

# Executive

Minutes of the meeting held on Thursday 4 January 2018 at the Town Hall, Royal Leamington Spa, at 6.00 pm.

**Present:** Councillor Mobbs (Leader); Councillors Coker, Grainger, Phillips, Rhead and Thompson.

**Also present:** Councillors; Boad (Liberal Democrat Observer); Naimo (on behalf of Overview & Scrutiny); and Councillor Quinney (on behalf of Finance & Audit Scrutiny Committee and Labour Group Observer).

## 91. **Declarations of Interest**

There were no declarations of interest.

## 92. **Minutes**

The minutes of the meetings held on 1 November 2017 and 29 November were taken as read and signed by the Chairman as a correct record.

The minutes of the meeting held on 15 November 2017 were taken as read, subject to them being amended to remove Councillor Heath from the record of those present, and signed by the Chairman as a correct record.

### **Part 1**

(Items on which a decision by Council on 24 January 2018 was required)

## 93. **Revisions to the Scheme of Delegation**

The Executive considered a report from Development Services and Democratic Services that sought changes to the scheme of delegation and Council procedure rules.

The proposed revisions to the delegations regarding Planning Committee were last considered by Executive at its meeting of 27 July 2016 when Members identified a lack of clarity in the delegation agreement concerning the mechanism through which Councillors could request that a planning application be considered by Planning Committee.

At that meeting, the following proposals included in the report were also withdrawn in order that they could be reviewed further by officers:

- i. the proposal for Members to provide a valid planning reason when calling a planning application to Planning Committee, and
- ii. the proposal for objections to planning applications received from Town and Parish Councils, and other interested parties to be considered as valid only where they were made on planning grounds.

In order to ensure the efficient, effective and transparent running of the planning application process, it was important that stakeholders and

interested parties were fully aware of the procedure through which they were able to either call planning applications to Committee or make a valid objection to a proposal.

It would usually be the case that controversial and complex planning applications would be expected to be considered by Planning Committee. Therefore, the triggers for applications being so considered needed to be set at an appropriate level. This was also to ensure that the system worked in a fair and equitable manner not only for those parties who were included in the consultation process, but also for applicants who paid a fee to have their applications considered.

The delegation agreement currently set out that the timescale for Members to call an application to Planning Committee was 21 days but was unclear as to when that period began.

In order to clarify the position, it was proposed that the delegation agreement be revised to set this period as beginning on the day the notification letters were distributed to both the appropriate Ward Councillors and Parish/Town Councils. This provided a clear reference date that was easy for all parties to recognise.

National planning guidance advised Local Planning Authorities of the importance of decision making in the planning application process being based on planning reasoning and the risks associated with that not being the case.

It would not be appropriate for officers to recommend to Executive that planning applications ought to be capable of being called to Planning Committee on non-planning grounds and it was therefore proposed that the delegation agreement should require that Members provide a planning reason for doing so. This would also be in line with Code of Conduct for Members which stated the following:

**"ACCOUNTABILITY:** *Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

**OPENNESS:** *Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands."*

Members were aware of material planning reasons and to further enhance this all Councillors were invited to the regular planning training sessions

It was proposed that comments on planning applications received from either Town or Parish Councils should be based on planning reasons.

Where that was not the case, it was proposed that the delegation agreement set out that those comments could not be taken into account

for the purposes of determining whether a proposal should be considered by Planning Committee.

In addition it was considered appropriate that the Chairman of the Planning Committee was also consulted prior to the Head of Development Services taking a decision to discount the representation by a Parish/Town Council.

It was also proposed to make a number of other minor revisions to the delegation agreement to ensure that it was operating effectively particularly in respect of the following matters.

With respect to the making of Tree Preservation Orders, the removal of the reference to the Tree Sub Committee which was no longer in operation.

For the purposes of determining whether a planning application was to be considered under delegated powers or by Planning Committee, the clarification that no more than one objection or indication of support per address would count towards the trigger.

In the circumstances when the Head of Development Services was considering whether revised proposals overcame an objection received from a Town or Parish Council, this would be undertaken in consultation with the Chair of Planning Committee.

In practical terms, in view of the low likelihood of the consideration by Planning Committee of planning applications proposing a material departure from the Development Plan not being triggered by other elements of the delegation agreement, it was proposed that this standalone trigger be deleted.

In order to ensure that they were considered and determined in a transparent manner, it was proposed that the delegation agreement should be revised to ensure that planning applications which were submitted in respect of land owned by the District Council were determined by Planning Committee.

It had been identified that there was no delegation in place to enable rent holidays for non HRA properties when they were considered appropriate, to help support business and therefore the local economy. It was considered an appropriate limit should be placed on this before Executive approval was required and this had been proposed at £20,000 or 12 months whichever was lowest. The details of any holiday provided would be detailed within the quarterly budget reports so Members were aware.

It had been noted by both Councillors and officers that the procedure for the deliberation of Notices of Motion at Council could be improved upon to enable clarity for all. Therefore the amendments as set out in Appendix 1 were proposed to provide this clarity for all.

It had been identified, during the work on the South Leamington development area and Tachbrook Country Park, that at present there was no formal delegation in place for officers to accept the transfer of Open Space or Sustainable Urban Drainage System (SUDS) land to the Council as part of an approved S106 Agreement within a determined planning consent. While there would be a legal agreement in place to see the transfer of the land or building the Council would still need to formally accept this once it was completed. A summary of the S106 provisions for this were attached for both Open Space and SUDS land. The need for this was demonstrated by the proposed development to the west of Europa Way, Warwick, which involved the creation of a substantial new park. Notice of 30 days was served on the Council to seek a decision on whether the Council wished to adopt the land once laid out to its satisfaction. In the absence of formal officer delegation to accept the land, the Chief Executive undertook consultation with Group Leaders, to which no objections were received prior to accepting the land to deal with the immediate issue at hand and a further delegation was proposed to cover any future proposals.

The option of not clarifying the delegation agreement to clearly set out the timescale for Members calling planning applications to Committee had been discounted.

Officers had considered the option of not revising the delegation agreement to require that planning reasons were provided for both calling a planning application to Committee and/or objecting to an application. However, the risks associated with doing so, particularly in respect of ensuring that the planning process operated properly had resulted in that option being discounted.

Consideration had also been given to the option of making no changes to the delegation agreement in respect of Town and Parish Councils' ability to trigger applications being considered by Planning Committee. However, in view of the nature of the impacts of not proposing any such revisions as set out above, that option had also been discounted.

The Overview & Scrutiny Committee supported the report with the following exceptions.

The Overview & Scrutiny Committee had concerns about the revision to include the need for the five objections to be from different addresses, this was because the Committee felt this was removing the rights of individuals. It was agreed the Development Manager and Democratic Services Manager would look at this with the Portfolio Holder and Chairman of Planning Committee and bring an amendment to either Executive or Council ahead of the final decision.

The Overview & Scrutiny Committee welcomed, after discussion and agreement with officers, that the proposal to delegation DS(70) (iv) should remain within the scheme of delegation and therefore the current proposal to remove this should be withdrawn.

The Overview & Scrutiny Committee had concerns about delegation DS70(iii)(b) and the potential for this to imply that a Parish/Town Council may lose the right for their objection to bring the matter to Planning Committee. The Development Manager and Democratic Services Manager would look at this with the Portfolio Holder and Chairman of Planning Committee and bring an amendment to either Executive or Council ahead of the final decision.

The Leader explained that he was aware of the significant debate at the Overview & Scrutiny Committee and the concerns of Councillors with regard to the proposed revisions to delegation DS(70). Therefore any of the proposed amendments to this delegation would not be taken forward.

The Executive therefore

**Recommended** to Council the amendments to the Constitution as set out at Appendix 1 to this report, be approved.

**Resolved** that the Executive notes the decision of the Chief Executive, under scheme of delegation CE(4), after consultation with Group Leaders to accept the land for Open Space on land west of Europa Way Warwick.

(The Portfolio Holders for this item were Councillors Coker, Mobbs & Rhead)

#### 94. **Housing Allocations Policy review**

The Executive considered a report from Housing that sought approval for revisions to the Housing Allocations Policy.

The Housing Allocations Policy set out the rules that the Council used to decide who may apply for vacant Council and Housing Association homes and how decisions would be taken as to who would be offered the vacancies. The overarching aim of the policy was to get more people into homes appropriate to their circumstances.

In August 2015 the Council had agreed a number of changes to the policy and resolved that the working of the new policy should be reviewed after 12 months of operation. The new policy was implemented in June 2016 and was on the Council's website

Appendix One to the report set out the review for consideration. A number of issues had been identified as a result of the review and, in order to address these, a number of proposed amendments to the policy were proposed as set out in Appendix Two, to the report.

The option of not revising the policy had been considered but given the findings of the review this was not felt to be appropriate.

A number of the individual proposals in Appendix Two were discussed with the Housing Advisory Group in November when potential alternatives were considered and debated. Some of the alternatives were included in Appendix Two.

The Overview & Scrutiny Committee supported the recommendations in the report.

The Committee welcomed the agreement from the Portfolio Holder to widen the criteria to address the situation where the property allocation quotas might mean it could be better to be in a lower priority band compared to higher bands e.g. regarding the balance between band 2's and band 3's demand and available properties. The Committee supported the following revision to the section on the imbalance of the housing register to remove this potential issue within paragraph 2 on Item 4/ page 12;

"It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to re-balance the quotas to secure that a greater proportion of the out-of-balance properties would be advertised to the higher priority band to redress the balance.

The Committee welcomed that the 4<sup>th</sup> paragraph on Item 4, page 14 of the report would be amended to read "For applicants in this situation that cannot be considered under homelessness legislation....".

The Committee was mindful of the proposed delegation to the Head of Housing in consultation with the Portfolio Holder to make minor changes to the Policy (Item 4 Page 15). It noted that the intention to this would be to accommodate any amendments by statute, Government guidance or to enable clarity on policy and its intentions. Therefore the Committee welcomed that the Portfolio Holder would incorporate details of these changes as part of his annual report to the Committee.

The Portfolio Holder welcomed the debate from the Overview & Scrutiny Committee the evening before and agreed these changes should be reflected within the Policy along with a commitment to when the Policy would come into force.

Therefore the Portfolio Holder proposed the recommendations as laid out subject to the amendments from Overview & Scrutiny Committee and an implementation date of no later than 1 August 2018.

**Recommended** to Council that

- (1) it notes the review of the working of the allocations policy set out in the report.
- (2) the current be amended in accordance with the proposals set out in Appendix Two of this report;

- (3) delegates authority to the Head of Housing Services in consultation with the Housing and Property Portfolio Holder to redraft the allocations policy document to reflect the agreed changes;
- (4) the revised policy is monitored with a further review after a sufficient period of operation; and
- (5) the revised Policy be implemented no later than 1 August 2018.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan ref 858

## **Part 2**

(Items on which a decision by Council was not required)

### **95. Procurement Partnership and Staffing**

The Executive considered a report Finance that sought approval of a partnership with Warwickshire County Council (WCC) for the provision of Strategic Procurement Support from 1 April 2018 for up to two years.

The proposals within the report were intended to ensure that the Council would have a resilient Procurement function. The proposals would entail strategic procurement support being provided by WCC. Alongside this, a procurement presence would be maintained "within the office" so as to provide day to day support for most projects, and assistance for the larger projects alongside WCC. This changed approach was seen as an opportunity to review the Council's approach to procurement and continue to embed good procurement practice across the Council.

The Council had a formal Procurement function for over 10 years. Over that period Government and EU Regulations around procurement had increased substantially. Along with this, there had been increased case law which needed to be complied with by public bodies.

In that period significant strides had been made across the Council to ensure correct procurement procedures were followed whilst seeking to ensure that value for money was obtained from contracts and the Council's purchases of supplies and services. Overall, there was knowledge, recognition and acceptance by officers Council-wide of their responsibilities with regard to complying correct procurement requirements. Whilst there had been some cases which had been reported to Members when good procurement practices had not been followed, these were the exception. In total there were approaching 250 contracts within the Council's current Contract Register.

The permanent establishment of the Procurement Team comprised of one Procurement Manager and one Procurement Officer. Since 2007, the Council had had three Procurement Managers, with the current Manager due to retire in April 2018. Since 2010, there had been three appointments to the post of Procurement Officer, with this post currently filled by an officer on secondment as a temporary measure. This arrangement was due to end in March 2018. In addition, on the establishment there was a three year Procurement Office post to which it had not been possible to recruit.

Based on feedback from officers across the Council, the continued in-house procurement support, with officers readily accessible to respond to queries and progress projects was believed to be important. This was deemed to be key in the continued need to imbed good procurement practices across the Council.

In the current market, it was apparent that procurement professionals were in great demand. This had been amplified by national projects like HS2, where HS2 Ltd (and its contractors) had appointed many procurement specialists and were still appointing.

Factors such as this explained the high turnover within the Council's Procurement Team and how the Council had struggled to appoint and retain these officers. There was on-going concern as to the resilience of the Procurement function.

Earlier this year a review was undertaken by external consultants of the Council's Procurement function. The review had been launched to help officers determine a way forward on a number of issues, including but not limited to:

- addressing resilience issues on the team;
- attracting high calibre candidates to the team; and
- reviewing the corporate approach to procuring works and services.

The backdrop to the review was a procurement team that had struggled to maintain stability with its staff resource as discussed above. On top of this, WDC had spent significant sums (estimated net £20,000 per annum) on specialist procurement advice from WCC Legal Services to help with high profile projects such as Leisure Development, Europa Way and HQ relocation. In the future, there would always be cases where more specialist legal/procurement support was needed, above the support able to be provided by a small in-house team.

Based on the findings of the report, feedback from senior officers, the need to try a new approach and to address the imminent departure of the procurement manager, WDC officers had made further enquiries into a collaborative or shared service model.

The outcome of these enquiries suggested that locally the only collaborative working was taking place between Nuneaton and Rugby. There was no appetite for other Councils buying services off Warwick



District Council with concerns raised around control and political influence. However, a separate conversation with WCC was much more encouraging.

WCC has a well-established team of 11 staff (9.8 FTE), although it was currently carrying two vacancies. Given the financial demands placed upon top tier authorities it identified its role as a strategic i.e. “not buying pencils and pens”. Its aim was to upskill the Service Areas so they owned their procurement processes. This was done through comprehensive training and support with the strategic planning. It provided a quality assurance role and was increasingly involved in commercial management i.e. making sure that Service Areas got the best from their contracts. WCC’s approach had developed to such a degree whereby it was able to allow Service Areas to deal with their own frameworks, auctions and KPI’s, with the procurement team providing an assurance role. With a larger team, they were able to offer more expert advice.

The WCC procurement team had a very close relationship with the legal team and the knowledge transfer between the two disciplines had been extremely beneficial. As WCC was one of the owners of the Eastern Shires Purchasing Organisation (one of the largest public sector buying organisations in the UK) it had influence at a Member and Senior Officer level and was therefore well placed to be able to maximise the benefits that might be available from ESPO on behalf of the Council. ESPO was jointly owned by its six member authorities: Leicestershire County Council, Lincolnshire County Council, Cambridgeshire County Council, Norfolk County Council, Warwickshire County Council, and Peterborough City Council. It also had a “sharing” arrangement in place with Coventry City Council and Solihull MBC procurement services. Its credentials in the procurement field were therefore not in doubt.

WDC needed a team that was robust, had experience in various activities, and was nimble in responding to demand and could deliver training and advice appropriate to the good, service or work being procured. WDC’s team was too small to deliver this. It was vulnerable to staff turnover and had not universally devolved the responsibility to Service Areas to enable them to feel empowered and owning “procurement”.

Based on discussions with senior colleagues, the findings of the Procurement Review Report and further enquiries made by WDC officers it was proposed that WDC entered into a trial arrangement for up to two years with WCC based on the following principles:

- WCC provided the strategic procurement lead for WDC including strategic planning advice, training and developing commercial management;
- WDC retained two procurement business partners at Riverside House to provide transactional support and develop the officers’ skills and knowledge in strategic procurement by working with WCC;
- a review should be undertaken of the job descriptions and salaries of the procurement business partners to ensure they reflected the requirements of the proposed arrangements;

- a review should be undertaken of the amount of information provided to Councillors;
- a review should be undertaken of the documentation that supported procurement practice; and
- a Procurement Board was established consisting of SMT members to own the Council's strategic procurement direction.

Proposals were being considered with WCC Procurement whereby they would provide the strategic, project and some tactical support. The details of this currently under discussion were included within Appendix 1 to the report. It was therefore recommended that the Executive delegated authority to the Deputy Chief Executive (AJ) and Head of Finance in consultation with the Finance Portfolio Holder to agree the terms and scope of the support with WCC, and enter into an agreement on this basis.

The proposed partnership with WCC Procurement would be reviewed after one year of operation, allowing recommendations on any revised arrangements to be reported to the Executive and, subject to approval, put in place no later than April 2020.

The Council's current emphasis on the responsibility for procurement and contract management resting within individual service areas would be reviewed. This would include a review of all aspects of policy, process, skill requirements, training needs and the potential merits of alternative partnering arrangements. The outcome of this review would feed into the review of the proposed partnership with WCC and together they would allow recommendations on any revised approach to be considered by a future Executive, alongside the review of the operation of the partnership.

As discussed in Section 5 of the report, the cost of the support from WCC would initially be charged on an hourly basis. This was estimated to cost £45,000 per annum, although this was a cautious estimate, it was hoped the actual cost would be less than this. In accordance with the Council's Code of Procurement Practice, contracts of this magnitude would normally be subject to a formal tendering exercise. If the Council was to progress this arrangement, the Executive was asked to approve an exemption to the Code of Procurement Practice.

The net cost of the proposals was estimated at £20,000 per annum. This was recommended to be included as a recurring budgeted cost from 2018/19.

The creation of a Procurement Board comprising of Heads of Service, was to ensure ownership of the procurement function would sit at the highest level possible within the organisation, Senior Management Team, in recognition of its importance to the Council. Procurement performance reports would continue to be reported to Finance and Audit Scrutiny Committee.

Alternatively the Council could continue to rely entirely on in-house procurement support. As detailed in this report, this was not proposed because the Council would continue to be reliant on a small team for which

there was likely to be high turnover in the future, which could result in appointment problems with subsequent impact on services.

Alternatively if the Council continued to seek to retain the procurement function entirely in-house, it would need to seek to fill the current two procurement posts (Procurement Manager and Procurement Officer). The Council had struggled in the past to attract candidates for these posts. This could be a factor of the salaries being paid, or the robust market for procurement professionals. The problems with this approach were seen as:-

- Difficulty in attracting suitable applicants.
- If successful, potential future continued high turnover of these posts, so presenting risks in terms of resilience.
- The current approach to procurement was likely to be retained, which in the past had presented some problems with good procurement practices not being uniformly applied across the Council. This would not present the same opportunity for the function to be relaunched with a new model of provision.
- Likely short term vacancies until new officers commenced. Any gap was likely to require agency appointments, and potentially increased support from WCC Legal. Aside from the impact of this on services, there would undoubtedly be a cost.

The Council could review the structure and gradings of the procurement team, with a view to raising its status. Whilst this could in due course enable a more resilient service (with potentially reduced future staff turnover), there might be the following problems:-

- Delay in getting a new structure in place.
- Cost of new structure (this would go against the planned savings in the Senior Management Team salary bill that were within the Medium Term Financial Strategy).
- Short term cost of interim (agency/WCC Legal) arrangements until permanent appointments could be made.
- Not likely to present the opportunity for the Council's approach to procurement to be enhanced.
- Continued reliance on a small team for all procurement support, with lack of any specialism.

The Finance & Audit Scrutiny Committee supported the recommendations in the report.

The Executive welcomed the report but felt there was a need to emphasise the importance of the proposed Procurement Board and that it needed to be operational as soon as possible. Therefore the recommendations in the report were proposed subject to an amendment to 2.5 to reflect the early as possible start for the Procurement Board..

**Resolved that**

- (1) an exemption to the Code of Procurement Practice to enable a partnership with Warwickshire County Council (WCC) for

Strategic Procurement Support to be established from 1 April 2018 for a period of up to two years, be approved;

- (2) authority is delegated to the Deputy Chief Executive (AJ) and Head of Finance, in consultation with the Finance Portfolio Holder, to agree the terms and scope of the support with WCC, and enter into an agreement on this basis;
- (3) the proposed procurement partnership with WCC is reviewed after the first year of operation, with the intention that any revised arrangements can be put in place by April 2020;
- (4) the Council's current approach to procurement and contract management is reviewed to inform the proposed review of the partnership arrangement set out in (3);
- (5) a Procurement Board is established, as soon as possible after the end of call in, comprising of members of the Senior Management Team, to oversee the procurement activity across the Council; and
- (6) an additional £20,000 be included in the budget from 2018/19 onwards for the estimated net additional cost of proposed partnership, subject to the agreement of proposals by Employment Committee in January 2018.

(The Portfolio Holder for this item was Councillor Whiting)

#### 96. **Homelessness Initiatives and the new legislation**

The Executive considered a report from Housing that set out the range of current initiatives for homelessness prevention and relief, and set out proposals for developing this work further in the context of implementation of the Homelessness Reduction Act from 1 April 2018.

The Homelessness Reduction Act 2017 ("the 2017 Act") passed through Parliament and became law in April 2017 with implementation from 1 April 2018. This introduced the most wide-ranging changes to the structure of homelessness legislation since it was first enacted in 1977.

The Government had announced its intention to produce a new Code of Guidance on homelessness published, in draft form, in October 2017

Key measures provided by the Act included:

- The period over which an applicant was defined as “threatened with homelessness” was extended from 28 days to 56 days.
- The definition of “threatened with homelessness” was extended to include private tenants served with a valid notice that expired within 56 days where the landlord intended to apply for possession.
- The duty to provide advice and information on housing and homelessness was strengthened.
- There were new duties to all applicants regardless of priority need or intentionality, to:
  - agree a personalised plan with the applicant;
  - help to ensure that suitable accommodation did not cease to be available for the applicant (the “prevention duty”); and
  - help to secure accommodation for all applicants who the authority was satisfied were homeless and eligible for assistance (the “relief duty”).

The Act allowed councils to give notice to applicants whom they considered to have deliberately and unreasonably refused: to cooperate with the above duties; or to take any step set out in the personalised plan. People in this position were not entitled to the full homelessness duty even if they were in priority need. However, the Council was required to accommodate priority need applicants until they were made a final offer of accommodation (which must be at least a six month tenancy).

Taken together, these measures fundamentally changed the approach of local authorities to homelessness with an emphasis upon early intervention, prevention and negotiation: working with customers rather than crisis management, assessment and rigid decision-making.

This new approach was welcomed but did bring an increasing workload because the extension of the time frame potentially meant more households would approach the Council, whilst the extension of the duties meant that considerably more work would be required with each and every household that appeared to be at risk of homelessness. It also brought the potential for unintended and unexpected consequences that would require the ability to respond swiftly and flexibly when necessary and beneficial.

The Government committed to providing “New Burdens” funding for local authorities to cover the additional costs of implementing the new measures.

A three-year settlement was announced in October 2017 giving the following sums for Warwick District: £21,219 for 2017/18, £19,436 for 2018/19 and £27,653 for 2019/20. The Government expected that additional costs would be temporary and would drop out of the system when the new approach was embedded and levels of homelessness fell in response.

In April 2017 the Government announced a new funding stream for local authorities – Flexible Homelessness Support Grant. The grant was not specifically connected to the Act, but it was ring-fenced and could only be used to prevent or deal with homelessness. The allocations for Warwick District for 2017/18 and 2018/19 were £274,908.85 and £301,333.46 respectively. The statement added that funding for 2019/20 would be announced later in 2017/18 but this was not currently known.

An initial plan to use a proportion of the money for a short-term pilot of a new way of working was approved by CMT under delegated powers. This allowed new management arrangements to be introduced amongst existing staff which had achieved some improvements, including bringing properties in Willes Road into use as temporary accommodation, maintaining the downward pressure on bed and breakfast use, and greater consistency of decision making in the team. However the plan to engage a new Housing Advice Officer, on a twelve month fixed-term contract, to focus on prevention work and allow learning to be fed into our response to the Act once the Code of Guidance was published had proved problematic. As at mid-November it had not been possible to recruit to the post, even from employment agencies so the new trial for the new prevention focus had yet to start.

On the operational side of the team, based upon levels of enquiries in the District in recent years and experience from Wales, where a similar system was introduced in 2014, and analysis of work processes, it was calculated that three new members of staff doing prevention casework would be needed in the Housing Advice and Allocations Team. Discussions were underway with Human Resources about the mechanics of this. Costs had been estimated on the basis of grade G posts but formal Hay evaluation would be required. A report would be taken to Employment Committee on 31 January 2018 seeking approval for three new fixed-term posts and an additional Senior Housing Officer at an approximate cost of £212,500 to be funded from FHSG.

At this stage it was impossible to predict whether the Government's expectation of reducing levels of homelessness in the longer term would materialise. It was therefore considered prudent for the posts to be offered as fixed-term temporary two year posts with an option to extend.

The new legislation brought with it a need for new procedures, new stationery and training for staff. Short term consultancy support was proposed to assist with the work to prepare for implementation and embed this into the team.

At the same time the DCLG was introducing a new set of reporting requirements, to be required from 1 April 2018. In place of the current quarterly statistical datasets that had been required for many years (known as "P1E returns") the new requirement involved reporting on case level data and would be known as H-CLIC. The possibility of being able to report this using a spreadsheet had been trialled and found to be unworkable. Officers had also assessed whether it would be possible to

add some functionality to the existing housing management system and whilst this might be possible it was not ideal and would carry considerable risks.

Consideration was therefore being made of available third-party solutions, of which there were a limited number. Discussions were underway with ICT Services to ensure due consideration of functionality, compatibility and cost. A three quotes procurement exercise would be necessary, alongside an assessment of the ability of the systems to deliver by 1 April.

It was proposed that a modest sum was set aside to broker bespoke solutions which resolved the homelessness or prevent homelessness for individual clients. This might involve providing additional security measures to enable women fleeing domestic violence to remain in their own homes; secure a settled home in the private rented sector for those currently sleeping rough on our streets or to facilitate reconnection with other districts or counties.

There was a range of current services in the District for homeless people and those threatened with homelessness and these were set out in Appendix One, to the report.

A combination of officer research and the targeted consultation with appropriate voluntary sector organisations recommended by the Overview & Scrutiny Committee had identified the range of potential new initiatives that could complement the introduction of the new system. The outcomes of these workstrands were set out in Appendix Two to the report. Subject to approval of the recommendations in this report detailed evaluation of these potential initiatives would be undertaken and a further report brought back to Executive with recommendations on which should be implemented, using the unallocated balance of the FHSG funding.

The Homelessness Reduction Act was law and there was no option other than to implement the new obligations placed upon the Council.

The new requirements were, self-evidently labour intensive and seeking to deliver this within current or reduced levels of staffing was not considered a viable option.

There was a possibility that the long-term effect of introducing the measures would lead to reduced levels of homelessness and the recruitment of fixed-term temporary posts provided the necessary flexibility to enable this to be managed as the situation developed.

The Overview & Scrutiny Committee noted the report and welcomed the work being undertaken in homelessness initiatives and strongly encouraged the continued dialogue between Housing Associations and this Council to help tackle this problem.

The Finance & Audit Scrutiny Committee supported the recommendations with the following amendment to recommendation 2.4 so that it read:  
"...the earmarking of **an initial** £10,000 from the FSHG

An addendum was circulated at the meeting that proposed a revised recommendation 2.4 *"that Executive approved the earmarking of an initial £30,000 (£10,000 per annum) from the FHSG for bespoke work to prevent or alleviate homelessness as set out in paragraph 3.16."* The addendum also included updated figures as set out within section 5 of the report.

The representative of the Finance & Audit Scrutiny Committee accepted that the revisions within the addendum removed the need for the recommendation from Finance & Audit Scrutiny Committee.

Therefore it was

**Resolved** that

- (1) the proposed wording from Finance & Audit Scrutiny Committee be declined but it be thanked for raising this issue which had highlighted the need to provide greater clarity in recommendation 2.4.
- (2) the measures included in the Homelessness Reduction Act 2017 and the provision of New Burdens funding and Flexible Homelessness Support Grant (FHSG) provided by central government as set out in the report, be noted;
- (3) the use of £212,500 from the FHSG to fund three new fixed-term posts and an additional Senior Housing Officer, be approved and that a report will be taken to Employment Committee on 31 January 2018 seeking approval for the posts;
- (4) the use of £92,850 from the FHSG for an IT application, consultancy support and ancillary costs as set out in revised paragraph 5.2, be approved;
- (5) the earmarking of an initial £30,000 (£10,000 per annum) from the FHSG for bespoke work to prevent or alleviate homelessness as set out in paragraph 3.16 of the report, be approved;
- (6) the range of current initiatives that are deployed in the district to tackle homelessness, as set out in Appendix One to the report, be noted; and



- (7) the results of consultation undertaken on potential additional initiatives, as set out in Appendix Two, are welcomed and that officers investigate these options in detail and bring a further report to a future meeting with proposals for spending the balance of the new funding.

(The Portfolio Holder for this item was Councillor Phillips)  
Forward Plan reference 907

**97. Business Improvement District (BID) Leamington – Update on Renewal Process**

The Executive considered a report from Development Services that updated it on the progress of the BID Leamington Ltd (BID) renewal process and sought approval of the draft BID Business Plan.

The Board of BID had notified this Council (WDC), as the billing authority, and the Secretary of State of its intention to seek a renewal ballot.

In line with The Business Improvement Districts (England) Regulations 2004; Regulation 4, BID must submit to WDC a copy of its renewal proposal, its proposed financial business plan, a summary of the consultation taken with the BID levy payers and a summary of the financial management arrangements for the BID. This was attached as a confidential Appendix 1, to the report.

The document had been subject to due diligence by officers and there was no conflict with any of our published formal policy documents (as detailed in Regulation 4 of the 2004 Regulations); BID had sufficient funds to meet the costs of the renewal ballot in the event that WDC was in a position to recoup the ballot costs (as detailed in Regulation 10 of the 2004 Regulations); and the BID arrangements were not likely to be a significantly disproportionate or inequitable financial burden to levy payers within the BID area (as detailed in in Regulation 12 of the 2004 Regulations).

The content of the BID business plan and renewal proposal were determined by BID in consultation with its members. WDC had no right to veto the proposal based on opinions regarding the contents, although could choose to vote against the proposal if it was opposed to the content of the plan.

The Business Plan and renewal proposal was still in draft format and therefore could change. It was not anticipated that there would be material changes that would affect the outcome of our due diligence.

There were a number of Council properties within the BID area which would be subject to the levy and WDC received one vote for each of these

premises. A separate report would be brought to the February Executive considering the implications and benefits of the renewal Business Plan and would recommend as to how the Council should exercise its voting rights.

The Executive could veto the BID proposal but this had not been considered because the proposal documents did not conflict with any Council policy documents and the levy would not create a significantly disproportionate financial burden.

To vote against or abstain from voting in the BID renewal had not been considered due to the significant impact to the business community

The Executive had considered a revised report that had been circulated ahead of the meeting including confidential Appendix 1 to the report.

**Resolved** that

- (1) BID has served notice of its intention to seek a renewal ballot to the Secretary of State and Warwick District Council, be noted;
- (2) BID is informed that the draft BID business plan and renewal 2018 – 2023, attached as confidential Appendix 1 to the report, meets the relevant regulatory requirements as detailed in the Business Improvement Districts (England) Regulations 2004; and
- (3) a further paper be brought to the Executive in February with the final business plan and a recommendation regarding the District Council's voting rights.

(Portfolio Holder for this item was Councillor Butler)  
Forward plan Reference 906

**98. Development Services Re-Structure – Phase 1**

The Executive considered a report from Development Services that requested funding for an increase in establishment costs following the approval by Employment Committee of a new structure for the existing Development Management team within Development Services which formed phase 1 of the re-structure process.

The new structure approved by Employment Committee, subject to Executive approval of the necessary funding, represented a re-structure for a significant part of Development Management. Development Management had been under enormous pressure over the last couple of years due to the increase in number and scale of planning applications

submitted and recruitment difficulties. This was partly related to the position with the Warwick District Local Plan and with an upsurge in the market generally. As a result of this there had been a large increase in planning fee income. The impact of the additional work had some unfortunate consequences, primarily due to the impact on existing staff as a result of having to recruit agency staff. However, this had now changed with a number of new recruitments at the beginning of 2018. Whilst Development Management had now settled down in terms of the pressures it was under, this re-structure was brought forward to improve resilience to change, and be prepared for any changes the Government may impose, such as alternative providers being introduced.

The re-structure had included a re-design of the administration team to develop staff within this area, giving them the opportunity of developing careers in planning, and to provide more variety in their work. Staff were keen to do this and had been trialling it for the last six months. As part of the changes, the proposal included the deletion of the Manager within the Administration team, and to move the officers into two teams in Development Management, which would have a Business Manager responsible for each of the two teams.

There had been a number of posts where the job title had changed, the line management responsibility had changed, or there had been some minor changes to the content of the job role. Where the responsibilities had been changed, these posts had been reviewed through HAY. This had resulted in the additional cost to the re-structure.

Two teams in Development Management would provide a better sense of ownership with the workload, and help to put in place a structure that would develop and train staff better.

To continue with the current staffing structure had been an option, however this had been discounted as there were not sufficient resources to continue to meet the demands on the Service Area. Staff were keen to implement the new structure and might feel de-motivated if it did not go ahead. Development Services provided a statutory front line service, therefore the Council needed to respond to current demands and future pressures, particularly at a time of prosperity and growth.

**Resolved that**

- (1) the decision of Employment Committee to approve the structure set out in Appendix B to the report, be noted; and
- (2) the funding for the new structure which amounts to a recurring annual cost of £16,000 be approved.

(The Portfolio Holder for this item was Councillor Rhead)

**99. Newbold Comyn Golf Course**

The Executive considered an urgent report from the Deputy Chief Executive and Monitoring Officer regarding management of Newbold Comyn Golf Course and recommended that the Council entered into negotiations with Mack Trading (Heaton Park) Ltd to end the contractual relationship with them.

The report also recommended that should those negotiations prove unsuccessful then the Council should commence legal action against Mack Trading (Heaton Park) Ltd.

There were no decisions to be made by Executive in respect of this public report as a comprehensive confidential report that detailed the reasons for the recommendations was considered as minute 100 . The recommendations were reproduced so that the public was clear about the steps the Council was being asked to take.

The recommendations within the confidential report were as follows:

- “2.1 That Executive notes that Mack Trading (Heaton Park) Ltd (hereafter referred to as Mack) has ceased the operation of the golf course at Newbold Comyn, despite written notice from this Council on 7 November 2017 that such action would be in breach of contract, Mack having made its staff redundant with effect from 31 December 2017.
- 2.2 That Executive notes that following a meeting between Deputy Chief Executive (DCX) (AJ), the Portfolio Holder for Culture (and supported by Warwickshire County Council Legal Services (WCCLS)) and a director of Mack, Mack has requested that a negotiated settlement is reached whereby the contractual arrangement between Warwick District Council (WDC) and Mack is terminated with immediate effect.
- 2.3 That having considered all the circumstances of the matter, Executive agrees to enter into negotiations to end the contractual relationship between WDC and Mack, granting delegated authority to DCX (AJ), in consultation with the Portfolio Holder for Culture and WCCLS, to agree the terms of settlement but should terms not be agreed between the parties within a period of two months, DCX (AJ) consults with the Portfolio Holder for Culture and WCCLS to commence legal proceedings against Mack for breach of contract.
- 2.4 Subject to agreeing recommendation 2.3, Executive agrees to maintain the golf course to a reasonable but non-playable standard whilst the negotiations continue and/ or until a further report can be considered by Executive advising of the outcome of the negotiations and recommended next steps and that the financing of this maintenance is drawn down from the Contingency Budget by DCX (AJ) and the Head of Finance up to a maximum of £50,000”

(The Portfolio Holder for this item was Councillor Coker)

(The Leader had agreed to take this item as an urgent report because Mack Trading (Heaton Park) Ltd had stopped providing the management of the Golf Course at Newbold Comyn and the Council needed to establish its position in response to this.)

#### 99. **Public and Press**

**Resolved** that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
100, 101 & 102	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The full details of the following item would be recorded in the separate confidential minutes.

#### 100. **Newbold Comyn Golf Course**

The Executive considered an urgent report from the Deputy Chief Executive and Monitoring Officer regarding management of Newbold Comyn Golf Course and recommended that the Council entered into negotiations with Mack Trading (Heaton Park) Ltd to end the contractual relationship with them.

The report also recommended that should those negotiations prove unsuccessful then the Council should commence legal action against Mack Trading (Heaton Park) Ltd.

The Finance & Audit Scrutiny Committee supported the recommendations in the report but raised a number of concerns about the lessons that needed to be learnt from this.

The response from the Executive to the Finance & Audit Scrutiny Committee would be included in the confidential minutes.

**Resolved** that

- (1) Mack Trading (Heaton Park) Ltd (hereafter referred to as Mack) has ceased the operation of the golf course at

Newbold Comyn, despite written notice from this Council on 7 November 2017 that such action would be in breach of contract, Mack having made its staff redundant with effect from 31 December 2017, be noted;

- (2) following a meeting between Deputy Chief Executive (AJ), the Portfolio Holder for Culture (supported by Warwickshire County Council Legal Services (WCCLS)) and a director of Mack, that Mack has requested that a negotiated settlement is reached whereby the contractual arrangement between Warwick District Council (WDC) and Mack is terminated with immediate effect, be noted;
- (3) negotiations to end the contractual relationship between WDC and Mack, be approved; and authority be delegated to Deputy Chief Executive (AJ), in consultation with the Portfolio Holder for Culture and WCCLS, to agree the terms of settlement but should terms not be agreed between the parties within a period of two months, Deputy Chief Executive (AJ) consults with the Portfolio Holder for Culture and WCCLS to commence legal proceedings against Mack for breach of contract; and
- (4) the Council maintains the golf course to a reasonable but non-playable standard whilst the negotiations continue and/or until a further report can be considered by Executive advising of the outcome of the negotiations including recommended next steps; and that the financing of this maintenance is drawn down from the Contingency Budget by Deputy Chief Executive (AJ) and the Head of Finance up to a maximum of £50,000.

(The Portfolio Holder for this item was Councillor Coker)

(The Leader had agreed to take this item as an urgent report because Mack Trading (Heaton Park) Ltd had stopped providing the management of the Golf Course at Newbold Comyn and the Council needed to establish its position in response to this.)

101. **Confidential Appendix 1 to minute 98 Business Improvement District (BID) Leamington**

The Executive considered the confidential draft BID business plan and renewal 2018 – 2023.

**Resolved** that the BID be informed that the draft BID business plan and renewal 2018 – 2023 meets the relevant regulatory requirements as detailed in the Business Improvement Districts (England) Regulations 2004.

The Portfolio Holder for this item was Councillor Butler.

102. **Minutes**

The confidential minutes of the meeting held on 1 November 2017 were taken as read and signed by the Chairman as a correct record.

(The meeting ended at 6.55 pm)

**Minute 93**  
**Proposed Revisions to the Delegation Agreement**

- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation by ~~the Tree Preservation Order Sub-Committee or~~ the Planning Committee.
- DCE(16) The Deputy Chief Executive (BH) be authorised to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Executive.
- A(12) To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement.”      Head of Culture, Development, Housing and Neighbourhood individually

**Amendments to Council Procedure Rule 6 – Notices of Motion**

Be amended to read as follows:

~~(6) If the subject matter of a motion submitted to the Council comes within the terms of reference of the Executive or any committee, it will, upon being moved, and seconded, stand referred without discussion to the Executive or that committee for consideration and report. However, the Council may, by a simple majority, allow the motion to be dealt with at the meeting at which it is brought forward.~~

- (6) When a Motion comes to Council the procedure will be as follows:
- (i) For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost.
  - (ii) For matters that are the responsibility of the Executive or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken)



**Minute 94**

**Appendix two – Proposed changes to the housing allocations policy**

**1 Transfer categories - Like for like**

The like-for-like band has not been well understood or set up properly and has led to a number of issues. The original intention was that this should enable tenants with no need, who didn't fall into any of the transfer band reasons for rehousing to be able to move to a property of the same size and type as they currently had where there was a benefit to WDC in allowing the move. However when the system was introduced, all applicants who didn't fit into any of the other categories were placed into this band.

It is proposed that this be rectified by:

- Dealing with the types of cases that this was originally intended to rehouse through the "Move for housing management reasons" transfer band category.
- Removing the "Like for like" category from the scheme.
- Creating a new transfer band category – "Transfer – other" for all those transfer applicants who do not have a reasonable preference and do not fit any of the other transfer categories. These applicants would be able to bid for properties of an appropriate type and size for their household that are advertised to the transfer band, including a like-for-like move, and would be shortlisted as the lowest priority transfer category.

Transfer categories would then be as follows (in order of priority):

1. Under-occupation.
2. Two-for-one moves.
3. Making best use of adapted properties.
4. People with children in above-first-floor flats.
5. Moves for good housing management reasons (existing categories in the policy plus releasing high demand properties).
6. Other.

Tenants in a reasonable preference category (usually overcrowding or medical/welfare priority) would continue to go into band two as required by law.

To better incentivise downsizing it is also proposed that under-occupying tenants who live in a property with three or more bedrooms and wish to move to a smaller property may be able to bid for a property with up to one bedroom in excess of need subject to demand levels for the property they will be vacating.

**2 Transfers quota**

The original policy was that all properties would be advertised to the transfer band first with the numbered bands being able to bid below the transfer band. As members will recall, at implementation a transitional arrangement was applied so that 50% of properties were advertised to the transfer band and 50% to the numbered bands.

The review has shown that this arrangement has been successful in enabling over 200 transfers while halving the numbers of applicants in band one. It is now time to consider whether to move to the original policy intention of all properties being advertised to the transfer band.

The options are to:

- move to 100% transfers;
- put all first-time adverts to the transfer band with all re-advertisements going to numbered bands;
- advertise all newly void properties to transfer band except that any void that arises as a result of a transfer is advertised to a numbered band;
- make the transitional arrangement of 50% permanent;
- move to another proportion altogether;
- have no quota for transfers and simply place them within the bidding hierarchy, awarding greater preference to those who are underoccupying or who are moving from an adapted property;
- Create a separate transfer policy and offer properties to transfer customers (with no housing need) outside of the allocations scheme.

Moving to 100% of properties advertised to the transfer band will undoubtedly lead to more such moves and more mobility for tenants within the stock. However it would have a detrimental impact upon high-need non-tenants and possibly begin to increase pressure upon temporary accommodation use again. This is because it would mean that, while applicants in numbered bands would be able to bid on properties advertised to the transfer band they would only get a chance if no transfer applicants wanted it. Over time it may also be seen as increasingly unfair in that tenants who have only very recently applied for a move will have much better prospects of rehousing than people who have been waiting in the numbered bands for considerably longer.

The move could also lead to increased complaints from applicants and tenants in need, with potential legal challenges on the grounds that "reasonable preference" is not being given in accordance with legislation. Advice from WCC Legal Services on this point is that: "If WDC wish to advertise 100% of its vacant properties to existing tenants BEFORE considering non tenants who have a reasonable preference I can see a potential argument of unlawfulness giving rise to a judicial review because it may be deemed to be circumventing the provisions as set down in legislation."

The second option on the list is a variation on the "100%" theme and therefore has similar advantages and disadvantages. In addition, as regards first-time adverts to transfers with re-advertisements to numbered bands, we only do a second advert if no-one bids the first time or if we have exhausted the bidding list. Pursuing this option would effectively mean that the only properties that would be advertised to numbered bands would be those that no-one wanted, either because no-one had bid on them at all, or because everyone who did bid had subsequently refused it. This again would be likely to lead to high levels of complaints and the potential for legal challenges.

The third option, that all "natural" voids be advertised to transfers but all voids freed up by transfer go to numbered bands, ought in theory to be equivalent to the current policy of 50% of properties going to transfers.

The other three options are fairly self-explanatory.

It is proposed that the existing transitional arrangement of advertising 50% of properties to the transfer band and 50% to numbered bands should now be adopted permanently as policy.

### **3 Bidding policy**

At present properties are advertised 50% to the transfer band and 50% to numbered bands. The latter are then advertised in the ratio 50:30:20 to bands one, two and three respectively.

Applicants in the transfer band cannot bid for properties advertised to a numbered band.

For properties advertised to a numbered band any applicant in a lower band than that advertised is able to bid as well and can be considered if no-one from the advertised band is suitable. Applicants in a higher band cannot bid. The intention behind this is to try to give people with lower level needs a fair share of opportunities while still advertising most properties to the higher need bands. However it can sometimes lead to a situation where a property advertised to band three may go to someone in band four (who has no need) when it would have been suitable for a band one applicant, or a transfer applicant may have been willing to take it and free up another vacancy.

Age designated properties are advertised 50% to the transfer band and 50% to numbered bands, although in the latter case they are not included in the 50/30/20 quotas and the shortlist is done based on highest priority and time on the list.

Applicants in numbered bands can bid on properties advertised to the transfer band, and will be considered if there are no suitable transfer applicants. However transfer applicants cannot bid on properties advertised for the numbered bands.

It is proposed that this policy be changed as follows:

- All applicants, regardless of band, will be able to bid for any property (including age-designated properties, subject to being of the required age).
- Shortlisting will be arranged according to the following table. (Age designated properties will be shortlisted in the same way as for band one).

<b>Priority</b>	<b>Preferred band</b>			
	<b>Transfer</b>	<b>Band one</b>	<b>Band two</b>	<b>Band three</b>
First	Transfer	Band one	Band two	Band three
Second	Band one	Band two	Band three	Band one
Third	Band two	Band three	Band one	Band two
Fourth	Band three	Transfer	Transfer	Transfer
Fifth	Band four	Band four	Band four	Band four

### **4 Imbalance of the housing register**

As of November 3<sup>rd</sup> 2017 the housing register breakdown was as follows.

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>Total</b>
Band 1	10	3	0	0	1	14
Band 2	104	75	62	24	16	281
Band 3	614	112	22	5	1	754
Band 4	465	269	68	7	1	810
Transfer	363	203	28	2	1	597
<b>Total</b>	<b>1556</b>	<b>662</b>	<b>180</b>	<b>38</b>	<b>20</b>	<b>2456</b>

There are 22 applicants in band three with a three-bed need but there are 62 in band two with a three-bed need. A similar situation occurs with four bedroom properties. This contrasts sharply with the situation twelve months ago when the two bands had broadly similar numbers of applicants with a need for three or more bedrooms as the following table from April 2016 shows:

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed</b>	<b>5 Bed+</b>	<b>TOTAL</b>
Unbanded	6	0	2	0	0	8
1	19	6	3	0	0	28
2	134	37	85	20	5	281
3	972	287	73	16	3	1351
4	1087	571	148	15	4	1825
YP	3	0	0	0	0	3
<b>TOTAL</b>	<b>2221</b>	<b>901</b>	<b>311</b>	<b>51</b>	<b>12</b>	<b>3496</b>

Although the quotas direct more properties to band two than band three (30% band two, 20% band three net of transfers) this doesn't fully redress the balance and as property types are distributed at random between the bands the reality is that currently, for applicants needing three bedrooms, those in band three (lower need) have a better chance of rehousing than those in band two (higher need).

It is proposed that this should be monitored and if the situation does not improve the Head of Housing, in consultation with the Portfolio Holder, should have delegated authority to re-balance the quotas to secure that a greater proportion of the out-of-balance properties would be advertised to the higher priority band to redress the balance.

## **5 People housed through HomeChoice**

It is proposed that anyone that takes up a tenancy allocated through HomeChoice, regardless of whether it is a fixed-term, secure, introductory or starter tenancy should normally have to wait 12 months before being able to go back onto the housing register.

Exceptions would be agreed in the limited circumstances where the applicant would come within a reasonable preference category (broadly speaking this would mean statutory overcrowding, medical or welfare need or homelessness.)

The Head of Housing would have discretion to agree to earlier access to take account of other important changes of circumstances.

## **6 Financial resources**

Current policy states:

"If you have an income or savings or investments that will allow you to get private accommodation, we will encourage and support you to take this option and we may give you less preference in HomeChoice." In practice this has not been used and the following more stringent definition is proposed.

"An applicant and their household with assets, or equity in a property, with a net value of more than £16,000 will have this taken into account when their application is assessed and will not receive any priority.

Where the applicant is part of a couple, the income of an applicant and their partner is taken into account. Single applicants who have an income in excess of £30,000 per annum and households with a joint income in excess of £50,000 will not receive any priority. Any Disability Living Allowance (DLA), Personal Independence Payment (PIP) and War Pensions are not included as income.

This restriction may be removed for individual cases by the Head of Housing Services in exceptional circumstances where it can be shown that it would cause exceptional hardship."

## **7 Children above ground floor**

It is proposed that this category within the transfer policy and in band 3.3 should be revised so that it only applies to children above the first floor rather than above the ground floor and only applies to flats not maisonettes.

Two further changes are proposed.

**Band 3.3:** This states that it applies to "private tenants" because council and housing association tenants within the district will be in the transfer band.

However there could be council and housing association tenants from outside the district with a local connection (or exempt from local connection rules) who have children above the first floor. They wouldn't be in the transfer band (because WDC wouldn't get to nominate to the resulting vacancy) so it is proposed that they should go into band 3.3.

**Transfer:** For clarity it is proposed that the policy should state that applicants with this transfer band priority will only be considered for a move to a lower floor: the need reflected by the banding is not alleviated by a sideways or upwards move.

## **8 Housing-related debt**

There are various aspects to this within current policy. At present debt may be dealt with in three separate ways:

1. Unacceptable behaviour. Policy allows exclusion completely from Homechoice for two years where a member of the household has been "guilty of unacceptable behaviour" which can include "not paying rent". The test is whether a social landlord could have evicted the person had they been a tenant, not whether an actual eviction has taken place. The

wording of this section is such that it appears to only apply to behaviour of people who were not tenants of a social landlord at the time of the behaviour.

2. Housing-related debts – no offer. Policy states that for an applicant who owes a social landlord money “we might not offer you a property”.
3. Housing-related debts – demotion. Policy goes on to state “We may put you in a lower banding if you have housing-related debts”. The demotion can be lifted if the debt is brought below a set level or a payment plan is made and kept to.

The latter two points have at times been applied together, i.e. applicants have been demoted a band due to debt but then, having come up for an offer in the lower band, had it withdrawn. This seems to be double punishment and is not easily justified to applicants.

It is proposed that the following changes are made:

- The definition of housing-related debt should be broadened to include housing-related debts owed to private landlords, building societies, banks and other lenders.
- Demotion for housing-related debts should be withdrawn.
- Housing-related debts that actually resulted in an eviction should be considered unacceptable behaviour and dealt with in accordance with the “Unacceptable behaviour” policy. There should be two exceptions to this:
  - Where the applicant has kept to an arrangement with the landlord and has reduced the debt by at least 50% at the time of the application;
  - Where the applicant is assessed and found to be unintentionally homeless.
- For other housing-related debts it is proposed that an applicant with a combined housing-related debt exceeding £500 should be suspended from being able to bid until the debt is brought below that figure or the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks. Exceptions to this will be considered on a case-by-case basis by a senior officer within the Housing Advice & Allocations Team, in conjunction with the body to whom the debt is owed. In particular exceptions will be considered for tenants being affected by the removal of the spare room subsidy who are seen to be trying to keep up with their rent payments but nevertheless falling into arrears. All decisions about exceptions will be logged so that precedent is built up to ensure consistency.

## **9 Split households**

Current policy does not explicitly address the situation where people living separately wish to live together. (The only situation that is covered is where both parties are social housing tenants and can be banded as a transfer “two for one” move.)

This kind of situation can in certain circumstances be considered under homelessness legislation, for example where children are involved and the whole family cannot reasonably live together at one or other of the dwellings.

However on occasions applicants have sought to include other people on their application to gain a larger property than they are entitled to or to claim a higher banding.

For applicants in this situation that cannot be considered under homelessness legislation it is proposed that an application form should be completed for both parties and submitted together. A joint application will be registered to the address that would attract the lower banding were the parties to move in together.

Where an offer of accommodation is made both parties must sign up to a joint tenancy. If either party moves out or seeks to terminate the tenancy and leave the other in occupation during the first twelve months of the tenancy a fraud investigation will be initiated.

## **10 Definition of "child"**

There is a lack of consistency in the policy in that for determining bedroom need, under 16 years of age is used. However for the property size and letting guidelines, to qualify for a house there needs to be at least one "dependant" and this is someone under 18 years of age. The "children above ground floor" bands also use dependant rather than date of birth.

It is proposed that this be rationalised so that both "child" and "dependant" are defined as someone younger than 16 across the whole policy.

## **11 Multiple needs**

Applicants with multiple needs are placed in a band according to their greatest need. For example someone with both a band two need and a band three need will be placed in band two as this has a higher priority. Applicants within a band are prioritised purely on time on the register. However if an applicant has, for example two "band two" needs no additional consideration is given for this and priority within the band is again done according to time on the list.

It is proposed that a new category is created in each of bands two and three for multiple needs. This will have priority over applicants with only one need regardless of time on the list although within the multiple need category if there is more than one applicant they will be prioritised by time on the list.

Only needs within the band will be considered. So:

- Someone with both a band two and a band three need will go into band two under the category of their band two need;
- Someone with two or more band two needs will go into "Band two-multiple need"; and
- Someone with two or more band three needs will go into "Band three-multiple need".

## **12 Refusals**

Applicants are allowed to bid for up to five properties on any single advert. They can only be made one offer at a time and are currently free to refuse any offers that they receive without penalty (with the exception of band one where the urgency of addressing the need requires a degree of compromise on the part of the applicant.)

This is in keeping with the ethos of a choice-based system. However there have been instances of applicants bidding for, but then refusing, a number of properties that would have been suitable for their needs. This is unfair on landlords who lose rental income while a property is void and also go to a lot of abortive work in contacting the applicant, arranging tenancy checks and sign-up appointments etc.

It is therefore proposed that an applicant should be suspended from bidding for a period of three months if they have refused three offers of suitable accommodation that they have placed bids on in any six month period.

The intention would be to provide some deterrent to frivolous bidding while recognising that, in a choice-based system, applicants should be able to bid for, but subsequently refuse, properties. A more serious sanction is not therefore considered appropriate.

### **13 Unacceptable behaviour**

The present definition makes it sound as though this only applies to people who were not council or housing association tenants at the time of the behaviour. It is proposed that the wording should be changed to make it clear that these rules apply to any applicant.

Current policy also states that the decision will be "based on the circumstances at the time of the application" and therefore can only be applied to new applications. It is proposed that this should be extended to allow for exclusion for unacceptable behaviour of existing, as well as new, applicants where such behaviour occurs or comes to light after an applicant has been accepted onto the register.

It is further proposed that there should be a facility to extend the non-qualifying period for longer than two years if the applicant's behaviour has not changed in that time.

### **14 Changes to the Allocations Policy**

At present all changes, however minor, need to be reported through Executive and on to Council. It is proposed that the Head of Housing Services be given delegated authority, in consultation with the Housing & Property Portfolio Holder, to make minor policy changes from time to time. The Portfolio Holder would report any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.

More substantial changes would still be the subject of reports to Executive and Council.

### **15 Demolition and regeneration**

Where the council is planning to demolish a tenant's home or regenerate an area resulting in one or more tenants losing their home it is proposed that affected tenants should be placed in band one.

### **16 Move-on applications**



These applications currently go into band one. This would appear to have been introduced so if we had a homeless approach from a single vulnerable person they would be referred to supported accommodation and when they were tenancy ready we would rehouse them from band 1 'move-on' then place another vulnerable person into that vacancy.

The move-on protocol has recently been revised and is a lot less prescriptive so that the supported providers take referrals from any organization (and in some cases self- referrals) not just the council. This has a negative impact on the waiting list as the provider still expects to refer them to us for 'move-on' which in turn affects the waiting time for homeless applicants in temporary accommodation, especially with a one-bedroom need.

It is proposed that in future move-on applicants should go into band two.

### **17 Threat of violence and harassment**

For existing social tenants these are covered under band two – welfare need. It is proposed that this should be broadened to cover all cases of threat of violence or harassment that aren't serious enough to warrant band one under a homelessness assessment.

It is also proposed that a band one category be created for serious cases to try to facilitate a move through the housing register without forcing the applicant into homelessness. This would also include requests for rehousing that are supported by the Police or a formally established organisation such as the Risk Assessment Management Panel under the countywide Multi-Agency Public Protection Arrangements (MAPPA), Multi-Agency Risk Assessment Conference (MARAC) or the National Witness Support Scheme.

### **18 Fostering and adopting**

It is proposed that an applicant who needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children should be eligible for a number of bedrooms that will provide space for the child/children in accordance with the bedroom need rules.

If the number of bedrooms in their current property is less than the number that they are assessed as needing, the applicant will be banded as overcrowded.

The child does not have to be living with the applicant at the time of the application but the approval for fostering or adoption must be evidenced and the intention to adopt or foster the child must be apparent.

### **19 Ex-partners of serving or former armed forces personnel**

Serving or former armed forces personnel currently may have their service recognised within the allocations policy in three ways, subject to meeting certain criteria:

- They may be exempt from the local connection rules;
- They may receive band two priority;
- They may be promoted a band due to urgent housing needs

It is proposed that an ex-partner of a serving or former armed forces member should be assessed for local connection and banding, as if their ex-partner were

still a part of the household. This is conditional upon them having been living with their then-partner while he or she was serving in the forces for a period of at least six months at the time that they separated.

## **21 Homelessness Reduction Act**

It is proposed that the wording of the current homelessness categories in bands one, two and three should be adjusted to match the new statutory duties in the Homelessness Reduction Act 2017.

## **22 Overcrowding**

It is proposed to create a distinction between statutory and non statutory overcrowding providing greater preference to statutory overcrowded applicants.

## **23 Administrative clarity**

It is proposed to provide applicants with detail about matters including how their application will be processed, their rights to information held about them and how the policy will be monitored and reviewed.