough Council’s Housing Services, Affordable Warmth, Citizens Advice, Severn Trent Water, Job Centre Plus, Derbyshire Stop Smoking Service, Live Life Better Derbyshire, Derbyshire Unemployed Workers Centre, and the Fire Service.

The ‘Holiday Hunger’ project in Barrow Hill continues to be a success, where packed lunches and activities are provided for local children during the school holidays. This project is designed to support nutrition for children who are likely to eat significantly less than they would during the school term when they have access to food in school.

We continue to be a key partner in the ‘Time 4 U Café’ events. These are free multi- agency events aimed at facilitating members of the community to access information and advice from a range of health and wellbeing agencies within their own communities. Events are designed to be non-threatening and relaxing. The free beauty treatments, crafts, cookery activities, crèches, lunches incentivise attendance to the event and encourage interaction with the health and wellbeing agencies.

CBC continues to be a key partner in the Chesterfield Dementia Action Alliance (currently chairing the group) which is made up of representatives from local organisations and is committed to working towards Chesterfield being a dementia friendly place.

#### **4.3. Other community and voluntary sector funding**

During 2017/18 Chesterfield Borough Council awarded £239,544 of funding via service level agreements to key community and voluntary sector organisations. This included Derbyshire Unemployed Workers Centre, Citizens Advice Bureau, Derbyshire Law Centre, Links and Shopmobility. Many of these organisations are facing unprecedented levels of demand due to the vast range of austerity issues impacting on our communities.

#### **4.4. Sport and leisure**

We continue to provide inclusive activities in our leisure centres and in the community to improve access to sport and leisure and reduce inactivity. During the last year, we have introduced swimming lessons aimed specifically at supporting the needs of autistic children at the Healthy Living Centre.

We continue to run our Walking for Health programme, which provides free social walks for anyone new to physical activity or who may have a health condition. This programme also includes Buggy Walks for parents/carers and walks in partnership with a local group who offer support for people experiencing mental health issues. This year, the Chesterfield Walking Festival also included two health walks to support participation by people with a range of abilities and conditions.

We also continue to provide Health Referral opportunities at the leisure centres for people with a qualifying health condition to become more active using the Council's facilities to improve their health.

#### **4.5. Parks and open spaces**

Chesterfield's parks continue to provide excellent facilities for the community and visitors. We are proud to hold 5 Green Flags which recognise the best parks and green spaces across the country with one of the key considerations being accessibility. We continue to invest in our smaller local parks aiming to make them as accessible and appropriate as possible. Parks provide outlets to play sport (football, petanque, cricket, walking football, netball) and informal recreation and we also maintain many equipped play areas, several of which have had makeovers and new facilities.

A growing number of people are holding events on our parks and this has recently attracted an Eid picnic by members of the Muslim community as a celebration of the end of Ramadan. We also continue to host Chesterfield Pride, now in its third year which continues to grow year on year. As part of the walking festival we hosted a roll and stroll event designed for people with physical and learning disabilities, and also a dementia walk.

We aim to instil ownership and pride at a young age by involving infants and junior school groups with bulb planting their local park. This has helped contribute towards the 80,000 spring bulbs planted to make Chesterfield a brighter borough.

#### **4.6. Housing**

During 2017/18 the Housing Service worked with elected members, tenants and officers to deliver a sustainable business plan to ensure the ongoing financial security of the Service. This included a consultation exercise that revised and updated the tenancy agreement, changed the rent collection year from 48 to 52 week to match universal credit payments and changed a number of repairing responsibilities. This work ensured that the Housing Service could start to consider some larger financial programmes such as the development of a five year new build programme of Council Housing and begin the planning of a number of Estate Regeneration Scheme to upgrade the estate environments.

The service also began the programme of refurbishment of its sheltered accommodation schemes for elderly people by beginning the transformation of Brocklehurst Court, with further refurbishments due to take place at The Glebe and Catherine Court in the coming year. Other work to the older person scheme included repainting to dementia friendly guidelines, increasing the range of social activities at schemes and the replacement of all Careline alarms older than five years to meet the latest technological standards.

We redesigned and procured our Garden Assistance scheme for elderly and disabled tenants – with the service now being free to some qualifying tenants.

We continue to be part of the Syrian Vulnerable Persons Resettlement Scheme which is a national scheme that prioritises help for survivors of torture and violence, and women and children at risk or in need of medical care. As a

participating district, we have supported the resettlement of a number of families who are settling well locally.

#### **4.7. Apprenticeships town and improving our economy**

As part of the Skills Action Plan (2017-2020), during 2017/18 we have continued to work with Chesterfield College and other partners to deliver the Apprentice Town initiative in Chesterfield. During the last year we have developed a web resource for Apprentice Town, which provides a central point of information about apprenticeships for local businesses and residents. A wealth of information can be accessed via this resource including, live vacancies, case studies and information about the apprenticeship levy. Through the Apprentice Town initiative we have started to develop an apprentice ambassador network supported by 10 employer ambassadors and delivered a number of events to help raise awareness of apprenticeships including the Employability and Skills Conference in October 2017 and the Apprentice Round Table event in February 2018.

People in work have also benefitted from skills investment through the Sheffield City Region Skills Bank initiative, through which local employers have accessed funding to up-skill their existing workforce and drive business growth. To date, Skills Bank has contributed £356,743 to the skills development of 498 learners across 40 employers in Chesterfield. The D2N2 Skills Local programme has delivered training to the value of £97,947 to 24 businesses in Chesterfield; providing upskilling to 135 individuals.

Local labour clauses have been agreed on 100% of eligible developments during 2017/18 to bring more work into the local labour market. In the last year we have delivered 3 meet the buyer events, linking the local supply chain with major developments which have seen nearly £3m of contracts being awarded to local businesses. At least 51 jobs and 4 apprenticeships have been created as a result of 'local labour' activity and links have been developed between developers, local schools and the College to support work experience and careers development activity.

We want to support all young people in our communities to gain employment, further education and develop their skills and continue to work closely with partners ensure young people have access to programmes that can support this. This has included Sheffield City Region's Ambition and Talent Match Projects where 344 young people have benefitted from support, helping 33% of those engaged secure employment.

#### **4.8. Arts and culture accessibility**

The Theatres Access Group continues to deliver its action plan to improve access at the Council's Theatres. We continue to provide performances with audio description, signed performances and touch tours to improve accessibility for people with disabilities.

Over the last year, we have worked in partnership with Working with Matinee Project/Arts Derbyshire to deliver four film showings in a relaxed environment for people with dementia and their carers. These have been well-attended with Singing in the Rain being the most popular, drawing in 150 people to watch.

During December, we held an event at the Winding Wheel to promote social inclusion. The event, which was attended by around 150 was an afternoon of music for people who are lonely or socially isolated, with lots of information available about local community and social groups.

Chesterfield Museum continues to run its memory boxes project for people with dementia. The memory boxes contain items designed to inspire conversations about people's personal interests with friends and caregivers. During 2017/18, the Museum loaned out 41 memory boxes.

Between February and May 2018, the Museum hosted an exhibition called 'Other Stories' by Derbyshire LGBT+ (supported by the Heritage Lottery Fund). This exhibition charted the social history of lesbian, gay, bisexual and transgender communities in Chesterfield and North Derbyshire. This was the first time a museum in Derbyshire has hosted an LGBT+ history exhibition. In the lead up to the opening, the Museum held an event for local lesbian, gay, bisexual and transgender communities to come forward with their stories and pictures for the exhibition.

#### **4.9. Equalities training for our staff**

We continue to deliver a Corporate Equality Induction to all new employees and Councillors, and an Equality Refresher Course to update the Council's existing employees about our equality values and the role they play in ensuring that the Council continues to promote equality in accordance with the Equality Act 2010.

We are now able to offer the three mandatory equalities training modules in an online format, covering the Equality Act, equality and diversity in Chesterfield's communities, and a guide to reasonable adjustments. Feedback from employees shows that these modules have been effective, with an average of 98% of participating employees stating that the modules either met or exceeded their expectations. In addition, a number of comments were made by employees who completed the modules about how they would apply their learning including:

*I didn't have a great understanding of the formal legislation for equalities so understanding this better will help me in my day to day roles.*

*I learned more about the demographic Chesterfield which will help me be more aware at work*

*I will be more aware of access needs and what adjustments can be needed, also hidden disabilities.*

*This module provided some very useful information regarding Chesterfield and how the population is made up. This will prove very useful in my role going forward.*

*I would now not be afraid to challenge someone's behaviour to another person if I believe it was discriminatory, and will encourage my team to do the same.*

This year, we have been developing an additional online training package, which includes a number of equalities training modules which are designed to improve employee's awareness of specific considerations in relation to customer service, for example, dementia, autism and LGBT awareness. We have also delivered a homelessness briefing to Members, a pre-retirement course for employees approaching retirement, and managing stress sessions.

We continue to provide bespoke equality training sessions as required by services, and have recently provided training for employees working in our Theatres to support disabled access and ensure that customers are able to access the range of reasonable adjustments we are able to offer, for example, audio description.

## 5. Equality impact assessments

The Council is committed to demonstrating that all relevant equality issues have been considered before changes are made to policies, projects, services, functions and strategies, or when new ones are created. Chesterfield Borough Council does this through its robust Equality Impact Assessment (EIA) process. The EIA process enables us to look at our work in depth to see what impact it has on different equality groups, and to mitigate against any potentially negative impacts that are identified. Staff received training in the completion of EIAs ensuring that the process is embedded across all council services.

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During 2017/18 the Council undertook around 40 Equality Impact Assessments (EIAs) for a variety of changes to policies, strategies and projects. These have taken into consideration: best practice, demographic information and employee and customer feedback and other engagement activities. The EIAs were published with the relevant reports to the Council's Cabinet, and can be viewed in the equalities section of our website. Through the EIA process, we have been able to address any negative impacts on sections of the community promote equality by identifying and acting on opportunities to implement positive impacts for groups where possible.

### 6.0 Looking forward to 2018/19

There is much to look forward to over the next year, as we continue to work with partners to promote equality and diversity in our community and within the organisation. Some of the key activities include:

- Continuing to work in partnership with communities to organise a range of equality and diversity themed awareness activities and events, through the Equality and Diversity Forum.
- Ensuring that translation and interpretation made available by Chesterfield Borough Council meets the needs of local communities by reviewing and revising our current arrangements.
- Reviewing and re-launching our hate crime reporting process.





- Updating the State of the Borough demographic report in line with latest available information.
- Reviewing and updating the package of equality and diversity related training provided for Chesterfield Borough Council employees and Members, including introducing a range of additional awareness raising modules on various themes.
- Launching the revised Equality Impact Assessment process with service briefings / training sessions

## **7.0 Further information**

If you have any comments on our Equalities Annual Report or would like to request further information or copies of any of the documents highlighted in the report please contact:

Katy Marshall or Allison Potter

Policy Officer

Tel: 01246 345247

E-mail: [katy.marshall@chesterfield.gov.uk](mailto:katy.marshall@chesterfield.gov.uk) or [Allison.potter@chesterfield.gov.uk](mailto:Allison.potter@chesterfield.gov.uk)

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## **For publication**

### **FUNDING TO VOLUNTARY AND COMMUNITY ORGANISATIONS** **2018/19 and 2019/20**

MEETING: 1. CABINET

DATE: 17 JULY, 2018

REPORT BY: EXECUTIVE DIRECTOR

KEY DECISION 826  
REFERENCE

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FOR PUBLICATION

#### 1.0 **PURPOSE OF REPORT**

- 1.1 To update Members on the achievements of the voluntary sector organisations funded via Service Level Agreements during 2017/18.
- 1.2 To seek Members support for the retention of existing funding levels during 2018/19 and 2019/20.
- 1.3 To seek Members support for a comprehensive review of all voluntary sector funding allocations to be undertaken, including those made from the Housing Revenue Account, to ensure a greater focus on outcomes for Chesterfield residents based on the allocated funding in the future.

#### 2.0 **RECOMMENDATIONS**

- 2.1 To retain the same level of funding and proportionate allocation to each voluntary sector organisation for a period of two years, from 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2020. This allocation, despite the severe financial challenges in the Public Sector, demonstrates the level of commitment the Council has to the voluntary sector and provides the organisations with continued unchanged funding and certainty in planning their resources until 2020.
- 2.2 That a detailed review of Chesterfield Borough Council's financial allocation to the voluntary sector, including funding from Housing Revenue Account and any other sources within the Council, is undertaken. This will include the impacts and outcomes delivered, together with a comparison of the costs and outcomes from alternative delivery models to ensure best value for money and the most effective methods of supporting Chesterfield residents.
- 2.3 That the findings of the review of voluntary sector activity and funding (2.2 above) will be presented to a future Cabinet meeting, with any potential changes to delivery or funding being implemented from April 2020, following appropriate consultation.
- 2.4 A proportion (£80,000 pa) of the Council funds for this purpose will, from 1<sup>st</sup> April 2018, be funded from the Housing Revenue Account to reflect the support provided by the voluntary sector to Council tenants.
- 2.5 To delegate authority for the approval of the final SLA's for each organisation to the Cabinet Member for Governance.

### 3.0 **BACKGROUND**

- 3.1 Since 2007, funding allocated to community and voluntary groups has been allocated via Service Level Agreements (SLAs). This process enables an annual review of the delivery of services to which the Council contributes, without the need for organisations to complete full application forms. Schedule 1 of the SLA's

provides details of the activities to be delivered with clear outputs and milestones identified against which the service can be monitored. The SLA's highlight how activities to be undertaken link to the Council Plan objectives.

- 3.2 The Council Plan identified as an aim for 2017/18 – 18/19 the '*Co-commissioning of VCS delivered services with our County Council and CCG partners to ensure that all commissioned services are co-ordinated and delivered to improve health and wellbeing outcomes and address the wider social determinants of health across Chesterfield*'. In April 2017, Members agreed that a re-prioritisation exercise should take place during the year, with co-commissioning of voluntary sector services to be considered as an option in line with the aims of the Council Plan.
- 3.3 All recipients have submitted an Annual Progress Report outlining achievements during 2017/18 and these are attached at appendix 1, together with some analysis of the support they have provided.
- 3.4 Each organisation has provided copies of their latest audited accounts and failure by any organisation to pass the financial test conducted by the Chief Accountant, or future ability to fulfil their SLA, will be considered on a case by case basis.
- 3.5 The government's austerity measures continue to reduce the funding available to Chesterfield Borough Council, whilst the indicators of multiple deprivation demonstrate a challenging picture. In addition the recent introduction of Universal Credit in Chesterfield has added significant demand for support. This context further endorses the need to work effectively in partnership with a range of public and voluntary sector organisations to support and empower individuals, families and communities, despite significant budget pressures on the Council.

#### **4.0 UPDATE**

- 4.1 During quarter 1 of 2017/18 the Health and Wellbeing Manager held an introductory meeting with representatives from each of the organisations currently receiving funding via SLA's. The purpose of the meeting was to inform the organisations that the Council would be undertaking a re-prioritisation exercise with regard to funding of SLA's during the year and that further consultation would take place with them as options were developed. The Health and Wellbeing Manager highlighted the option of co-commissioning of services with the North Derbyshire Clinical Commissioning Group and Derbyshire County Council.
- 4.2 Following the meeting, the Health and Wellbeing Manager continued to pursue the co-commissioning option with North Derbyshire Clinical Commissioning Group. However, this option was no longer viable in the short /medium term when the CCG was given 'legal direction' from NHS England, which focussed all their officers attention and they withdrew from these discussions.
- 4.3 Derbyshire County Council have commissioned an independent company to review their options for future funding of the voluntary sector. The County Council will await those findings before considering their future approach.
- 4.4 To enable the continuation of these support services to the residents of Chesterfield, the Council has been left with no option but to continue to commission independently of other public sector partners for the delivery of voluntary sector services in the borough for the immediate future.
- 4.5 In determining the level and apportionment of funding to the voluntary sector by the Council it is increasingly important to understand the landscape in which the advice agencies are currently operating. Since the introduction of Universal Credit in November 2017 the advice agencies have experienced an uplift in enquiries and requests for support. This is expected to continue

but will be monitored and reviewed as part of the overall review recommended in paragraph 2.2 of this report.

- 4.6 Given the impact of Universal Credit on some of the tenants of our Council houses, Members may wish to consider the option of utilising some of the Housing Revenue Account to support the advice agencies.
- 4.7 It is proposed that the total level of funding for SLAs remains unchanged from April 2018 to March 2020 to provide continued support and certainty for the organisations receiving funding.
- 4.8 That a detailed review of Chesterfield Borough Council’s financial allocation to the voluntary sector, including funding from Housing Revenue Account, and any other surces of funding within the Council is undertaken. This will include the impacts and outcomes delivered, together with a comparison of the costs and outcomes from alternative delivery models to determine the best value for money and most effective methods of supporting Chesterfield residents. It will also need to take into account the context of the potential impact of any changes in Derbyshire County Council’s future approach to voluntary funding, the ongoing budget pressures being faced by Chesterfield Borough Council and the growing demand for support and help, due in part to the introduction on Universal Credit.
- 4.9 The proposed allocation of funding is therefore shown in the table below:

**Table 1: Organisations and proposed allocations of funding**

<b>Organisation</b>	<b>17/18 Actual</b>	<b>April 2018 /March 2019 Proposed</b>	<b>April 2019 / March 2020 Proposed</b>
CAB	£120,375	£120,375	£120,375

Law Centre	£ 41,697	£ 41,697	£ 41,697
DUWC	£ 39,681	£ 39,681	£ 39,681
Shopmobility	£ 21,789	£ 21,789	£ 21,789
Links	£ 16,002	£ 16,002	£ 16,002
<b>TOTAL</b>	<b>£239,544</b>	<b>£239,544</b>	<b>£239,544</b>

## 5.0 RISK MANAGEMENT

### 5.1 Risk Management

Description of the Risk	Impact	Likelihood	Mitigating Action	Resultant likelihood	Resultant Impact
Funding for advice agencies insufficient to cover increased demand, especially relating to Universal Credit support. This could lead to long waiting times for residents to receive the advice they need.	M	H	This is a risk for the organisations as well as the Council. There has always been demand in excess of supply and the groups have worked well in mitigating against this by being clear in terms of the services they can provide. Working effectively with partners across the voluntary and public sector, as demonstrated during the introduction of Universal Credit,	M	L



			helps mitigate this.		
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**6.0 FINANCIAL CONSIDERATIONS**

6.1 The existing budget for SLAs to the voluntary and community sector is £239,544. Despite the growing demand for services the Council is facing unprecedented level of cuts in central government funding, with most services having to reduce their budgets. By undertaking a review of the funding and outcomes the Council will have the opportunity to direct future funding where it is most effective in supporting communities and residents of Chesterfield.

6.2 The funding for SLA’s has traditionally been provided from within the General Fund, however, Members are requested to consider utilising £80,000 pa from the Housing Revenue Account to support the advice agencies in dealing with the uplift in support to recipients of Universal Credit. This option would generate a saving in the General Fund.

6.3 Service Level Agreements and allocations of funding have been subject to the Council’s financial test. All organisations have passed all tests with the exception of one test which was not passed by Links CVS. The one part that was not passed refers to organisations having reserves of no more than 50% of their annual running costs. Links CVS state in their constitution that they consider it to be good practice to hold 100% of annual running costs in reserves. This has been their longstanding position and as their constitution states this, we have waived this one matter in the past and will continue to do so. All other tests were passed by all organisations.

**7.0 PUBLIC RELATIONS AND MEDIA CONSIDERATIONS**

- 7.1 Despite ongoing reductions in the Council's budget over recent years, funding for SLA's has been maintained at a consistent level with only a 10% reduction being implemented in 2016/17.
- 7.2 Discussions with the relevant voluntary sector organisations will be undertaken as part of the review and then consultation will take place following any decision relating to revisions in funding allocations.

## 8.0 **EQUALITIES CONSIDERATIONS**

Equality matters and implications will be considered within the EIA process that will be undertaken following the review of funding, but prior to the implementation of any potential changes to funding allocations.

## 9.0 **RECOMMENDATIONS**

- 9.1 To retain the same level of funding and proportionate allocation to each voluntary sector organisation for a period of two years, from 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2020. This allocation, despite the severe financial challenges in the Public Sector, demonstrates the level of commitment the Council has to the voluntary sector and provides the organisations with continued unchanged funding and certainty in planning their resources until 2020.
- 9.2 That a detailed review of Chesterfield Borough Council's financial allocation to the voluntary sector, including funding from Housing Revenue Account and any other sources within the Council, is undertaken. This will include the impacts and outcomes delivered, together with a comparison of the costs and outcomes from alternative delivery models to ensure best value for money and the most effective methods of supporting Chesterfield residents.
- 9.3 That the findings of the review of voluntary sector activity and funding (9.2 above) will be presented to a future Cabinet meeting,

with any potential changes to delivery or funding being implemented from April 2020, following appropriate consultation.

- 9.4 A proportion (£80,000 pa) of the Council funds for this purpose will, from 1<sup>st</sup> April 2018, be funded from the Housing Revenue Account to reflect the support provided by the voluntary sector to Council tenants.
- 9.5 To delegate authority for the approval of the final SLA's for each organisation to the Cabinet Member for Governance.

#### 10.0 **REASON FOR RECOMMENDATIONS**

- 10.1 To ensure that the future delivery of funding to Voluntary and Community Groups meets the priorities of the Council and the needs of the residents of Chesterfield and is delivered to a high quality in a sustainable way.

Executive Director

Further information on this matter can be obtained from James Drury

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## For publication

### Review of Housing Allocations Policy (HC000)

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Meeting: Cabinet

Date: 17<sup>th</sup> July 2018

Cabinet portfolio: Cabinet Member for Homes and Customers

Report by: Assistant Director – Housing

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## **For publication**

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### 1.0 **Purpose of report**

1.1 To seek approval from Cabinet to make changes to the Housing Choice Based Lettings and Allocations Policy and consult with applicants and stakeholders on these changes.

### 2.0 **Recommendations**

2.1 That Members note the position with regard to the current Choice Based Lettings and Allocations Policy and approve in principle the proposed new Home Options Allocations Policy.

2.2 That Members authorise the Assistant Director – Housing to carry out a 6 week consultation process on the proposed Home Options Allocations Policy with current applicants and stakeholders.

2.3 That a further report be brought to Cabinet in October 2018 following the consultation period, setting out the results of the consultation process and making a final recommendation to adopt the proposed Home Options Allocations Policy including any alterations following consultation.

### 3.0 **Report details**

#### **Overview**

3.1 The Council's current Choice Based Lettings and Allocations Policy sets out the way in which the allocation of council properties is administered, including the identification of priorities and areas of increased housing need.

3.2 The last full and comprehensive review of the policy was undertaken in 2015 and implemented in 2016.

3.3 On the 25 July 2017, following an interim review of the policy, Cabinet agreed to implement a Local Lettings Plan, enabling the letting of hard to let flats to residents of neighbouring authority areas North East Derbyshire and Bolsover. Cabinet also agreed that a further full and comprehensive review of the Policy would be undertaken and that a new Allocations Policy be brought to Cabinet for consideration and implementation by October 2018.

#### **Current Position**

3.4 At the same time as reviewing the policy, it became apparent that 'Abitas', the current Choice Based Lettings IT system, is no longer fit for purpose, nor does it meet the required level of IT security arrangements. Approval to purchase a new system / or upgrade Abritas was given by Cabinet on 21 February 2017.

- 3.5 The Housing Options team have tested two systems and identified a new IT system for the delivery of its Choice Based Lettings processes. The system is provided by 'Locata Housing Solutions'.
- 3.6 After extensive testing, it is evident that this new system will drastically improve the delivery of the Housing Options and Allocations service for customers and will assist the council in achieving its objective of reducing void empty properties and maximising rental income from the housing stock. Advantages include;
- Online application process
  - Continuous updates to ensure information held is up to date and accurate
  - Cloud based storage
  - Instant shortlisting of successful applicants
  - Email notifications for customers
  - Mobile device responsive to enable easy bidding
- 3.7 This system is currently used by a Derbyshire wide "Home Options" partnership of five authorities, as set out at section 5.1 below.
- 3.8 Chesterfield Borough Council is currently in the process of joining the Derbyshire Home Options Partnership having been given approval through Project Management Office (PMO) for the procurement of this system. Chesterfield Borough Council will be replacing the use of the Abritas system and will use the Locata Home Options system in its place.
- 3.9 Members of the Project Management Office are currently considering additional issues including compliance with new data protection legislation, compatibility with existing IT systems within the council and any alterations to the council's existing website.

- 3.10 The Derbyshire Partnership authorities have all adopted a joint Home Options Allocations policy that is administered through the Locata Home Options system.
- 3.11 As part of the assessment and procurement process of acquiring Locata, it also provided the opportunity of not only conducting the required review of our own Choice Based Lettings and Allocations policy but also to consider and compare the Home Options Allocations Policy alongside Chesterfield's current choice based lettings scheme. This has allowed us to establish whether the Home Options Allocations Policy would be fit for purpose for Chesterfield Borough Council to adopt and enable us to effectively and efficiently deliver the allocation of our properties to those most in housing need.
- 3.12 Implementation of the Locata IT system will be easier to achieve and the system will run more effectively and efficiently if the Home Options Allocations Policy was adopted by the Council. To use the Locata IT system to deliver the council's existing policy would drastically minimise the beneficial impacts of using the system.

#### 4.0 **Current Policy**

4.1 Having delivered the Allocations service under the current Choice Based Lettings and Allocations Policy, since 2016, a number of issues have been identified that are affecting the letting of properties in Chesterfield. These are as follows:

- 12-month residency requirement
- Pre-allocation risk assessment
- Existing tenant transfers
- Points-based system of awarding priority
- Property size eligibility (number of bedrooms)
- Property size eligibility (number of bedrooms) during pregnancy



- Equity
- Adaptations

4.2 Each of the above points are explained in detail in **Appendix A**

## 5.0 **Home Options Partnership Allocations Policy**

5.1 The Home Options Partnership Allocations scheme is made up of Amber Valley Borough Council, Dales Housing (part of Waterloo Housing Group), Derbyshire Dales District Council, EMH Homes, Erewash Borough Council, Futures Housing Group, High Peak Borough Council, Staffordshire Moorlands District Council and Your Housing Group. A copy of the Home Options Allocations Policy is attached at **Appendix B**.

5.2 The Home Options Allocations Policy is, in the main, similar for each partner but allows partners to include their own local differences. For example, Chesterfield could continue to give preference for houses to Chesterfield tenants who live in flats where the household contains children under 16 years of age.

5.3 The proposed Home Options Allocations Policy awards priority in accordance with legislative requirements to give 'reasonable preference' to applicants in housing need. The policy also reflects local priorities. **Appendix C** sets out how the proposed Home Options Allocations Policy compares to the current Chesterfield Choice Based Lettings and Allocations Policy with regard to awarding priority.

5.4 Being a member of the Partnership will enable the council to share good practice, share expertise and reduce the on-going costs of managing the housing register significantly.

5.5 The Home Options Allocations Policy would enable the council and its customers to benefit from:

- An on-line rehousing application

- Introduction of a simplified priority band system
- Ability to assess medical need using category groups
- Revision of residency requirement criteria
- Acceptance of out of borough applicants on to the housing register
- Introduction of an equity assessment
- Introduction of a time restriction on reapplying to the housing register after being rehoused
- Revision of property size (number of bedrooms) eligibility criteria.
- Introduction of a pre-allocation financial assessment of affordability.
- Revision of housing register exclusion times and financial levels.
- Alignment of the Allocations Policy with the Adaptations Policy 2017.

5.6 The list of benefits identified in section 5.5 are explained in more detail in **Appendix D**.

5.7 Once the new policy is implemented the Local Lettings Plan referred to in paragraph 3.3 will be rescinded.

## **6.0 Impact**

6.1 It is considered that the introduction of the Home Options Allocations Policy (and the clauses referred to in section 5 of this report) will not only address the issues encountered and set out in **Appendix A** of this report, but will also enable the Council's Housing Options team to improve how it allocates council properties to those in housing need, reduce the number of empty properties and maximise rental income to the Council's Housing Revenue Account.

6.2 By improving the way in which the Council assesses applications for housing and allocates its housing stock, it is expected that more sustainable tenancies will be created by

properly assessing individual circumstances and providing the correct information and advice at the outset.

- 6.3 If the proposed Home Options Allocations policy is approved, together with the new IT system, existing applicants on the housing register will be required to re-register. This process will provide us with the opportunity to ensure that we have an active and up to date housing list and identify those who are actively seeking accommodation and reduce the number of inactive applicants to provide a more active and needs based process.

## **7.0 Human Resource Implications**

- 7.1 There are no human resource implications associated with the implementation of the new policy and IT system.

## **8.0 Financial Implications**

- 8.1 A growth item of £80,000 was approved by Cabinet on 21 February 2017 for the replacement of the existing Choice Based Lettings IT system. The Locata system is considerably more cost effective than replacing the existing Abrisas system which is out of date and not fit for purpose. The first year costs of Locata including set up costs are circa £40,000. The ongoing annual costs are circa £20,000. An exact figure cannot yet be provided as there are variances in set up and administrator costs depending upon any changes that are required to the policy following consultation. Furthermore any additional ongoing support costs will be shared across the authorities in the Derbyshire Home Options Partnership thus ensuring better value for money by joining the partnership.
- 8.2 Whilst there will be cost implications of completing a re-registration of all applications, consultation processes and promotional material, these up-front costs can be met from the procurement saving identified in paragraph 8.1.

- 8.3 With the new Allocations Process being paperless there will be an ongoing saving to the Housing Revenue Account in printing, copying and storing paper applications.
- 8.4 As Chesterfield is now a full service Universal Credit area, Housing Services aim to instil a payment culture among tenants, maximise tenants' income and to maximise rental income to the Council. As part of the allocations process and prior to signing a new tenancy, all tenants will have an appointment at the Customer Service Centre to receive benefits and budgeting advice and to set up payment arrangements. Assistance is also offered to make a universal credit claim using computers at the Centre.

## **9 Legal Implications**

- 9.1 The proposed policy will ensure that the allocation of council accommodation is carried out in accordance within all current legislation. It will also create a clearer, more transparent process which will reduce the potential for costly legal challenges.

## **10 Information assurance and data protection**

- 10.1 The proposed policy and IT system is fully compliant with all legislative requirements and the Council's Information Assurance Officer is involved in the consultation and implementation process.
- 10.2 A Data Protection Impact Assessment is currently being conducted for the proposed Locata ICT solution. Where changes in the allocations policy alters the processing of personal data – the Locata data protection impact assessment will be re-assessed.

## **11 Consultation and community engagement**

- 11.1 The introduction of the Home Options Allocations Policy will require a period of 6 weeks consultation with staff, members, partners and officers to ensure that it is fit for purpose and deliverable.
- 11.2 Consultation will take place via a number of hosted workshop sessions and a targeted mail out to those currently on the housing register. Further amendments and additions may be required following consultation and these will be incorporated into the final policy, to be brought back to Cabinet in October 2018. The targeted mail out to those currently on the housing register will be carried out on behalf of the Housing Service by the Policy and Communications Service.
- 11.3 The Council's Enterprise and Well-being Scrutiny Committee at their meeting on 27 March 2018 assisted in identifying areas for reviewing the Choice Based Lettings and Allocations Policy, the development implementation of the proposed Home Options Allocations Policy.
- 11.4 As part of the implementation of the Locata IT system and the introduction of the proposed Home Options Allocations Policy, adjustments to the council websites and linked systems are required. This has already been discussed within the Policy and Communications Service.
- 11.5 Promotional information is also being developed to inform and support applicants to make the consultation and re-registration process as simple and seamless as possible.

## **12 Equality Impact Assessment**

- 12.1 An interim EIA is attached at **Appendix E**. A full EIA will be produced as part of the report to members in October 2018.

## **13.0 Risk Assessment**

<b>Description of the Risk</b>	<b>Impact</b>	<b>Likelihood</b>	<b>Mitigating Action</b>	<b>Impact</b>	<b>Likelihood</b>
Adverse publicity	High	Medium	<ul style="list-style-type: none"> <li>• Communication and consultation strategy</li> <li>• Meetings with specific interest groups</li> </ul>	Medium	Medium
Loss of rental income	High	Medium	<ul style="list-style-type: none"> <li>• Develop plans for alternative use of void properties</li> <li>• Partnership working to explore other markets and solutions</li> <li>• Medium to long term strategy to re-configure stock on estates to meet current and emerging demands</li> <li>• Re-model Business Plan</li> </ul>	Medium	Medium
Increased number of void properties on estates	High	Medium	<ul style="list-style-type: none"> <li>• Develop plans for alternative use of void properties</li> <li>• Partnership working to explore other markets and solutions</li> <li>• Medium to long term strategy to</li> </ul>	Medium	Medium

			re-configure stock on estates to meet current and emerging demands		
Legal challenges	High	Medium	<ul style="list-style-type: none"> <li>• Specialist Legal advice obtained and followed in drafting proposals</li> <li>• Communication and consultation strategy</li> <li>• Meetings with specific interest groups</li> </ul>	Medium	Medium

## 14.0 Alternative options and reasons for rejection

14.1 Option 1 - Remain with the existing IT system and Allocations Policy

14.1.1 The current IT system is not up to date or fit for purpose. A replacement is required and the solution identified in the report is the most user friendly and cost effective of those considered.

14.1.2 The issues listed in section 4 of this report will continue to create difficulties in delivering the allocation of Council properties and continue to cause financial losses through continuing to have empty properties.

14.2 Option 2 - Develop and introduce a new Allocations Policy for Chesterfield only.

14.2.1 The creation of a new Allocations Policy would considerably hinder the implementation of the new IT system and reduce

the expected improvements to service delivery and management of the housing register.

#### 14.3 Option 3 – Adopt the Housing Options Allocations Policy

14.3.1 It is considered that the introduction of the Home Options Allocations Policy (and the clauses referred to in section 5 of this report) will not only address the issues encountered and set out in **Appendix A** of this report, but will also enable the Council's Housing Options team to improve how it allocates council properties to those in housing need, reduce the number of empty properties and maximise rental income to the Council's Housing Revenue Account.

### **16.0 Recommendations**

16.1 That Members note the position with regard to the current Choice Based Lettings and Allocations Policy and approve in principle the proposed new Home Options Allocations Policy.

16.2 That Members authorise the Assistant Director – Housing to carry out a 6 week consultation process on the proposed Home Options Policy with current applicants and stakeholders.

16.3 That a further report be brought to Cabinet in October 2018 following the consultation period, setting out the results of the consultation process and making a final recommendation to adopt the proposed Home Options Allocations Policy including any alterations following consultation.

### **17.0 Reasons for recommendations**

17.1 To enable the council through the Housing Options Team to be in the best possible position to allocate council housing stock to applicants most in need and to provide a customer focussed and user friendly service.



## Decision information

<b>Key decision number</b>	<b>823</b>
<b>Wards affected</b>	<b>ALL</b>
<b>Links to Council Plan priorities</b>	To improve the quality of life for local people' 'To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs'

## Document information

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<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	
Appendix A	Summary of Issues Current Policy
Appendix B	Home Options Policy
Appendix C	Summary of Comparisons of Priorities
Appendix D	Summary of Benefits of Home Options Policy
Appendix E	Interim EIA

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## **Review of Allocations Policy – Appendix A**

### **Summary of issues with current Allocations and Transfer policy.**

#### **1.0 12-month residency requirement**

- 1.1 A 12-month residency requirement was introduced in 2015 with the intention of ensuring that the Council's own properties were utilised to meet the housing need of existing residents of the Borough or those who had employment in the area.
- 1.2 Whilst this did limit the number of properties being let to 'out of borough' applicants, it also resulted in a marked increase in the number of long-term void properties. The largest impact was on the number of vacant one and two bedroom flats resulting in a loss of rental income in the region of £450,000 to £500,000 per annum.
- 1.3 The 12-month residency requirement further highlighted that there was not sufficient demand for one and two bedroom flats from our housing register alone. A recent piece of research across the Sheffield City Region has highlighted the Sheffield (68.3%), Bolsover (83.1%) and Derbyshire Dales (69.3%) have the highest proportions of their waiting lists requiring 1 bedroomed accommodation.
- 1.4 The issue of void properties was considered as part of the Housing Revenue Account Business Plan consultation sessions with Members, officers and tenants. To address the number of long and short term voids, a number of actions were piloted from October 2017. These were:
  - Use of a Local Lettings Plan to accept applicants from North East Derbyshire District Council and Bolsover District Council areas on to the housing register but limited to low demand properties, i.e. one and two bedroom flats.

- Decoration of difficult to let flats
- Advertising difficult to let flats on Rightmove

1.5 The above actions resulted in the significant reduction of the number of long-term void properties and an increase in rental income of approximately £312,000 per annum.

## **2.0 Pre-allocation risk assessment**

2.1 The pre-allocation risk assessment was introduced in 2016 to tackle the number of tenancies that failed due to rent arrears. The aim was to ensure that applicants could afford their rent and other household bills.

2.2 The policy review which was approved by Cabinet identified a minimum income limit of £100 per week. Unfortunately this was not specified in the actual policy itself and had not been considered under the consultation process. Therefore as a direct result of this the Council received a Judicial Review challenge to that clause from the Derbyshire Law Centre.

2.3 Legal advice was that we suspend this part of the application criteria and the minimum income limit is not currently being applied. This means that the Council does not have the ability to refuse an offer of accommodation on the basis that the property is unaffordable.

## **3.0 Existing tenant transfers**

3.1 The current policy includes a quota that allows up to 75% of properties that become void to be placed in the 'transfer band'. This allows existing tenants to reapply to the housing register to move to another property without there being any change in the household's circumstances.

3.2 This has encouraged some tenants to repeatedly move from property to property within a short space of time and, in many cases, they have left their previous property in an unsatisfactory condition. As a result of this, the Council has unnecessary void repair costs and a loss of rent, whilst properties are turned over. It also does not reflect a true housing need, if a large proportion of our new tenancies are transfers.

#### **4.0 Points-based system of awarding priority**

4.1 The current policy uses a points-based prioritisation system. Points are awarded based on the circumstances of the applicant. For example, applicants who have been accepted as statutorily homeless receive 200 points.

4.2 Points-based systems are no longer considered to be good practice and are no longer commonly used throughout the housing sector.

4.3 The system requires considerable levels of officer involvement to assess these points both at allocation and shortlisting stage.

4.4 In addition the points-based system creates an environment where applicants 'chase' points dependent on which criteria gives them the higher number of points. Where people have multiple needs, points are not cumulative and the applicant is awarded the highest level of points that they are due. For example, if they are statutorily homeless (200 points) and also overcrowded (80 points), they would receive 200 points not 280.

#### **5.0 Property size eligibility (number of bedrooms)**

5.1 The current CBL and Allocations Policy has different criteria in relation to the age at which an applicant's child is entitled to

their own bedroom to that contained within the welfare benefits system. This results in families being allocated properties for which they have to pay an under occupancy charge as welfare benefits consider that they have more bedrooms than they require.

## **6.0 Property size eligibility (number of bedrooms) during pregnancy**

6.1 The current policy does not entitle pregnant applicants to apply for a property, which includes a bedroom for their child until after the baby is born. This is unnecessarily restrictive on applicants at an already stressful time.

## **7.0 Equity**

7.1 The current policy does take into account applicants' equity or assets. This means that applicants with high levels of equity or assets can still access social housing.

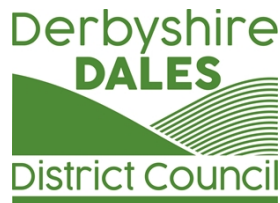
7.2 It is common across the sector that applicants' equity and realisable assets are taken into account when assessing their housing need. Applicants who have sufficient equity or assets could reasonably be expected to use these to secure accommodation either through home ownership or the private rented sector.

## **8.0 Adaptations**

8.1 The current Allocations Policy does not align with the new Adaptations Policy which was approved in 2017. The Adaptations Policy details how the Council administers its adaptations programme and aims to make better use of existing adapted Council stock, rather than continuing to adapt other properties.

# Home-Options Policy

## Choice-based Lettings Scheme



in partnership with



Page 1 of 87

Derbyshire & Staffordshire Moorlands Home-Options Partnership, c/o Community Housing Team,  
Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, DE4 3NN

**This policy relates to the management of the housing register and the allocation of tenancies in Amber Valley, Derbyshire Dales, Erewash and High Peak.**

**The management of the housing register and the allocation of tenancies in Staffordshire Moorlands are covered by the Staffordshire Moorlands Home-Options Policy.**



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<b>Document Version</b>	<b>Revision</b>	<b>Date</b>	<b>Author(s)</b>	<b>Change Reference</b>
14.0	Draft	16 October 2017	Phil Campbell	Draft.

## Introduction

### (i) Overview

Derbyshire Dales District Council, High Peak Borough Council, Amber Valley Borough Council, Erewash Borough Council and Staffordshire Moorlands District Council have established a partnership called Home-Options. This will deliver greater choice to all those seeking housing and to enable people to make well-informed decisions about their housing options.

This policy document sets out the priorities and procedures for accessing affordable housing under Home-Options.

The principal Home-Options partners are:

- Amber Valley Borough Council
- Waterloo Housing Group
- Derbyshire Dales District Council
- emh homes
- Erewash Borough Council
- Futures Housing Group
- High Peak Borough Council
- Staffordshire Moorlands District Council
- Your Housing Limited

For the purposes of this document 'Home-Options' refers to all the above partners.

This policy meets the requirements set out in Part VI Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011) and statutory guidance (see Part 2: The Legal Framework) by giving reasonable preference to those applicants in greatest need. The policy has been drawn up with reference to partners' tenancy strategies and homelessness strategies (where they are in existence at the time of drafting).

Under Home-Options, 'homeseekers' and transfer applicants are placed in one of four broad bands of housing need according to their circumstances. Vacant properties will be advertised and applicants are able to bid for properties. Adapted properties will be advertised as suitable for applicants with matching mobility needs.

Home-Options provides choice for applicants. Homes are advertised and applicants can express an interest for the properties they like. Applicants can see what is available and will have a better understanding of their chances of finding a home.

**Acceptance onto the Home-Options register is not a guarantee that an applicant will be offered accommodation.**

Home-Options is unlikely to meet the needs of all homeseekers and transferring tenants looking for accommodation. Alternative housing options are advertised such as private rent and mutual exchanges. We also advertise low-cost home ownership and shared ownership properties. Please note that some registered providers who advertise their homes through Home-Options may have restrictions about who they offer properties to. For example, some will not offer a tenancy to an applicant under the age of 18.

## **(ii) How the Home-Options scheme works**

The Home-Options scheme applies to both 'homeseekers' and to applicants seeking a transfer.

There are two ways in which Home-Options can allocate a property; through choice based lettings (see Part 7: Choice for applicants) or, in exceptional circumstances, through a direct let (see section 9(ix) Direct lets).

Home-Options is under a legal duty to award priority for housing to certain categories of people. Priority for housing may be briefly summarised as follows:

- An applicant is placed into one of four bands, depending on his or her needs (A is the highest priority; D is the lowest)
- The type of property for which the applicant and his or her household are eligible is also assessed, including the size of property he or she can bid for.


When a property becomes available, it will be advertised. The advert will show the number of bedrooms and the number of people it is suitable for. From all the bids, a shortlist of applicants who want the property will be created.

## **(iii) Award of tenancies through Home-Options**

The award of a tenancy is decided by:

- (i) local connection to the local authority area
- (ii) priority band
- (iii) priority date within the band.
- (iv) The diagram below shows the order in which we consider the bids for properties:

## The order in which bids are considered

	The applicant has a connection with the local authority area where the advertised property is located	
<b>1</b>	Band A (by Priority Date)	
<b>2</b>	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>3</b>	Band B (by Priority Date)	
<b>4</b>	Band C (by Priority Date)	
<b>5</b>	Band D (by Priority Date)	
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located	
<b>6</b>	Band A (by Priority Date)	
<b>7</b>	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>8</b>	Band B (by Priority Date)	
<b>9</b>	Band C (by Priority Date)	
<b>10</b>	Band D (by Priority Date)	
<b>11</b>	The applicant has no local connection with any local authority area within the Home-Options area	
<b>12</b>	Band A (by Priority Date)	
<b>13</b>	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>14</b>	Band C (by Priority Date)	

<b>15</b>	Band D (by Priority Date)	
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In certain circumstances, we may allocate properties under a Local Lettings Policy. Please see section 9(vi) for further information about Local Lettings Policies.

There are circumstances in which Home-Options will help applicants bid. There are also circumstances in which Home-Options will make a direct offer of accommodation if it is considered necessary (see section 9(ix) Direct lets, for further advice).



## The Legal Framework

### (i) Overview

This policy takes the following into account:

- Part 6 of the Housing Act 1996 (as amended) governs the allocation of local authority housing stock in England; it was substantially amended, with effect from 31 January 2003, by the Homelessness Act 2002 and, more recently, by the Localism Act 2011. Statutory guidance was issued in 2012: the Allocation of Accommodation: guidance for local authorities in England (2012) and in 2013: Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (2013). Together, this sets out the legal framework for the allocation of accommodation by local authorities
- The Allocation of Accommodation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 and The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 is about the framework for dealing with applications from current or former members of the armed forces and their families
- Eligibility to join the Home-Options housing register is determined by the Government under the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 as amended by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016. This is set out in more detail in section 5(v)
- The Right to Move Regulations (2015) and Right to Move statutory guidance on social housing allocations for local housing authorities in England (2015) sets out how social housing tenants wishing to move to be closer to their work, or to take up a job offer, or apprenticeship will be assisted
- Authorities must ensure that when allocating their stock they only allocate to “qualifying persons”. Subject to the centrally determined eligibility criteria, set out in the Localism Act 2011, and any regulations made by the Secretary of State, authorities are free to decide what classes of person are and are not “qualifying persons” for the purposes of the allocation scheme.

Each housing authority has a duty to ensure that it gives ‘reasonable preference’ to applicants in housing need. In addition, the Home-Options scheme also reflects local priorities.

We have to publish a summary of the Home-Options policy. This has to be available on request and free of charge. We do this by summarising the policy on our website. This Home-Options policy is available to view at any of the principal partners. It is also free to download from the Home-Options website.

In framing the policy to offer a choice of accommodation to applicants, Home-Options will also ensure its policies and procedures are compatible with obligations

imposed on it by other existing legislation. In addition to Part 6 of the 1996 Act, including but not limited to:

- The Human Rights Act 1998
- The Freedom of Information Act 2000 (in particular s.19)
- The Data Protection Act 1998
- The Race Relations Amendment Act 2000
- The Equality Act 2010
- The General Data Protection Regulations 2018.

### **(ii) Reviewing the Home-Options Policy**

The Home-Options Policy will be reviewed every three years, unless there is a change to Government policy, a local policy change, or guidance in the interim.

## Equality and Diversity Statement

Strong communities will thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. Home-Options' aim is to create an environment where this is possible and to put equality and diversity at the heart of everything that it does.

Home-Options will promote equality and diversity by:

- encouraging individuals to take part and gain full access to services to which they are entitled
- recognising that some individuals and certain communities are particularly disadvantaged and will need extra help and support.

Home-Options' aims are:

- to improve social cohesion and balanced communities through the use of local lettings plans where appropriate
- to protect the rights of individuals and groups by ensuring that abuse, mistreatment or discrimination is recognised and properly dealt with.

## Registration

### **(i) Overview**

All applicants seeking housing will need to register with Home-Options. This includes existing tenants of a Home-Options partner who want to transfer. Applications may be made via the on-line application form or by contacting one of the Home-Options partners.

If a local housing authority has accepted a duty towards an applicant under Part 7 of Housing Act 1996 (as amended), the applicant may be asked to register with Home-Options and their application for entry onto the housing register will be assessed.

In most circumstances, applicants will need to attend an interview with their local Home-Options team before their application for housing is accepted.

### **(ii) Documentation required for entry onto the Housing Register**

Applicants may be asked to provide documentation before they can register to establish:

- That the applicant is eligible to register for housing
- The identity of the applicant and other members of the household who might reasonably be expected to live with them
- That the applicant and other household members live where they say they do and the terms on which they live there (e.g. licence, tenancy, etc.)
- That children being registered are the responsibility of the applicant or their partner.

One of the documents from each of the following areas will usually be necessary to establish this:

- Eligibility for housing- passport, national identity card, Home Office documents, proof of housing benefit;
- Identity - birth certificate, passport, driving licence, immigration papers;
- Residence - electoral register entry, rent book/card, recent bill or credit payment book for gas, electricity or water supply, pension notification, confirmation from employer or Department of Work and Pensions/Jobcentre Plus, tenancy agreement, full driving licence, recent bill for Council Tax or telephone, recent bank statement;
- Children - Child Benefit notification, residence order, statement of arrangements for children, confirmation from Department of Work and Pensions, Adult Care, health and education authorities, full birth certificate (where children have previously been cared for by another person, including an ex-partner, and in the

absence of a Residence Order from the courts, a combination of this evidence must be provided. Home-Options will consider each case on its merits in order to be satisfied with whom children are reasonably expected to reside);

- In cases of threatened eviction – tenancy agreement, notice to quit, tenancy deposit protection scheme paperwork, court order and/or landlord reference.

If an applicant is unable to provide the necessary documents and there appears to be good reason for this, the case will be referred to the local manager of the Home-Options scheme. The manager will consider other sources of information such as the Department of Work and Pensions, Jobcentre Plus or confirmation from support providers who have already determined the applicant's identity.

It is the applicant's responsibility to provide any information that is requested in a timely manner. If the information is not supplied, the application will not be registered.

### **(iii) Information regarding an applicant's health**

The Home-Options Partnership does not usually expect applicants to ask their Doctor or other medical professional to write in support of their application. If a confirmation of a health condition is required, Home-Options will contact the applicant's Doctor or medical professional directly.

Information to support an application may be asked for at any time. If the information is not provided, the application may be removed from Home-Options and any offers of accommodation withdrawn.

### **(iv) Data protection and the detection and prevention of fraud**

Applicants must give their name, address and relevant personal details. We may also collect information from applicants if they complete any other forms on the Home-Options website or if they contact us with comments or specific requests. This information will only be used to calculate applicants' eligibility for housing and to provide targeted information through our website and other media. If we wish to use it for any other purpose we will ask the applicant's permission first.

The Home-Options partners are under a duty to protect the public funds they administer, and to this end may use applicants' information for the prevention and detection of fraud. They may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Some homes are provided by housing associations. Applicants' data may be shared with them to enable the accurate and fair matching of people to properties to take place. Home-Options partners and housing associations may also make enquires with Council housing benefit departments and other agencies such as medical practitioners, DWP, support agencies, police and landlords to confirm the details provided by applicants.

With an applicant's agreement, Home-Options may also share their details with support providers who can help them to find accommodation or help them not to lose their existing home.

Home-Options will take every precaution to protect applicants' information both online and offline, in accordance with current data protection regulations. Any data that is collected or used is protected in accordance with industry standards.

#### **(v) Validation of Applications**

All applications undergo checks to make sure that the information provided is accurate and complete. Incomplete applications will not be registered. This includes where supporting information has not been supplied. We may use third party referencing agencies to confirm details that the applicant has supplied.

Once the application checks are complete, the applicant will be advised that they can bid on Home-Options. If we need more information, we will tell the applicant what they need to provide. Their application will be given a status of pending until the information is provided. If the information is not provided within twenty working days, the application will be removed from the housing register.

#### **(vi) Eligibility and Qualification to join the Housing Register**

There are two tests that all applicants must pass to be able to register with Home-Options.

Firstly, an applicant must be eligible for an application of housing. The eligibility criteria are set by central Government and are determined by the applicant's nationality and their right to reside in the UK. This is set out in more detail in section 5(vii) below.

Secondly, an applicant must qualify to join Home-Options. The qualification criteria are set by the Home-Options partnership. It includes whether the applicant has a local connection to the Home-Options area, their behaviour and how they conducted any previous tenancies they may have had. This is set out in more detail in section 5(vi) below.

If an applicant passes both tests, they will be able to register for housing with Home-Options. If they are unable to register, we will write to the applicant and explain the reasons why. The applicant has the right to ask for a review of this decision – see Part 13: Home-Options review procedure for more information.

All applicants will be offered help and advice to complete their application. This includes translation and interpreting facilities where required.

**Registration with Home-Options is not a guarantee that the applicant will be offered accommodation.**

#### **(vii) Eligibility to join the Home-Options register**

The UK Government sets the rules that determine who can be allocated housing in the UK. These rules are set out in the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006 (as amended).

Under the Housing Act (1996), local authorities must consider whether applicants are eligible for help with housing. This relates to some people who have been living abroad, those without a right to reside, or who do not have permission to remain in the UK.

By law, Home-Options cannot offer housing to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:

- already hold a secure or introductory tenancy with a partner landlord;
- already hold an assured or starter tenancy allocated to them by a registered social landlord; or
- are in a class prescribed by regulations made by the Secretary of State.

Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be ineligible for housing unless he or she is within a prescribed class prescribed by regulations as being eligible.

#### **(a) UK Citizens**

Generally speaking, if the applicant is a UK national and they live in the UK (referred to as being 'habitually resident'), they will be eligible to apply for housing.

If they have just returned to live in the UK, they will have to pass a 'habitual residence test'. See Appendix 1 for further details.

## **(b) European Union Citizens**

The rights of EU and EEA citizens to UK housing are complicated and depend on whether he or she has a right to reside in the UK, or is the family member of such a person. Each application will be subject to individual assessment to determine whether the applicant is eligible. There are some special rules that apply to Croatians.

## **(c) Citizens of Other Countries**

A citizen of another country is anyone who is not a citizen of the UK and/or the European Union. Citizens of other countries will only be eligible to apply for housing in the UK in very limited circumstances. We will assess each case separately.

If two or more people apply together and only one is eligible, only the eligible person will be entitled to take up a tenancy.

Applications from ineligible applicants will not be registered. We will notify the applicant in writing of the decision and explain the reasons for the decision. If we accept an applicant onto the register, but they subsequently become ineligible, we will cancel the housing application and inform the applicant.

Applicants who are ineligible have a right to ask for a review of the decision (see Part 13: Home-Options review procedure).

### **(viii) Qualification to join the Home-Options register**

Applicants need to be 16 and over to register. Their current address must be their only home, or sole residence, unless they are homeless or have fled an abusive relationship. Applicants can only be registered once on Home-Options. If they are already registered as part of someone else's household, they will have to remove their name from the other application before they can register.

Social tenants applying for a transfer should apply as a household so that when a new tenancy is accepted, their existing home will be vacated. In cases of family breakdown or where members of a tenant's household wish to apply in their own right, applicants will be determined as 'homeseekers'.

Applicants who hold a tenancy elsewhere but are not currently living there i.e. because they have fled violence, harassment or domestic abuse, should seek advice from their local Home-Options office about giving up that tenancy as it may prevent them taking up another tenancy, should one be offered through Home-Options.

The Localism Act 2011 allows housing authorities to make their own rules about who qualifies to join Home-Options. The rules about who qualifies are decided by the Home-Options Partnership.

When we decide who qualifies to join Home-Options we look at:



- (a) whether the applicant lives in, or has a connection to, the Home-Options area (the Local Residency Requirement)
- (b) whether the applicant owns or has previously owned any property
- (c) whether unacceptable behaviour means that the applicant is unsuitable
- (d) other reasons why the applicant may be unable to manage a tenancy.

Where an applicant qualifies to join Home-Options, an assessment will be made of whether they have enough equity to secure housing for themselves. Home-Options defines equity as the value of property less any outstanding mortgage or secured loans, savings, investments, stocks and shares. Property includes any home the applicant owns, whether they live there or not, including time-shares, caravans, mobile homes and chalets.

Where the applicant is or was a joint owner of a property or jointly owns any equity, we will base our assessment upon that proportion of equity to which they can rightfully lay claim.

Where an applicant has equity equivalent to half or more of the average house price (see (b) Existing and Former Home-Owners below) in the Home-Options area in which they wish to live, they will be expected to use that equity to help to resolve their housing needs. As a result they may receive a lower priority for housing.

Applicants re-housed through Home-Options (or Moorlands Homechoice) will not normally qualify to re-join the register within a period of two years from the date their tenancy started, except where there are significant changes that affect their housing circumstances. The test we use is that an applicant will qualify if they would meet the criteria for an award of priority bands A, B or C (see section 7 Priority on the Housing Register for details).

**Qualifying to join Home-Options is not a guarantee that an applicant will be offered accommodation. Every year we have many more applications than we have available homes. Many homes in many areas are in short supply and applicants can face a long wait until they are re-housed. Band D applicants in particular may find their options very limited.**

#### (a) Local Residency Requirement

To qualify to join Home-Options, applicants must meet the Local Residency Requirement i.e. they must live in, or have a connection with, the Home-Options area (either Derbyshire Dales, the High Peak, Amber Valley, Erewash or Staffordshire Moorlands).

To qualify for a local residency requirement, an applicant must:

- live in the Home-Options area, or

- if they do not currently live in the Home-Options area, they must have lived in the Home-Options area for three out of the last five years, or
- have been permanently employed in the Home-Options area for at least six months (in cases where an applicant works across a number of areas or works for an employer located in area but works in another, the Local Residency Requirement will be determined by the employee's main base of operations). Permanent employment is considered to be a contract with an employer that is not fixed term. Where an employee does not work a regular number of hours per week, they will need to show that they have a regular pattern of work.
- have been accepted by one of the Home-Options partners as homeless under the homelessness legislation and that partner owes the applicant a duty to secure them permanent accommodation
- need to move to the Home-Options area to give or receive support. The person they are giving support to or receiving support from, must have lived in the Home-Options area for a continuous period of at least six months,
- have a family connection with the Home-Options area (this includes parents, adult children, siblings and other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links – the family member must also have lived in the Home-Options area for a continuous period of at least six months.)
- Where the applicant has an identified learning disability and there is evidence of a need to move to or within the Home-Options area for reasons which may include access to day centres or befriending groups or to take up or sustain a volunteering opportunity.

People who are living in the Home-Options area only because they are in prison or hospital do not meet the local residency requirement.

If an applicant is willing to accept a low demand property (a bedsit or one bedroom flat) then we may accept their application even though they do not meet the Local Residency Requirement. Applicants must be aged 50+ and willing to accept sheltered accommodation.

Under The Allocation of Accommodation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 an applicant does not need to meet the Local Residency Requirement to join Home-Options if they are a:

- person who is serving in the regular forces or has done so in the five years preceding their application for housing;
- bereaved spouse or civil partner of someone serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service

and the their entitlement to reside in Ministry of Defence accommodation then ceases;

- seriously injured, ill or disabled reservist (or former reservist) whose injury, illness or disability is attributable wholly or partly to their service.

“Regular forces” and “reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006.

Under The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 social housing tenants who are moving to be closer to work or who are moving to take up work, do not need to meet the Local Residency Requirement in order to join Home-Options, provided that they can demonstrate that they would suffer hardship were they unable to move (see Appendix 3).

Care leavers who are owed a duty by Derbyshire County Council (for Amber Valley, Derbyshire Dales, Erewash or High Peak) or Staffordshire County Council (for Staffordshire Moorlands) under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children) will meet the Local Residency Requirement.

Also if an applicant under the age of 21 who was provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care) was living in one the Home-Options areas for a continuous period of two years (some or all of which was before the applicant reached the age of 16) then they will meet the Local Residency Requirement.

The relevant County Councils will be asked to confirm the status of any care leavers before an application can be accepted.

Applicants who meet the criteria for current residence in the Home-Options area but who are staying away from their home because of domestic violence, racial harassment, etc. will keep their local connection.

Applicants who would normally be living in the Home-Options area but are not currently able to, e.g. students, people living away to receive specialist medical treatment, prisoners, those in the HM Armed Forces, etc., may still meet the Local Residency Requirement, provided that they were normally resident for three out of the last five years before they had to move out of the Home-Options area.

Applicants who are resident in a refuge in the Home-Options area will automatically meet the Local Residency Requirement. If an applicant is fleeing violence (including domestic abuse) from another local authority area, they may also qualify to join Home-Options even if they do not meet the Local Residency Requirement. Those applicants should contact their nearest Home-Options office for advice.

(b) Existing and Former Home-Owners

People who own their own homes will only qualify to join Home-Options in exceptional circumstances. These circumstances could include:

- owner-occupiers who live in conditions of disrepair or in unsuitable accommodation who are vulnerable due to age, long-term medical condition or disability,
- owner-occupiers who experience a change of circumstances so that their home is at risk. Applicants must have approached their local housing options team and their homelessness cannot be prevented.
- Owner-occupiers who may need low-level support and who are eligible to move to Extracare accommodation (subject to an assessment of their needs).

We will take all the resources available to applicants into account. This could include the value of the property as well as any grants available for repair, etc. Options other than re-housing through Home-Options may be more appropriate. If so, the applicant may also be referred to other agencies. We may also seek advice from professionals who currently assess the housing needs of older/disabled people.

Applicants who own or used to own property and those with equity must declare any interests in land, property or equity that they have. Property owners who are rehoused through Home-Options are expected to take reasonable steps to sell the property they own. Applicants should take advice about the implications for affordability of any future rented property as disposal of property can have an impact upon claims for welfare benefits.

The average house prices<sup>1</sup> are:

	<b>Average house price</b>	<b>Home-Options Equity Level</b>
Amber Valley	£160,994	£80,497
Derbyshire Dales	£254,477	£127,239
Erewash	£158,436	£79,218
High Peak	£185,442	£92,721
Staffordshire Moorlands	£174,008	£87,004

It is expected that property owners and former property owners with equity above the Home-Options Equity Level will use their equity to secure suitable accommodation for themselves (all tenure options should be considered, including further purchase of property and privately rented accommodation). For this reason, they may receive lower priority on the housing register. Each case will be assessed upon its own merits, including the applicant's long-term needs, their ability to raise a mortgage or access other housing options.

The decision about equity will be based upon a level equivalent to half the average house price in the Home-Options area in which the property is located based on Land Registry figures, adjusted annually (if the property is not located within the Home-Options area, it will be judged against the area with which the applicant has a local connection).

The priority to be granted to any owner-occupier, former owner or those with equity is set out in Part 7: Priority on the housing register.

(c) Unacceptable behaviour

Applicants assessed as being unsuitable to be a tenant due to 'unacceptable behaviour' will not normally qualify to register for Home-Options.

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<sup>1</sup> Source: UK House Price Index: data downloads July 2017, HM Land Registry, Average House Prices published 12 September 2017 (Average price.csv - link: [http://publicdata.landregistry.gov.uk/market-trend-data/house-price-index-data/Average-prices-2017-07.csv?utm\\_medium=GOV.UK&utm\\_source=datadownload&utm\\_campaign=average\\_price&utm\\_term=9.30\\_12\\_09\\_17](http://publicdata.landregistry.gov.uk/market-trend-data/house-price-index-data/Average-prices-2017-07.csv?utm_medium=GOV.UK&utm_source=datadownload&utm_campaign=average_price&utm_term=9.30_12_09_17) ).

Home-Options will take into account all relevant factors when making these decisions.

The Home-Options Partnership defines 'unacceptable behaviour' as behaviour that includes (but may not be limited to):

- Breach of the terms and conditions of a tenancy agreement, including using, or allowing the property to be used, for illegal or immoral purposes
- Causing wilful damage to property or allowing it to deteriorate significantly
- Anti-social and/or criminal behaviour including harassment, arson, drug-dealing, violence or threats of violence (convictions considered as 'spent' under The Rehabilitation of Offenders Act 1974 will not be taken into account)
- Perpetrating domestic violence
- Violence, or threats of violence, to staff or agents of any of the principal partners (as stated in section 2(i)), previous landlords, the police or any other statutory or voluntary agency
- Obtaining a tenancy by giving false information or failing to provide information that is reasonably requested.

This is not an exhaustive list. Special consideration may be given to cases where an appropriate multi-agency plan is in place.

The test of 'unacceptable behaviour' is that, if the applicant were a tenant of a council, registered provider or private landlord, their behaviour (or that of their joint applicant or a member of their household) would entitle the landlord to a possession order or similar legal injunction. Home-Options will also consider when the unacceptable behaviour took place and we will consider the length of time that has elapsed. We will also look at evidence of any change in circumstances or behaviour.

Applicants who do not qualify due to unacceptable behaviour will not be able to register for Home-Options for a period of 12 months. They will be informed of this decision in writing and of what they can do to qualify in future. For example, the applicant could show that the circumstances or behaviour that made them unsuitable to be a tenant has changed. If the applicant reappplies after 12 months but their behaviour or circumstances have not changed, then they may be considered for further periods of exclusion from Home-Options.

Applicants with rent arrears or other tenancy-related debts of £1,000 or more may not qualify to join Home-Options (tenancy-related debts could be court costs, former tenant arrears, re-chargeable repairs, etc.). Applicants with arrears of less than £1,000 may only be considered if they have a payment plan in place to repay the arrears, and there is a track record of regular payments (a minimum of 16 weeks).

Where an applicant has insufficient income to pay their current rent, or to make an arrangement to pay any arrears, and the only way to prevent the arrears increasing is for the applicant to move, then they will qualify to join Home-Options. This decision will be subject to an assessment of the applicant's financial assessment and only if a move will prevent the arrears accruing further will the applicant qualify. Applicants who are subject to this caveat would be expected to make an arrangement to repay any arrears following a move to more affordable property.

Evidence to support our decision and to help to manage any tenancies will be requested. Each case will be judged upon its merits, taking into consideration any mitigating factors, such as availability of housing benefit, or family circumstances

(d) Other reasons

Other reasons why applicants may not qualify to join the housing register include:

- (i) The applicant is unable to sustain a tenancy
  - (ii) The applicant has deliberately worsened their housing situation to gain a higher priority on Home-Options
  - (iii) The applicant has knowingly given false or misleading information in order to gain accommodation.
- (i) The applicant is unable to sustain a tenancy

This may be due to the capacity of the applicant to manage a tenancy or a lack of relevant support that the applicant would require. Each case will be judged upon its merits.

- (ii) The applicant has deliberately worsened their housing situation to gain a higher priority on Home-Options.

Where there is evidence that an applicant has deliberately worsened their circumstances in order to increase their priority for housing, they will not qualify to join Home-Options.

Deliberate worsening of circumstances will arise where Home-Options decides that an applicant has given up accommodation that was suitable for their needs where there was no requirement or obligation to do so. There must be evidence that it would have been reasonable for the applicant to have remained in their original accommodation, i.e. that the property was a suitable size for the applicant's household and that it was affordable.

The reasons for the applicant giving up their accommodation will be taken into account. Where an applicant has little or no control over their move to alternative accommodation, this should not be considered as a deliberate worsening of circumstances.

Examples of where someone may have deliberately worsened their circumstances may include:

- selling a property that is affordable and suitable for the applicant's needs
- moving family, friend and/or any other household into the property in order to create overcrowding
- giving up an affordable and suitable tenancy which they are able to maintain, to move in with friends or relatives, creating a situation of overcrowding and sharing of bathroom/kitchen and a split household
- requesting or colluding with a landlord or family member to issue the applicant with a notice to quit
- giving up a suitable adapted property to move into a property which doesn't meet the applicant's needs
- causing damage to, or failing to maintain, their property to the extent that they lack facilities or the property becomes hazardous
- ignoring or failing to follow qualified advice as a result of which, the applicant has lost their home.

This is not an exhaustive list.

(iii) The applicant has knowingly given false or misleading information in order to gain accommodation

It is a criminal offence for an applicant or anyone providing information on their behalf to knowingly or recklessly make false statements or to knowingly withhold information that is reasonably requested by Home-Options. This includes but is not limited to information requested at the time of application, any change of circumstances or subsequent review of the application.

A criminal offence is also committed if a third party provides false information, whether requested to by the applicant or not. This applies at any stage of the process.

Where information is withheld or falsely provided, the applicant's application may be removed and the applicant may be considered not to qualify to join the housing register for a further period of up to 12 months. The applicant may also face criminal prosecution. Applicants have the right to ask for a review of a decision to remove their application from the housing register.

Where false or withheld information has resulted in the applicant obtaining a tenancy, the relevant landlord may bring legal proceedings to recover possession of the property as well as any costs incurred.



The decision that an applicant does not qualify will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

In exceptional circumstances, we will allow people to register who would not normally meet the qualification criteria. For example, intimidated witnesses who need to move quickly to another local authority area. We will normally only accept such applications if they are supported by the police, local authority or other statutory agency.

Applications may also be refused from applicants who have previously been registered with Home-Options but whose applications were removed because they refused five offers in a 12 month period.

#### **(iv) Sixteen and seventeen year old applicants**

Where a 16 or 17 year old applicant applies to join the register, their application will remain pending while we determine if they are capable of managing a tenancy. If they are not considered capable, their application will remain pending until they have reached the age of 18.

Where there are concerns about the applicant's ability to manage a tenancy, Home-Options will work with other agencies to seek a resolution of the problem. In such circumstances, the application will remain pending unless:

- the applicant is accepted as a priority nomination from Social Care,
- the applicant is accepted as requiring move-on accommodation following a successful period of sustained tenancy from a support provider accredited by the local authority,
- a move-on support package is in place at the point of offer,
- the applicant is accepted as homeless by the local authority.

The Law of Property Act 1925 prevents minors holding a legal estate in land. However the Act does not prevent minors from holding an equitable interest in the land, i.e. an equitable tenancy.

It will be for landlords to determine the type of tenancy to be issued to an applicant under the age of 18. Applicants will require a trustee to hold the tenancy in trust on their behalf. Applicants who are 16 or 17 and accepted onto the housing register will be able to express an interest in accommodation. Unless the property advert states an age restriction, 16 or 17 year old applicants should be offered an appropriate tenancy if they successfully bid for the advertised accommodation.

#### **(v) Applicants applying from prison or institutional care**

Home-Options recognises the important role of accommodation in the successful rehabilitation and reintegration into society of applicants leaving prison or institutional care.

Applicants who are eligible and qualify to join Home-Options but do not have a release or discharge date will have their application status set to 'pending' so that they can accrue waiting time – see section 5(viii). Applicants who qualify and who have a release date will have their application status set to 'live' so they are able to place bids. Applicants should be aware that an offer of accommodation may be withdrawn if they are not in a position to attend a viewing and sign up for the tenancy.

Such applicants may not meet the local residency requirement for the Home-Options area. See section 5(vi)(a) Local Residency Requirement for more details.

#### **(vi) Entry onto the Housing Register**

Where Home-Options decides that an applicant is not eligible or does not qualify to join the housing register, we will write to the applicant to explain:

- the reasons why they were not eligible or did not qualify
- their right to a review of the decision
- their right to reapply if their circumstances have significantly changed.

Where an applicant chooses to re-apply, it is their responsibility to prove that their circumstances have significantly changed. Re-applications will be considered on a case by case basis.

Applicants will be informed in writing when their application is accepted. Applicants will also be reminded of their responsibility to inform Home-Options of any changes in circumstances that may affect their application for housing. We will write to applicants to tell them about any changes to their registration (unless they are minor changes made at their own request).

Applicants will be given information about their relative priority for re-housing when their application is registered and periodically thereafter. Information given is confidential. Upon request, applicants will be supplied, free of charge, with a copy of their own registration details.

The fact that a person is registered with Home-Options will not be revealed to any other member of the public.

#### **(vii) Periodic Reviews of Housing Applications**

Applications on the housing register will be reviewed every twelve months. Applicants in higher priority bands may be reviewed on a more regular basis. Applicants will be contacted to determine if they wish to remain on the register and

that their circumstances have not changed. Applicants who do not respond within 28 days will be removed from the housing register without further notice.

Other than in exceptional circumstances, applications can only be reinstated within a period of three months following removal. After this time, a new application has to be made. Exceptional circumstances may include where the applicant was not aware that he had been removed from the register or where he was removed from it because of an administrative error.

### **(viii) Removal from the Housing Register**

Applicants can request to have their entry removed from the housing register.

Home-Options can also, at its discretion and in line with its normal policies, remove someone from the housing register. An application can be reviewed at any time.

There is a legal duty to remove an applicant from the housing register if it appears:

- that they are not an 'eligible person' – see section 5(v),
- that they no longer qualify to join Home-Options – see section 5(vi),
- that they have deliberately worsened their housing situation to gain a higher priority on Home-Options – see section 5(vi)(d)(ii).

If an applicant is accepted onto the register, but subsequently becomes non-qualifying due to unacceptable behaviour, they will have their housing application removed. The applicant will be notified in writing of this decision.

A decision that an applicant no longer qualifies to be registered with Home-Options can be imposed at any stage if information is obtained that proves the applicant or applicant's family have been guilty of unacceptable behaviour.

Where an application is removed other than at the applicant's request or because the applicant has not responded to the annual review, Home-Options will write to the applicant explaining the decision and the reasons for it. The applicant will have the right to ask for the decision to be reviewed.

### **(ix) Pending Applications**

An application may be deemed 'pending' in certain circumstances. Where an application is pending, the applicant remains on the housing register and continues to accumulate waiting time within their priority band (see Part 7: Priority on the Housing Register). They cannot, however, express interest in a property or receive a direct offer of accommodation. An application may be pending for a number of reasons, including:

- waiting for verification information,
- property owners awaiting an equity assessment,

- investigation of incomplete or inconsistent details on the application,
- awaiting proof of change of circumstances,
- the applicant has notified that they are seeking their own accommodation,
- the applicant is exercising their Right to Buy (deferring a transfer application only takes place once an applicant has formally accepted the Right to Buy offer),
- applicants in supported accommodation who are not ready to move-on,
- applicants who are in prison or institutional care, where they have not yet been given a date upon which they will be discharged,
- 16 or 17 year old applicants waiting for assessment of their ability to manage a tenancy (see section 5(iv) Sixteen and seventeen year old applicants),
- applicants not ready to move but who wish to accrue waiting time.

Should an applicant not provide any requested information within 28 days, without good reason, their application will be removed.

#### **(x) Priority Date**

An applicant's priority date will normally be the date upon which they first applied to join Home-Options. Applicants should provide any information relevant to their application within two weeks of applying. If they do not, then Home-Options reserves the right to change the priority date to that date when the information was provided.

If an applicant's priority for housing increases, then their priority date will be changed to the date when the higher priority came into effect. If an applicant's priority decreases, then their priority date will revert back to the date they had when previously awarded that priority for housing (or to the date when they first applied, whichever is the earlier).

Applicants who unreasonably refuse X number of offers will have their priority date reset to the date of the last reasonable offer. Details of how we decide which offers we consider reasonable are set out in section x.x.

## Local Connection

### (i) Overview

When properties are let, priority is usually given to applicants who have a local connection.

Local connection is defined in s.199, Housing Act 1996 (See Appendix 2). For the purposes of priority award it means applicants who are:

- currently living in a Home-Options area (either Derbyshire Dales, the High Peak, Amber Valley, Erewash or Staffordshire Moorlands) and have been for a continuous period of 6 months or more; or
- not currently living in a Home-Options area but have previously lived in a Home-Options area for at least three years out of the last five years; or
- a person currently living outside of the Home-Options area who supports or requires support from a family member or carer who has been resident in a Home-Options area for at least six months; or
- in permanent employment in a Home-Options area for the last six months (in cases where an applicant works across a number of areas or works for an employer located in area but works in another, local connection will be determined by the employee's main base of operations). Permanent employment is considered to be a contract with an employer that is not fixed term. Where an employee does not work a regular number of hours per week, they will need to show that they have a regular pattern of work to qualify for a local connection; or
- given a local connection status by either Derbyshire Dales District Council, Erewash Borough Council, Futures Housing Group, High Peak Borough Council or Staffordshire Moorlands District Council because of an accepted homelessness duty with that Home-Options partner.

For rough sleepers, a local connection will be verified by emergency hostel, support agency, assessment by Housing Options Service, registration with the DWP, day centre or non-mobile soup kitchen or any other relevant agency.

Care leavers who are owed a duty by Derbyshire County Council (for Amber Valley, Derbyshire Dales, Erewash or High Peak) or Staffordshire County Council (for Staffordshire Moorlands) under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children) will be awarded a local connection to all districts in their relevant county.

If an applicant under the age of 21 was provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care) was living in one the Home-Options areas for a continuous period of two years (some or all of which was before the applicant reached the age of 16) then they will be awarded a local connection to the area in which they were living.

The relevant County Councils may be asked to confirm the status of any care leavers before local connection is awarded.

Applicants who are living in a refuge in one of the Home-Options areas as a result of fleeing violence or abuse from another local authority area will be awarded a local connection to the area in which the refuge is located.

Applicants who would normally meet the criteria for current residence in the Home-Options area but who are staying away from their home because of domestic violence, racial harassment, etc. will retain their local connection.

This also applies to applicants who would normally live in the Home-Options area but who, because of their circumstances, are not currently able to. This could include:

- students,
- people living away to receive specialist medical treatment,
- prisoners who lived in the Home-Options area before they were sent to prison,
- those in the HM Armed Forces who lived in the Home-Options area before joining.

For these purposes, the definition of normally resident is having lived in the Home-Options area for at least three out of the last five years, prior to their service or imprisonment.

If an applicant normally lives outside of the Home-Options area but is resident in the area due to being in prison or medical/institutional care, then this time will not be considered when assessing their local connection.

Applicants who are vulnerable due to a learning disability and who need to access day centres, volunteering opportunities, befriending groups, etc. may qualify for a local connection where such facilities are not available in the area in which they currently live.

Members of the HM Armed Forces not resident in the Home-Options area prior to service will not be awarded local connection.

Applicants who are accepted onto the register because they are moving under the Right to Move will only be awarded local connection after they have worked in the Home-Options area for a period of six months, unless they qualify for a local connection in another way.

Where applicants are moving to give or receive support we will take into account the wishes of the applicant and the person(s) to whom they will give support to or receive support from. We will also consider what help is available to the person requiring support and whether that support is essential and proportionate to their needs.

Where applicants work in a Home-Options area on a seasonal basis, they will not be eligible for local connection on the grounds of employment. Home-Options defines seasonal work as short-term or temporary that does not occur all year round. The applicant's permanent place of residence will also be taken into account when considering local connection for seasonal workers.

## **(ii) Local connection and shortlisting**

Properties will normally be advertised by relevant local authority area within the Home-Options area. All Home-Options applicants are entitled to bid for any property they are eligible for and interested in. They do not have to have a local connection to the area where the property is located.

Properties are shortlisted in order of the applicant's local connection. Applicants with a local connection to the area where the property is situated will be considered first. Should there be no applicants with a local connection to that local authority area, then applicants with a local connection to other local authority areas within the Home-Options area will be considered. If there are no applicants from within the Home-Options sub-region, then any other applicants who are registered with Home-Options may be considered.

For example, if a property is advertised in Long Eaton (in the Erewash area):

- Applicants with a local connection to Erewash will be considered first
- If there are no applicants with a local connection to Erewash, then applicants with a connection to the remaining Home-Options areas (Amber Valley, Derbyshire Dales, High Peak and Staffordshire Moorlands) will be considered next
- If there are no applicants with a connection to any of the Home-Options areas, then any other registered applicants will be considered.

See 'The Order in Which Bids are Considered' in section 2(iii) for further clarification.

## **Priority on the Housing Register**

### **(i) Prioritising applicants**

The Housing Act 1996 as amended by Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017 and statutory guidance requires that 'reasonable preference' be given to certain groups of applicants. All eligible and qualifying applications for housing are placed onto one housing register, which comprises both new applicants ('homeseekers') and transfer applicants. All registered households are grouped together in four bands according to the priority awarded. Band A has the highest priority and band D the lowest.

The date the relevant priority is awarded becomes the priority date within that band. Priority for an offer will first be determined by the applicant's local connection to a Home-Options area and then by band. Priority within the band will be determined by the relevant priority date within that band. See 'The Order in Which Bids are Considered' on page 6 for further clarification. No distinction is made between the different priority reasons within each band, only the priority date within the band.

One exception to this will be if the property is let subject to a local lettings policy (see section 9(vi)).

There may be occasions when it is necessary for a Home-Options partner to make a direct let (see section 9(ix) for more information).

Priority for housing is based upon the urgency of an applicant's need to move. If an applicant is awarded priority for a move but then fails to bid or take up offers of accommodation, then their priority may be re-assessed and downgraded.

In certain cases Home-Options may attach conditions to an award of priority for housing. For example, we may give an applicant priority to move closer to their place of work. If the applicant wanted to move to a different area that was not closer to their place of work, then that priority would not apply. Where Home-Options applies such conditions, they will be explained to the applicant, who has the right to request a review if they think that the conditions are unfair.

### **(ii) Additional Preference for Armed Forces**

Under The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 we give additional preference to the following groups of applicants who can demonstrate that they have urgent housing needs (as defined by Section 4.13 of the Allocation of Accommodation Guidance 2012):

- applicants serving in the regular forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service,
- applicants who formerly served in the regular forces (this is not time-limited so applies to anyone who has served with HM Forces at any time),



- applicants who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that applicant's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service (the reference to 'spouse or civil partner' discounts unmarried partners – the same criteria is applied to the allocation of service family accommodation), or
- applicants who are serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the applicant's service.

'Regular forces' and 'reserve forces' are defined by Section 374 of the Armed Forces Act 2006.

Additional preference applies only to applicants in urgent housing need, namely:

- those who need to move urgently because of a life threatening illness or sudden disability
- families in severe overcrowding which poses a serious health hazard
- those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.

The Home-Options Policy meets the requirement of the regulations by granting the highest priority to applicants in urgent housing needs, namely:

<b>Urgent Housing Need</b>	<b>Home-Options Priority Reason</b>
<ul style="list-style-type: none"> <li>• those who need to move urgently because of a life threatening illness or sudden disability</li> </ul>	<ul style="list-style-type: none"> <li>• A-1 Urgent Medical Priority</li> </ul>
<ul style="list-style-type: none"> <li>• families in severe overcrowding which poses a serious health hazard</li> </ul>	<ul style="list-style-type: none"> <li>• A-2 Major Property Factors</li> </ul>
<ul style="list-style-type: none"> <li>• those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence</li> </ul>	<ul style="list-style-type: none"> <li>• A-4a. Urgent Social Priority - Personal protection/harassment</li> </ul>

Applicants are prioritised in each band according to the date they became registered in it, irrespective of their priority reason unless household size preference or local lettings criteria apply.

**(iii) Priority for housing on medical grounds**

Home-Options recognises that an applicant’s housing circumstances can have a direct impact upon their health and that of their household. Where this can be proved to have an impact the health of the applicant or their household, then they may be considered for addition priority for a move.

Priority will not be awarded for a medical condition, however severe, if an applicant’s present home does not affect their medical condition or their ability to live there. Where health is affected by issues such as damp or disrepair, Home-Options will take these into consideration only where it can be shown that these issues cannot be resolved.

If issues are found to be attributable to the applicant’s behaviour/lifestyle, then no additional priority can be awarded. An example of this may be where an applicant has caused condensation in his/her home by drying clothes inside and not ensuring the property is properly ventilated.

The treatment and support available to applicants will also be taken into account. *The Home-Options Partnership does not expect applicants to ask their Doctor or other medical professional to write in support of their application. If a confirmation of a health condition is required, Home-Options will contact the applicant’s Doctor or medical professional directly.*

Information to support an application may be asked for at any time. If the information is not provided, the application may be removed from Home-Options and any offers of accommodation withdrawn.

**Whilst Home-Options will take medical and social care advice into consideration, the final assessment of housing priority is made by the Home-Options partners.**

Here are some examples of the factors we take into account when deciding to award medical priority:

<b>Priority Band</b>	<b>No Priority</b>	<b>Band C</b>	<b>Band B</b>	<b>Band A</b>
<b>Reason</b>	<b>No medical condition or medical condition but adequately housed</b>	<b>Medium medical priority</b>	<b>Higher medical priority</b>	<b>Urgent medical priority</b>
<b>Evidence to support award</b>		<b>Supportive evidence/treatment required e.g. prescription</b>	<b>Supportive evidence/treatment required e.g. prescription &amp;</b>	<b>Face-to-face interview or home visit &amp; supportive</b>

			<b>evidence of other additional agency involvement</b>	<b>evidence/treatment required e.g. prescription &amp; additional information from healthcare professional</b>
<b>No medical condition – e.g. pregnancy</b>	-	-	-	-
<b>Depression or Anxiety</b>	Mild depression or anxiety – no medication	Depression or anxiety and receiving treatment (e.g. medication or counselling)	High level of treatment e.g. Medication & other agency (e.g. Mental health team) involvement. May consider specific factors such as social isolation or traumatic event, etc.	High level of treatment & evidence from mental health professional (e.g. Consultant or CPN). Identified need for urgent/emergency rehousing from present accommodation
<b>Enduring mental health</b>	Adequately housed	Mental health may be improved by a change of accommodation even if adequately housed. Taking medication or counselling.	High level of treatment e.g. Medication & other agency (e.g. Mental health team) involvement. May consider specific factors such as social isolation or traumatic event, etc. A change of accommodation would significantly reduce or halt deterioration in their mental health	High level of treatment & evidence from mental health professional (e.g. Consultant or CPN). Identified need for urgent/emergency rehousing from present accommodation
<b>Elderly mental health</b>	Adequately housed or already and/or awarded priority for housing circumstances.	Mental health may be improved by a change of accommodation even if adequately housed.	Applicant is isolated; relocation would significantly improve quality of life. May need to move closer to family for support.	Severe mental health issues, current accommodation causes them to be vulnerable or unable to return to property. May include social isolation.

<b>Autistic spectrum disorders inc; ADHD, Asperger's, Retts, Autism</b>	Adequately housed. Person with condition has own bedroom. May allocate extra bedroom on medical grounds but no medical award.	Rehousing may reduce impact of condition e.g. Space or safety issues.	Rehousing will significantly reduce impact of condition. Supporting evidence required e.g. CAHMS involvement.	Very urgent/emergency need for rehousing from present accommodation.
<b>Drug/Alcohol issues</b>	Long-term issues, no recent change in situation/medical treatment	Change of accommodation may alleviate symptoms due to either disabilities or mental health issues associated with abuse or to support change in lifestyle.	Change of accommodation would significantly reduce impact of condition which may be due to either disabilities or mental health issues associated with abuse & support a change in lifestyle.	Very urgent/emergency need for rehousing from present accommodation.
<b>Mobility issues</b>	Mobility problems but adequately housed / or temporary mobility problems e.g. broken leg or recovering from surgery.	Mobility issues – some problems managing stairs within or outside property, or isolation due to property location (e.g. on steep hill).	Mobility issues – difficulty accessing the property and /or facilities within property (e.g. bathroom)	Unable to access property or use facilities within property – adaptations are not an option (e.g. Restricted to one floor within property) or causing applicant to be housebound. Unable to return to property after hospital stay.
<b>Bowel/bladder issues</b>	Adequately housed. No restrictions.	Increased toilet needs impacting on access to facilities.	Increased toilet needs & significant restriction in accessing bathroom facilities.	Unable or severely restricted in accessing bathroom facilities e.g. Use of commode
<b>Epilepsy</b>	Adequately housed, no impact on condition	Stress caused by current accommodation impacting on epilepsy	Change of accommodation would significantly reduce the impact of epilepsy. Use of bathing facilities restricted due to impact of epilepsy.	Very urgent/emergency need for rehousing or unable to return to property.

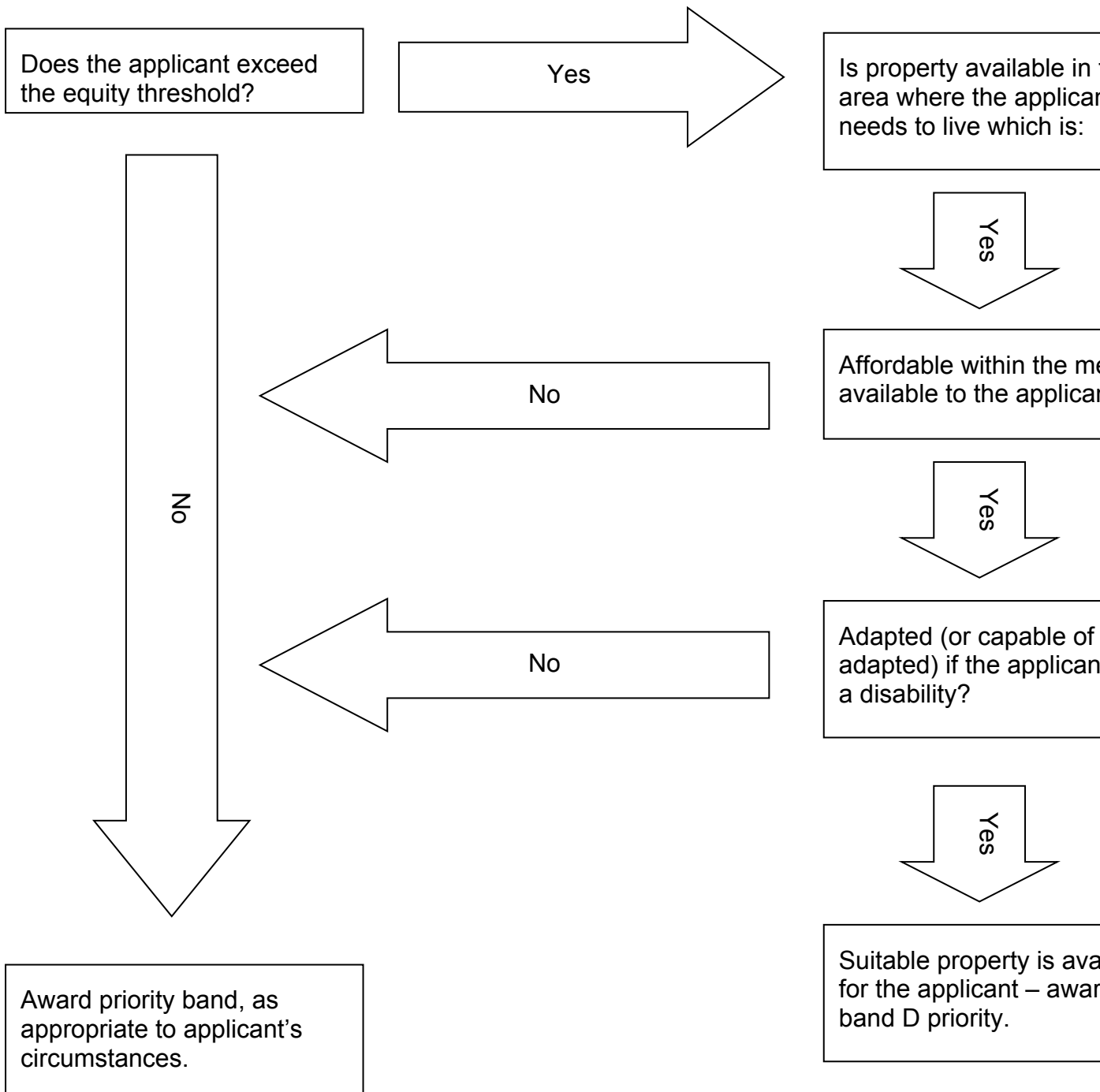
<b>Terminal / degenerative condition / Multiple medical needs</b>	Adequately housed, no impact on medical condition/s.	Impact of medical condition/s could be reduced by rehousing.	Change of accommodation would significantly reduce the impact of the medical condition/s. <i>Consider prognosis.</i>	Very urgent/emergency need for rehousing into suitable accommodation, or unable to return to property. Adaptations are not an option. <i>Consider prognosis.</i>
<b>Other medical conditions not addressed above E.g. Asthma, COPD, Diabetes, Raynaud's disease</b>	Adequately housed, no restriction in use of all facilities.	Impact of medical condition could be reduced by rehousing.	Change of accommodation would significantly reduce the impact of the medical condition.	Very urgent/emergency need for rehousing into suitable accommodation due to medical condition. Unable to use facilities within property – adaptations are not an option. Or unable to return

This is not an exhaustive list.

#### **(iv) Priority for owner-occupiers or applicants with equity**

The priority for applicants with equity in excess of the Home-Options equity limit (see section 5(viii) Qualification to join the Home-Options register) will generally be lower, as they are expected to use the equity available to them to help to resolve their own housing issues. This can include using their available equity to purchase a property (either outright sale, mortgaged or shared ownership) or to rent a home in the private rented sector.

Home-Options recognises however, that suitable accommodation is not always available in all areas. In such cases, the availability of property will be taken into account when deciding an applicant's priority, as follows:



## (v) Explanation of Priority Reasons – Band A

Band A	
1	Urgent medical priority
2	Major property factors (Decant, Enforcement of the Housing Act 2004 likely to lead to homelessness or Statutory overcrowding)
3	Social housing tenants who are under-occupying
4	Urgent social priority
5	Temporary accommodation move

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant's behalf or re-assessing their priority for housing.***

### **A-1. Urgent medical priority**

Applicants who have a permanent (life-long) medical condition, illness, physical disability or learning disability and as a result are unable to continue occupation in their current accommodation will be considered for urgent medical priority. An applicant's accommodation MUST be assessed as no longer being accessible or suitable. ONLY where urgent re-housing is vital can applicants be awarded urgent medical priority.

The possibility of adapting the applicant's home will be considered, along with any available equity, grants or other resources the applicant may have available to pay for the work.

Examples include:

- hospital discharge where the applicant cannot return home,
- applicant is unable to access crucial parts of their home, e.g. bathroom, toilet,
- accommodation assessed as life-threatening to the applicant, e.g. fall hazard,
- moving to an adapted property to resolve/improve the applicant's living conditions (an assessment of the need must be provided by an occupational therapist)
- a serving member of HM Forces who is seriously injured or disabled as a result of their service and they need to move to more suitable accommodation.

### **A-2. Major property factors**

'Property factors' priority reason applies to applicants who are living in a property, which is:

- subject to a Demolition Order
- subject to Environmental Health Action – such as statutory overcrowding or an irresolvable category 1 hazard which requires the applicant to leave their home.

The 'property factors' priority reason also applies to tenants of the Waterloo Housing Group, High Peak Borough Council, Futures Housing Group, emh homes or Your Housing Limited who are required to leave their home as a result of a regeneration scheme or whose properties are subject to major renovation/rehabilitation or extensive repairs and where they cannot remain in the property for the duration of the works.

Inclusion in this category is decided by the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes or Your Housing Limited. Environmental Health departments in the Home-Options area local authorities will refer tenants of private sector landlords for consideration. Other registered provider tenants may also be eligible for this priority.

### **A-3. Social housing tenants who are under-occupying**

This priority reason applies to tenants of the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes or Your Housing Limited. Tenants of other registered providers may also be eligible for this priority where the vacated property will be advertised through Home-Options.

Only those tenants willing to move to a one-bedroom home or give up at least two bedrooms will be considered in this category e.g. where a tenant moves from a three-bed house to a one-bed bungalow.

Applicants may not qualify for this band where the accommodation was originally under-occupied at the point of letting e.g. if a family with one child was offered a three-bed house. Each case will be assessed on its own merits.

Participation by tenants in this scheme is on a voluntary basis.

### **A-4. Urgent social priority**

#### **a. Personal protection/harassment**

This priority reason applies to applicants who have been assessed as being at significant risk in their current home and where no other alternatives are available to alleviate the risk. This can be for reasons of harassment, racial harassment, police witness protection, etc. Priority will only be granted by a senior officer of Home-Options following referral or advice from the relevant statutory agency, including the Police.



Home-Options reserves the right not to offer accommodation in areas where the applicant may be at further risk.

b. Emergency fire or flood

Tenants of a Home-Options partner who are unable to return to their tenancy due to extensive works required following a fire or flood.

c. Exceptional circumstances

Where exceptional circumstances arise and there is an urgent need to move. Such applications will be considered by the Home-Options Review Panel.

**A-5. Temporary accommodation move**

Where an applicant is placed in temporary accommodation by one of the Home-Options partners and requires accommodation in discharge of a duty under the Housing Act 1996 (as amended).

**Explanation of Priority Reasons – Band B+**

<b>Band B+</b>	
<b>1</b>	<b>Applicants who are threatened with homelessness and have neither unreasonably refused an offer of accommodation or deliberately refused to co-operate with one of the Home-Options partners (the prevention duty).</b>
<b>2</b>	<b>Applicants who are homeless and, who would be considered to be in priority need and not intentionally homeless (the relief duty)..</b>

**B+1. Applicants who are eligible for assistance and threatened with homelessness, who have a priority need for accommodation. The applicant must not have unreasonably refused an offer of accommodation, have become homeless intentionally or deliberately refuses to co-operate with a Home-Options partner.**

Applicants to whom a duty for re-housing has been accepted by one of the partner authorities under Part VII of the Housing Act 1996 (as amended)

**B+2. Applicants who are eligible for assistance, are homeless, have a priority need for accommodation and have a local connection. The applicant must not have unreasonably refused an offer of**

**accommodation, have become homeless intentionally or deliberately refuses to co-operate with a Home-Options partner.**

This priority reason applies to applicants to whom a Home-Options partner owes a duty to relieve their homelessness under S189B of the Housing Act 1996.

**(vi) Explanation of Priority Reasons – Band B**

<b>Band B</b>	
<b>1</b>	<b>Move-on from specialist and supported accommodation</b>
<b>2</b>	<b>Prevention of homelessness</b>
<b>4</b>	<b>Overcrowding – requiring two or more bedrooms to solve overcrowding</b>
<b>5</b>	<b>Medical needs</b>
<b>6</b>	<b>Social housing tenants under-occupying – freeing one bedroom</b>
<b>7</b>	<b>Overcrowded social housing tenants – freeing two bedroom houses</b>

Applicants are prioritised in each band according to the date they became registered in it, irrespective of their priority reason, unless household size preference or local lettings criteria apply.

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant's behalf or re-assessing their priority for housing.***

**B-1. Move-on from specialist and supported accommodation**

Applicants will be placed into this band at the point they move into supported accommodation or at the point an initial application is made to Home-Options. Applications will not be back-dated and therefore it is important for support agencies to assist applicants to register at the earliest opportunity. Applicants will be given a deferred status on Home-Options until they are ready to move. They will not be able to express interest in advertised properties while the application is deferred.

An applicant's status will be set to 'live' once Home-Options is satisfied by the accommodation provider or support provider that an applicant has:

- sustained a satisfactory term of supported living, and
- a move-on support package in place to help the applicant to sustain their tenancy.

The applicant will be awarded the priority date in which they were awarded band B – Move-on status - and not the date in which the applicant was set to live. It is in the interest of Home-Options to promote move-on. Applicants will therefore benefit from the date they move into supported accommodation to assist a quicker move into independent living. This enables support providers to provide supported accommodation to those in the greatest need.

Qualifying supported accommodation will only be those projects signed up to the Derbyshire Move-On Plans Protocol and at the discretion of the local Home-Options Team. In accordance with the move on protocol, applicants who did not have a local connection to the area prior to moving in to supported accommodation will not be awarded this banding unless there are exceptional circumstances for doing so. Instead they will be encouraged to re-connect with the area where they lived previously.

### **B-3. Prevention of homelessness**

Applicants to whom a Home-Options partner owes a duty under the Housing Act 1996 (as amended). Applicants will need to:

- have bidding for social housing identified as an action in their Personalised Housing Plan,
- have been assessed (a local authority or their agent) as likely to be in priority need,
- be receiving advice and assistance from the partner (a local authority or their agent) to prevent homelessness,
- be judged not to have worsened their circumstances so that it has led to their homelessness.

### **B-4. Overcrowding – requiring two or more bedrooms**

This category applies to all applicants who are lacking two or more bedrooms in their current home.

For the purposes of the Home-Options Policy, the following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,
- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,

- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five years or more.

Regard will be taken of accommodation available to all members of the applicant's household (e.g. split households where each partner has an interest in a different property):

- unless exceptional circumstances apply, the household will be assessed as if they were living in the most favourable property (in terms of housing needs) available to any member of the household,
- if a member of the household owns a property, the application will be deferred until they have been assessed as in Section 5(vi)(b),
- this also applies where households are living apart.

## B. Medical Needs

To be completed

### **B-6. Social housing tenants under-occupying – freeing one bedroom**

The purpose of this band is to free-up family accommodation with the household downsizing by one bedroom. Those accepted into this band will be vacating designated family accommodation and moving to accommodation not designated as family accommodation (See section 9(i) Property designation).

Applicants may not qualify for this band where the accommodation was originally under-occupied at the point of letting e.g. a family with one child offered a three-bed house. Each case will be assessed on its own merits.

This priority reason applies to tenants of the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes or Your Housing Limited. Tenants of other registered provider may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

Participation by tenants in this scheme is on a voluntary basis.

### **B-7. Overcrowded social housing tenants – freeing two bedroom houses**

The purpose of this band is to give tenants living in two bedroom houses additional preference for a move to larger accommodation to free up two bedroom houses for people in housing need. This helps us make more smaller properties available for people affected by changes to housing benefit size criteria in 2013.

The following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,
- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,
- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five years or more.

This priority reason applies to tenants of the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes or Your Housing Limited. Tenants of other registered providers may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

Participation by tenants in this scheme is on a voluntary basis.

**(vii) Explanation of Priority Reasons – Band C**

<b>Band C</b>	
<b>1</b>	<b>Applicants who lack or share basic facilities</b>
<b>2</b>	<b>Overcrowding – lacking one bedroom</b>
<b>3</b>	<b>Living with family, friends or ex-partner</b>
<b>4</b>	<b>Medium medical needs</b>
<b>5</b>	<b>Medium social needs</b>
<b>6</b>	<b>Homeless Prevention and Relief</b>
<b>7</b>	<b>Intentional homeless</b>
<b>8</b>	<b>Social housing tenants under-occupying – freeing one bedroom</b>

Applicants are prioritised in each band according to the date they became registered in it, irrespective of their priority reason, unless household size preference or local lettings criteria apply.

***Applicants are awarded this band in recognition of their urgent need for re-housing. As such, they may be set a time limit within which they are expected to bid. Failure to bid may result in Home-Options placing bids on suitable properties on an applicant’s behalf or re-assessing their priority for housing.***

**C-1. Applicants who lack or share basic facilities**

This priority band applies to applicants who lack bathroom facilities, kitchen facilities, inside WC, permanent hot water supply or electrical supply. This also applies to applicants who live in a shared house with their own room but with communal bathing or cooking facilities.

## **C-2. Overcrowding – lacking one bedroom**

This category applies to all applicants who are lacking one bedroom only in their current home (except for those social housing tenants covered by B-7 Overcrowded Social Housing Tenants – Freeing Two Bedroom Houses).

The following groups of applicants are classed as overcrowded:

- child/children sharing with a parent,
- cohabitating couple who share a bedsit,
- adults over the age of 18 that are not a couple and are not siblings sharing a bedroom,
- children of the opposite sex sharing a bedroom where at least one child is over seven years,
- two children of the same sex sharing a bedroom, one of which is aged ten years or older; and there is an age gap of five years or more.

Regard will be taken of accommodation available to all members of the applicant's household (e.g. split households where each partner has an interest in a different property):

- unless exceptional circumstances apply, the household will be assessed as if they were living in the most favourable property (in terms of housing needs) available to any member of the household,
- if a member of the household owns a property, the application will be deferred until they have been assessed as in section 5(vi)(b),
- this also applies where households are living apart.

## **C-3. Living with family, friends or ex-partner**

This category applies to applicants who have lived as part of a household with family, friends or an ex-partner but who now wish to live independently. The applicant must share facilities with the family, friends or an ex-partner.

The shared facilities taken into account in this priority band are:

- bathroom
- kitchen
- living room.

## **C-4. Medium medical need**

Households which include a person whose illness or disability is made worse by their present home and who need a move to improve the effect on their medical condition will be awarded medical priority in band C. This applies to applicants whose long-term needs are not met by the property in which they currently live, but whose health is not at immediate risk should they have to wait for a move.

### **C-5. Medium social need**

Applicants who are suffering hardship and need to move to alleviate that hardship, which could include households:

- experiencing harassment or anti-social behaviour,
- who need to access specialised medical treatment, or
- who need to move to take up employment, education or training opportunities
- which include a person (or persons) who are experiencing harassment or anti-social behaviour but where there is not a significant risk
- who need to move to another area to receive or provide support to a family member where that support is not already available in your area
- suffering financial hardship that results in a long-term inability to meet their housing costs who need to move to more affordable accommodation. The affordability of a property will be judged upon the applicant's income and essential outgoings. The final decision about whether a property is affordable will be made by Home-Options. When carrying out a financial assessment, Home-Options will consider whether a move to social rented accommodation is more affordable.

Evidence to support the award of priority must be provided and must in the opinion of Home-Options be incapable of being resolved.. Applicants must have worked with anti-social behaviour teams, police or other agencies to try to resolve their problems, if appropriate.

Confirmation that a move is the only option available to alleviate the situation will be required to support the award of this priority.

### **C-6. Homeless Prevention and Relief**

For applicants to whom the prevention or relief duties are owed by a Home-Options partner, but who would not be assessed to be in priority need.

### **C-7. Intentionally homeless**

Applicants accepted as homeless in the Home-Options area by the local authority or their agent but who are considered to have made themselves homeless intentionally will be considered in this category.

### **C-8. Social housing tenants under-occupying – freeing one bedroom**

The purpose of this band is to assist working age social housing tenants to meet the challenges of welfare reform by downsizing to accommodation in line with the Housing Benefit size criteria restrictions for working age claimants from 1 April 2013.

This band is awarded to applicants who are freeing up one bedroom and are eligible to remain in family accommodation.

This priority reason applies to tenants of the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes or Your Housing Limited. Tenants of other registered providers may also be eligible for this priority where the vacated property is to be advertised through Home-Options.

Participation by tenants in this scheme is on a voluntary basis.

#### **(viii) Explanation of Priority Reasons – Band D**

<b>Band D</b>	
<b>1</b>	<b>Private tenants with a desire to live in social housing</b>
<b>2</b>	<b>Social housing tenants with a desire to move</b>
<b>3</b>	<b>Owner occupiers with a desire to live in social housing</b>
<b>4</b>	<b>All other applicants</b>

Applicants are prioritised in each band according to the date they became registered in it, irrespective of their priority reason, unless household size preference or local lettings criteria apply.

#### **D-1. Private tenants with a desire to live in social housing**

Tenants who live in private rented accommodation who have a desire to move to alternative accommodation.

#### **D-2. Social housing tenants with a desire to move**

Social housing tenants who have a desire (but not a need) to move to alternative accommodation.

#### **D-3. Owner occupiers with a desire to live in social housing**

Owner-occupiers who qualify to join Home-Options (see section 5(vi)) but who have been assessed by Home-Options to have sufficient resources to assist themselves in seeking alternative accommodation.

#### **D-4. All other applicants**



Households which include a person (or persons) with an illness or disability which is not affected by their current home and where a move is desirable (but not essential) will remain in band D.

Households who live in tied or service accommodation where that accommodation is provided as a condition of employment and there are no plans to bring that employment to an end.

Applicants who qualify to register with Home-Options but who have been assessed as having sufficient equity to resolve their own housing needs.

All other applicants who have no housing need but a desire for accommodation in the Home-Options area.

Choice for applicants

**(i) What applicants can bid for**

Home-Options seeks to give choice to applicants by showing them the properties that are available to them to bid for (for accepted homeless applicants, see Part 12: Homeless applicants).

However, we also seek to ensure as far as possible that properties are let to households that will make best use of the number of bedrooms (see section 8(ii) - household eligibility) or facilities (including adaptations) that they offer. We acknowledge that applicants may not be able to bid for the property they want.

Home-Options will advertise available properties on the Home-Options website ([www.home-options.org](http://www.home-options.org))

It is the intention of Home-Options to advertise all properties to:

**Transfer applicants** – tenants of Dales the Waterloo Housing Group, Futures Housing Group, High Peak Borough Council, emh homes, Your Housing Limited or other registered providers within the Home-Options area who register for a move, and

**Homeseekers** – applicants who register with Home-Options who are not currently tenants of one of the Home-Options partners or other council or housing association.

In exceptional circumstances, where properties are only advertised for transfer applicants or homeseekers, the reason for this will be included in the advert.

**(ii) Household eligibility**

The matching policy will be used to assess applicant's/household's bedroom requirements. Applicants will be entitled to bid only for property which suits the size of their household as follows (age restrictions may also be applied):

	Household Size	0 bed flat/maisonette	1 bed flat/maisonette	1 bed house	1 bed bungalow	2 bed flat/maisonette	2 bed bungalow	2 bed house	3 bed flat/maisonette	3 bed house	4+ bed house
A	Single Person	Y	Y	Y	Y	FL	FL	FL			
B	Couple		Y	Y	Y	Y	Y	FL			
B1	Single/Couple & 1 adult (where non-dependent child or not a child of applicant(s))					Y	Y	FL	Y	FL	
B2	Single/Couple & 2 adults (where non-dependent child or not a child of applicant(s))								Y	FL	FL
B3	Single/Couple & 3 adults (where non-dependent child or not a child of applicant(s))								Y	FL	FL
C	Non-cohabitating couple					Y	Y	FL			
D (Y1)	Single adult, 1 dependent child (inc. unborn child over 24 weeks)					Y	Y	Y	FL	FL	
D	Couple, 1 child(inc. unborn child over 24 weeks)					Y	Y	Y	Y	FL	
E1	3 single adults					Y	FL	FL	Y	FL	
E2,3	4+ Single Adults								Y	FL	FL
E	Single/Couple, 2 dependent children who should share					Y	Y	Y	Y	Y	
F1	Single/Couple, 2 dependent children who should not share					Y**	Y**	Y**	Y	Y	
F	Single/Couple, 3 dependent children								Y	Y	FL
G	Single/Couple, 4+ dependent children									Y	Y
H	8+ People									Y	Y

Key

Y	Eligible Properties - Applicants can bid for this property type under Home-Options.
Y**	Social Housing Tenants Downsizing - Where an applicant is affected by the DWP Size Criteria and wishes to downsize from a three bedroom house, they will be considered for a two bedroom property where the DWP Size Criteria states that they are of an age where they can share.
FL	Flexible Lettings - These properties will sometimes be made available to applicants but the applicant is likely to be under-occupying. If the applicant claims housing benefit, they may not receive the full amount because they have more rooms than they need.
	Not eligible – Applicants will not normally be offered this property type through Home-Options.

The table shows the size of property that applicants may be considered for based on their household composition, either when expressing interest for an advertised property or for a direct let. Please note that these are general guidelines. Home-Options partners will label their properties to make best use of their individual homes. All advertised properties will be clearly labelled to identify the household size eligible to bid for each property.

### **(iii) Applications from households including a pregnant woman**

Where a household includes a pregnant woman, an additional bedspace will be awarded from the 25<sup>th</sup> week of pregnancy. In the event that multiple births are expected, additional bedspaces may be awarded.

The applicant must provide evidence of the pregnancy from a doctor or midwife in order to be awarded the additional bedspace(s).

Please note that under the Welfare Reform Act 2012, if an applicant has more bedrooms than they are deemed to need, they may not receive housing benefit for any extra rooms that they have. The applicant should speak to their local housing benefit team for advice before accepting an offer of a tenancy.

### **(iv) Dependent children**

Dependent children are those who normally live with the applicant or joint applicant. There must be an actual dependence on the applicant or joint applicant. There must be actual residence (or a reasonable expectation of residence such as an interim care order or where it is anticipated the court will make a residence order) rather than a temporary arrangement whereby the child/children are merely staying with the applicant for a limited period.

A dependent child is:

any household member (other than the applicant or their partner), up to the age of 21., or

- who for other reasons are unable to support themselves and who live at home (e.g. for reasons of permanent disability, learning disability, etc., where that person cannot live independently).

Dependent children need not necessarily be the applicants' own children but could, for example, be related to the applicant or his or her partner, or be adopted or fostered by the applicant. There must, however, be some form of parent/child relationship. Evidence will be requested to confirm where the child is living.

### **(v) Additional bedrooms required on joint access grounds**

In joint access cases or where couples have equal residency, bedroom eligibility will be awarded to the parent in receipt of child benefit. Home-Options will take into consideration both parents' housing arrangements to ensure that one property has adequate accommodation for the children.

This does not prohibit the other parent from maintaining their usual and agreed access to the children, but they may have to accept an element of overcrowding.

### **(vi) Approved foster parents awaiting placement**

Where an applicant has been approved to adopt or foster a child, a request for a move to larger accommodation will only be considered where the applicant has been approved by a regulated fostering/adoption agency and the provision of a larger property is confirmed as essential in order for the fostering/adoption to take place.

Applicants allocated a larger home whilst waiting for a fostering or adoption placement should be aware that under the Welfare Reform Act 2012, if they have more bedrooms than they are deemed to need, they may not receive housing benefit for any extra rooms that they have. They may be entitled to receive additional help with the cost of this – they should contact their local housing benefit team for more advice.

#### **(vii) Additional bedrooms required on medical grounds**

In addition to the number of people living in the household, there may be exceptional cases when applicants are eligible to apply for properties with an extra bedroom required to meet specific needs. These requirements will only be met in exceptional circumstances, such as the need for an extra room to install essential medical equipment, for example a kidney dialysis machine.

An applicant may be eligible for an additional bedroom for a carer where they can demonstrate that a live-in carer is essential, and the carer has been identified and has moved in with the household or is ready to do so when the accommodation is available.

Please note that under the Welfare Reform Act 2012, if an applicant has more bedrooms than they are deemed to need, they may not receive housing benefit for any extra rooms that they have. The applicant should speak to their local housing benefit team for advice before accepting an offer of a tenancy.

#### **(viii) Household size preference**

When letting homes, preference may be given to those applicants whose household size is most appropriate for the number of bedrooms in the property to make best use of housing stock. Where preference is given, it will be clearly stated in the property advert. For example, when letting a three bedroom house preference may be given to a family with two or more children over those families with fewer children.

Where preference is applied, the order in which bids will be considered is:

- local connection
- priority band
- preference for household size
- priority date.

#### **(viii) Larger Households**

We define larger households as households that require four or more bedrooms.

There is a very limited supply of properties with four or more bedrooms. Larger families are therefore encouraged to bid for larger three-bedroom properties (including parlour-type properties, which have an additional downstairs room that may be used as an additional bedroom).

Larger households re-housed through Home-Options may have to accept a limited degree of overcrowding, including cases which would normally be considered as overcrowding within the terms of this policy (see section 7: Priority on the Housing Register), and will not qualify to re-register for two years unless there is a significant change in their circumstances.

Advertising available homes

### **(i) Property designation**

For the purposes of this policy, Home-Options defines **single persons' accommodation** as a property that has no more than one bedroom which may be suitable for a person living alone or a couple living together as partners. This could be a bedsit (for single people only) or a one-bedroom flat or house (for single people or couples).

**Family accommodation** is defined a property with two or more bedrooms which is suitable for families with dependent children (see section 8(iv)). This could include a house, flat or maisonette with two or more bedrooms.

**Older person's accommodation** is defined as accommodation with one or two bedrooms that is designated for applicants of a certain age (see section 9(iii)). This could include bedsits, flats or bungalows.

Where properties have previously been advertised unsuccessfully, Home-Options may set aside the usual property designations and invite bids from all applicants (see section 9(x)).

### **(ii) Property adverts**

Eligibility criteria within the adverts for the property will be shown, such as:

- The minimum and maximum number of persons in the household
- If there are age limits or for households without dependent children
- The mobility group, if applicable
- If pets are allowed
- Whether it is sheltered housing
- Whether preference will be given to applicants satisfying any local lettings policy.
- The advert will also specify:
  - Which landlord owns the property
  - The number of bedrooms

- The weekly rent and any other charges
- Floor level (if a flat)
- Lift availability
- Special features (garden, pets)
- When the property will be ready for occupation (where possible)
- Other useful information about the local area.

Applicants are encouraged not to express an interest in properties they are interested in, as they will waste one of their three bids as well as potentially wasting officer time.

There is a very limited supply of social housing with four or more bedrooms therefore alternative housing options should be considered by applicants requiring this size of property.

### **(iii) Accommodation designated for older and/or disabled people**

Some accommodation advertised through Home-Options is designated for older and/or disabled applicants, who are able to live independently. Such accommodation offers the potential for people to maximise their independence in a secure and supportive environment.

Age-designated accommodation is aimed at older people, who are able to live independently. Its special features offer the potential for older and/or disabled people to maximise their independence, gain security and support, while they remain empowered to control their own homes through tenancy rights.

### **(v) Level-access accommodation**

In certain circumstances, where an applicant requires ground floor or level access accommodation because of a medical, disability or support need, a property with an age-designation may be let to someone under the specified age to meet the needs of the applicant.

### **(iv) Adapted properties**

Where properties have been built or adapted to meet the particular needs of tenants with disabilities, details of those adaptations will be set out when the properties are advertised. Due to the limited supply of adapted properties, in the first instance preference will be given to households who require the adaptations, irrespective of banding.

For example, two families bid for a house that has a through-floor lift and level-access shower on the first floor. Family B are in band B and have a family member who has limited mobility – he can manage to climb stairs but it takes time. Family C are in band C and have a family member who uses a wheelchair all the time. In this case, as Family C would most benefit from the adaptation, then they would be offered the property first (even though they have a lower priority than Family B).

Home-Options staff will work with their local adult care teams to ensure that people who require an adapted property are made aware of the availability of adapted property. Adapted properties should always be advertised to maximise the transparency in the allocation of this scarce resource.



## **(v) Local lettings policies**

Local lettings policies have an important role in widening housing choices for local people and helping to provide sustainable communities. The national and regional housing agendas encourage mixed tenures that cater for a range of households with varying needs and aspirations.

Home-Options will work with local councils and registered providers to develop local lettings policies for new and existing developments where there is a case to do so. Properties may be made available to households that would not otherwise have the opportunity to access affordable housing. This will ensure the developments cater for a variety of residents as opposed to concentrations of households with particular support needs.

Local lettings policies will be based upon the needs of local people and developed in consultation with residents. The expected outcomes of any local lettings policies should be clearly set out and the impact of the plans will be monitored to make sure they meet their objectives. Local lettings policies should for a fixed period of time and subject to regular review.

Where there are specific issues, local lettings policies can also assist in the management of existing stock to help resolve issues such as child density, antisocial behaviour or mixed communities. This could include giving additional preference to applicants who are working, volunteering or training.

In appropriate locations, local lettings policies may be used to give a higher priority to certain applicants having a specific local connection to a village, parish or locality. This will help provide sustainable communities by helping people to stay close to their support mechanisms from families or friends, local schools and jobs. In these circumstances the priority within a band will firstly be given to any applicants having a local connection and secondly to the date registered in the band.

Properties may be advertised outside of the Home-Options policy rules for property size designation where a local lettings policy has been agreed. Generally these will be properties on new developments where local lettings policies allow lower occupancy to balance communities.

Where it is required for efficient management of a registered provider's housing stock, with the agreement of the local authority the property may be advertised with lower occupancy requirement.

Where a property has been advertised for at least one bidding cycle and received no successful expressions of interest, the property may be re-advertised with lower occupancy requirement.

Local lettings policies will be advertised on the Home-Options website, so that the letting of properties is clear and transparent.

Due to the requirements of planning permission, some new developments within the Home-Options area may also carry restrictive criteria for local lettings i.e. giving preference to people who have a local connection with the parish where the property is built. These properties will be advertised with the relevant clause inviting local people to express an interest.

For further information on how local lettings policies are used, see Appendix 5.

## **(vi) Private registered providers**

Private registered providers (also known as housing associations) who are not one of the main partners listed in section 2 can advertise properties for rent through Home-Options.

Applicants on the housing register will be invited to bid in response to these advertisements. Where the registered provider plans to allocate property under different criteria to this policy, it will be clearly stated in the advert.

The registered provider will normally offer the accommodation to the applicant with the highest priority, under their current nomination agreement. Registered providers are encouraged to allocate their homes in accordance with this policy, but some may have their own policy and may accept or refuse nominations on grounds not covered in this policy.

#### **(vii) Extracare Schemes**

Extracare Housing is housing designed with the needs of older people in mind and with varying levels of care and support available on site.

Home-Options will advertise available Extracare schemes in the Home-Options area. When nominating to extracare schemes, it is important to ensure that an applicant's needs can be adequately supported so nominations will be discussed and agreed with Derbyshire County Council and any relevant care providers.

#### **(viii) Direct lets**

Most properties will be advertised through Home-Options. However in certain circumstances some properties may be let directly.

Where an applicant is identified as requiring a direct let, the case will be referred to a senior officer for approval.

The list below gives examples of where we might do this. This list is not exhaustive:

- where an award of a tenancy is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection panel, or where a customer has been referred as part of the witness protection scheme
- where an existing social housing tenant in the district needs to move due to imminent risk to safety
- where an applicant's property is being repaired and they need to be moved from the property on a temporary or permanent basis and a delay would have an adverse impact upon the renovation project or contract
- properties let as temporary accommodation in support of the local authority's duty under the homelessness legislation (for example ground floor level access accommodation for a homeless applicant who requires the use of a wheelchair)
- where succession to a tenancy has been granted but the property is unsuitable for the applicant's long-term occupation

- where an award of tenancy is made in discharge of a homelessness duty.

Direct lets will not impact on reasonable preference and will only be used in exceptional circumstances. In all cases, the registered provider and local authority will need to agree to the necessity of a direct let.

Direct lets will be made on the basis of a suitable property becoming available.

**(ix) 'Available Now' properties**

Where a property has been advertised for one bidding cycle and has attracted no bids or has attracted bids but those bids have not resulted in a tenancy, it may then be advertised on an 'Available Now' basis.

When considering bids for 'Available Now' properties, consideration will be given to the household eligibility matrix (See section 8(ii)) to ensure that the property is suitable for the applicant and their household. Where multiple bids are received, applicants will be considered by local connection, priority band and priority date (see section 10(ii)), otherwise applications will be prioritised by the date upon which the bid was made (household size preference may also be applied (see section 8(viii))).

Properties may be let on a first-come, first-served basis and applicants may be contacted before the end of the bidding cycle to discuss the property.

## Bidding and selection

### **(i) Expressions of interest (bidding)**

Properties will be advertised through Home-Options and all applicants will be able to express an interest (bid) for properties available that they are eligible to bid for (see section 8(i)). Adverts may state if a property is targeted at certain applicants, e.g. over a certain age or at households with a specific medical need (for example, ground floor accommodation).

Properties will normally be advertised by relevant local authority area. All Home-Options applicants will be encouraged to bid for any property they are eligible for and interested in, irrespective of their local connection.

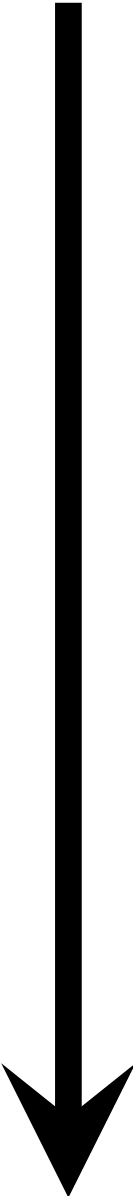
Applicants will be entitled to a maximum of three 'live' bids at any one time.

Sometimes if an application is set to pending, the applicant will not be able to participate in the bidding process. For details of when this happens see section 5(viii).

### **(ii) The selection process**

Once the advertising cycle is closed, all eligible bids for each property are placed in priority order. Priority is decided first by the local authority area, second by band and thirdly by priority date within the band (see below – unless preference is being given to a household based upon the size of the property – see 8(viii) - or a local lettings policy applies as outlined in section 8(v) when priority within the band is firstly given to someone with a specific local connection). If there are no eligible bidders for a property the Housing Options team may decide to make a direct letting or re-advertise the property.

## The order in which bids are considered

	The applicant has a connection with the local authority area where the advertised property is located	
<b>1</b>	Band A (by Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>2</b>	Band B (by Priority Date)	
<b>3</b>	Band C (by Priority Date)	
<b>4</b>	Band D (by Priority Date)	
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located	
<b>5</b>	Band A (by Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>6</b>	Band B (by Priority Date)	
<b>7</b>	Band C (by Priority Date)	
<b>8</b>	Band D (by Priority Date)	
	The applicant is applying from outside the <b>Home-Options</b> area and has no connection with the local authority area where the advertised property is located	
<b>9</b>	Band A (by Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>10</b>	Band B (by Priority Date)	
<b>11</b>	Band C (by Priority Date)	

12	Band D (by Priority Date)	
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An offer of a new home to a household on the housing register will depend on a 'live' application on the housing register, and also:

- the composition of the applicant's household
- choices or bids made by the applicant
- the priority that the Home-Options policy gives to different types of housing need
- the size and availability of properties.

Due to the impact of welfare reform, some landlords may also ask prospective tenants to complete an affordability assessment to ensure that they can afford to pay the rent before they are offered a tenancy. If an applicant cannot demonstrate that they can afford the rent and any other charges (which may include rent in advance), then the offer may be withdrawn.

Applicants by-passed for any reason will be contacted with the reason why they have not been considered for accommodation. Applicants have the right to review this decision (see Part 13: Home-Options review procedure).

**(iii) Viewing a property**

Viewing takes place after the bidding process. Some properties still have tenants living there when they are advertised so applicants should not try to view unless asked to do so. No unauthorised viewing should take place.

Some housing providers will expect you to sign-up for the tenancy at the same time as the viewing. Applicants should be aware of this and ensure that they have any necessary documentation and/or rent in advance required.

**(iv) Multiple viewings may be arranged for certain properties. This means that more than one applicant will be invited to view the same property (for example, a shortlist of the first three highest priority bidders). The applicant with the highest priority will be offered the property if they are interested. If refused, the property will then be offered to be next highest priority bidder, and so on. Change of circumstances**

It is the applicant's responsibility to inform Home-Options of any changes in their circumstances. Applicants are advised to inform their nearest Home-Options team of any changes as soon as possible so that their application can be kept up to date.

Checks will be made at the time of the offer to ensure that the household details are correct and the property is suitable for the household size. If a household's housing situation has changed, then a housing offer may be withdrawn. The status of the application will be set to 'pending' until the applicant provides proof of their change of circumstances and the information has been verified (see section 5(viii)).

**(v) Applicants who fail to bid**

Home-Options may from time to time review applicants who have not taken part in the bidding process and ascertain their reason(s) for not bidding. Applicants may have their priority reviewed (see section 7). For applicants in higher bands partners may instigate assisted bidding (see section 10(vi)).

**(vi) Assisted bidding**

Assisted bidding is making bids on an applicant’s behalf. Assisted bids will be placed on accommodation that best suit an applicant’s situation based on available properties and the general housing circumstances of the area.

Assisted bidding may be used in circumstances such as:

- Band A and Band B applicants deemed in urgent need of accommodation who fail to bid for suitable property
- applicants to whom a homeless duty is owed and where a partner is working with them to resolve their homelessness
- where vulnerable applicants instruct Home-Options to make bids on their behalf.

The timescales for assisted bidding vary by area, due to local demands and supply of property.

If an applicant refuses to accept accommodation offered under these circumstances to solve their immediate housing difficulty their priority will be reviewed and may be removed. Applicants have a right of review of this decision (see Part 13: Home-Options Review Procedure).

**(vii) Selection with preference given to household size**

When properties have been advertised with preference given to household size, the order in which bids will be considered is:

- local connection
- priority band
- preference for household size
- priority date.

For example:

**The order in which bids are considered where preference is given to household size**

The applicant has a connection with the local authority area where the advertised property is located	g Team
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<b>1</b>	Band A (by household size <u>then</u> Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>2</b>	Band B (by household size <u>then</u> Priority Date)	
<b>3</b>	Band C (by household size <u>then</u> Priority Date)	
<b>4</b>	Band D (by household size <u>then</u> Priority Date)	
	The applicant has a local connection with a <b>Home-Options</b> area but not the local authority area where the advertised property is located	
<b>5</b>	Band A (by household size <u>then</u> Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>6</b>	Band B (by household size <u>then</u> Priority Date)	
<b>7</b>	Band C (by household size <u>then</u> Priority Date)	
<b>8</b>	Band D (by household size <u>then</u> Priority Date)	
	The applicant has no local connection with any Home-Options area	
<b>9</b>	Band A (by household size <u>then</u> Priority Date)	
	Band B+ (Band B+1 by Priority Date, then Band B+2 by Priority Date)	
<b>10</b>	Band B (by household size <u>then</u> Priority Date)	
<b>11</b>	Band C (by household size <u>then</u> Priority Date)	
<b>12</b>	Band D (by household size <u>then</u> Priority Date)	



Offers and refusals

**(i) Pre-tenancy checks**

Any offers of accommodation will be subject to verification that the applicant's circumstances have not changed since they have applied or that any changes that might affect the applicant's priority have been notified to Home-Options. Failure to inform Home-Options of any material change in their circumstances may result in the offer of accommodation being withdrawn.

Applicants will be expected to provide evidence of their identity and the identity of anyone to be rehoused with them, as well as their current address before any tenancy can be agreed.

It is a criminal offence for an applicant or anyone providing information on their behalf to knowingly or recklessly make false statements or to knowingly withhold information that is reasonably requested by Home-Options. This includes but is not limited to information requested at the time of application, any change of circumstances or subsequent review of the application.

A criminal offence is also committed if a third party provides false information, whether requested to by the applicant or not. This applies at any stage of the process.

Where information is withheld or falsely provided, the applicant's application may be removed and the applicant may be considered not to qualify to join the housing register for a further period of up to 12 months. The applicant may also face criminal prosecution. Applicants have the right to ask for a review of a decision to remove their application from the housing register.

Where false information or withheld information has resulted in the applicant obtaining a tenancy, the relevant landlord may bring legal proceedings to recover possession of the property as well as any costs incurred.

If an applicant is found to be non-qualifying then any offer of accommodation can be withdrawn (see section 5(vi)). This may be as a result of criminal or anti-social behaviour or breaches of tenancy committed since the applicant first applied.

Any decision that an offer of accommodation should be withdrawn will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

Once an offer has been made and accepted, the new tenancy offered must be the sole residence of all members of the household and any existing tenancy must be relinquished (checks may be made following acceptance of an offer to ensure that other tenancies are relinquished).

**(ii) Rejecting Applicants on the Property Shortlist**

In certain circumstances, applicants may be rejected for properties for which they have bid following an assessment of their circumstances. This can include but is not limited to:

- Lack of support – the applicant will require support to establish/maintain their tenancy and the necessary support is not available

- Failed property inspection – transferring tenants will often have a pre-transfer inspection where their landlord checks that the property has been maintained to an agreed standard. If the standard is not met, then that tenant may be bypassed on the shortlist
- Accepted higher priority nomination – in exceptional cases, an applicant may be rejected because the property is required for someone else who requires urgent re-housing
- Adapted property not required – the advertised property has adaptations but they are not required by the applicant
- Anti-social behaviour disqualification – where there is a history of anti-social behaviour at the advertised property and the applicant also has a history of anti-social behaviour and the letting may cause further issues
- Applicant does not meet the charitable status of the registered provider – some registered providers are registered charities and an applicant may be rejected if they do not meet the providers' objectives
- Circumstances of household have change since last assessed – the applicant's housing circumstances have changed and they have not informed Home-Options. The applicant will be rejected for the current shortlist until their housing application has been updated and their situation re-assessed
- Does not comply with advert criteria- there are criteria in the property advert that the applicant does not meet. This may relate to employment, family make up or other reasons
- Does not meet local connection criteria – the applicant does not meet the local connection criteria i.e. they do not have a connection to a particular parish or area
- Failed to produce required documentation/unable to verify – the applicant is unable to produce proof of identity or address for the applicant or their household members
- Failed to respond to Offer – an offer has been made to an applicant but they have not responded. This may result in the application being set to pending and the applicant being unable to place further bids or be considered for other properties (See 11.viii Not responding to offer letters or attending viewings for details)
- Following financial assessment, applicant cannot afford rent – taking any housing benefit and/or Universal Credit or other welfare benefits, the applicant has insufficient income to be able to afford to pay the rent
- In Arrears- the applicant is a current tenant and has arrears of rent such as that they are not eligible to join Home-Options or would have their application suspended while they maintain a satisfactory payment plan (see section 5(viii)(c) Unacceptable behaviour for details)
- Letting too Sensitive for this member – the letting is deemed too sensitive for reasons of child protection or the protection of vulnerable adults

- Locata matched household to property in error – an error with the software used to provide the Home-Options service has registered a bid against a property that an applicant is not eligible for
- Member Ineligible – following assessment, the applicant is no longer eligible to be registered on Home-Options
- Pets unacceptable – the applicant has pets and this does not meet with the landlord’s pets policy
- Property cannot be adapted to meet their needs – applicant requires adaptations to the property but it cannot be adapted to meet their needs
- Property Withdrawn – the tenant currently living in the property has withdrawn their notice or the property requires extensive repair work and will not be available to move into for the foreseeable future or the property is to be sold
- Very exceptional circumstances to be agreed by Housing Needs Manager – in exceptional circumstances where the offer will present serious problems for the applicant, their household or other people living in the vicinity of the property, that are not covered by the criteria above.

**In all cases, the applicant should be advised why they have been rejected and advised of their right to ask for that decision to be reviewed. See section 13: Home-Options Review Procedure for details.**

**(iii) Not responding to offer letters or attending viewings**

Following a successful bid, where an applicant does not respond to an offer of accommodation or an invitation to view a property, their application may be set to ‘pending’ until contact is made.

**(iv) Refusal following a bid**

Home-Options will offer assistance and guidance to applicants, including vulnerable applicants, to help them through the application, bidding, viewing and sign-up processes.

Where an applicant does not keep an appointment to view a property or otherwise does not contact Home-Options regarding the offer, this will normally be treated as a refusal. If an applicant was unable to keep a viewing appointment and was also unable to give prior notification to this effect, the offer may, at the discretion of Home-Options, be re-instated providing it has not already been re-offered to another applicant. This will also apply to vulnerable applicants who, by reason of their vulnerability, were unable to attend a viewing appointment.

Applicants have the right to ask for a review of this decision. See section 13: Home-Options Review Procedure for details.

## **(v) Multiple Refusals of Offers**

The Home-Options Partnership does not want to unduly penalise applicants who wish exercise choice in where they wish to live. Never-the-less, the purpose of Home-Options is to help applicants find a home. Applicants who repeatedly refuse suitable offers of accommodation which are deemed to meet their housing needs may have their housing application removed from the housing register.

Applicants who refuse five formal offers of accommodation within any 12 months period may have their application removed. A formal offer is defined as:

- an offer to view a property
- an offer to sign for a tenancy.

Provisional offers of accommodation e.g. a phone call, email or letter asking the applicant if they are interested in the property, are not considered to be a formal offer of accommodation and do not count towards the five offers of accommodation.

A property is considered suitable if it is affordable, of sufficient size for the applicant and their household and is in area where the applicant is not risk.

Applicants will be removed from the housing register for a period of 12 months.

Applicants have the right to ask for a review of this decision. See section 13: Home-Options Review Procedure for details.

## **(vi) Affordability**

The Home-Options Partnership and its partner housing providers wish to ensure that applicants who are rehoused through Home-Options are able to make a success of their tenancies.

With changes to welfare benefits and the squeeze on household budgets, many landlords are asking applicants to complete a financial assessment before they will be accepted for a tenancy. Where this applies, it will be clearly stated in the property advert. Landlords reserve the right not to make an offer of accommodation if it is clear that the prospective tenant has insufficient resources to be able to pay the rent (including any rent in advance) and/or service/support charges.

Any decision not to make an offer of accommodation will be subject to review. The applicant will be informed in writing of the decision and of their right to ask for a review.

## **(vii) Feedback on let properties**

All properties let through Home-Options will be listed on the Home-Options website showing the number of bidders for each property, and the band and priority date of the successful applicant.. Applicants are advised to refer to the feedback to help them to understand their housing prospects and whether they are likely to be re-housed.

## **(viii) Other linked schemes and housing options**

Due to the pressures on social housing across the Home-Options area, applicants will receive advice and information about a range of housing options such as low-cost home ownership schemes, suitable private rented accommodation and mutual exchanges.

Home-Options provides an enhanced housing options service. There is both insufficient supply to accommodate everyone who applies and social housing is not necessarily the most appropriate form of accommodation for every applicant.

Home-Options will encourage applicants to consider the full range of options available to them, enabling them to make informed choices about where, and in which type of property, they choose to live.

Housing options other than social housing may be a more appropriate way of resolving the applicant's housing needs. This could include a mutual exchange for social housing tenants, or renting from a private landlord.

## Homeless applicants

Homeless applicants will be dealt with in accordance with the relevant codes of guidance and within the procedures of the relevant local authority. This will include appeals and reviews, and information on these will be provided to homeless applicants by the local authority.

Eligible homeless applicants whose personalised housing plans identify social housing as a means of preventing or relieving their homelessness will generally be expected to bid for advertised properties in the same way as other applicants, but bids may also be submitted for suitable accommodation on behalf of homeless applicants at the discretion of the relevant local authority.

Local authorities have a duty to prevent or relieve an applicant's homelessness. Under the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017) their aim is to prevent applicants becoming homeless and/or to help the applicant resolve their homelessness as quickly as possible. Bidding for accommodation through Home-Options is one of the ways in which eligible applicants will be expected to try to resolve their homelessness.

If a homeless applicant fail to express interest in advertised accommodation deemed to be suitable for their needs in line with the actions in their personalised housing plan, assisted bidding may be used to help them to secure accommodation (see Section 10(vi) Assisted bidding). Assisted bids will be placed on accommodation that best suit an applicant's situation based on available properties and the general housing circumstances of the area.

When assisted bidding takes place the local authority (or their agent) will contact homeless applicants informing them of properties where a bid has been placed on their behalf.

Homeless applicants should always seek advice about the implications of turning down an offer of accommodation from their local homelessness team as it may affect the duty that they are owed.

## Home-Options Review Procedure

Applicants have the legal right to ask for a review of certain decisions. These are:

- not to accept an application on to the Home-Options register,
- the band or priority date that an applicant has been awarded,
- the suitability of a property an applicant may be nominated for (in cases relating to the suitability of a property, the property will not be held while the review is undertaken and may be offered to other applicants upon the shortlist).

If there is a decision taken on an application that an applicant does not agree with, then they should speak to their local Home-Options team first. It may be there is information that has not been taken into account or an applicant's circumstances have changed and the team was not aware of the change.

If after speaking to their local Home-Options team the applicant is still not happy with the decision the applicant can ask for their application to be re-assessed by a senior officer not involved with the original decision.

Stage one of the process is as follows:

- applicants contact their local Home-Options team within 15 working days of receiving a decision letter, explaining why they think the decision is wrong and asking for the decision to be reviewed (the applicant can write a letter, send an email or speak to a member of staff who will note the reasons for asking for the review)
- the senior officer will deal with an applicant's request within 15 working days or contact the applicant and advise if it will take longer, If more time is required, the Home-Options team will agree this with the applicant
- the senior officer will write to the applicant with the outcome of the re-assessment within a further five working days.

If an applicant is still not happy with the decision after a re-assessment they can ask for a stage two review of the decision.

On receipt of a request for a stage two review, the Home-Options Co-ordinator (an officer employed by the Derbyshire and Staffordshire Moorlands Home-Options Partnership) will carry out a mandatory reconsideration of the decision to check if the policy has been applied correctly.

If, in the opinion of the Home-Options Co-ordinator, the policy has not been applied correctly, then the Home-Options Co-ordinator will make recommendations as to how matters can be rectified. If, in the opinion of the Home-Options Co-ordinator, the policy has been correctly applied (or either the partner or the applicant do not agree with the recommendations), then the review will proceed to stage two.

The process for stage two reviews is as follows:

- applicants contact their local Home-Options team and ask for a review within 15 working days of receiving the senior officer's decision. They should set out the reasons why they think the decision should be changed
- a Review Panel will be set up, made up of at least three senior officers from different Home-Options partners. The original Home-Options area or partner where the review request has been made from will not be involved so any review is impartial. The Home-Options Review Panel will carry out the review and check all relevant information has been collected and dealt with correctly
- the review will be completed within 15 working days and applicants will receive a written response within a further 5 working days. In exceptional situations the Review panel may request a longer period of time with the applicant.

Applicants can request an oral hearing, if they prefer to provide information verbally. The procedure for oral hearings is included in Appendix 6.

If an applicant is still not happy with the outcome of a review they can appeal to their local Home-Options partner with reference to the respective partner's complaints procedure.

The Home-Options Partnership does not have to accept a review request where the applicant is contesting the Home-Options Policy itself.



## **Appendices**

### ***Appendix 1: Habitual residence***

1. In practice, when considering housing applications from persons subject to the habitual residence test, it is only necessary to investigate habitual residence if the applicant has arrived or returned to live in the UK during the two year period prior to making the application.

#### **Definition of habitual residence**

2. The term 'habitual residence' is not defined in legislation. Housing authorities should always consider the overall circumstances of a case to determine whether someone is habitually resident in the Common Travel Area.

#### **General principles**

3. When deciding whether a person is habitually resident, consideration must be given to all the facts of each case in a common sense way. It should be remembered that:

- the test focuses on the fact and nature of residence
- a person who is not resident somewhere cannot be habitually resident there
- residence is a more settled state than mere physical presence in a country. To be resident a person must be seen to be making a home. It need not be the only home or a permanent home but it must be a genuine home for the time being. For example, a short stay visitor or person receiving short term medical treatment is not resident
- the most important factors for habitual residence are length, continuity and general nature of actual residence rather than intention
- the practicality of a person's arrangements for residence is a necessary part of determining whether it can be described as settled and habitual
- established habitual residents who have periods of temporary or occasional absence of long or short duration may still be habitually resident during such absences.

#### **Action on receipt of an application**

##### *Applicant came to live in the UK during the previous two years*

4. If it appears that the applicant came to live in the UK during the previous two years, authorities should make further enquiries to decide if the applicant is habitually resident, or can be treated as such.

##### *Factors to consider*

5. The applicant's stated reasons and intentions for coming to the UK will be relevant to the question of whether he or she is habitually resident. If the applicant's stated intention is to live in

the UK, and not return to the country from which they came, that intention must be consistent with their actions.

6. To decide whether an applicant is habitually resident in the UK, authorities should consider the factors set out below. However, these do not provide an exhaustive check list of the questions or factors that need to be considered. Further enquiries may be needed. The circumstances of each case will dictate what information is needed, and all relevant factors should be taken into account.

*Why has the applicant come to the UK?*

7. If the applicant is returning to the UK after a period spent abroad, and it can be established that the applicant was previously habitually resident in the UK and is returning to resume his or her former period of habitual residence, he or she will be immediately habitually resident.

8. In determining whether an applicant is returning to resume a former period of habitual residence authorities should consider:

- when the applicant left the UK
- how long the applicant lived in the UK before leaving
- why the applicant left the UK
- how long the applicant intended to remain abroad
- why the applicant returned
- whether the applicant's partner and children, if any, also left the UK
- whether the applicant kept accommodation in the UK
- if the applicant owned property, whether it was let, and whether the lease was timed to coincide with the applicant's return to the UK
- what links the applicant kept with the UK
- whether there have been other brief absences
- why the applicant has come back to the UK.

9. If the applicant has arrived in the UK within the previous two years and is not resuming a period of habitual residence, consideration should be given to his or her reasons for coming to the UK, and in particular to the factors set out below.

*Applicant is joining family or friends*

10. If the applicant has come to the UK to join or rejoin family or friends, authorities should consider:

- whether the applicant has sold or given up any property abroad

- whether the applicant has bought or rented accommodation or is staying with friends
- whether the move to the UK is intended to be permanent.

#### *Applicant's plans*

11. Authorities should consider the applicant's plans, e.g.:

- if the applicant plans to remain in the UK, whether their stated plan is consistent with their actions
- whether any arrangements were made for employment and accommodation (even if unsuccessful) before the applicant arrived in the UK
- whether the applicant bought a one-way ticket
- whether the applicant brought all their belongings
- whether there is evidence of links with the UK, e.g. membership of clubs.

12. The fact that a person may intend to live in the UK for the foreseeable future does not, of itself, mean that habitual residence has been established. However, the applicant's intentions along with other factors, for example the disposal of property abroad, may indicate that the applicant is habitually resident in the UK.

13. An applicant who intends to reside in the UK for only a short period, for example for a holiday or to visit friends is unlikely to be habitually resident in the UK.

#### *Length of residence in another country*

14. Authorities should consider the length and continuity of an applicant's residence in another country:

- whether the applicant has any remaining ties with his or her former country of residence
- whether the applicant stayed in different countries outside the UK.

15. It is possible that a person may own a property abroad but still be habitually resident in the UK. A person who has a home or close family in another country would normally retain habitual residence in that country. A person who has previously lived in several different countries but has now moved permanently to the UK may be habitually resident here.

#### *Centre of interest*

16. An applicant is likely to be habitually resident in the Common Travel Area despite spending time abroad, if his or her centre of interest is located in one of these places.

17. People who maintain their centre of interest in the Common Travel Area for example a home, a job, friends, membership of clubs, are likely to be habitually resident there. People who have

retained their centre of interest in another country and have no particular ties with the Common Travel Area are unlikely to be habitually resident.

18. Authorities should take the following into account when deciding the centre of interest:

- home
- family ties
- club memberships
- finance accounts.

19. If the centre of interest appears to be in the Common Travel Area but the applicant has a home somewhere else, authorities should consider the applicant's intentions regarding the property.

20. It is not uncommon for a person to live in one country but have property abroad that they do not intend to sell. Where such a person has lived in the Common Travel Area for many years, the fact that they have property elsewhere does not necessarily mean that they intend to leave, or that the applicant's centre of interest is elsewhere.

## ***Appendix 2: Local Connection – Section 199, Housing Act 1996***

(1) A person has a local connection with the district of a local housing authority if he has a connection with it—

- a) because he is, or in the past was, normally resident there, and that residence is or was of his own choice,
- b) because he is employed there,
- c) because of family associations, or
- d) because of special circumstances.

(3) Residence in a district is not of a person's own choice if—

(b) he, or a person who might reasonably be expected to reside with him, becomes resident there because he is detained under the authority of an Act of Parliament.

(5) The Secretary of State may by order specify F4... circumstances in which—

- (a) a person is not to be treated as employed in a district, or
- (b) residence in a district is not to be treated as of a person's own choice.

(6) A person has a local connection with the district of a local housing authority if he was (at any time) provided with accommodation in that district under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).

(7) But subsection (6) does not apply—

(a) to the provision of accommodation for a person in a district of a local housing authority if he was subsequently provided with accommodation in the district of another local housing authority under section 95 of that Act, or

(b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (use of accommodation centres for section 95 support).]

(8) While a local authority in England have a duty towards a person under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children)—

- (a) if the local authority is a local housing authority, the person has a local connection with their district, and
- (b) otherwise, the person has a local connection with every district of a local housing authority that falls within the area of the local authority.

(9) In subsection (8), “local authority” has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(10) Where, by virtue of being provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care), a person is normally resident in the district of a local housing authority in England for a continuous period of at least two years, some or all of which falls before the person attains the age of 16, the person has a local connection with that district.

(11) A person ceases to have a local connection with a district under subsection (10) upon attaining the age of 21 (but this does not affect whether the person has a local connection with that district under any other provision of this section).

Section 199 was amended by section 315 of the Housing and Regeneration Act 2008 so that for the purposes of an application for social housing under Part 6 of Housing Act 1996, someone serving in the Armed Forces will be able to establish a local connection with a district through residence of choice or employment there, in the same way as a civilian person. The amendments apply in respect of all applications for housing made on or after 1 December 2008.

## ***Appendix 3: The Right to Move***

### **Summary**

Under the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) applicants who existing social housing tenants will not have to meet the Local Connection requirement if they need to move to the Home-Options area to either be closer to their place of work in the area or to take up an offer of work in the area, provided that such a move will alleviate hardship.

### **Assessing hardship**

In assessing whether an applicant needs, rather than wishes, to move for work related reasons and that the hardship they are experiencing is genuine, we will take the following into account:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

### **How we define work**

In line with the Right to Move statutory guidance, for an applicant to qualify their work must be:

- regular – there must be regular work within the Home-Options area
- long-term/permanent – if under a fixed-term contract, the work must be expected to last for more than 12 months
- substantial – the applicant must work for a minimum period of 16 hours per week. If the applicant works fewer hours then the remuneration from the work must be ‘substantial’.
- located within the Home-Options area – the main place of work should be within the Home-Options area, even if the applicant’s employer has offices elsewhere.

Applicants who are working temporarily within the Home-Options area or who will be returning to work in another area after a period of time will not be considered to ‘work’ in the Home-Options area. Voluntary work is also excluded from the definition.

We will ask for evidence to support any applications under the Right to Move regulations.

## **Quota for Right to Move Applicants**

The Right to Move Regulations suggest that a quota of 1% of all lets should be made available to Right to Move applicants and that local authorities who do not adopt the quota should be able to explain publically why they have not done so.

Based on an assessment of the number of cross-border moves already carried out, the Home-Options Partnership believes that quotas are not the most appropriate approach and that lettings to Right to Move applicants should be demand-led instead.

No formal quota will be set but the number of applicants and the number of lettings will be kept under review and consideration will be given to a quota in future if it is deemed necessary.

Since the Right to Move was introduced in March 2015, 244 applications have been received and 21 applicants have been rehoused. We have no complaints about the operation of the Right to Move scheme and the approach adopted by the Home-Options Partnership appears to be working well. As such, the Partnership will continue with the demand-led approach.





## ***Appendix 4: Processing of Home-Options Applications & Decision Making***

Of the nine main Home-Options partners, six process applications for accommodation:

- Amber Valley Borough Council – all applications from people wishing to live in the Amber Valley area
- emh homes – all applications from people wishing to live in the Erewash area
- Derbyshire Dales District Council – all applications from people wishing to live in the Derbyshire Dales area (including any tenants of registered providers in the Derbyshire Dales who are seeking a transfer other than tenants of the Waterloo Housing Group)
- the Waterloo Housing Group – all applications from tenants of the Waterloo Housing Group who are seeking a transfer
- High Peak Borough Council – all applications from people wishing to live in the High Peak area
- Your Housing Limited – all applications from people wishing to live in the Staffordshire Moorlands area.

Applications will normally be processed by the Home-Options team in the area where the applicant resides.

Each partner that processes applications will have a team of people who deal with housing applications:

	Customer Service Team	Housing Options Team	Housing Options Manager
Process applications	✓	✓	
Decide on eligibility, qualification & banding	✓	✓	
Shortlist applicants and offer properties		✓	
Consider initial reviews		✓	✓ *
Consider stage one reviews			✓
Consider stage two reviews			✓

Actual team names or job titles will vary from partner to partner but are given to indicate the team or manager responsible for the role.

\*Initial reviews will normally be considered by a member of the team not involved in the original decision. Where a manager is involved in an initial review, a different senior officer would consider the stage one review.

The mandatory reconsideration phase of the review process is carried out by the Home-Options Co-ordinator, an officer employed by the Home-Options Partnership to manage the scheme.

Stage two reviews are heard by a review panel of three housing options managers (or equivalent) from other partners, independent of the partner who made the decision.

## ***Appendix 5: Criteria for Local Lettings Policies***

Local lettings policies have an important role in widening housing choices for local people and helping to provide sustainable communities.

Home-Options will work with local councils and registered providers to develop local lettings policies for new and existing developments where there is a case to do so within the Home-Options area. Properties may be made available to households that would not otherwise have the opportunity to access affordable housing.

- (i) Local lettings policies will be based upon the needs of local people and developed in consultation with residents.

Local lettings policies should be based upon evidence of housing need e.g. high levels of child density on an estate or local people being unable to access local housing because of high priority applicants moving in from another area.

Residents should be asked for their views and these should be incorporated into the local lettings policy.

- (ii) The expected outcomes of any local lettings policies should be clearly set out and the impact of the plans will be monitored to make sure they meet the objectives.

The impact that the policy is expected to have should be clear e.g. to have no more than 1.5 children per household, or to ensure that 50% of homes on a new development are allocated to people who live within three miles.

The policy should state how the outcomes will be monitored to make sure they are met.

- (iii) Local lettings policies should for a fixed period of time and subject to regular review.

A local lettings policy should always have a start date and a date when the policy will expire. Where a local lettings policy will continue to apply after the first round of lettings or after 12 months, for example, it should have date upon which it will be reviewed.

- (iv) Local lettings policies will be advertised on the Home-Options website, so that the letting of properties is clear and transparent.

Where a local lettings policy is being used, it must be clearly stated in the property advert. All local lettings policies will be advertised on the Home-Options website so that applicants can see and understand how the policy may affect them.

## ***Appendix 6: Procedure for Oral Hearing at Review Panel***

The Home-Options Partner that receives a request for the appeal will contact the Home-Options Co-ordinator to arrange the date and venue for the review panel.

The Home-Options Co-ordinator will select three senior officers from the review panel rota. The senior officers will not include anyone who works in the area in which the Home-Options Partner that received the request is based. One of the senior officers will be appointed as the lead officer for the review.

The Home-Options Partner will inform the applicant of the venue, date and time of the review meeting. The applicant should be informed that he may bring a representative with him/her, if required.

The purpose of the review is to consider the application in its entirety, not just that aspect that the applicant has asked to be reviewed. The senior officers should read the application prior to the review panel meeting so that they are aware of all of the details of the application.

Prior to the applicant's appearance at the review panel, the lead officer will prepare a summary of the case, explaining the reason why the original decision was made.

When the applicant attends the review panel meeting, the lead officer will explain the review process and read the summary of the case to the applicant so they understand why the decision was made.

The lead officer should remind the applicant that any information provided will form part of their housing application and therefore the implications for false or misleading statements still apply.

The applicant (or their representative) then has the opportunity to put forward the applicant's case and why they think that the decision should be changed.

The senior officers of the review panel should record the details of the applicant's case. Once the applicant has finished, they can ask questions to further clarify any aspects of the application.

The applicant should be given an opportunity to ask any questions, then thanked for attending the review panel and excused.

The review panel will then consider the housing application and any submission from the applicant. The lead officer will then write to the applicant setting out the panel's decision and the reasons for it. A copy of the decision letter and notes will be uploaded onto CBL system as record in the applicant's journal by the Home-Options Co-ordinator.

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APPENDIX C – Comparison between current and proposed policies

<b>Home-Options Allocations Policy (Proposed)</b>		<b>Choice Based Lettings and Allocations Policy (Current)</b>
Applicants are prioritised in each band according to the date they became registered in it, irrespective of their priority reason unless household size preference or local lettings criteria apply.		Applicants are prioritised in each band by awarding points to reflect housing need. Applicants with the same points are prioritised by their application registration date.
<b>Home-Options Allocations Policy Band A</b>		<b>Equivalent Banding</b>
1	Urgent medical priority	Critical or crisis medical needs/alternative to adaptation – priority band with 200 points
2	Major property factors (Decant, Enforcement of the Housing Act 2004 likely to lead to homelessness or Statutory overcrowding)	Statutory unfit/lacking amenities – priority band with 100 points  Statutory overcrowded – priority band with 100 points per bedroom lacking
3	Social housing tenants who are under-occupying	Similar to our Tenant Incentive Scheme
4	Urgent social priority	Welfare/hardship – priority band with 100-200 points  Welfare/hardship – transfer band with 25-100 points
5	Temporary accommodation move	Priority band with 25 points
<b>Home-Options Policy Band B+</b>		
1	Applicants to whom a main duty is owed under the Housing Act 1996, who would be considered to be in priority need and not intentionally homeless	Statutory homeless - priority band with 200 points
2	Applicants to whom a relief duty is owed under the Housing Act 1996, who would be considered to be in priority need and not intentionally homeless	General band 1 with 70 points (time restricted points for 3 months)
<b>Home-Options Policy Band B</b>		
1	Move-on from specialist and supported accommodation	Move on protocol – General band 1 with 100 points  Move on – required to have connection to borough 6 months prior to move into supported or make homelessness claim
2	removed and replaced with band b+	

## APPENDIX C – Comparison between current and proposed policies

3	Prevention of homelessness	Threatened with homelessness (in priority need and unintentionally homeless) - priority band with 100 points  general band 1 with 70 points if threatened but have accommodation of more than 28 days (time restricted points for 3 months)  general band 1 with 100 points if pending a decision and have a priority need and local connection (time restricted points for 2 months)
4	Overcrowding – requiring two or more bedrooms to solve overcrowding	Overcrowded by 2 or more bedrooms – general band 1 with 160 points
5	Higher medical needs – see table	Medical – general band 1 with 50-100 points
6	Social housing tenants under-occupying – freeing one bedroom	Under occupation by 1 bedroom – general band 1 with 80 points  Under occupation by 1 bedroom – transfer band with 80 points
7	Overcrowded social housing tenants – freeing two bedroom houses	Overcrowded by 2 or more bedrooms – general band 1 with 160 points  Overcrowded by 2 or more bedrooms – transfer band with 160 points
<b>Home-Options Policy Band C</b>		
1	Applicants who lack or share basic facilities	Welfare/hardship – general band 1 with 25-100 points
2	Overcrowding – lacking one bedroom	Overcrowded by 1 bedroom – general band 1 with 80 points
3	Living with family, friends or ex-partner	Welfare/hardship – general band 1 with 25-100 points
4	Medium medical needs – see table	Medical – general band 1 with 50-100 points
5	Medium social needs	Welfare/hardship – general band 1 with 25/50/75/100/200 points
6	Homelessness prevention and relief	General band 1 with 70 points (time restricted points for 3 months)
7	Intentional homeless	Intentionally homeless in priority need – priority band with 25 points



## APPENDIX C – Comparison between current and proposed policies

8	Social housing tenants under-occupying – freeing one bedroom	Under occupation by 1 bedroom – general band 1 with 80 points  Under occupation by 1 bedroom – transfer band with 80 points
<b>Home-Options Policy Band D</b>		
1	Private tenants with a desire to live in social housing	general band 2, date order. Only properties in good supply advertised.
2	Social housing tenants with a desire to move	general band 2, date order. Only properties in good supply advertised.
3	Owner occupiers with a desire to live in social housing	general band 2, date order. Only properties in good supply advertised.
4	All other applicants	general band 2, date order. Only properties in good supply advertised.

	<b>Home-Options</b>	<b>CBC</b>	
Homelessness	Accept for all partners	Only CBC acceptances	
Armed forces	A-1 Urgent medical priority A-2 Major property factors A-4a Urgent social priority – personal protection/harassment	general band 1 100 points	
CBC children in flats		transfer band with 25 points	Add a local letting policy to award priority?
Pregnancy	Proof of birth required to activate eligibility	Proof of birth required to activate eligibility	At discretion of TL activate at 6 months?
Medical professional support	Home Options contact the applicant's doctor directly	Independent medical assessor (Dr Parkin) consider applicant's self-assessment including any supporting information provided by applicant	Doctor charge for information?  Independent/objective advice? Likely to be pressured by applicant to support their case
Equity	Assessment made of whether applicant has enough equity to	Equity not taken into account	

## APPENDIX C – Comparison between current and proposed policies

	secure housing – see flowchart		
Owner occupiers	Only accept if have a housing need – see flowchart	owner occupation not taken into account	
Re-registration after rehousing	Not able to apply for 2 years unless significant change in circumstances	Able to apply immediately	
Local residency	In area (no time specified), lived in area for 3/5 years, employed 6 months, give /receive support from someone who has been resident for continuous 5 years, family connection, learning difficulties – access services or volunteer  In line with Housing Act 1996, S199	In CBC area 12 months or in employment in CBC for 12 months	
Low demand properties	Sheltered  Available now properties	1 or 2 bed flats only	
Exclusion for unacceptable behaviour	Exclude 12 months then review and may extend if behaviour not changed	Exclude 2 years	
Exclusion for rent arrears	Over £1000	Over £1500	
Deferred for rent arrears	Less than £1000 – need to agree payment plan and make regular payments for a minimum of 16 weeks	Less than £1500 – need to reduce by 50% over 6 months	
16/17 year olds	Determine if they are capable of managing a tenancy.	Not accept under 18 unless children's act referral or homeless	
Change in priority	Application date amended to date priority changed	Keep original application date	

## APPENDIX C – Comparison between current and proposed policies

Priority	Date within priority band irrespective of priority reason	Points then date within priority band	
Not bidding	Priority reviewed and may be downgraded	Only cancel app if not renewed annually	
Overcrowding – child/children share with a parent	Priority Band B4 if require 2 or more bedrooms	Transfer /General 1 80 per bedroom lacking	
Overcrowding – cohabiting couple who share a bedsit	Priority Band B4 if require 2 or more bedrooms	Transfer /General 1 80 per bedroom lacking	
Overcrowding – adults over the age of 18 that are not a couple and not siblings sharing a bedroom	Priority Band B4 if require 2 or more bedrooms	Transfer /General 1 80 per bedroom lacking	
Overcrowding – children of the opposite sex sharing a bedroom	Additional bedroom need when oldest child is 10 and there is a gap of 5 years or more	80 per bedroom lacking Additional bedroom need when oldest child is 4	
Overcrowding – children of the same sex sharing a bedroom	Band B4	80 per bedroom lacking Additional bedroom need when oldest child is 4	
Overcrowding	Suspend for a period of time	Points not awarded if applicant moves from accommodation of a suitable size to smaller than required	
Refusing reasonable offers	Review and may reduce priority or priority date, may remove from list for 12 months	Limit number of offers refused within timescale	
Decision and reviews	Review panel made up of partners	Team Leader then Assistant Manager. Also make Cllr and MP enquiries	
Hospital discharge protocol	Band A1 urgent medical priority	Health and welfare points	



**Review of Allocations Policy – Appendix D**  
**Summary of Changes and Benefits of the Home Options**  
**Allocations Policy**

**1.0 Provide an on-line rehousing application**

- 1.1 A user-friendly, on-line rehousing application form linked to the web-based paperless Locata system, which is currently being implemented, will improve customers' experience of the service and improve efficiency.
- 1.2 The form will include embedded medical information, enabling documents to be scanned and processed immediately via an electronic workflow system.
- 1.3 The form will be accessed via a user-friendly website used to advertise properties and process bids made by applicants. The website will emulate the market-leading Rightmove site and will link to the Council's main website.
- 1.4 Support and assistance will be provided to enable applicants that are not skilled in using IT based systems, to still complete applications and bid for housing.
- 1.5 The paperless application form will remove the need for storage of documents.

**2.0 Introduce simplified priority band system**

- 2.1 The current CBL and Allocations Policy uses a points-based prioritisation system. Points-based systems are no longer considered to be good practice and are no longer commonly used throughout the sector.

- 2.2 Replacing the points-based, quota system with a priority band system to assess individual applicants' overall housing need would stop applicants from 'chasing points'.
- 2.3 A priority band system is simple to administer, transparent and is easier for applicants to understand.

### **3.0 Assess medical need using category groups**

- 3.1 Using category groups to assess applicants' medical needs and the direct impact of the applicants' current housing on their health, will make the system easier for applicants to understand, will be more transparent and will be more efficient than the current system as well as reducing costs.

### **4.0 Revise residency requirement criteria**

- 4.1 Amending the residency requirement to allow applicants who have lived in the Borough for three out of the last five years to join the housing register would bring the residency requirement in line with s199, Housing Act 1996 which is used with regard to local connection for homelessness.
- 4.2 Amending the residency requirement to allow applicants who have a family connection to join the housing register would assist applicants wishing to move to Chesterfield to give or receive family support. This could benefit elderly people who wish to return to Chesterfield to live near their family.
- 4.3 Reducing the current 12-month employment requirement to 6 months would be of greater benefit to people who are employed within Chesterfield.
- 4.4 Applicants meeting these criteria would be given preference over applicants who do not meet this criteria or who currently reside out of the borough.

## **5.0 Accept out of borough applicants on to the Housing Register**

- 5.1 The current 12-month residency requirement has been a major contributing factor in the increase in long term voids which led to a significant loss of income to the Council during 2016/2017.
- 5.2 A Local Lettings Plan was introduced in October 2017 to address this issue. This allowed a number of out of borough applicants to accept flats in areas of Chesterfield that have historically been unpopular with Chesterfield residents. In the main, these new tenancies have been offered to working applicants.
- 5.3 In total since the introduction of the Local Lettings Plan in October 2017 there have been 105 applicants from out of the Borough area that have registered for housing. Of these, 41 out of 940 allocations have been made to out of Borough applicants (4.36%).
- 5.4 This demonstrates that there is demand for accommodation from outside of Chesterfield but that the vast majority of the council's properties will still be allocated to Chesterfield residents.
- 5.5 This has proven to be an essential mechanism in not only addressing housing need for Chesterfield first but also to minimise the length of time that a property is empty and maximise the rental income for the council.
- 5.6 Preference would continue to be given to applicants from within Chesterfield Borough Council boundary. Bids from out of borough applicants would only be considered when advertised properties received no bids from applicants who meet Chesterfield's residency requirement.

## **6.0 Introduction of an equity assessment**

6.1 Introducing an equity assessment would ensure that people who have sufficient equity or assets to address their own housing need, either through home ownership or the private sector, are not allocated social housing.

## **7.0 Introduce a time restriction on re-applying to the housing register after being rehoused**

7.1 Introducing a time restriction on re-applying to the housing register after being rehoused would prevent applications being made unless there has been a change in the housing need of the household.

7.2 This would prevent tenants who do not have a housing need from repeatedly moving from property to property within a short space of time. Preventing unnecessary transfers will reduce void costs, repairs costs and loss of rent.

## **8.0 Revise property size (number of bedrooms) eligibility criteria**

8.1 Aligning the property size (number of bedrooms) eligibility with welfare reform guidance would reduce the number of tenants, claiming welfare benefits, who are liable for the under occupancy charge (bedroom tax).

8.2 Allocating bedroom eligibility to pregnant applicants at 25 weeks of pregnancy would enable pregnant women to bid for suitable properties before their baby is born.

## **9.0 Introduce a pre-allocation financial assessment of affordability.**



- 9.1 Due to welfare reform, we are currently encountering an increasing number of cases where we believe that the rent and household bills are unaffordable to the applicant but we are unable to refuse an offer of accommodation.
- 9.2 Introducing a pre-allocation financial assessment of affordability would enable us to withdraw an offer where it is clear that the prospective tenant has insufficient resources to be able to pay the rent and household bills. This is essential in ensuring that tenancies are only offered to applicants who can maintain payment of their rent and successfully sustain their tenancy.
- 9.3 Where applicants are identified as having financial difficulties appropriate advice and support would be provided or a referral made for specialist advice.
- 9.4 Alternative options will also be explored with the applicant such as shared accommodation.

## **10.0 Revise housing register exclusion times and financial levels**

- 10.1 Revising housing register exclusion times and financial levels will ensure that they are sufficient to demonstrate an applicant's ability to sustain a tenancy but are also achievable in light of Chesterfield being a full service Universal Credit area.

## **11.0 Align the Allocations Policy with the Adaptations Policy 2017**

- 11.1 Aligning the Allocations Policy with the Adaptations Policy 2017 to give preference for adapted properties to households who require adaptations will make better use of the Council's adapted properties rather than continuing to adapt more properties.

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## Review of Allocations Policy. APPENDIX E

### Chesterfield Borough Council Equality Impact Assessment - Full Assessment Form

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<i>Title of the policy, project, service, function or strategy:</i>	Housing Allocations Policy
<i>Service Area:</i>	Housing Services
<i>Section:</i>	Housing Options
<i>Lead Officer:</i>	Carl Griffiths – Housing Options Manager
<i>Date of assessment:</i>	07/18
<i>Is the policy, project, service, function or strategy:</i>	
<i>Existing</i>	<input type="checkbox"/>
<i>Changed</i>	<input checked="" type="checkbox"/>
<i>New / Proposed</i>	<input type="checkbox"/>

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#### Section 1 – Clear aims and objectives

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<b>1. What is the aim of the policy, project, service, function or strategy?</b>
<p>The policy sets out the way in which the allocation of council properties is administered, including the identification of priorities and areas of increased need.</p> <p>The Council last reviewed its Housing Allocations Policy in 2015 with changes implemented in 2016. In 2017, following an interim review of the policy, Cabinet agreed to implement a Local Lettings Plan, enabling the letting of hard to let flats to residents of neighbouring authorities (North East Derbyshire District Council and Bolsover District Council).</p> <p>A full and comprehensive review of the policy is due.</p>

## 2. Who is intended to benefit from the policy and how?

Introducing an on-line rehousing application form, accessed via a user-friendly website which is also used to advertise properties and process bids made by applicants, will improve customers' experience of the service.

Replacing the current points-based, quota system with a simplified priority band system will be transparent and easy for applicants to understand.

Using category groups to assess applicants' medical needs and the direct impact of the applicants' current housing on their health will make the system easier for applicants to understand and more transparent.

Applicants will benefit from the revision of residency requirement criteria will:

- bring the residency requirement in line with the residency requirement used with regard to local connection for homelessness
- allow applicants who have a family connection to join the housing register enabling them to give or receive family support

Reducing the current 12-month employment requirement would be of greater benefit to people who are employed in Chesterfield.

Acceptance of out of borough applications on to the housing register would benefit the council to effectively manage demand through our housing register and provide us with a solution to the ongoing issue of empty properties and loss of rent.

Introduction of an equity assessment would ensure that people who have sufficient equity or assets to address their own housing need are not allocated social housing. This will ensure that social housing is available for the benefit of people who have limited options to address their housing need.

Introduction of a time restriction on reapplying to the housing register after being rehoused would prevent tenants who do not have a housing need from repeatedly moving within a short space of time. This will benefit the council by preventing unnecessary transfers, reducing costs to the council associated with voids, repairs and loss of rent.

Revision of property size (number of bedrooms) eligibility criteria will:

- reduce the number of tenants claiming welfare benefits who are liable for the under occupancy charge (bedroom tax) which will reduce rent arrears owed to the council
- enable pregnant women to bid for properties with a bedroom for their unborn child before their baby is born

Introduction of a pre-allocation financial assessment of affordability will enable the council to withdraw an offer of accommodation where it is clear that the prospective tenant has insufficient resources to be able to pay the rent and household bills. This will reduce rent arrears owed to the council and enable applicants with financial difficulties to be provided with appropriate advice and support.

Revision of housing register excluding times and financial levels will ensure that the council has appropriate measures in place for applicants to demonstrate their ability to sustain a tenancy which are achievable in light of Chesterfield being a full service Universal Credit area.

Alignment of the Allocations Policy with the Adaptations Policy 2017 will give preference to adapted properties to households who require adaptations, making better use of the council's housing stock.

### 3. What outcomes do you want to achieve?

The desired outcomes of the policy review are to:

- Enable the council to allocate the council housing stock to applicants in the most need
- Enable the council to provide a customer-focussed and user-friendly service
- to make all allocations fairly, equitably and without any unlawful discrimination
- make best use of council stock



## Section 2 – What is the impact?

**4. Summary of anticipated impacts.** *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.*

	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability and long term conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnant women and people on parental leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## Section 3 – Recommendations and monitoring

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

**5. Should a full EIA be completed for this policy, project, service, function or strategy?**

Yes       No

Please explain the reasons for this decision:

A full EIA will be completed following the consultation process for the full review of the policy.

## Section 6 – Knowledge management and publication

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Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	
	Date:	DD/MM/YY
Reviewed by Policy Service	Name:	
	Date:	DD/MM/YY
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	