

# Public Document Pack



**North East  
Derbyshire**  
District Council

Our Ref:

Contact: Alan Maher

Tel: 01246 217391

Email: alan.maher@ne-derbyshire.gov.uk

Date: Wednesday, 30 September 2020

To: **Members of the Cabinet**

Please attend a meeting of the Cabinet to be held on **Thursday, 8 October 2020, at 4.30 pm**, by CONFERENCE CALL. Access details will be sent to Members separately. The public parts of the meeting will be streamed from the Council's website on its 'You Tube' channel.

### Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual. I would encourage you all to attend virtually. Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

### Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V9
- Mill Lane Coronavirus Control Measures V4

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

**Joint Head of Corporate Governance and Monitoring Officer**

### **Cabinet Members**

Councillor A Dale (Chair)  
Councillor M Foster  
Councillor P Parkin  
Councillor C Renwick

Councillor C Cupit (Vice-Chair)  
Councillor J Kenyon  
Councillor A Powell

**For further information about this meeting please contact Alan Maher, 01246 217391**

### **Notice of Meeting to be held in Private**

It is intended that part of this meeting will be held in private under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The matters to be considered in private are listed under the heading Private Session. The categories of exempt information that are likely to be disclosed during the discussion of these items, as defined in Part 1 of Schedule 12A to the Local Government Act 1972, are listed below each item.

No representations have been received requesting that these items be open to the public.

# **AGENDA**

## **Public Session**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

### **3 Minutes of Last Meeting (Pages 5 - 13)**

To approve as a correct record and the Leader to sign the attached Minutes of the meeting of Cabinet held on 10 September 2020.

### **4 Business Centres and Industrial Units Scrutiny Review (Pages 14 - 29)**

Report of Councillor A Hutchinson, Chair of the Growth Scrutiny Committee

### **5 Choice Based Lettings and Allocations Policy (Pages 30 - 102)**

Report of Councillor A Powell, Portfolio Holder for Housing, Communities and Communications.

### **6 Clay Cross Town Emerging Investment Plan (Pages 103 - 107)**

Report of Councillor C Renwick, Portfolio Holder for Economic Growth,  
**Appendix to the report TO FOLLOW**

### **7 Medium Term Financial Plan: Revised Budgets 2020-21 (Pages 108 - 121)**

Report of Councillor P Parkin, Portfolio Holder for Finance  
KEY DECISION

### **8 Urgent Items**

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulation 11.

### **9 Exclusion of Public**

The Leader to move:-

That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006). [The category of exempt information is stated after each item].

## Private Session

### 10 Coronavirus (Covid-19) Contingency Planning Update

(Paragraph 4)

### 11 Urgent Items

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulations 5 and 11.



North East  
Derbyshire  
District Council

*We speak  
your language*

**Polish**

*Mówimy Twoim językiem*

**French**

*Nous parlons votre langue*

**Spanish**

*Hablamos su  
idioma*

**Slovak**

*Rozprávame Vaším  
jazykom*

**Chinese**

我们会说你的语言

If you require  
this agenda in  
**large print**

or another  
format  
please call  
us on

**01246  
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## CABINET

### MINUTES OF MEETING HELD ON THURSDAY, 10 SEPTEMBER 2020

#### **Present:**

Councillor Alex Dale (Chair) (in the Chair)  
Councillor Charlotte Cupit (Vice-Chair)

Councillor Mark Foster  
Councillor Paul Parkin  
Councillor Carolyn Renwick

Councillor Jeremy Kenyon  
Councillor Alan Powell

Councillor Angelique Foster – in attendance  
Councillor Kevin Tait – in attendance

#### **Also Present:**

G Callingham	Director of Growth and Economic Development
K Hanson	Joint Director of Environment and Enforcement
L Hickin	Joint Director of Corporate Resources and Head of Paid Service
J Dethick	Head of Finance and Resources
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
L Shaw	Managing Director - Rykneld Homes Ltd
K Drury	Information Engagement & Performance Manager
S Veerman	Overview and Scrutiny Manager
N Calver	Governance Manager
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer

#### **CAB/ Apologies for Absence**

**22/2**

**0-21** Councillor Anthony Hutchinson, Chair of the Growth Scrutiny Committee, gave his apologies for Item 4, Overview & Scrutiny Work Programme 2020-21.

#### **CAB/ Declarations of Interest**

**23/2**

**0-21** Councillor Charlotte Cupit and Councillor Alex Dale both declared an interest in Item 6, Consultation on Area Housing Offices, as former members of the Rykneld Homes Limited (RHL) Board. They confirmed that they would not take part in Cabinet's discussion of and determination on this item and would leave the meeting during Cabinet's consideration of it.

#### **CAB/ Minutes of Last Meeting**

**24/2**

**0-21** The minutes of the Cabinet meeting held on 20 August 2020 were approved as a true record.

**CAB/ Proposed Overview & Scrutiny Work Programmes 2020-21**

**25/2**

**0-21**

Cabinet received the proposed work programmes for the Communities Scrutiny Committee, the Growth Scrutiny Committee and the Organisation Scrutiny Committee. The work programmes covered the 2020-21 municipal year. Members were informed that they would be implemented flexibly, so that the committees could address any unexpected issues which might emerge during the year.

Members welcomed the proposed Scrutiny Committee work programmes and the wide range of issues which they covered. They also welcomed the intended flexible approach to how they would be implemented.

RESOLVED - That Cabinet supported the Communities Scrutiny Committee, the Growth Scrutiny Committee and the Organisation Scrutiny Committee Work Programmes for the 2020/21 municipal year.

REASON FOR DECISION – To keep Cabinet informed of the projected work of the Council’s Scrutiny Committees.

OTHER OPTIONS CONSIDERED AND REJECTED - No alternative options were considered.

**CAB/ Residential Parking Scrutiny Review**

**26/2**

**0-21**

Cabinet considered a report of Councillor Kevin Tait, Chair of the Communities Scrutiny Committee, on the Committee’s Review of Residential Parking. The review had, it was explained, sought to understand the residential parking issues affecting the District and to offer specific suggestions about how these issues might be resolved.

Members considered the Committee’s findings and its recommendations. These included the possible introduction of a facility on the Council’s website to report inappropriate parking, more action to enforce the existing parking restrictions and further work to see if the number of off-street parking places could be increased.

Cabinet welcomed the review and thanked the Committee for its valuable work. As part of the discussion, Members made it clear that they supported strongly the enforcement of existing parking restrictions and were keen to work with Derbyshire County Council to help improve enforcement action. They also welcomed the suggestion that off-street parking ought to be increased, especially through the use of environmentally friendly systems, such as ‘Grass Crete’ and asked for this to be investigated further.

RESOLVED –

- (1) That Cabinet supported the recommendations of the Communities Scrutiny Committee review into Residential Parking, as set out in the report.
- (2) That a detailed response to the Committee’s specific recommendations, as set out in the report, be prepared.

- (3) That a meeting be arranged with Derbyshire County Council to consider ways of improving enforcement of existing on-street parking restrictions.

REASONS FOR DECISION - To appraise Cabinet of the Communities Scrutiny Committee Review's findings and to respond to its recommendations.

OTHER OPTIONS CONSIDERED AND REJECTED - No other options were considered by Cabinet.

**CAB/ Council Plan Targets Performance Update April to June 2020**

**27/2**

**0-21**

Cabinet received an update on performance against the Council Plan Targets for the first quarter of the 2020-21 financial year. Members were reminded that the update covered the period when the Council's operations and services had been most affected by Coronavirus (Covid-19) outbreak. As a consequence, progress towards achieving these targets had been reduced in some instances.

Members considered performance against the Council Plan Targets achieved during the quarter. They discussed those targets where less progress had been made than expected as a result of the Coronavirus (Covid-19) outbreak. Members heard about what progress in these areas had continued to be made during the 'lockdown' and in the subsequent period, as well as what further progress could now be expected.

RESOLVED – That Cabinet noted the quarterly outturns against the Council Plan 2019-2023 targets

REASON FOR DECISION – To inform Cabinet of progress against the Corporate Plan targets and to bring to its attention specific achievements and areas of concern.

OTHER OPTIONS CONSIDERED AND REJECTED – No other options were considered. The report provided information and an overview of performance against agreed targets.

**CAB/ Area Housing Office Consultation**

**28/2**

**0-21**

Councillor Charlotte Cupit and Councillor Alex Dale left the meeting at this point.

Cabinet was informed of the outcome of the consultation exercise on the future of the District's four Housing Offices, which had been carried out by Rykneld Homes Limited (RHL). Members were reminded that these offices had been temporarily closed as a result of the Coronavirus (Covid-19) outbreak.

Cabinet heard that that very few of those who had been consulted had asked for the offices to remain open. Cabinet was also informed that practically all tenants were now successfully using the more cost effective ways of making rent and other payments.

Members discussed the results of the consultation exercise. Cabinet heard of what had been done to help encourage people to use the new ways of making payments and the ongoing work to help elderly and other people who might find it difficult to use the online options. Members also recognised the substantial savings that could be achieved following the permanent closure of the offices and how this would help to reduce the overall cost of the rent collection service to all of the RHL tenants.

RESOLVED –

- (1) That Cabinet noted the feedback from the Consultation carried out on the future of the Area Housing Offices.
- (2) That Cabinet agreed that the Area Housing Offices be now permanently closed.

REASONS FOR DECISION - To clarify the position of the currently closed Area Housing Offices. Their customers have largely found alternative methods of payment which are now readily available.

OTHER OPTIONS CONSIDERED & REJECTED - The option of re-opening the Area Housing Offices was considered but rejected, given the consultation outcomes and the more cost effective payment options which are readily available.

**CAB/ 29/2 0-21 Temporary Amendments to the Statement of Community Involvement to enable Public Consultation on the Local Plan during the Coronavirus (Covid-19) Pandemic**

Councillor Charlotte Cupit and Councillor Alex Dale returned to the meeting at this point.

Cabinet considered a report which recommended temporary amendments to the Council's Statement of Community Involvement (SCI). These amendments were required in order to take into account the Coronavirus (Covid-19) restrictions and to ensure that public consultation on the Local Plan continued to take place in a safe way during the virus outbreak. In particular, the report recommended that the requirement for paper copies of the Local Plan to be placed on deposit at specific locations across the District be suspended. It also recommended that a range of other measures be implemented, if or when they became necessary.

Cabinet discussed the proposed changes, which it agreed were sensible and proportionate.

RESOLVED -

- (1) That the Council's Statement of Community Involvement be amended to allow for the temporary suspension of the provisions that relate to making copies of Local Plan documents available to view at key locations throughout the District and charging for hard copy documents; where this is necessary due to national or local restrictions put in place as a result of the



Coronavirus (Covid-19) pandemic.

- (2) That in consultation with the Portfolio Holder for Environmental Services, the Assistant Director Planning be authorised to implement the measures specified in Section 6.2 of the report, when these are considered necessary.

#### REASONS FOR DECISION -

To enable the Council to put in place arrangements to enable appropriate public consultation on the Local Plan to continue to continue during the period of the Coronavirus (Covid-19) pandemic.

#### OTHER OPTIONS CONSIDERED AND REJECTED -

Other options were considered but rejected for the reasons specified in the report.

### **CAB/ Planning Enforcement Plan**

**30/2**

**0-21**

Cabinet was asked to consider and endorse a draft 'Planning Enforcement Plan' for the Council. Members heard about the scope and purpose of the proposed Plan and in particular, how it would make clear what the public could reasonably expect from the Planning Service when reporting a suspected breach of planning control. The Plan would also set out a framework for monitoring performance and workloads of the Planning Enforcement service area.

Members were reminded that the Council's Planning Committee was responsible for Planning Enforcement and would need to agree the proposed Plan. On that basis Cabinet agreed to endorse the draft Planning Enforcement Plan and recommend to Planning Committee for approval.

#### RESOLVED -

- (1) That Cabinet endorsed the Planning Enforcement Plan and recommended it to Planning Committee for approval and adoption.
- (2) That the Council's Communications Team be authorised to prepare a resident accessible version of the Plan, prior to its submission to Planning Committee and to then support a public communication campaign if it is agreed by the Committee.
- (3) That any subsequent amendments to the Plan, required as a result of customer feedback, legislative or regulatory changes, be agreed with the Portfolio Holder with responsibility for the Planning function and Chair of Planning Committee, prior to the formal review of the Plan, in 2024.

#### REASONS FOR DECISION -

Approval and publication of the Plan would give the public a better understanding of this often contentious area of the council's work and provide to all interested parties a service standard to expect and to work to.

## OTHER OPTIONS CONSIDERED AND REJECTED -

The option of not preparing a Planning Enforcement Plan for the District was considered but rejected. It would not help the public or the many others who often have just periodic interest in enforcement cases to understand the context in which the system works to and thereby manage their expectations.

### **CAB/ Urgent Items**

31/2

0-21 There were no Urgent Public Items for Cabinet to consider.

### **CAB/ Exclusion of Public**

32/2

0-21 RESOLVED – That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the local Government Act 1982 (as amended by the Local Government (Access to Information)(Variation) Order 2006).

The category of exempt information is stated after each Minute.

### **CAB/ Health & Wellbeing Scrutiny Review**

33/2

0-21 Cabinet considered a report of Councillor Angelique Foster, Chair of the Organisation Scrutiny Committee, on the Committee's review into Health and Wellbeing provisions for the Council's employees.

Members considered the report and the review findings. There was a consensus that this had been an important piece of work. It had confirmed that many staff valued greatly working for the Council and regarded it as a good employer. The review had also highlighted some practical issues about workplaces and staff facilities. Cabinet asked that these issues be assessed to determine what action could then be taken to address them.

### RESOLVED –

- (1) That Cabinet supported the recommendations of the work to date of the Organisation Scrutiny Committee's review into Health and Wellbeing within the Council.
- (2) That Cabinet authorised that a detailed response be prepared to the Committee's findings, as set out in the report, with a specific focus on improvements that could now be made.

REASONS FOR DECISION - To apprise Cabinet of the Organisation Scrutiny Committee Review's findings and to respond to them.

OTHER OPTIONS CONSIDERED AND REJECTED - No other options were considered by Cabinet.

(Paragraphs 1 and 2)

**CAB/ Eckington Pool Sustainability Project**

**34/2**

**0-21**

The report to Cabinet sought approval for investment at Eckington Swimming Pool. The funding would enable essential upgrade works to take place. It would also enable improvements to be made that would reduce the carbon footprint of the facility, save on running costs and improve the experience of those customers using the pool. Cabinet welcomed this.

**RESOLVED -**

- (1) That Cabinet approved the proposed works at Eckington Pool and budget as outlined in the report, funded from the Capital Programme.
- (2) That the Head of Transformation and Organisation, in consultation with Portfolio Holder for Transformation and Climate Change, be authorised to enter the relevant agreements/contracts associated with the effective delivery of the project.
- (3) That the Head of Transformation and Organisation, in consultation with the Portfolio Holder for Transformation and Climate Change, determines whether the in-fill of the deep end of the pool should proceed following further exploration of the cost and potential benefit of the proposal.

**REASONS FOR DECISION** - The agreed work would improve the life of the facility, the customer experience, increase participation and improve the financial performance of the facility

**OTHER OPTIONS CONSIDERED AND REJECTED** - Other options were considered but rejected for the reasons specified in the report.

(Paragraphs 3 and 4)

**CAB/ Planning Service Structure Changes**

**35/2**

**0-21**

The report to Cabinet set out proposals to alter the current organisational structure of the Planning Service These changes, it was explained, would provide additional capacity to deliver the Council's priorities and objectives for the service. Members discussed the proposed new structure, the consultation arrangements with staff that would be put in place and the financial implications of the proposed changes.

**RESOLVED –**

- (1) That Cabinet requested the Head of Paid Service to exercise his delegation to make the changes to the structure of the Planning Service, as specified in the report.
- (2) That the financial changes, as specified in the report be approved.
- (3) That formal consultation with Planning Service staff and unions now commence.

- (4) That Cabinet requested the Head of Paid Service to use his delegated authority, in consultation with the Joint Director of Environment and Enforcement and the Portfolio Holder for Environmental Services to make changes to the Establishment following formal consultation with staff.

REASONS FOR DECISION - The changes would provide additional capacity to meet the needs and objectives of the Administration by providing a professional and expert Planning Service to residents and businesses.

OTHER OPTIONS CONSIDERED AND REJECTED - Other options were considered but rejected for the reasons specified in the report.

(Paragraphs 1, 2 and 3)

**CAB/ The Avenue Site Update - TO FOLLOW**

**36/2**

**0-21**

Cabinet was asked to agree specific proposals on the land ownership options on the Avenue development site. Cabinet discussed the proposals and agreed to support them.

RESOLVED -

- (1) That Cabinet approved the specific proposals related to the site as set out in the report.
- (2) That Cabinet approved the required officer delegations as specified in the report.
- (3) That Cabinet approved the submission of a funding bid for specific actions as set out in the report.
- (4) That a report setting out specific budgetary proposals be submitted to the next available meeting of the Council.

REASONS FOR DECISION - To apprise Members of the current position on this important regeneration project and the options to now make further progress.

OTHER OPTIONS CONSIDERED AND REJECTED - Other options were considered but rejected for the reasons specified in the report.

(Paragraphs 3 and 5)

**CAB/ Coronavirus (Covid-19): Contingency Planning Update**

**37/2**

**0-21**

Cabinet received an update on the contingency planning arrangements that were now ongoing at a regional and national level to help combat the outbreak of the Coronavirus (Covid-19).

(Paragraph 4)

**CAB/ Urgent Items**

**38/2**

**0-21** There were no Urgent Exempt Items for Cabinet to consider.

## North East Derbyshire District Council

### Cabinet

8 October 2020

#### **Business Centres and Industrial Units Scrutiny Review**

#### **Report of Councillor A Hutchinson, Chair of the Growth Scrutiny Committee**

This report is public

#### **Purpose of the Report**

- To ask Cabinet to approve the recommendations of the Growth Scrutiny Committee's Review of Business Centres and Industrial Units.

#### **1 Report Details**

1.1 The previous Growth Scrutiny Committee agreed to undertake a review of Business Centres and Industrial Units as part of its work programme for 2018/19 as this area supported the Council's Growth Agenda.

1.2 The review aimed to:-

- Review the current approach of the Council to the letting and management of business centres and Industrial units;
- Consider how it was meeting the corporate aims of the Council;
- Assess how the service is performing;
- Consider whether it is meeting the needs of customers currently and whether it will be fit for purpose into the future;
- Assess whether the Council is getting value for money from the service;
- Identify any areas for improvement.

1.3 The Review Panel met on five occasions and considered a variety of information to gain an understanding of the subject area. The Review Panel interviewed key officers at North East Derbyshire District Council and tenants from Coney Green Business Centre. Site visits were also made to a selection of Industrial Units and Coney Green Business Centre.

1.4 The recommendations are:-

- 1 The Council consider the introduction of a mission statement setting out a clear statement of the purpose for the service;

- 2 The Council considers undertaking a branding exercise to consider how it can effectively best market its business centres and industrial units;
- 3 The Council ensures that it has a rolling programme of maintenance that has a sufficient level of investment to keep its business premises fit for purpose;
- 4 The Council review the provision of security at Council owned industrial sites;
- 5 The service introduce some meaningful performance indicators to monitor delivery of the service;
- 6 A checklist for letting of premises be created;
- 7 The Council ensures that any contractors or sub-contractors it uses are adhering to all the requirements set out in the relevant Councils policies;
- 8 Additional signage be provided at Coney Green Business Centre to improve car parking at busy periods;
- 9 Consideration be given to the potential for the provision of container storage units for tenants at Coney Green Business Centre;
- 10 Tenant Surveys be undertaken at Industrial Units.

#### 1.5 Review of previous review report by the Current Growth Scrutiny Committee

This Scrutiny Review was undertaken by the members of the previous Growth Scrutiny Committee during 2018/19. Therefore it was felt appropriate that before it was submitted to Cabinet for consideration the current Growth Scrutiny Committee should review the Scrutiny report and the work of the previous Committee. The members of the current Growth Scrutiny Committee considered both the Scrutiny report and a number of supporting pieces of evidence that had been gathered by the original review process. In normal circumstances they may have undertaken further investigations but given the impacts of the Pandemic, the Committee felt it more appropriate for Cabinet to consider this report now, as it stands.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The Review Panel heard views from a wide range of stakeholders during the review process. The review identified a number of measures the Council was taking to support local businesses within its District and promote economic growth. However, some areas for improvement were identified around branding, investment, performance monitoring and keeping units fit for purpose in the future for tenants.

## **3 Consultation and Equality Impact**

- 3.1 As detailed in the full report.

#### 4 **Alternative Options and Reasons for Rejection**

4.1 Not applicable

#### 5 **Implications**

##### 5.1 **Finance and Risk Implications**

5.1.2 This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

##### 5.2 **Legal Implications including Data Protection**

5.2.1 This will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

##### 5.3 **Human Resources Implications**

5.3.1 These will be determined if Cabinet decide to accept the Scrutiny Review recommendations as part of the Lead Officer response.

#### 6 **Recommendations**

6.1 To ask Cabinet to consider the recommendations in paragraph 1.4 of the report and if accepted ask officers to provide a response in consultation with the relevant Portfolio Holder.

#### 7 **Decision Information**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <i>NEDDC:</i> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	N/A



8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Business Centres and Industrial Units
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Sue Veerman Overview & Scrutiny Manager	(01246) 217060

**NORTH EAST DERBYSHIRE  
DISTRICT COUNCIL**

**OVERVIEW AND SCRUTINY**

**BUSINESS CENTRES AND  
INDUSTRIAL UNITS**

**APRIL 2019**

# Contents

	Page
Chair's Foreword	1
1. Recommendations	2
2. Introduction	2
3. Scope of Review	2
4. Method of Review	3
5. Evidence and Research	3
6. Key Findings	3-8
7. Conclusions	9
Appendix A Stakeholders Engaged During the Review	10

## **Chairs Foreword**

I am pleased to present this report on behalf of the Growth Scrutiny Committee. It details the findings, conclusions and recommendations of the Committee from its review of Business Centres and Industrial Units

The review panel found this review interesting and felt it was timely given the focus on growth within the Authority. I would like to thank all members of the Committee for their input and support during the review.

I would also like to take this opportunity to thank the officers, who took the time to speak to members of the Committee, for their advice, support and cooperation provided through the review process.

Finally I would like to say thank you to Sue Veerman, the Scrutiny Manager, for the planning and organising done on the Committees behalf. Thanks also to Democratic Services for the support they have provided.

Councillor J Windle  
Chair of Growth Scrutiny Committee

## **Review Panel**

The review panel comprised the following members:

Councillor J Windle	-	(Labour) – Review Panel Chair
Councillor S Boyle	-	(Labour)
Councillor S Cornwell	-	(Labour)
Councillor C Cupit	-	(Conservative)
Councillor A Powell	-	(Conservative)
Councillor B Rice	-	(Labour)
Councillor C A Smith	-	(Labour)
Councillor K Tait	-	(Conservative)
Councillor C Tite	-	(Labour)

## **1. Recommendations**

That:

- 1.1 The Council consider the introduction of a mission statement setting out a clear statement of the purpose for the service
- 1.2 The Council considers undertaking a branding exercise to consider how it can effectively best market its business centres and industrial units
- 1.3 The Council ensures that it has a rolling programme of maintenance that has a sufficient level of investment to keep its business premises fit for purpose
- 1.4 The Council review the provision of security at Council owned industrial sites
- 1.5 The service introduce some meaningful performance indicators to monitor delivery of the service
- 1.6 A checklist for letting of premises be created
- 1.7 The Council ensures that any contractors or sub-contractors it uses are adhering to all the requirements set out in the relevant Councils policies
- 1.8 Additional signage be provided at Coney Green Business Centre to improve car parking at busy periods
- 1.9 Consideration be given to the potential for the provision of container storage units for tenants at Coney Green Business Centre
- 1.10 Tenant Surveys be undertaken at Industrial Units

## **2. Introduction**

- 2.1 At its meeting on 19 July 2018 the Growth Scrutiny Committee agreed to undertake a review of Business Centres and Industrial Units.
- 2.2 The review panel thought it timely to review this area to ensure it was supporting the Councils Growth Agenda.

## **3. Scope of Review**

- 3.1 The review aimed to:
  - Review the current approach of the Council to the letting and management of business centres and Industrial units
  - Consider how it was meeting the corporate aims of the Council;

- Assess how the service is performing;
  - Consider whether it is meeting the needs of customers currently and whether it will be fit for purpose into the future;
  - Assess whether the Council is getting value for money from the service;
1. Identify any areas for improvement.

#### **4. Method of Review**

- 4.1 The review panel met on five occasions to consider the scope of the review, key issues they wanted to discuss and key people they wished to interview.
- 4.2 Evidence was gathered in a variety of ways including written sources and interviews with a range of stakeholders.

#### **5. Evidence and Research**

- 5.1 A number of documents and evidence were provided to the review panel for consideration. Details are provided below:
  - Scene Setting Presentation by the Head of Property and Commercial Services, the Business Centre Manager and the Estates Manager on 27 September 2018;
  - Asset Management Survey;
  - Satisfaction Survey from Coney Green Business Centre Tenants.

#### **6. Key Findings**

##### **6.1 Strengths/Observations**

###### **6.1.1 The provision of business sites – Tenants**

Stakeholders were asked what they thought about the Council's business centres and industrial units' provision. A number of positive comments were made across all stakeholders. This included that the facilities were good, management of the business centre were considered approachable and were available to deal with issues arising for tenants. The attractiveness of the rent and rates of the premises was mentioned by a number of stakeholders as a reason they had chosen to let units from the Council.

###### **6.1.2 The provision of business sites - Officers**

Interviews with officers of the Council identified that a common view was that the Council was providing business accommodation that the local commercial market

would not find economically an attractive investment venture. One manager commented that as a public organisation we can provide small business units that are needed. It was felt that businesses were attracted to the Council premises by the flexible terms available. This was supported by evidence heard from tenants. Additionally the Council's reputation was referred to as an organisation that could be trusted and therefore provided risk free service for tenants. Again this was supported by comments made by tenants. The role of the Council in this market was also seen as important as it helped supported local business, including many start-ups. This helped the Council in promoting growth within their area. Officers expressed views that having the balance of Council being in this market was a good thing and something the Council should be doing. It was felt that the main market for the Council should be industrial rather than retail due to the problems the retail sector was facing. The industrial market was considered more stable. It was felt that the Council should look to increase its ownership of industrial properties where appropriate. Statements were made such as we are about people being helped into business and the Council provides quality business units and service that attract and retains tenants.

Details of how the rents charged were assessed was provided and to ensure consistency an in-house valuer undertook this work. It was noted however, that the Council now had only one valuer remaining. It was stated that there was a lot of work in setting rents, valuing properties and land purchase. It was commented that more resource might present an opportunity for the Council to generate more income for example from sale of small plots of land. This did not always mean necessarily selling of parcels of land as it could mean working in partnerships, joint ventures and with Rykneld Homes to make them commercially viable.

### 6.1.3 Suitability of sites

The general consensus from external and internal stakeholders was that the units provided by the Council are fit for purpose. Officers advised that they generate a decent income for the Council as well as meeting the Council economic growth aims. Several stakeholders referred to the Asset Management Survey that had recently been undertaken to assess the status of current assets with a view to ensuring that they were maintained by a measured programme of work. One stakeholder stated that the survey helps the service and the Council understand what maintenance, refurbishments and investment were needed for our assets. It was important to understand the need to keep sites attractive as this then attracts more tenants and increases income. This income can then be reinvested into properties.

### 6.1.4 Coney Green Business Centre

Tenants interviewed felt that the Coney Green Business centre units were redecorated to a high standard and the public areas were in good condition. The panel undertook a site visit of some of the units at Coney Green and saw for themselves the standard of refurbishment of the occupied units and those unoccupied units being refurbished for new tenants. The panel also heard from the Concierge service provided at Coney Green. Twenty four hour cover was provided and the site was considered safe, secure and clean. Other facilities

mentioned by tenants as being available to them included meeting rooms for hire, services like a post franking service, a post-delivery facility and refreshment provision if required for meetings or events. This was viewed as a useful provision. Tenants spoke highly of the management and also appreciated the opportunity that the facility provided to interact with other businesses. When asked about what attracted them to the site, replies included the location and price, more space to grow organically, works better than my previous place, modern facilities, would recommend it. One stakeholder commented it meets my current needs but for future will need double the size unit. Another said I see the value in being at a centre, it was a good move coming here. Other comments were I have suitable office space and a warehouse facility for cold storage. I want to stay with the Council and will remain if possible. One stakeholder also commented that he was very pleased that the panel had taken the time to discuss this issue with tenants as he did not think it would happen with a private company.

The Business Centre Manager advised the panel that the office accommodation was at a good occupancy when it was in the region of 85 to 90% let. The industrial units were often at 100% let due to the demand for such space. She felt the rent and rates were very attractive for businesses. This was supported by discussions with the tenants.

#### 6.1.5 Commercial Agents

The panel heard from stakeholders regarding how the Council advertised and let units. This had changed from previously and the Council now employed the services of a commercial lettings agent. It was felt that this made more economic sense and the coverage that the Council was now able to obtain for advertising premises through a main online real estate and letting websites such as Right Move, was far more effective and beneficial. The agent currently procured to undertake this service is Boxall, Brown & Jones who not only provide on line access which would not be directly available to the Council, but also offer a wide range of other letting and commercial rent advice, which has helped the Council effectively manage the number & duration of voids properties and maximise rental revenue across the service.

#### 6.1.6 Documentation

The panel heard from a couple of stakeholders on how documentation processes within the service were being improved. This included the use of the uniform system to replace paper records with a digital archive. It also provided the service with management information which was useful. New work was being done digitally and most of the previous paper documents had been scanned onto the new system. The service was also in the process of rolling out a revised format of lease which was clearer and identified the role and responsibilities of both landlord and tenant. It aimed to give tenants a sense of responsibility for their own unit.



## 6.2 Areas for Improvement/Observations

### 6.2.1 Mission statement

A couple of stakeholders said they would like to see the introduction of a mission statement for the service as there was currently no written policy. They thought this would help provide a clear statement of purpose for the service. A main part of this would be obtaining a clear steer from members on what their vision for the service was and what they wanted it to be in the future.

### 6.2.2 Branding

A number of comments made by officers were that the Council could improve the branding of sites so prospective tenants know it is a Council premise. One stakeholder said that his general impression was we could sign our premises better and make it clear they are North East Derbyshire District Council premises. There was an opportunity to highlight the Council had this commercial arm in addition to its housing element. Another said we could improve the overall image of the sites generally. Additionally, although it was acknowledged the use of online agents was working well, one officer said he would reinstate the use of lettings boards as these were successful in the past when we used them. They also provided an opportunity to highlight that it was a Council unit that was being let. This sense of the value of the Councils reputation and reliability in lettings of business units was a recurring theme and the general feeling was we should promote this.

### 6.2.3 Maintenance and investment

The panel heard that funding and resources can be an issue. Several stakeholders commented that historically estates have lacked investment and only reactive repairs have been undertaken. The Committee was also informed of the measures the Council has taken to maintain its premises fit for purpose and attract tenants. This has been successful for most of the time but at times of market contraction and downturn it was important to continue to provide fit for purpose premises. Following the production of the Asset Management Survey and Strategy for the Capital Programme there was now a clearer picture of what maintenance was required and the cost of it. This information was very useful and allowed the Council to plan its expenditure over a number of years. Replacement of asbestos roofing long term was one example provided. One stakeholder when discussing this strategy said if we look after our assets with trickle investment over time they will last for many years. Another stakeholder said we needed to dispose of properties that cost the Council money. The panel also heard from one stakeholder who said he felt that compared to private sector investment in maintenance the Councils funding was much lower. The Committee therefore felt it was important to ensure that the level of Investment for property maintenance was sufficient.

#### 6.2.4 Security of Sites

The review panel undertook a tour of some of the key business unit sites as part of their review. They observed that the overall standard of sites was good with some of the newer units providing very good accommodation. One issue raised was the provision of security on site and a discussion took place on the levels of security at different sites. The Coney Green Business Centre was a very secure site enclosed by fencing and covered by CCTV and surveillance arrangements. Midway Business Centre also had CCTV coverage. Other sites with industrial units had perimeter fencing that provided a good level of protection. However, this was not the case in all locations and it was explained that the nature of some sites made this difficult and for others the installation costs were significant. The panel felt that it would be useful to review this area and see whether any further actions could be taken to safeguard some sites.

#### 6.2.5 Performance monitoring

Relevant stakeholders were asked how they measured the performance of the service. Reference was made to profit created at business centres and commercial revenue received from the business estates. This was considered important as if profit was not being made it would need to be reviewed, otherwise the Council would be subsidising the provision. A good indication for the quality of the units and the demand was how many units were let and the number of vacant units. Facilities advised that they had no performance indicators currently but were considering software for Key Performance Indicators. They advised they were a member of the Local Authority Group which helped them compare what they do and see if they can improve the service. The panel felt it would be beneficial to develop some meaningful indicators to measure how the service was performing. A comparison exercise with other comparable councils should also be considered.

#### 6.2.6 Documentation

One stakeholder said it would be helpful if a checklist for letting could be provide so any member of the team would know which documents to retain, even if only electronically. This would ensure accuracy and consistency with archiving documents.

#### 6.2.7 Website

The panel heard a mixture of views on how well the Councils website worked in this area. One stakeholder thought it could be improved, although he acknowledged that people did not look on the website usually for commercial property, which was an interesting observation. Another stakeholder suggested that better links could be made with parishes. One member of the panel undertook a search on the website to see how well it was presented. His view was that he thought it was fairly easy to navigate.

### 6.2.8 Contractors

The panel heard from one stakeholder about the Facilities Contract. The panel was concerned that parts of this contract were also sub-contracted. A subsequent explanation was received from the service that the contract aimed to cover the majority of statutory compliance areas, including responsive and out of hours repairs. It was considered that it would be unreasonable to assume a single contractor would be able to deliver the full contract requirements in house. The officer also stated that at tender stage contractors were required to identify areas where sub-contractors would be utilised in order to demonstrate their ability to adequately deliver the contract. The panel accepted this explanation but were keen to ensure that any contractor or sub-contractor being used on a Council contract was adhering to the policies the Council had in place on issues such as health and safety.

### 6.2.9 Car Parking - Coney Green

During interviews with tenants of units at Coney Green one consistent issue raised was the provision of car parking, especially on conference/training days. This made the car park very busy and sometimes tenants and their staff found it difficult to park. It was acknowledged that the car parking area at the rear of the building was not always used which would help the situation. It was suggested that better signage was required to highlight to visitors the extra space available. One tenant also mentioned a particular problem that he had during recent flash floods at the site. The area had not drained properly which had caused difficulties with accessing his unit.

### 6.2.10 Storage – Coney Green

Tenants were asked whether the site met their future needs. All commented that they may need larger premises in the future as their businesses grew and were happy to remain if the site continued to meet their business needs. One suggested improvement that was raised by tenants was the need for more storage space. Containers was one suggestion that would help with storage of equipment. Another suggestion was that the Council needed to keep building a range of facilities as he felt there was not enough workshop/semi industrial spaces.

### 6.2.11 Tenants Survey

The panel considered the results of a tenant survey recently undertaken at Coney Green. The panel thought this was useful to gather feedback from tenants on their views on the service. They appreciated that regular informal discussion also took place with tenants, particularly when issues arose. The panel agreed that the service should consider a similar survey process for tenants of the industrial units. It was understood that this had happened in the service in the past but not currently. The manager advised that when renewing leases and undertaking property inspection he did have discussions with the tenants on any issues they

wanted to raise. The Panel thought it would be useful to have this information available for the service.

## **7. Conclusions**

- 7.1 The review panel heard views from a wide range of stakeholders during the review process. This included officers directly involved or supporting the service. The views of tenants of Coney Green Business Centre were also gathered by interviews and consideration of the in house survey. The review process identified a number of measures the Council was taking to support local businesses within its District and promote economic growth.
- 7.2 However, some areas for improvement which would enhance the current provision were identified around branding, investment, performance monitoring and keeping the units fit for purpose in the future for tenants.

## Appendix A

### Stakeholders Engaged During the Review

D Broom	-	Facilities and Contracts Manager
M Broughton	-	Head of Partnerships and Transformation
B Butterfield	-	Concierge – Coney Green
F Campbell	-	Estates Technician
N Etches	-	Business Centre Manager
G Galloway	-	Head of Property and Commercial Services
G Harper	-	Estates Manager
J Knight	-	Senior Estates and Valuation Officer
B Walker	-	Property Services Manager

Discussion with tenants at Coney Green Business Centre:  
Craig Ashcroft – Wiltshire Farm Foods  
Duncan Robinson – Pillbox Design Ltd  
Stephen Slater – Stal Ltd

## North East Derbyshire District Council

### Cabinet

8 October 2020

#### Choice Based Lettings and Allocations Policy

#### Report of Councillor A Powell, Portfolio Holder for Housing, Communities and Communications.

This report is public

#### Purpose of the Report

- To seek approval of the draft Choice Based Lettings and Allocations Policy amendments.

#### **1 Report Details**

- 1.1 The Council's Allocations Policy details how Rykneld Homes Limited allocate the Council's housing stock. The policy also covers the allocation of properties belonging to Registered Providers and Housing Associations. A review has been carried out to ensure the policy is meeting the needs of the districts residents. The draft policy with the subsequent proposed amendments can be viewed in **appendix 1**.
- 1.2 For context as of 31<sup>st</sup> March 2020 there were 2,267 applicants on the housing waiting list, however 73% are not actively bidding for properties.
- 1.3 Applicants on the housing waiting list are banded into priority order these are;
  - Band 1 = 152 (6.7% in Emergency need)
  - Band 2 = 266 (11.7% in Urgent need)
  - Band 3 = 765 (33.74% in Moderate need)
  - Band 4 = 1084 (47.8% in General need)
- 1.4 From 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020 there were 453 properties let. Each banding priority must have an opportunity to secure accommodation, therefore applicants in Band 1 are considered first, where there are no suitable applicants within this priority Band then the property will be cascaded through the other Bands, in priority order. During this period the percentage of lets to each band highlights that the majority of properties were let to Band 1 and 2 applicants, which is to be expected as those applicants have the most housing need. The percentage of allocations for each band are:
  - Band 1 = 31%
  - Band 2 = 34%
  - Band 3 = 22%
  - Band 4 = 11%

- 1.5 In partnership with Rykneld Homes an annual review of the policy has been carried out and key amendments have been identified, an overview of the proposals are below.
- 1.6 **Proposed amendment 1 - Armed Forces Ex-Partners/Spouses**
- Propose to include relationship breakdowns where ex partners/spouses have to move out of a Ministry of Defence (MOD) property due to a relationship breakdown. Place in the same banding as armed forces personnel, band 2.
- 1.7 Rationale - this is to support the Derbyshire wide Armed Forces Covenant, which the Council is committed to.
- 1.8 **Proposed amendment 2 - Moves that release an adapted/under occupied property**
- This category is currently in priority band 1, propose to move and place in priority band 2.
- 1.9 Rationale - with the implementation of the under occupation charge in 2013 it was imperative to give priority to applicants who need to move to a smaller property.
- 1.10 By moving this category's banding from Emergency to Urgent it will give those applicants that are in a housing crises first priority, for example, applicants who are homeless, fleeing Domestic Violence, medical condition or special circumstances where an emergency move is necessary for the health and wellbeing of the applicant.
- 1.11 **Proposed amendment 3 - Applicants with equity, savings and/or Assets (Equity levels do not apply to existing Council tenants) - Remove Equity Level**
- 1.12 Propose to remove equity levels and replace with a fairer person centred financial assessment, taking into consideration applicant's circumstances and their ability to access alternative accommodation.
- 1.13 Rationale - Currently applicants in the private sector with £30,000 or more savings/equity/assets are not able to register for housing unless they have special circumstances. Set equity levels can form a barrier to housing for those applicants with a housing need as properties may still be unaffordable to buy or rent on the open market, or personal circumstances may not allow access to this type of tenure or appropriate properties may be limited.
- 1.14 The financial assessment will be based on applicant's income/assets/equity and savings against the average market house price per property size based on the household's bedroom requirements. Assessments will be person centred taking into consideration any:
- housing need
  - specialist housing requirements
  - mortgage/financial restrictions (i.e. cannot get a mortgage)
  - Assess if the private rented sector is an affordable and accessible housing option

1.15 Once the assessment is complete;

- A) If the assessment for market housing is an option and will be suitable to the applicants housing need – applicant will not be registered for Social housing.
- B) If the assessment for private renting is an option and will be suitable to the applicants housing need – restrict housing priority to band 4 on the Council’s housing register.
- C) If the assessment is determined that both A and B (as above) are not a suitable option - applicants will be registered for housing and will be placed in the priority band in accordance with the usual Allocations Policy.

1.16 The draft proposed financial assessment can be viewed in **appendix 2**.

1.17 The draft proposed income/assets/equity and savings procedure table can be viewed in **appendix 3**

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The recommendations to include ex partners/spouses who have to move out of a Ministry of Defence (MOD) property due to a relationship breakdown will support the Derbyshire wide Armed Forces Covenant, which the Council has committed to.
- 2.2 The recommendation to move applicants who wish to downsize from band 1 to band 2 will enable those applicants in crises housing need to have the most priority, whilst still giving urgent priority to those who need to downsize and continue to allow the Council to make best use of its housing stock.
- 2.3 Recommending removing the blanket equity levels and creating a fairer person centred process will remove barriers to housing for those applicants with a housing need who cannot access alternative accommodation. The assessment process and procedure table will ensure openness and transparency to alleviate any discrimination.

## **3 Consultation and Equality Impact**

- 3.1 During a four week consultation period a virtual tenant group meeting was held to discuss the amendments, all who attended was in agreement of the amendments
- 3.2 A further 102 responses were received during the consultation period, which included:
  - Email to all elected members
  - Ask Derbyshire website
  - NEDDC website
  - Rykneld Homes website
  - Letter to all Waiting List applicants
  - External Agency organisations
  - Rykneld Homes Consultation with the Choice Move Team



3.2 The results of the consultation are in the table below:

<b>Consultation from 102 responses</b>			
<b>Proposed Changes</b>	<b>Agree</b>	<b>Disagree</b>	<b>No Response</b>
<b>1.</b> Armed Forces - Ex partners/Spouses	78%	12%	10%
<b>2.</b> Moves that release an under occupied property	75%	21%	4%
<b>3.</b> Applicants with equity, savings and/or assets (equity levels do not apply to existing Council tenants)	68%	23%	8%

3.3 The existing Equality Impact Assessment (EIA) will be updated accordingly.

#### **4 Alternative Options and Reasons for Rejection**

4.1 An alternative option is not to include the armed forces ex partners/spouses however this was rejected as this helps the Council’s commitment to support the Armed Forces Community and the Covenant.

4.2 An alternative option is for under occupied tenants to remain in band 1, however this was rejected as band 1 is to give priority to applicants who are in immediate housing crises. However if an applicant needs to downsize but is assessed as having a “Special case which requires an urgent and immediate need for housing”, as stated in the band 1 priority in the policy, the applicant will be placed in the more appropriate band.

4.3 An alternative option is not to remove the £30,000 blanket equity levels, this was rejected as set equity levels can form a barrier to housing for those applicants with a housing need. Properties may still be unaffordable to buy or rent on the open market at this level, or personal circumstances may not allow access to this type of tenure, for example, due to applicants not able to get a mortgage, bad credit scoring or limited number of appropriate properties to meet the applicant’s needs.

#### **5 Implications**

##### **5.1 Finance and Risk Implications**

5.1.1 Rent arrears due to the under occupation charge is a potential risk for people who need to downsize. However, of all the 2,267 applicants on the waiting list only a small number are in priority band 1 (6.7% across all categories within this banding group). This highlights that the amendment will affect a very small percentage of applicants. Also only 11.7% of all applicants are in band 2, but the most allocations were let to this band (34%) during the financial year 2019/20. This suggests that applicants who need to downsize will still be able to secure alternative accommodation and if there are any impacts of the amendment it will be minimal.

## 5.2 Legal Implications including Data Protection

- 5.2.1 There are no legal implications to the amendments and data protection will be in accordance with the Council's and Rykneld Homes Limited's data protection policy and procedures.

## 5.3 Human Resources Implications

- 5.3.1 There will be no human resources implications as existing employees at Rykneld Homes Limited will implement the amendments.

## 6 Recommendations

- 6.1 To approve the draft Choice Based Lettings (CBL) and Allocations Policy's amendments.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
1	Draft Choice Based Lettings and Allocations Policy
2	Draft financial assessment
3	Draft income/assets/equity and savings procedure table

<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<b>Report Author</b>	<b>Contact Number</b>
Diane Parker	01246 217292

Report Reference –



**North East  
Derbyshire**  
District Council

# **Choice Based Lettings and Allocations Policy**

**August 2020**



North East  
Derbyshire  
District Council

## *We speak your language*

---

Polish

*Mówimy Twoim językiem*

---

French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

---

If you require this publication in  
**large print** or another  
format please call us on  
**01246 231111**

### CONTROL SHEET FOR [policy title here]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Choice Based Lettings and Allocations Policy.
Current status – i.e. first draft, version 2 or final version	Final Version July 2020 – Review first draft
Policy author (post title only)	Housing Strategy
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	Amended from previous policy – April 2017 Review – July 2020
Partnership involvement (if applicable)	Rykneld Homes
Final policy approval route i.e. Cabinet/ Council	Cabinet
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	03 April 2018, 21 June 2018 (legislation updated), 4 October 2018 (legislation updated), January 2019 wording update, May 2019 (legislation updated)

## Contents

1. Introduction .....	5
2. Scope.....	5
3. Principles.....	6
4. Statement.....	6
4.1 Housing Register Eligibility Criteria .....	6
4.2 Property Eligibility Criteria.....	13
4.3 Offering Choice.....	14
4.4 Making an Application to be Accepted onto the Housing Register .....	15
4.5 Housing Need and Priority Banding Scheme .....	17
4.6 Property and Applicant Lettings Criteria.....	25
4.7 Advertising .....	26
4.8 Bidding for Homes, Offers and Feedback.....	27
4.9 Tenancy Types Offered .....	31
4.10 Review and Appeal Procedure.....	31
4.11 Policy Review and Monitoring.....	32
5. Responsibility for Implementation .....	33
6. Glossary of terms (if applicable) .....	34
7. Appendices .....	35
Appendix 1 .....	35
Appendix 2 .....	46
Appendix 3 .....	47
Appendix 4 .....	50
Appendix 5 .....	52
Appendix 6 .....	54

## 1. Introduction

The Council's Choice Based Lettings Allocations Policy details how, Rykneld Homes, will allocate the Council's housing stock. The policy also covers the allocation of properties belonging to Registered Providers and Housing Associations where the Council has nomination rights or agreed lettings plans through the planning process, and some private rented accommodation as part of the Council's Landlord Accreditation Scheme, run by Decent and Safe Homes (DASH) East Midlands.

This policy applies to both new applicants and Council tenants who wish to transfer to another property and covers key areas such as:

- how people apply to join the housing register;
- the system of advertising and how 'bidding' operates;
- the priorities that will be used to determine successful applicants;
- eligibility criteria for properties.

## 2. Scope

As far as possible, this policy is designed to create a balance between:

- the Council as a landlord meeting housing need within the district by making best use of its properties in order to create balanced, sustainable communities;
- ensuring that applicants can exercise as much choice as possible within current supply and that homes are allocated in a clear, fair and transparent manner;
- the Council delivering its statutory duties under housing and related legislation.

To fulfil our legal and statutory obligations the policy also has due regard to current legislation and any subsequent amendments, for example;

- Housing Act 1985
- Housing Act 1996
- Immigration Act 1996
- Immigration Act 2016
- Localism Act 2011
- Homeless Reduction Act 2017
- Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019)
- Children Act 1989
- Welfare Reforms
- Equalities Act



- Human Rights Act

The Policy will also have due regard to Council and Rykneld Homes policies and strategies, including the;

- Corporate Plan
- Single Equality Scheme 2016-19
- Tenancy Strategy
- Housing and Economic Development Strategy
- Homelessness Strategy
- Anti-Social Behaviour Strategy
- Adaptations Policy
- Flexible Tenancy Policy
- All Rykneld Homes Policies as set out to the Board, including Risk Management, Value for money, ASB, Asset Management, 5 year estate delivery plans, equality and diversity, health and safety and tenant involvement

### 3. Principles

The policy will link to the Council's Corporate Plan aims by;

- Supporting Our Communities to be Healthier, Safer, Cleaner and Greener
- Providing Our Customers with Excellent Service

The policy will also link to the Council's Corporate Plan priorities by;

- Providing good quality social housing
- Champion equality and diversity
- Supporting vulnerable and disadvantaged people
- Increasing customer confidence and satisfaction with our services
- Contributing to improving health and well-being
- Ensuring financial sustainability and increasing revenue streams

The CBL and Allocations policy supports Community Lettings Plans for some homes and/or settlements and an age criteria will be taken into consideration when allocating flats in blocks to ensure communities are stable, viable and balanced.

### 4. Statement

#### 4.1 Housing Register Eligibility Criteria

##### Who Can Apply

The Council operates a primarily open housing register, so anyone can apply, including existing North East Derbyshire District Council tenants. However, the following exceptions will normally apply:

- Applicants must be 16 or over to register and must be able to satisfy Rykneld Homes, the Council and (for young people aged between 16 and 17 years) Children and Young Adults Services that they are able to live independently, sustain a tenancy and have an identified package of support available to them where necessary. The only exception to this being where the applicant is a child who is subject to the provisions under the Children Act 1989 and Section 67 of the Immigration Act 2016. All young people aged 16 or 17 will be assessed under the Derbyshire Joint Protocol on Young People aged 16/17 Presenting with Accommodation Needs. This assessment will be initiated in all cases by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care;
- Applicants who are subject to immigration control, within the meaning of the Asylum and Immigration Act 1996 and are **NOT** eligible under Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, and subsequent amendments (Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2018 and the \*Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019), cannot be registered for choice based lettings. The Secretary of State may in the future prescribe other persons or classes of persons who are not qualifying persons.
- \*When the UK exits the EU the Government has committed to protect the rights of EU, EEA, EFTA and Swiss nationals, referred to as "EEA nationals", who are residing in the UK. Therefore the Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861) came into force on 7 May 2019. The intent is that those granted pre-settled status under the new EU Settlement Scheme will be broadly subject to the existing eligibility rules for accessing housing and other services. The Amendment Regulations ensures that the current restrictions in relation to persons from abroad not subject to immigration control will continue to apply. <http://www.legislation.gov.uk/uksi/2019/861/contents/made>
- Applicants who have equity/assets or savings who can access funds to find alternative accommodation to alleviate their housing need (excluding existing NEDDC tenants and Extra Care specialist housing applicants).
- Applicants who are existing council tenants on an introductory tenancy (unless in exceptional circumstances as assessed by Rykneld Homes).
- Existing Council and Housing Association Tenants who have moved twice or more in the past 24 months with no priority may not be registered (assessments will be carried out to identify any extenuating circumstances and may be registered at Rykneld Homes discretion).

### **Obligation to be Truthful**

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council reasonably requires to assess an application, or to provide false information that leads to gaining a tenancy. We will take appropriate action, including possession proceedings, against anyone who gains a tenancy through knowingly providing false information. We will check if an applicant, or anyone in the household, is already registered. Only one application at any one time is allowed.

### **Deliberate worsening of circumstances**

If there are reasons to believe that an applicant has deliberately worsened their circumstances to either gain access to the housing register or get housing priority, then their application may be suspended while further investigations are undertaken. If the investigation cannot show deliberate intent, then their application will be reinstated from their original effective date, however any applicant who has deliberately worsened their circumstances will not be awarded additional priority or may not be able to gain access to the housing register or their application may be cancelled. If a property has already been allocated and let to the applicant in these circumstances we may take court action to evict them, under Ground 5 in Schedule 2 Housing Act 1985 (as amended by section 146 of 1996 Housing Act).

### **Checks and References**

On application we will make a number of checks at registration to verify that the details and information provided to us are correct and up to date. Before an offer of housing is made these details will be rechecked to ensure circumstances have not changed, these include;

- A reference on application from a current landlord for Council and Housing Association tenants, for private rented sector tenants a reference will be requested on offer of accommodation
- A reference from a previous landlord to show that they conducted the tenancy, sole or jointly in a satisfactory manner
- Proof of the applicants National Insurance number may be required, in some cases further checks may be made for verification purposes
- Verification checks on previous addresses
- Previous criminal convictions checks, within the provisions of the Rehabilitation of Offenders Act 1974
- Pre offer checks, which may include a visit to the place the applicant currently lives
- Appropriate checks to find out if the applicant or any person who will live with them has breached tenancy conditions in the past, including non-payment of rent and/or other charges
- Checks to make sure that the applicant has not purposefully worsened their circumstances to obtain more priority on their application
- All applicants will be asked for details of savings and/or equity/assets
- Work related checks will be carried out under the 'Right to Move' criteria

If getting a landlord's reference is likely to cause problems the applicant should contact Rykneld Homes for advice, they may ask for other information, for example, a rent book or Council Tax details.

For every applicant on the application form we must see proof of at least **one** of the following forms of proof of identity, and proof of current address:

- birth certificate;
- medical card;
- marriage certificate;
- driving licence;
- National Insurance card;
- passport;
- benefit entitlement letter

Proof of address can be made by providing a recent bank statement, Council tax bill, benefit letter or a recent utility bill or any documents as requested by Rykneld Homes.

On offer of a property and prior to the tenancy agreement being signed Rykneld Homes will discuss with applicants the financial implications of signing the tenancy, and at this point, a declaration will need to be signed stating that they are aware of the financial implications.

### **Ineligibility, Suspensions and Other Restrictions**

There are certain circumstances in which an application may have been made by a disqualified applicant, ineligible applicant or, more likely, an application may be suspended, all cases will be considered in their own right and special circumstances may be applicable on occasions. Rykneld Homes may not offer a property or put forward a nomination for a Registered Provider or Housing Association property, whilst an application remains ineligible or suspended or the applicant is disqualified.

Rykneld Homes may conduct further investigations and assessments if they believe that an applicant or member of their household may be responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant.

Existing Council and Registered Provider tenants who wish to transfer and who are not deemed to have a housing priority may be refused.

Assessments will have due regard to any current legislative and local and national policy guidelines, including (but not limited to) the:

- Housing Act 1996
- Localism Act 2011
- Homeless Reduction Act 2017
- Anti-Social Behaviour, Crime and Policing Act 2014

Rykneld Homes will consider whether the behaviour was unacceptable at the time of the application and if their behaviour has improved, as previous unacceptable behaviour may not justify a decision to consider the applicant unsuitable. Proof of improved behaviour may be requested, for example, letter from probation worker, support worker or other professional organisation.

### **Guidance on Unacceptable Behaviour**

The following notes are provided for guidance and apply to current and former Council tenants and residents in Registered Provider, Housing Association and private rented sector homes. Each application will be determined on its own merits and nothing within this guidance should be taken as a full and final definition of eligibility. Where Rykneld Homes is satisfied that special or exceptional circumstances exist, it may in its absolute discretion decide not to treat as ineligible a person whose behaviour falls within any of the categories below.

#### **Unacceptable Behaviour - Non-payment of rent or other tenancy charges**

Where the current amount of debt the applicant would normally be excluded from the register and therefore unable to bid for properties. Applicants who have maintained either an account clear of outstanding tenancy charges, or an agreement to pay off their outstanding tenancy charges, for a period of at least 6 calendar months would normally be admitted to the register, although any offer of accommodation would normally be withheld until all outstanding tenancy charges are paid in full, however each case will be considered on its merits.

For statutorily homeless applicants where the Council has accepted a duty to accommodate, an agreement must be in place, and payments made towards their outstanding tenancy charges for a minimum period of at least 6 weeks before they would normally be admitted to the register and an offer of accommodation made, however each case will be considered on its merits. The Housing Options Team will work with homeless applicants from the date of application to ensure that the period can commence at the earliest possible time.

Where outstanding rent or tenancy charges are due to the non-receipt of housing benefit and this is through no fault of the tenant, an application would be admitted. Help will be provided to an applicant to complete the required benefit forms, where special needs exist.

The process for current/former tenancy related charges for housing applications can include:

- Rent
- Water
- Repairs
- Outstanding recharges (current tenants included)

#### Process for current/former tenancy related charges for housing applications

APPLICANT	AMOUNT	REGISTER	ACTIONS
Current Rykneld Homes tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team that housing application submitted.
	Over £500	Yes/No	Have they maintained an agreement to pay off the arrears for the last 6 months?  Yes – register but all tenancy charges will need to be cleared before any offer of accommodation.  No - Inform applicant not registered due to high level arrears, deferred for 3 months then will be reviewed. Advise to contact rents team to make a repayment plan
Former Rykneld Homes tenant (under 6 years)	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team to contact debt collectors.
	Over £500	Yes/No	Have they maintained an agreement to pay off the arrears for the last 6 months?  Yes – register but all tenancy charges will need to be cleared before any offer of accommodation.  No - Inform applicant not registered due to high level arrears and defer for 3

			months. Notify rents team to contact debt collectors.
Former Rykneld Homes tenant (over 6 years)	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation. Notify rents team to contact debt collectors.
	Over £500	Yes/No	Has the applicant acknowledged the debt or made payments in the last 6 years?  Yes - arrears still active therefore suspend for 3 months. Applicant to agree a payment plan for 6 months before registration.  No - register but any offer of accommodation is subject to the arrears being cleared. Encourage a payment plan to be put in place.
Current LA/Housing Association tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation.
	Over £500	No	Inform applicant not register due to high level arrears, suspended for 3 months then will be reviewed. A payment plan will need to be in place for 6 months before registration.
Former LA/Housing Association tenant	Under £500	Yes	Inform applicant to make a payment plan and all arrears need to be cleared before any offer of accommodation.
	Over £500	No	Have they maintained an agreement to pay off the arrears for the last 6 months?  Yes – register but all tenancy charges will need to be cleared before any offer of accommodation.  No - Inform applicant not registered due to high level arrears and defer for 3 months. <i>Note: six year rule applies as above</i>
Private Tenant	Under £1000	Yes	Policy does not specifically state any restrictions for private tenants, however each application should be taken on its own merit.  Register but advise applicant of arrears and advise that these should be cleared
	Over £1000	No	Defer for 3 months and advise applicant to make an arrangement to pay off arrears.

			Once a payment plan has been in force for 6 months register.
<b>Homeless Applicants</b>	No set limits	Yes	Register in accordance with the Housing Options Team's assessment, normally a payment plan of 6 weeks will be required for any outstanding debt.

### **Unacceptable Behaviour - Non payment of rent accrued due to welfare reforms affecting those households on housing benefits and under occupying a property**

Transferring tenants can be accommodated outside of part 6 of the Housing Act and therefore outside of normal allocations rules regarding reasonable preference.

The Council has adopted a proactive approach for applicants wishing to transfer due to financial reasons and a shortfall in housing benefit. These tenants will be given priority banding and in some extenuating circumstances may be offered a direct let into a smaller property suitable to their needs. The offer will be in line with The Homelessness (Suitability of Accommodation) (England) Order 2012. This will be regardless of any rent arrears accrued from April 2013 due to the revised housing benefit regulations. Tenants who have accrued arrears prior to April 2013 will not be eligible for a direct offer. Each case will be assessed on its on merit by Rykneld Homes Limited.

If a direct let is offered and is refused then the tenant will be placed in band 3 and encouraged to pursue HomeSwapper or choose to meet the shortfall in rent. If rent arrears continue to accrue they will be subject to the normal rent arrears procedures and will also be referred to the Council's Housing Options Team for advice.

Where there is a shortage of suitable properties available within the desired area, applicants will be encouraged to consider moving to an alternative area to meet their housing need.

Tenants will have the right to appeal (see 4.10 for the Review and Appeals Procedure).

### **Tenancy Agreement Breaches**

Where an applicant has breached one or more conditions in their tenancy agreement, consideration will be given as to the nature, seriousness and circumstances of these breaches and the length of time the tenancy has been free from problems.

### **Anti-Social Behaviour**

Anti-social behaviour (ASB) in this context can include relevant criminal convictions (within the provisions of the Rehabilitation of Offenders Act 1974); any relevant breach of a tenancy agreement; nuisance or annoyance to neighbours or using a property for immoral or illegal purposes. When considering whether an applicant should be excluded, the following factors will be taken into account;

- The frequency and duration of the conduct
- The scale, severity and type of the anti-social behaviour and its effect on other people, including whether this has caused harm, harassment, alarm or distress
- Any actions in progress by the landlord to address the conduct, such as possession proceedings

With due regard to the 'Rehabilitation of Offenders Act 1974' and the '[Allocation of Accommodation – Code of Guidance for local housing authorities](#)', where Rykneld Homes



believes that the nature of an applicant's convictions might mean that they present a potential risk to the local community or officers from a professional service, the applicant will receive a Housing Application Risk Assessment and may not be eligible to join the Housing Register.

### **Housing Application Risk Assessment**

If deemed appropriate Housing Application Risk Assessments may be conducted, they are person centred and will be carried out by Rykneld Homes on a case by case basis. Dependant on the outcome of the assessment applicants may be required to agree to a support plan or proof that they are already engaging with support services, which may involve external professional services.

Rykneld Homes will take into account the assessments of housing and support needs completed by offender management services, or voluntary organisations acting on behalf of these agencies, to ensure the applicant is in receipt of the right support package to sustain a tenancy and minimise the risk of re offending.

Some high risk applicants, dependent on the nature of the risk to the community may not be able to join the housing register or the applicant may be restricted to the areas/properties they are eligible to bid for. Where an assessment has deemed the applicant may be at risk of becoming homeless a referral to the Councils Housing Options team will be made for further housing advice.

### **Review on Suspended Applications**

Suspended applicants will be able to request a review of their housing application after 12 months in suspension. The review will be based on the applicant's current circumstances, if the suspension can be lifted the applicant will be banded accordingly.

### **Tenant Transfers**

To improve tenancy sustainment for the long term and ensure applicants with a genuine housing need are given housing priority, restrictions to tenant transfers has been implemented. Each application will go through an in depth assessment to make sure the reason/s for wanting to move cannot be resolved without having to move.

### **Restrictions to tenant transfers are as follows;**

- Where a tenant wishes to move to the same property type and size, within the same area with no priority, and it is considered the applicant is reasonably housed under the Allocations Policy, they may not be registered.
- Tenants who have moved twice or more in the past 24 months with no priority may not be registered (assessments will be carried out to identify any extenuating circumstances and may be registered at Rykneld Homes discretion).
- Reasonable preference (priority) tenant transfer applicants - No change (register with relevant priority banding in accordance with the policy and current legislation).

Transfer applicants who submit a Right to Buy application will be removed from the register.

## **4.2 Property Eligibility Criteria**



In order to reduce tenant failures and provide sustainability across our communities applicants will be:

- Assessed to determine what size properties are affordable and will be registered to bid for the assessed property type, for example:
  - Applicants not being able to bid on a property which they will be under occupying, and where applicable this will alleviate the under occupation charge

The under occupation charge does not apply to applicants over the qualifying age for state pension.

In extenuating circumstances restrictions on the eligible size criteria may not apply, for example, but not exhaustive;

- Lack of properties within the assessed property size criteria
- Applicants with a medical priority / in need of an adapted property

No applicant will be treated less favourably if they are in receipt of benefits to help with their housing costs.

Properties will be allocated to people with a range of different needs, therefore to create a balance across communities empty properties may be let subject to a property criteria, for example;

- Age
- General needs
- Specialist/adapted properties for disabled people

Right to Move applicants will be given 1% of all the lets in accordance with the The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015. See Appendix 3

### **Un Let Properties**

If a property remains un let after advertisement the property criteria may be relaxed and may be advertised by other means on a first come, first served basis, however the property will still be subject to eligibility.

## **4.3 Offering Choice**

Rykneld Homes will help customers to make informed choice by providing comprehensive, easy to understand information on the:

- total number of homes owned by the Council, by type and location (and partner landlords if relevant);
- total number and locations of properties currently available, including those undergoing development work and those for discretionary lets;
- outcomes of previous lettings;
- lettings criteria for each home (see 4.6 Property and Applicant Lettings Criteria)

In addition, all applicants will be encouraged to look at the whole range of housing options available to them, for example mutual exchange, transfer, private sector, shared ownership, low-cost home ownership schemes.

All applicants have the following choices;

- Area/s of preference for re-housing across the whole district.
- Up to 6 bids for individual homes per advertising cycle (number will be subject to regular review).
- To not bid (unless the applicant is a priority applicant with a time limit – see 4.5 Time Limiting and Banding Review)
- Option to bid on any type of home where the applicant and lettings criteria can be met (see 4.6 Property and Applicant Lettings Criteria)
- Option to bid only on eligible homes that meet their own aspirations, for example with garden, close to public transport or particular health amenities.

#### **4.4 Making an Application to be Accepted onto the Housing Register**

Every applicant must complete and return an application form which can be obtained directly from Rykneld Homes, the Council and partner agencies or downloaded from Rykneld Homes' web site. The following support will be available to all applicants.

- Help to complete the application form.
- Written and verbal information to ensure customers understand how applications will be dealt with.
- Support with the review, appeal and complaints procedures.
- Assistance in accessing advertising and 'bidding' for properties.
- Liaison between CBL staff and relevant support agencies.
- Advice on affordability of properties, particularly for those households in receipt of housing benefits and assessed as under occupying a social tenancy as part of the Government's wider welfare reforms.

Rykneld Homes will use a number of ways to identify if an applicant has any support needs including, but not limited to, information from;

- the application form;
- a referral from a support provider such as social services, probation services or the Primary Care Trust or the Council's Housing Options Team;
- Community Mental Health Teams;
- CPN's (Community Practitioner Nurse);
- a member of the family;
- our monitoring of bidding;
- the applicant themselves, including affordability of property.

If support needs are identified we will make contact with the applicant for further information, to ensure we offer the most appropriate support such as:

- advice on the CBL Allocations scheme;
- availability of support agencies/networks, including Support Plans
- help with bidding and finding a home
- advice on budgeting and debt prevention

All information relating to this policy and accessing the system will be provided in a range of formats to meet applicant's particular circumstances. These may include audiotape, large print, symbols, Braille, different languages, interpreting services and sign language. If there are any other requirements the Council and Rykneld Homes will endeavour to meet them.

An application, whether new or due to a change of circumstances will be registered from the date it was received fully completed and with the correct documentation. All applications will be subject to the same process of assessment. The information given on the application form will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998 and Rykneld Homes Limited's Privacy Policy.

All applications will be reviewed annually, in line with the registration date, to ensure that the information is still up to date. At the one year anniversary each applicant will be written to and invited to confirm their application status and details. If there is no response within 21 days, the application will be cancelled and a letter sent confirming this.

### **Homeless Applicants**

Any person who considers themselves homeless or threatened with homelessness will be referred to the Council's Housing Options Team who will carry out the investigations and assessments of the applicant. Once complete the team will inform Rykneld Homes' Choice Move team of the priority banding, eligible property criteria and required area to enable the housing application to be registered.

### **Joint Tenants Who Want To Be Re-Housed Separately**

Joint tenants of either the Council or a Housing Association will usually only be considered for re-housing with all other applicants, unless there are extenuating reasons, such as separation, divorce, relationship breakdown or their safety is threatened.

In cases where extenuating circumstances do exist, once a joint tenant is successful in seeking alternative accommodation without the other joint tenant, the joint tenancy must be terminated. An investigation will be carried out as to whether the remaining tenant should be granted a full tenancy for that property or moved to an alternative one. In all cases, support and assistance will be offered to help the remaining tenant be rehoused if deemed necessary.

### **Confirmation of Acceptance on to the Register**

When an application is accepted it will be confirmed by letter, which will include the:

- registration date and bidding reference number;
- any priority and banding awarded;
- assessed property type;
- detailed advice on how to bid.

This information should be retained for use during bidding and when contacting housing staff.

### **Appeals and Review of Suspended Applications**

Where an application is ineligible or suspended, applicants will be informed of the decision in writing with the reasons for this. The letter will also set out other options available to

them and their right to a review in the first instance, followed by appeal if the applicant is not satisfied by the review outcome (see 4.10 Review and Appeal Procedure).

### **Cancellation of Invalid Applications**

Applications are no longer valid when a;

- Council tenancy or Housing Association nomination is accepted either as a sole or joint tenant;
- joint tenancy with an existing tenant is accepted;
- tenancy is assigned to an applicant;
- new secure tenancy is granted on the death of a successor;
- purchase or part-purchase of a property in a 'build for sale' or 'shared ownership' scheme results from a Council nomination;
- submission to purchase a Council property under the Right to Buy scheme is received
- if an applicant is assessed as having savings, equity and/or assets and are able to fund appropriate alternative accommodation to meet their housing need (excluding existing NEDDC tenants and Extra Care specialist housing applicants)

An application will therefore be cancelled if:

- it is no longer valid (see above)
- the applicant requests us to do so
- there is no response to a review letter or other correspondence
- the applicant moves and does not inform Rykneld Homes of the new address
- the applicant leaves the country and is subsequently prevented from being registered because of the restrictions within the Asylum and Immigration Act or any subsequent legislation
- we find that the applicant has supplied false or incomplete information connected with that application

## **4.5 Housing Need and Priority Banding Scheme**

### **Awarding Priority Banding**

All applicants who are accepted on to the Housing Register will have their application assessed and placed into one of the four 'bands' summarised below, in line with their current housing need. There is no hierarchy of the categories within the bands.

Detailed definitions of each band's categories can be found in Appendix 1.

### **BAND ONE – Emergency/Very Urgent Need**

#### **District connection normally required**

- Homeless applicants assessed by the Council's Housing Options team who are owed the Main Housing Duty under Section 193 of the Housing Act 1996
- Homeless applicants owed a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not.
- Homeless applicants in temporary accommodation provided by the council to meet a Section 188 Interim Accommodation Duty considered likely to be in priority need and unintentionally homeless.

- Statutory Overcrowding for private rented tenants as defined in the Housing Act 1985 ([www.legislation.gov.uk](http://www.legislation.gov.uk))
- Domestic abuse
- Critical and/or crisis medical needs
- 
- **Moves that release an adapted property**
- Adaptations – Tenants Incentive Scheme (Adaptation Transfer)
- Special cases which require an urgent and immediate need for housing
- Hate crime cases where re-housing of the victim is appropriate
- Multiple band 2 needs

## **BAND TWO - Urgent Need**

### **District connection normally required**

- General medical needs or applicants with significant care needs
- Applicants with support needs
- Applicants providing support
- Anti-Social behaviour where re housing a victim is appropriate
- People living in temporary accommodation pending enquiries
- Young people and the Children Act 1989 to include Care Leavers, vulnerable homeless young people
- Vulnerable Young people aged 16 and 17
- Families being supported by social care due to specific needs
- Lacking in basic amenities
- People whose home is a property tied to their job, who are retiring or leaving employment
- Moves that release an under occupied property
- Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.
- Prevention of Homelessness Measures (Section 195(2) Following Investigations by the Councils Housing Options Team
- People Leaving Temporary Supported Accommodation
- Armed Forces (as defined in The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012)
- Ex-partners of Armed Forces Personnel leaving MOD accommodation
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015). See Appendix 3 for further guidance
- Non Statutory Overcrowding by 2 or more bedrooms – Definition Used by North East Derbyshire District Council, see Appendix 5
- Multiple Band 3 Needs

## **BAND THREE – Moderate needs (No time limit)**

- Private sector tenants with an assured shorthold tenancy
- Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2

- Priority homeless but no local connection following investigation by the Councils Housing Options Team
- Homeless Applicants found to be intentionally homeless and the section 189 (B) relief of homelessness duty owed to them has come to an unsuccessful end.
- Shared Amenities after a 6 month period
- Special circumstances
- No Fixed Abode/Sofa Surfing following investigation by the Councils Housing Options Team
- Non Statutory Overcrowding by 1 bedroom – Definition Used by North East Derbyshire District Council, see Appendix 5
- Children aged 5 and under living in upper floor flats/maisonettes
- Applicants who are deemed not to have made best use of their priority banding after a review.

#### **BAND FOUR – General Needs (No time limit)**

- No Specific Housing Needs
- Homeless but no local connection **AND** no priority following investigation by the Councils Housing Options Team
- No local connection
- Applicants with equity, savings and/or assets who can secure accommodation in the private rented sector which meets the household's needs

#### **Multiple Needs**

In order to classify as having multiple needs, the following rules apply:

#### **Multiple Band 3 Needs:**

In order to qualify as having multiple Band 3 needs, applicants must fall into the two of the following categories:

- Special circumstances, for example families with special needs children
- Private sector tenants living in an assured shorthold tenancy
- Non statutory overcrowding by 1 bedroom – Definition used by North East Derbyshire District Council

#### **Multiple Band 2 Needs:**

To qualify as having multiple Band 2 needs, applicants must fall into at least two of the following categories:

- Medical needs (general) or significant care needs, where re-housing would improve health
- Support needs – receiving or providing
- Anti-social behaviour cases where re-housing of the victim is appropriate
- Non statutory overcrowding by 2 bedroom – Definition used by North East Derbyshire District Council

#### **Time Limiting and Banding Review**

Where Priority Bands 1 and 2 are awarded, the time an applicant can stay within them will be subject to a full review, which could result in a number of outcomes including:

- “housing options” advice being provided to the applicant;
- extra support to the applicant;
- change of priority banding (up or down)

An offer of accommodation may be made to Homeless applicants placed in priority bands 1 and 2 in order to meet the statutory homelessness duty. The offer must be one which is appropriate under The Homelessness (Suitability of Accommodation) (England) Order 2012.

Priority Band 1 will be subject to a full review after 3 months with close monitoring between reviews, however homeless applicants will be reviewed in accordance with legislation stated in the Homeless Reduction Act 2017.

Priority Band 2 applications will be subject to a full review after 6 months.

Applicants registered in Priority Bands 3 and 4 will be asked to update their application details annually, with any substantial changes potentially leading to re-categorisation. The information given will be stored on a computer and may be shared with other public agencies (such as the Department for Work and Pensions) and Council services (such as Housing Benefits and Council Tax) solely to detect and prevent fraud but will be in full compliance with the Data Protection Act 1998 and Rykneld Homes Privacy Policy.

Where a change of banding occurs as a result of a review, applicants will be notified in writing with an explanation as to why the change has occurred.

In all of above cases, actual accrued waiting time is not limited and is a factor on which winning bids are determined within the bands.

#### **Definition of 'District Connection'**

With the exception of some homelessness, domestic violence, hate crime cases, armed forces personnel (as defined in The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012) and Right to Move applicants, Priority Bands 1 and 2 require a district connection. For the purposes of this Allocations Policy, this is defined as applicants:

- living in the district for at least 6 months out of the last 12; or 3 years out of the last 5 years, unless they came to the area to attend a further education establishment;
- having a close family member (child, parent, brother or sister) who has lived in the district for at least the last 5 years;
- giving or receiving care/support from someone living in the district;
- who are children or young adults leaving care;
- moving to meet the needs for higher education/training purposes;
- moving to receive specialist medical treatment;
- moving to or from supported housing which is near family;
- who are key workers or similar;
- with other special reason for living in the district, for example:-
  - children for whom the County Council (Social Care) is acting as corporate parent and who are placed outside the district will be deemed to have a connection with the district; and
  - people who need to move to the district, where failure to meet their need would cause hardship (to themselves or other family members).

In all the above cases, supporting documentary evidence will be required.

There is an exemption to the qualification rule for applicants to whom the Council has accepted a homelessness duty under section 189B(2) or 193 (2) of the Housing Act 1996 because either because;

- a) They have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996, but do not otherwise meet the local connection criteria for joining the register or
- b) they do not have a local connection with the Council, but do not have a local connection with any other area therefore remain the responsibility of the Council

### **Community Connection**

This is a system of preference for applicants wishing to live in the community or adjoining community where they:

- have been living for the last 12 months; or 3 out of the last 5 years
- have a close family member for example; child, parent/guardian, brother or sister, who has lived in the community for at least the last 5 years.
- give or receive care/support from someone living in the community
- receive specialist medical treatment
- need to move to or from supported housing which is near family
- 'Right to Move' applicants, see Appendix 3
- applicants not qualifying under Right to Move regulations but who need to move for employment purposes (assessments will still be based on the 'Right to Move' criteria Work Qualification Definition as stated in Appendix 3)
- employment purposes qualifying through homeless legislation as referred by the Housing Options Team
- education/training purposes (starting from children in Secondary school year 10 and above)
- people who need to move to the community, where failure to meet their need would cause hardship (to themselves or other family members)
- Care Leavers aged 16 – 21, or up to the age of 25 if still receiving support from a Personal Advisor see the statutory guidance in Appendix 1

In all the above cases, supporting documentary evidence would be required.

Applicants will be awarded an extra 1 year waiting time for those bids where they meet the above community connection requirements.

### **Discharge of Homelessness Duty**

Under the Localism Act 2011, Part 7 of the 1996 Housing Act and the Homeless Reduction Act 2017 the Housing Authority has the power to fulfill its main homelessness duty with an offer of private rented accommodation.

The Council may decide to end its homelessness duty with an offer from within its own housing stock, housing association stock or through an offer of private rented accommodation within or outside the district boundary. If an offer of private rented accommodation is made then it must be assessed against the Homelessness (Suitability of Accommodation) (England) Order 2012. This Act provides guidelines as to the suitability of accommodation in relation to Health and Safety standards, standard of landlord management and suitability in terms of location, such as proximity to employment, schools, GP or other support networks.



The housing pressures faced limit the degree of choice that the Council is able to offer along with the responsibility the Council has to some groups in urgent housing need and to reduce the financial impact of temporary accommodation on the Council. The Council through the Housing Options Team may make a direct offer to applicants owed a statutory homelessness duty to alleviate housing need, however the applicant's preferred choice of area may not be available.

Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area in order to meet the duty owed to any applicant under the section 189B(2) Relief of homelessness duty or the main section 193(2) duty under Part 7 of the Housing Act 1996.

Furthermore the Council may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. The offer of accommodation would be in any area of the district that the Council has assessed is suitable and safe for the applicant to live in.

A decision to make a direct offer of accommodation could be:

- Where an applicant is not bidding in areas where properties are available and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant, to reduce the financial burden on the Council of the cost of temporary accommodation

### **Armed Forces Personnel and their families**

The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 states that Council's Allocations Policies and Choice Based Lettings schemes "must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ..." of the following:

- is serving in the regular forces and is suffering from a serious injury, illness mental ill health (including PTSD) or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

To support the Derbyshire wide Armed Forces Covenant, which the Council is committed, the priority will also include;

- ex partners/spouses who have to move out of a MOD property due to a relationship breakdown,

In relation to former armed forces personnel any application to register for Choice Move must be made within five years of discharge from the armed forces.

### **Medical Assessments**

If an applicant, support agency/carer thinks that the applicants' current home is unsuitable due to their medical or mobility needs they may ask to be assessed. If the state of repair

of the home is adding to these problems, where possible the property should be repaired before re-housing can be considered. The ability to adapt a home, where appropriate, will also be taken into account.

Medical banding may be given to applicants where:

- They are being discharged from hospital and their home is totally unsuitable for their needs; or
- The design of their current home means they cannot use essential facilities within their home without significant difficulty or help; or
- The design of their current home means they cannot get into or out of their home without significant difficulty or help; and
- A move to a different type of property would resolve these difficulties or alleviate them significantly.
- There is a fully-assessed need to move on the grounds of disability or ill health including mental ill health.

An applicant must apply to go on the housing register, and in the first instance their application will initially be awarded banding without the medical assessment. They will be able to bid on applicable homes whilst their medical assessment is being considered.

On application a medical assessment form will be sent to the applicant for them to complete or for their representative to complete on their behalf (family member, friend or support agency). The form will ask for authorisation from the applicant to contact their GP, if necessary, and Rykneld Homes may visit the applicant to obtain further information for verification and to clarify the applicant's circumstances.

The assessment will be carried out by Rykneld Homes', once the assessment has been concluded the applicant will be awarded priority banding as stated below.

Crisis/Critical:	Band 1
General:	Band 2

Details are contained within the banding definitions in Appendix 1.

Some applicants with mobility needs for a specialist or ground floor home may wish to move, although they are already suitably housed from a mobility perspective. If they are over 60 they will be advised to bid for ground floor flats and bungalows. If the applicant is under the age of 60 their registration will be amended to qualify them for these homes so they can bid on equal terms.

Priority will only be given for a housing type that will resolve the housing need as assessed in the medical assessment.

In some instances the applicant may have specific needs for a specialist home (for example, a 3 bedroom disabled persons property or adapted house) that has not become available during the time limit. In these instances, the priority may be extended.

If the applicant or a member of their household requires a property with major adaptations or needs housing designed for a disabled person, they may be offered a Flexible Tenancy till such a time their circumstances change and no longer need an adapted property and can seek more suitable alternative accommodation. (See point 4.9 of the policy)

## **Relationship Breakdowns**

In situations where a co-habitation relationship has broken down there is no automatic banding. Rykneld Homes and the Housing Options Team will consider the circumstances on an individual basis to determine priority. Evidence of circumstances may need to be provided. In all cases, it is advisable to seek housing and legal advice as early as possible as some actions may result in the applicant being awarded a lower priority.

## **Applicants with the Ability to Meet Their Own Housing Needs**

There is an increasing demand for social housing in the district and while the Council feels it is important to operate an open housing register, it recognises that priority should not be given to those who have sufficient savings, equity and/or assets to meet their own housing needs.

As part of the application process applicants will be financially assessed and they will not be able to bid for any properties until the assessment has been completed and the appropriate band awarded. Should they be found to have equity, savings and/or assets to help secure/afford alternative accommodation in the private rented sector which will alleviate their housing need they will normally only be awarded Band 4. If the financial assessment concludes the applicant can afford to buy a suitable property to meet their housing need on the open market they will normally be ineligible to register. However in some circumstances where their funds cannot be accessed then they may register and if a successful bid is made they may be offered a property with a Flexible Tenancy as a housing solution until they are in a position to seek alternative accommodation. (See 4.9 of the policy).

In some cases, for example medical priority applicants, where there is a limited number of properties to alleviate housing need in the private sector, or due to circumstances where the applicant has no immediate access to their funds they will be placed in the relevant priority band as per the usual procedure.

If any applicant worsens their circumstances to gain social housing, for example by disposing equity, savings and/or assets then an investigation will be carried out by Rykneld Homes to determine the reasons for the disposal. For more information on this assessment see Appendix 6.

## **Discretionary Lets**

This criterion refers to a let being allocated which is not subject to the general Allocations Policy. Such a let will be considered on the rare occasions where needs cannot be met through the normal Allocation Policy and procedure, for example:

- temporary accommodation is required following a fire or flood, or other major incident and current property is uninhabitable;
- direct offer of accommodation through the homelessness legislation;
- substantial development or repair work is being carried out and the tenant cannot safely or reasonably be expected to remain in-situ;
- succession to the tenancy of a property built or specially adapted for a person with special needs and they do not need that home;
- referral by Police Authorities as part of their Witness Support programmes;
- re-housing required as part of the Council's Emergency Plan following a local disaster;
- other situations specified in this Policy or Appendices, or unspecified emergency situations;

- re-housing required as a result of regeneration activity directly affecting Council homes;
- potential use in a “tie” situation where two applicants with the same banding and waiting time are at the top of a short-list; and
- any cases deemed as being an exception to the allocations policy

The decision to make a Discretionary Let will be authorised by Rykneld Homes Limited.

### **Community Lettings Plans**

We may adopt plans under this criterion for specific estates/areas. These have either been or will be agreed with local residents and other stakeholders and will have considered the problems that need addressing, supported by evidence following wide consultation with stakeholders. Further details can be found in Appendix 4.

### **4.6 Property and Applicant Lettings Criteria**

Advertised properties will have a criteria which detail any priority rules that apply to the particular property and which applicant’s will have priority, which may include;

- if any community lettings criteria apply (together with the detailed rules that apply);
- minimum age of applicant for any offer of a home;
- minimum age of applicant for some flats and bungalows;
- adapted property for people with mobility priority;
- Extra Care Housing Schemes (schemes aimed at older people where they can live independently and have 24-hour care and support on site when it is needed);
- four bedroom and larger homes

**Where homes have a minimum age limit**, every attempt will be made to offer the home to someone above the minimum age. If there is no one who meets the minimum age limit we may consider lets to younger applicants. People with mobility priority will be considered first for some ground floor flats, bungalows and adapted houses. Homes with aids and adaptations will be restricted to applicants with mobility needs in the first instance.

**Extra Care Housing Schemes for older persons** provide for tenants needing varying levels of onsite care and support. For vacant homes in these schemes, other agencies, including Social Services, will be involved in setting the lettings criteria and making the final offer decision. If an applicant **only** seeks this type of housing the equity, savings and/or assets restrictions will not apply enabling them to join the housing register and bid as appropriate, however they will not be eligible to bid for any other types of properties. Eligibility criteria will apply and will be detailed in the advert.

**Four bedroom and larger properties** are in short supply in most areas of the district. In order to make the best use of these 4 bedroom properties, households with a Band 1 and 2 priority and who need a 4 bedroom or larger home to resolve their housing need will be considered first. If applicants in band 1 and 2 have been exhausted priority will cascade to band 3 then 4 applicants with the most number of people in their households. Alternatively some applicants, dependent on the applicant’s priority banding, may bid on 3 bedroom properties to help alleviate their immediate housing crisis.

**A woman with a confirmed pregnancy** will be counted as a household with a child upon the birth of that child and receipt of the birth certificate. If an applicant already has one child, the unborn baby will be treated as if it were the same sex.

**Access arrangements** for children can only be taken into account for children under the age of 16.

**When a member of an applicant's household is in prison**, this person may be included in the household for the purposes of the letting criteria 4 weeks before their confirmed release date from prison.

### **Guidance to Property Size and Type Eligibility**

General guidance on property sizes and types that would normally be offered depending on the composition of the household and if affordable can be found in Appendix 2.

Allocation to a specific property will depend upon applicants fulfilling any 'property' or 'applicant' criteria linked to that property, as outlined in the policy.

In some areas and localities where there are shortages of particular types of housing, and where the applicant's circumstances do not fit the general guidance, discretion may be exercised by Rykneld Homes. Examples of this could be:

- Where particular types of properties are in short supply,
- Where there is a Community Lettings Plan; the advert may state that applications can be accepted if the criteria are not met, but people who meet the criteria will be considered in the first instance
- Single people with access arrangements to children
- Community lettings plans will also have other rules which may apply
- To ensure community sustainability, vacant flats may be profiled to take into account the composition of current tenants when advertised.

Homes may be let to households of a size or type that don't meet the usual lettings criteria; for example if this is a need identified through a Communities Lettings Plan, or where there are no applicants who fit the criteria.

### **Overnight Access**

If an applicant has access to one or more children under the age of 16 years for two or more nights a week and they have provided documentary evidence supporting their access arrangements, different property types and sizes may be possible, therefore under these circumstances assessments will be carried out by Rykneld Homes on a case by case scenario. However if the child/children's permanent residency is elsewhere the applicant will not get any housing priority for overcrowding.

Property types and sizes will depend on the number of children and the age and sex of those children. 'Property' and 'applicant' criteria will also have to be met when bidding for specific properties.

Affordability assessments will also be carried out to determine if the property is affordable in terms of the under occupation charge.

## **4.7 Advertising**

### **Advertisement of available homes**

All available Council homes will be advertised on a cyclical basis as follows:

- On the ChoiceMove website [www.choicemove.org.uk](http://www.choicemove.org.uk), with free access available at numerous points around the district and a list of these locations being widely available.
- A lettings brochure produced weekly detailing all the available homes, available at various points across the District, including offices of the Council, Rykneld Homes and partner agencies.

The advertisements explain:

- how to bid for a home;
- the closing date for bids;
- the details of each property including rent/charge, number of bedrooms, special features;
- applicant eligibility criteria if applicable;
- feedback from previous lettings cycles.

The right is reserved to use other property online search portals to advertise un let properties and also withdraw properties at short notice, in some cases even after advertising. Withdrawal of properties will be kept to an absolute minimum.

### **Mutual Exchanges**

A Mutual Exchange is a swap of accommodation between two or more tenants, where each party moves permanently into their exchange partner's home. A tenant cannot exchange into an empty property. Council and Housing Association tenants can apply to exchange their accommodation, subject to certain conditions, with the consent of their landlords being required before moving. Within some of the advertising media will be a section detailing homes and tenants who wish to move under mutual exchange procedures.

Rykneld Homes is signed up to [HomeSwapper](#) which is a mutual exchange matching website for use by secure tenants.

## **4.8 Bidding for Homes, Offers and Feedback**

### **Bidding for Homes**

“Bidding” refers to the way applicants let Rykneld Homes know they are interested in a home. It doesn't involve any money; it is an expression of interest only. Acknowledgements will be provided on request.

Bids can be made:

- in person or by post
- by telephone;
- on the website;
- on an applicant's behalf by Rykneld Homes by prior mutual agreement (they will inform you if this is to be done on your behalf e.g. for priority applicants and in some circumstances vulnerable applicants);
- on an applicant's behalf by a support agency/worker (by agreement).

With the exception of discretionary/direct lets applicants will normally be able to make up to 6 bids in each cycle of adverts.

Before making a bid an applicant should seriously consider if the property:

- is in an area they would like to live in, information on areas is provided with the advert and application forms;
- is the type they would be happy with, the property details are on each advert; and
- has letting criteria they are eligible for.

If applicants consider the above points, waiting times can be kept lower as that reduces the chances of making offers that people don't want.

### **Bidding for Applicants in Priority Bands 1 and 2**

Applicants in Priority Bands 1 or 2 (who are not offered a property directly) will need to search and bid for homes following the usual procedure, however, they will also need to be aware:

- That priority will only be given for homes that meet the applicant's need. For example, if an applicant has mobility needs for level access, they will not be given priority to move from a house with stairs to another similar house.
- Applicants will be expected to bid on all types of homes for which they meet the letting criteria, for example 2 bedroom flats as well as houses, and may need to compromise on their ideal choice in order to move quickly.
- With valid reason we can make a bid on an applicants' behalf or review or cancel a priority at any time.

### **Band 1 Relating to Statutory Homeless Duty**

Statutory homelessness duty awards may be eligible for a direct one off offer under their priority band award to accommodation that meets their housing need and enables their support need to be sustained.

Housing Association nominations will also be undertaken by ensuring that all nominations received from Housing Associations will first be considered against Band 1 statutory homelessness duty awards, thereby ensuring that all social housing providers are meeting statutory housing needs in the district.

Following legislative changes private rented accommodation can be utilised to discharge the homelessness duty and will be considered as suitable and appropriate accommodation where it meets the needs of individuals and households. Any offer of private rented accommodation will be in accordance with The Homelessness (Suitability of Accommodation)(England) Order 2012.

### **Sorting Bids**

All bids received by the closing date are placed in descending band order, giving Priority to Band 1, in line with any property and applicant criteria stated. Where two or more applicants are in the same priority band, **and** meet any additional eligibility criteria, then order will be determined by the longest application waiting time.

Where a property has adaptations, applicants who fulfil the eligibility criteria and who have been medically assessed to require those adaptations will be prioritised above applicants without those needs. Where two or more applicants require the adaptations the following sorting methodology will apply. If no applicants have been assessed to need the

adaptations present in the property, the remaining eligible applicants will be shortlisted as below.

The procedure for sorting bids is as follows;

1. Applicants in Band 1 are considered first, where there are no suitable applicants within this priority Band, then the home will be cascaded through the other Bands, in priority order, highest priority being first.
2. Where there is more than one applicant, the longest waiting time is first. This date may be different from the original registration date as priority may have been awarded due to a later change in circumstances.
3. Where there are two or more applicants with the same waiting time, then the earliest registration date will be first (see note 2 above).
4. For homes with a minimum age limit we will make every attempt to offer the property to someone above the minimum age. However, if there are no suitable applicants we will consider offering it to other applicants who have bid but do not meet the minimum age limit.
5. Where there are no suitable applicants at all, homes may be re-advertised with a relaxation of any lettings criteria being considered.
6. Dependant on demand homes may be re advertised on other online property search portals.

#### **General – short-listed applicants who are “tied” at the top of a band**

In the unusual circumstances of a “tie”; (that is, where two (or more) applicants are at the top of the same band and have exactly the same amount of waiting time and the same registration date) then the successful applicant will be determined by a panel of two senior officers, including the appropriate Rykneld Homes service manager. It may be appropriate, in such circumstances to offer the ‘unsuccessful’ applicant a ‘*discretionary let*’, if appropriate stock is available, although this will not always be possible or practical in every circumstance.

#### **Homes Available in Community Lettings Plan Areas**

Homes in areas with these plans will be subject to additional lettings criteria which have been agreed and operate in specific localities.

#### **Successful Bids and Offers**

Applicants banding and waiting times will be checked and verified to ensure the applicant is positioned correctly on the shortlist. Once the verification checks have been concluded the eligible top applicants are normally notified between five and ten working days of the bidding cycle closing. The top shortlisted applicant/s will then be invited to attend a viewing, however if the applicant/s cannot be contacted within 24 hours the next eligible person may be offered a viewing.

Following the viewing, the applicant will have up to 24 hours to make a decision as to whether to accept the property. Where this offer is refused, the next applicant on the list will be invited to view the property. All offers will be made once all checks and verifications are complete. This may be at the property and if the offer is accepted confirmed in writing the same day.

Each successful applicant will receive one offer only per cycle. If an applicant has bid on a number of homes and is successful for more than one, then their preferred property will



be the only one offered to them in that cycle and Rykneld Homes will proceed down the list to find the next suitable applicant for the other homes.

Applicants are advised wherever possible to consider the location of the property and the property type prior to making a bid.

If Rykneld Homes find that information has not been provided and that a successful applicant does not in fact meet the lettings criteria then the offer can be withdrawn.

### **Feedback**

At the end of each cycle, a list of all properties that have been let, including discretionary lets, will be available to provide transparency and information, so that unsuccessful applicants can see the banding and waiting time of the successful applicant, and also get an indication of how long they may have to wait for a particular locality/dwelling type to help them to make more informed bids in the future.

This will be included within the advertising for the next round of available homes. Feedback will show the address of the property (not house/flat number), the band and waiting time of the applicant who was offered the property following the closing date. No personal information about the successful applicant will be shown.

### **Refusing Offers**

Offers can be refused, however reasons must be given for refusal and if the applicant's reasons are not considered reasonable, applications may be suspended for a period of three months. When an applicant has been offered and refused 3 homes their application will be re assessed and housing advice given including considering the property location and property type. If the applicant's reasons for refusal are not considered reasonable, applications may be suspended for a period of three months.

If an applicant owed any of the statutory homelessness duties under the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 refuses an offer of suitable accommodation, the homelessness duty owed to them will be discharged and they will lose any priority status afforded to them because of the duty owed to them. The Council reserves the right to withdraw any offer of accommodation where there is just cause. The Council's Housing Option Team will explain to the applicant why an offer has been withdrawn.

A statutory homeless duty includes the following:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

### **Non bidders**

If applicants on the Housing Register do not express an interest in any property over an extended period of time Rykneld Homes will contact them to see if they need any help using this system or if their circumstances have changed.

If homeless applicants are placed in priority banding and have not made a bid on any properties the Council's Housing Options Team will make contact, again so that any help and advice required can be offered and to determine the action to be taken in line with the Homeless Reduction Act 2017.

#### **4.9 Tenancy Types Offered**

Council homes will be offered on an Introductory tenancy in the first instance, followed by either a secure Lifetime Tenancy or fixed term Flexible Tenancy.

Flexible tenancies **do not** affect existing social housing tenants who wish to transfer and who currently have a lifetime tenancy.

Flexible tenancies may be offered to applicants who fit the criteria stated below where access to social housing would be for a fixed period until their circumstances change or they are able to find alternative accommodation, or in some circumstances more suitable social housing may be offered by Rykneld Homes;

- Owner Occupiers/applicants who have too much equity/savings/assets which they **cannot** access to secure alternative accommodation due to their current circumstances, for example; relationship breakdown, fleeing domestic violence
- Empty/Void properties can be used as a housing solution for applicants for a fixed term until the property can be developed/refurbished/regenerated, case by case assessments will be completed to determine which properties are offered under this criteria
- Properties with major adaptations or housing designed for a disabled person

***See the Councils Flexible Tenancy policy for further information.***

#### **4.10 Review and Appeal Procedure**

If applicants are unhappy with any decisions that Rykneld Homes make, they can request a review in the first instance. Examples of where this may happen include:

- decisions relating to applications to join the Council's Housing Register including where applicants have been suspended or excluded unfairly in their view;
- Dissatisfaction with offers on properties made;
- if an applicant believes that they are in the wrong band, or that their band has been changed unfairly in their view after a time-based review;
- if an applicant believes that a property has not been allocated according to this Allocation Policy. For instance, if they expressed an interest for a home, and were in the same priority band and had longer waiting time than the successful applicant.
- An identified officer, who is independent of the original decision making process, will carry out these reviews. This will normally be the appropriate Rykneld Homes Senior Officer (non Homeless applicants).
- Appeals for Homeless applicants are in line with the Homeless Reduction Act 2017 and will be carried out by the Council's Housing Options Team.

#### **Stage 1 – Review (non homeless applicants)**

- A request for a review must be made within 21 days from:
  - the date on which you were notified of Rykneld Homes' decision and the reasons for it, or
  - the date of publication of feedback of properties let, where an applicant believes that a property has not been allocated according to this Allocation Policy

You can make this request in writing, in person, by telephone or by email. Your request will be acknowledged in writing within 3 working days of receipt.

- The reviewing officer will have up to 28 working days from the date of receipt to carry out the review. This may be extended by mutual agreement. The reviewing officer will take into account the relevant contents of the Council's Allocations Policy together with any legislative requirements, statutory instruments and any current Code of Guidance. They may seek information from any agency that supports the applicant. Applicants may be asked to provide a written explanation to describe the grounds of their review request.
- If the reviewing officer finds that applicants have given additional relevant information, which had not been taken into account when the original decision was made, the case will be referred back to the officer who originally dealt with the case. This officer will reconsider their original decision in view of the new information provided.
- When the review is complete, the reviewing officer will write to applicants within 3 working days to advise them whether the original decision is upheld or rejected, and their reasons for this outcome. Applicants will also be advised of their right of appeal at stage 2.

### **Stage 2 – Appeal (non homeless applicants)**

Where applicants are not satisfied with the decision of the reviewing officer, they can appeal to Rykneld Homes within 21 days of the review decision.

A senior Rykneld Homes officer, who has not been involved in the first stage of the decision, will consider the request for an appeal. The decision on the appeal will be based on the facts known to Rykneld Homes at the date of the review. Rykneld Homes Service Manager may need to ask the applicant for more information to assist in making a decision.

This review and appeal process is over and above customers' general rights to complain about any Council service, either to the Council directly or via the Housing Ombudsman Service, [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

### **Discretion**

Where a review or appeal made by an applicant, on the grounds that a property has not been allocated according to this Allocation Policy, is upheld, and the applicant has missed out on the offer of a property as a result of this, then consideration will be given to offering the applicant another property as a 'discretionary let'. This will be at the discretion of Rykneld Homes, depending on which stage of the procedure is being followed.

## **4.11 Policy Review and Monitoring**

### **Review**

A desk top review of this policy will take place on an annual basis through monitoring of the effectiveness of the policy. Reviews will take account of the following:

- outcomes of who is housed, the banding system and time limits
- lettings criteria and the categories within them
- advertising methods and media
- bidding methods, procedures, timescales and other criteria attached to the bidding process
- housing register information
- demand information

Performance will be assessed through the following framework, with detailed measures being developed for inclusion in future versions of the Policy appendices:

- National and local performance indicators
- Benchmarking exercises and peer review
- Service Standards: joining the housing register, advice and assistance, bidding, viewing and accepting a property
- Learning from customers, including customer satisfaction with the service, and with opportunities for involvement with developing and improving the service
- Cost and value for money information

This Policy will be subject to periodic review and amendment, based upon customer feedback, the ad-hoc trialling of different methods and relevant changes in government legislation. Following review it may be necessary to make adjustments to the Policy to facilitate the fair and efficient running of the CBL system. Where adjustments are made these will be communicated widely through the available CBL advertising methods.

### **Monitoring**

Through the Choice Based Lettings & Allocations and Welfare Reforms monitoring form the policy will be monitored on a quarterly basis and through the Governments Local Authority Housing Statistic annually. Examples of data to be collected for monitoring include:

- The number of applications, lettings and offer refusals
- Number of applicants in each band
- Applicants connected to armed forces
- 'Right to Move' applicants
- Owner occupiers and exclusions
- Bedroom requirements
- Lets per age band
- Lets per priority band
- Under occupation applicants
- Discretionary lets

## **5. Responsibility for Implementation**

Through the Housing Strategy Team, the council owns the Choice Based Lettings and Allocations Policy. However, the implementation and delivery of the policy is the function of Rykneld Homes, primarily through its Choice Move Team, but also through the Neighbourhood Teams.

The council's Housing Options Team also uses the policy within its role to support homeless applications. In these cases it works closely with Rykneld Homes' Choice Move Team.

Through supporting applicants, other agencies have an indirect role in the delivery of the policy's content, such as DCC, Children's Services, Learning Disabilities Services, probation services, the law centre, P3 and SAFE.

Registered Providers and Private Rented Sector Landlords will also use this policy through properties being advertised via CBL and nominations from the Council's Housing Register list of bidders.

## 6. Glossary of terms (if applicable)

**Arms Length Management Organisation (ALMO):** Rykneld Homes, the organisation that is responsible for managing and maintaining the council's housing stock.

**Auto Bid:** This means bids will automatically be placed on properties that are advertised matching the applicant's criteria.

**Choice Based Lettings (CBL):** CBL allows applicants for social housing (and existing tenants seeking a move) to apply for available vacancies which are advertised widely (e.g. in the local newspaper or on a website).

**Housing Association and Registered Provider:** Independent, not-for-profit organisations which own or manage affordable homes, both social rented and intermediate.

**Ineligible application:** An ineligible application is one which may result in the applicant being restricted from participating in the CBL scheme as a result of the applicant being guilty of unacceptable behaviour.

**Decanting:** Is the process that takes place when works are required to a Council property and it is decided that it is not safe for the tenant to remain in the property whilst the work is being carried out, therefore the tenant will be moved to an alternative property on a temporary basis.

**Nomination rights:** This is where the Council has an agreement which allows Rykneld Homes to nominate applicants from its own housing register for properties managed by a partner registered provider or housing association.

**Notice to Quit:** This is a legal term which refers to the written notification given to the tenant of a property requiring the tenant to vacate the property and hand over possession to the landlord. In the case of this policy, Rykneld Homes will take possession of the property as they manage the Council's properties.

**Possession proceedings:** This is a legal term which refers to the process which can take place due to a dispute over the possession of a property. For example, where a tenant has failed to pay their rent or have accrued rent arrears and Rykneld Homes wishes to claim for possession of the property off of the tenant, possession proceedings will be undertaken.

**Possession order:** This is an order from the County Court that requires a tenant to vacate a property by a certain date and time. This order is obtained following possession proceedings being issued.

**Suspended application:** A suspended application is one that is registered but restricted from bidding.

**Transfer applicants:** A transfer applicant describes an applicant participating in the scheme who is a current tenant of North East Derbyshire District Council and who will be vacating their current property in order to occupy another property.

## 7. Appendices

### Appendix 1

#### **Detailed Definitions of Bandings**

Referrals for priority can be made directly by the applicant, an advocate, support worker, carer, other officer or anyone working in a professional or advisory capacity with the applicant.

## **BAND ONE – Emergency/Very Urgent Need**

**(Review of priority is required after a 3 month time limit).**

**District connection normally required**

### **1. Homelessness**

- **Main Housing Duty under Section 193 and Section 189b(2)**

Homeless applicants assessed by the Council's Housing Options team who are owed the Main Housing Duty under Section 193 of the Housing Act 1996 following investigation by the Council's Housing Options Team Priority banding and eligible property type will be assessed by the Council's Housing Options team who will advise Rykneld Homes' Choice Move Team accordingly.

- **Homelessness Temporary Accommodation**

Applicants assessed by the Housing Options team, who are in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty, and who are considered likely to be in priority need and unintentionally homeless whether a decision to that effect has been made or not

If the applicant has been assessed by the Housing Options team in line with the Homeless Reduction Act 2017, and placed in band 1, at their discretion a one time offer of accommodation may be given. If the applicant refuses this offer (which must be reasonable) the priority will be cancelled and the Council's statutory duty discharged. However, the applicant has the right to request a review of the suitability of the property offered. This must be made either verbally or in writing, giving the reasons why they feel the property is unsuitable, within 21 days of the offer being made (even if the applicant has moved into the property). If the offer is found to be unreasonable, then priority will remain and a second offer will be made.

### **2. Statutory Overcrowding as defined in the Housing Act 1985**

[www.legislation.gov.uk](http://www.legislation.gov.uk)

Where a private sector household is deemed to be living in Category 1 Hazards (Bands A-C) of the HHSRS and the Council has a duty to take action, the household will be placed into Band 1 as statutorily overcrowded.

### **3. Domestic abuse**

An applicant can be assessed for priority if it is essential that they move because:

- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse by their partner or someone else who lives with them; or
- they have been treated violently or threatened with violence or have been subjected to psychological, verbal or financial abuse at or near the property by a former partner or an associated person, and who does not live with them in the property.

The policy applies equally to men and women and to people in same-sex as well as heterosexual relationships. It also applies to applicants who are abused by household members other than spouses or partners. It applies equally to applicants in all tenures.



If the applicant is a Council tenant and the perpetrator is not a tenant (or eligible to be joint tenant) then the applicant must quit the home when they are re-housed. Anyone who remains in the home will be treated as an unauthorised occupier.

Where an applicant has been given priority banding due to being assessed as being at risk from domestic abuse, the applicant is restricted to applying for properties a reasonable distance from their existing home. Reasonable distance will be assessed in terms of the risk to the applicant of living in a certain location, along with the location of support networks, local services, availability of suitable alternative properties and access to transport.

#### **4. Critical and/or crisis medical needs**

Priority may be given if applicants suffer ill-health which is aggravated by their housing conditions and which would be helped by a move elsewhere. Further information is included in section 4.5 Housing Need and Priority Banding Scheme of the policy

Circumstances will be assessed against the following criteria:

- Physical Health:
  - Crisis or volatile situation, requiring re-housing in the very near future in order to avoid serious repercussions on health.
  - Serious physical dysfunction or deterioration.
- Mental illness/learning disability:
  - High risk or actual breakdown.
  - To live in ordinary housing is essential to avoid loss of life.
  - Serious mental ill health or deterioration (including severe PTSD caused by serving in the Armed Forces)
- Environment:
  - Life threatening situation developing if not re-housed away from existing home/neighbourhood.
  - Dangerous or unsafe physical environment

#### **5. Moves that release adapted property**

Moves that release adapted property and applications via the “Adaptation Transfer” route (more information can be found on the Rykneld Homes website at [www.rykneldhomes.org.uk](http://www.rykneldhomes.org.uk))

#### **6. Special cases**

An applicant may be considered for special case priority if they have:

- a. an urgent and immediate need for housing, the circumstances of which are exceptional and are not covered by the allocations policy; or
- b. cumulative or multiple Band 2 needs; where the applicant (or a member of their household) has a number of needs which when assessed in isolation would not indicate a very urgent need; or
- c. the applicant’s current home poses a significant risk to life or health and immediate re-housing is essential. Such a special case, will in practice, be deemed a “discretionary let”.

#### **7. Cases of hate crime where re housing a victim is appropriate**

Hate crime is defined by the Home Office as “any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a personal characteristic”. The definition covers five main strands, in particular – disability, gender-



identity, race, religion or belief and sexual orientation". (<https://www.gov.uk/report-hate-crime>)

Hate crime can include;

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

A Police crime number will be required as confirmation of the hate crime.

## **BAND TWO - Urgent Need**

**(Review of priority is required after a 6 month time limit).**

**District connection normally required**

### **1. General medical needs or applicants with significant care needs**

Priority may be given if applicants suffer ill-health, including mental ill health, which is aggravated by their housing conditions and which would be helped by a move elsewhere.

Circumstances will be assessed against the following criteria:

- Some actual risk, or concern about potential risk, to physical safety and functional ability. Unable to be improved unless by alternative property design/ layout
- Increased level of stress/distress to applicant, where the current accommodation contributes to severe social isolation and restricts independence; and where re-housing is required to prevent deterioration. This will only to be awarded if the inability to cope is solely and directly related to housing.
- Clear evidence of significant health improvement if re-housed, particularly where poor surroundings may affect or worsen the illness and re-housing would be the only way to improve the situation of the applicant.
- Potentially unsafe physical environment.

Applicants with significant care needs may include people with chaotic lifestyles, mental health needs, learning disability, long-term health problems, community care or related health problems and people leaving supportive housing schemes; where re-housing would improve health or promote independent living.

Applicants may be assessed for priority if they are ready to leave hospital or other care institutions and they have:

- spent a long time in hospital or institutional care; or
- spent significant time in temporary or 'move on' accommodation; or
- had repeated stays in hospital or institutional care; **and**
- have no permanent accommodation to return to.

Where the applicant is leaving temporary or 'move on' accommodation, referrals will be considered using the Derbyshire Move On Protocol.

Applicants may also be assessed for priority if:

- They have been discharged into the care of their family but this accommodation is unsuitable for their needs; or
- They have been discharged into temporary accommodation other than a supportive hostel; or
- They have not been in hospital long term, but require a full needs assessment and care package to enable them to live independently in permanent accommodation; or
- They have significant mental health or other health problems that are being caused or exacerbated by their housing situation and this can be resolved by urgent re-housing.

In all such cases, priority will only be awarded if:

- Rykneld Homes is satisfied the applicant is capable of living independently; **and**
- any necessary support needed for the applicant to live independently will be provided

## **2. Applicants with support needs – receiving or providing**

Applicants may be assessed for priority if they need to move to be nearer to family or friends in order to give or receive a high level of essential support. Priority may only be given where a high level of support is both needed and will be given. Priority will only be given if:

- there is evidence that a high level of support is needed and, without that support, the applicant would have serious problems in their daily life; **and**
- the person giving the support confirms that they are already giving a high level of support or will give it if one of the parties moves nearer; **and**
- a move will greatly cut or ease the travelling time needed to give or get support.

Priority will not usually be given where a primary carer already lives with or near to the applicant. However, this can be considered where a move is essential in order to support a primary carer who has other people for whom they are responsible. For example, where one partner needs a high level of care and the spouse provides this but there are also young children in the household. In this case, priority will only be awarded to enable one secondary carer's household to move. Priority cannot be awarded to more than one household.

If an applicant with a high level of support needs lives with others who provide that support, they can ask to be assessed for priority so they can live independently but remain within reach of supportive family and friends or of alternative agency support. This policy covers people who are not tenants (or eligible to be joint tenants) or owner-occupiers.

If the support is provided by an agency, the agency must confirm that the applicant needs a high level of support and will be given that support if they move. It must also be shown that the applicant cannot get this support where they live now.

An applicant cannot be awarded priority just so they can be near particular services or facilities.

Priority will only be given for an area that will resolve the housing need.

## **3. Anti-Social behaviour where re housing a victim is appropriate**

Anti social behaviour is any behaviour that unreasonably and adversely affects the quality of life of other members of society. More information on anti-social behaviour is available on the Rykneld Homes website [www.rykneldhomes.org.uk](http://www.rykneldhomes.org.uk).

For the purposes of this policy, this will include members of their household for whom they are responsible.

We will always tackle the perpetrator, and wherever possible support the victim in remaining in their home. However, if the anti-social behaviour continues and it is assessed by Rykneld Homes that it is more appropriate to re house the victim, re-housing priority may be given, in some cases a crime reference number may be requested to support the application.

#### **4. People living in temporary accommodation pending enquiries**

Where applicants are living in bed and breakfast, Council owned homeless units, accommodation within Council stock, women's refuge and other supported accommodation as a result of a homeless application under investigation, after investigation the Housing Options Team will treat this in the same way as a prevention of homelessness and may make an offer of accommodation or change the banding priority as appropriate.

#### **5. Young people and the Children Act 1989**

Care Leavers:

Young people under the age of 21 who have been or are still in the care of the Local Authority (Children's Services) and people aged from 21 up to the age of 25 who are receiving support from the Local Authority (Children's Services) as per the statutory guidance.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/683701/Extending\\_Personal\\_Adviser\\_support\\_to\\_all\\_care\\_leavers\\_to\\_age\\_25.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683701/Extending_Personal_Adviser_support_to_all_care_leavers_to_age_25.pdf)

Vulnerable Homeless Young People:

16 and 17 year olds, who have been assessed by or on behalf of Social Services as in need under the Children Act 1989, may be given priority on the same basis as care leavers (see above). All applicants aged 16/17 will be assessed directly by the Council's Housing Options Team in conjunction with Derbyshire County Council's Children's Social Care Team in line with the Derbyshire Joint protocol on Young People aged 16/17 Presenting with Accommodation Needs.

Priority will only be given for a home located in an area that will enable the necessary support to be provided.

#### **6. Vulnerable Young people aged 16 and 17**

Any person over the age of 16 can apply to be on the housing register; however housing will not normally be allocated to anyone under the age of 18. 16 and 17 year olds will normally be re housed via a Children Act referral from social services under the terms of the agreed protocol or via a homeless application.

If a 16 or 17 year old is vulnerable and requires housing before their 18<sup>th</sup> birthday, an assessment will be made of the person's circumstances and an allocation may be made. However, adequate referral and support arrangements should be in place and all 16 and 17 year olds will require a guarantor both to accept responsibility for the tenancy and rent.

#### **7. Families being supported by social care due to specific needs**

Where a family is being supported by social care or other support agencies and evidence of this has been provided, they can apply for priority. In all cases evidence will be required and this would normally be in the form of a support plan. Situations where this may be applicable include families with children who have a disability and families being supported by adult services.

### **8. Lacking in basic amenities**

Applicants in self-contained accommodation which lacks the basic amenities of:

- Bath or shower
- Internal toilet
- Kitchen
- Hot water

### **9. People whose home is a property tied to their job, who are retiring or leaving employment.**

*Council and Rykneld Homes' Employees:*

These tenants are treated as being on the housing register from the date they began that job. If they were already on the housing register before becoming an employee, they will keep that registration.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
- for redevelopment, demolition or sale where the site is being disposed of.  
If employment ends, and the home is not needed for a new employee, the former occupant may be allowed to stay in their home if they wish to do so, provided:
- the home would form part of the general housing stock; and
- they meet the letting criteria for the property, returned to the general housing stock.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.

*People NOT Employed by the Council or Rykneld Homes, but with a Tied Tenancy:*

These tenants are treated as being on the housing register from the date that their application was approved.

Priority is given if a move is needed to release the home:

- for a new jobholder because the employee retires, resigns, or is redeployed; or because they have died and their partner must move; or
- for redevelopment, demolition or sale where the site is being disposed of.

If the applicant has not been offered a home at the end of the time limit the priority will be reviewed and a final offer will be made by proxy bid by Rykneld Homes' officers. If the applicant refuses this offer, the priority will be cancelled.

### **10. Council Tenants Affected by Development work to Council owned homes, Decanting or the Creation of Decant Pools.**

If a Council tenant's home is having major improvements, repair work or the property is included in the Council's Long Term Regeneration Programme, they may be moved temporarily into a decant property. The appropriately authorised Senior officer will withdraw

from the letting pool, one or more properties. These will be dealt with as “Discretionary Lettings”.

Temporary homes will be offered on the same estate or as near as possible to the tenant's home. These temporary moves may be arranged if:

- a) member of the household is a shift worker;
- b) there are strong medical reasons why the household cannot cope with the building works;
- c) a member of the household is under one year of age;
- d) the gas, electricity or water has to be disconnected for a long period;
- e) the size of the household and age of the people in it would make it difficult for them to live in the home during the work; or
- f) the home is in a block of flats, and the household will be unreasonably disturbed by work in other flats.
- g) if the property is being demolished to allow for redevelopment and the property is being re built

Once the work is finished, the tenant would normally be expected to return to their permanent home.

### **11. Prevention of Homelessness (Section 195(2) Measures Following Investigations**

Priority banding and eligible property type will be assessed by the Council’s Housing Options team who will advise Rykneld Homes’ Choice Move Team accordingly.

If the applicant has been assessed as having a risk of becoming homeless in the next 56 days by the Housing Options team under Section 195(2) in line with the Homeless Reduction Act 2017, and placed in band 2, at their discretion a one-time offer of accommodation may be given. If the applicant refuses this offer (which must be reasonable) the priority may be cancelled and the Council’s statutory duty discharged. However, the applicant has the right to request a review of the suitability of the property offered. This must be made either verbally or in writing, giving the reasons why they feel the property is unsuitable, within 21 days of the offer being made (even if the applicant has moved into the property). If the offer is found to be unreasonable, then priority will remain and a second offer will be made.

### **12. People Leaving Temporary Supported Accommodation**

Residents of supported housing projects who have gained an acceptable level of independent living skills may be nominated by the Supported Housing Provider for priority housing status. This will enable service users to secure accommodation through the choice based lettings system as a priority in appropriate circumstances.

People leaving temporary supported accommodation is defined within the Derbyshire Move On Plans Protocol (MOPP), more information on the MOPP can be found on Derbyshire County Council website at [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk).

### **13. Armed Forces (no district connection required)**

The Housing Act 1996 (Additional Preference for Armed Forces) ( England) Regulations 2012 states that Council’s Allocations Policies and Choice Based Lettings schemes must be framed so as to give additional preference to a person with urgent housing needs who falls within one or more ...” of the following:

- is serving in the regular forces and is suffering from a serious injury, mental ill health including PTSD or disability which is attributable (wholly or partly) to the person's service,
- formerly served in the armed forces,
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

To support the Derbyshire wide Armed Forces Covenant, which the Council is committed, the priority will also include;

- ex partners/spouses who have to move out of a MOD property due to a relationship breakdown,

In relation to former armed forces personnel any application to register for Choice Move must be made within **five** years of discharge from the armed forces.

**14. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others). (Including; the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015).**

Applicants who are suffering prolonged hardship (physical, emotional, financial) which is worsened by their current housing situation and where a move could alleviate their hardship.

Right to Move applicants must be an existing Social Housing tenant (in England) and have;

- a 'need' to move and;
- reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or need to move to take up an offer of work (including apprenticeships and training) See Appendix 3 for further guidance

**15. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are overcrowding their current property by 2 or more bedrooms, as assessed by Rykneld Homes using the Councils overcrowding definition and guidance in Appendix 5.

**16. Moves that release an under occupied property**

Applicants assessed by Rykneld Homes as under occupying their current property and the move will release that property for re-let. This includes:

- applicants eligible to pay the under occupation charge

existing council tenant applicants wishing to downsize

### **17. Cumulative Band 3 Needs**

Where the applicant (or a member of their household) suffers from a number of needs, which when assessed in isolation would normally result in an applicant being placed in Band 3, they may be considered for Band 2.

## **BAND THREE – Moderate needs (No time limit)**

### **1. Private sector tenants with an assured shorthold tenancy**

Private sector tenants with an assured shorthold tenancy, evidence of tenancy agreement and/or status required.

### **2. Applicants without any district connection but would otherwise meet the criteria of Band 1 and 2 including Priority homeless with no local connection following investigation by the Councils Housing Options Team**

Applicants without any local connection who otherwise meet the criteria of Band 1 or 2, includes applicants wishing to be re-housed across local authority boundaries, for example for employment reasons or to give or receive support.

Direct applicants from outside the district will be assessed using the criteria and definitions as stated in the policy under Band 1 and Band 2 and if they would otherwise have fitted either of these categories, then they will be awarded Band 3.

### **3. Shared Amenities after a 6 month period**

Only people who have lived in the property as their permanent full time residence for at least 6 months and fit the following criteria;

- applicant must be a non family member and;
- they do not have the exclusive use of a bedroom/one room, and;
- they share facilities. The council considers that shared facilities include;
  - kitchens, and;
  - bathrooms.

**(If households within households are sharing a property then the overcrowding criteria may apply).**

### **4. Non Statutory Overcrowding – Definition Used by North East Derbyshire District Council**

Applicants that are assessed by Rykneld Homes, using the Councils overcrowding definitions and guidance in Appendix 5, as being overcrowded in their current property by 1 bedroom.

### **5. Special circumstances**

For example, families with children with special needs who may need to be near a particular educational school, or foster parents who need a larger home to enable them to continue as fosterers and other circumstances which may be determined by assessment.

### **6. Children aged 5 and under living in upper floor flats**

Cases where children aged 5 and under are living in upper floor flats will be given priority band 3.

#### **7. No Fixed Abode/Sofa Surfing**

These applicants will be assessed by the Councils Housing Options team in line with the Homeless Reduction Act 2017, if they are satisfied that an applicant has no permanent home and is staying at various locations (sofa surfing), then priority Band 3 can be awarded. Each case will be assessed on their own merit, therefore the Housing Options Team may also award a higher priority band dependent on the applicants circumstances.

#### **8. Applicants from band 1 and 2 who are deemed not to have made best use of their priority**

After an applicant has had a review, if it is deemed that the applicant has not made best use of their priority banding, for example, have refused suitable offers or are not bidding on advertised properties, then their application will be placed in band 3.

#### **9. Intentionally Homeless Applicants**

Applicants who have been found to be intentionally homeless and the section 189B relief of homelessness duty owed to them has come to an unsuccessful end, these applicants will be assessed by the Council's Housing Options Team.

#### **10. Homeless Applicants Owed the Section 193C(4) Duty**

Applicants assessed by the Council's Housing Options Team, who are owed the section 193C(4) duty as a result of the relief duty coming to an end for deliberate non co-operation with the actions set out in their personal housing plan to help them relieve their homelessness.

### **BAND FOUR – General Needs (No time limit)**

#### **1. No Specific Housing Needs**

This band will include applicants with none of the specific housing needs included in Bands 1, 2 and 3, but who wish to be re-housed.

#### **2. Applicants with equity, savings and/or Assets (not including existing Council tenants)**

Applicants with equity, savings and/or assets who are able to secure alternative accommodation in the private rented sector. (see Appendix 6 (NB applicants with equity, savings and/or assets who are assessed as able to buy a property on the open market will be ineligible to register, unless the applicant is already a council tenant wishing to transfer or only require Extra Care housing).

#### **3. Homeless but no local connection AND no priority following investigation by the Councils Housing Options Team**

The Councils Housing Options team will determine if an applicant assessed in line with the Homeless Reduction Act 2017 has no local connection and no priority need. Each case will be assessed on their own merit, therefore the Housing Options Team may also award a higher priority band dependent on the applicants circumstances.



## Appendix 2

### Framework to Property Sizes and Types and Qualifying Household Size.

***The table is for guidance purposes only and is based on full affordability, the actual eligible property type will be determined by the applicant's assessment as stated in 4.2 of the policy.***

Where the Table refers to children, it should be noted that a child under the age of one is considered able to share with a parent/guardian.

	Studio flat/Bed-sit	1 Bed Ground Floor Flat/Maisonette	2 bed Ground Floor Flat/Maisonette	1 Bed Upper Floor Flat/Maisonette	2 Bed Upper Floor Flat/Maisonette	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	2 Bed House	3 Bed Flat/Maisonette	3 Bed House	4 Bed House
Single person aged under 60	✓	✓	✓	✓	✓							
Single person aged 60 or over	✓	✓	✓	✓	✓	✓	✓					
Couple with one applicant aged 60 or over		✓	✓	✓	✓	✓	✓		✓			
Couple with both applicants aged under 60		✓	✓	✓	✓				✓			
2 adults (not couple) where both applicants are aged under 60			✓		✓				✓			
2 adults (not couple) where one of the applicants is aged 60			✓		✓		✓		✓			
Household with 1 child (aged under 5)			✓						✓		✓	
Household with 1 child (Aged 5 and over)			✓		✓				✓	✓	✓	
Household or single person expecting a baby		✓	✓	✓	✓				✓			
Household with 2 children (same sex) aged between 5 - 16 or (different sex) aged between 5 - 10			✓		✓				✓	✓	✓	
Household with 2 children criteria as above but at least 1 is aged 5 or under			✓						✓		✓	
Household with 2 children (same sex) over 16 or (different sex) aged over 10										✓	✓	
Household with 3 or more children										✓	✓	

Household with 3 or more children and at least 1 is aged 5 or under												✓			
3 (individual) Adults aged under 60												✓	✓		
3 (individual) Adults aged 60 or over									✓			✓	✓		
Household with 4 or more children or household of at least 6 people in total												✓	✓	✓	
Household with 4 or more children and at least 1 is aged 5 or under or household of at least 6 people in total													✓	✓	
Household with 5 or more children or household of at least 8 people in total													✓	✓	✓
Household with 5 or more children and at least 1 is aged 5 or under or household of at least 8 people in total														✓	✓
Household with 2 or more children with evidenced medical problems															✓

### Appendix 3

#### Right to Move Procedure Guidance

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 states that local authorities cannot decide that a person does not qualify for an allocation of accommodation on the grounds that the applicant does not have a local

connection with the area if the applicant is a tenant of social housing and who needs to move to take up a job or live closer to employment or training (including apprenticeships).

A local connection requirement is not needed for existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

Applicants will be treated as if they have a local connection in terms of waiting time and will be placed in priority band 2.

Rykneld Homes must be satisfied that the tenant needs, rather than wishes, to move which may include:

- 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
- the length of the work contract
- 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

The above is not an exhaustive list and other local circumstances may be taken into consideration.

### **Work Qualification Definitions (also refer to non Right to Move applicants)**

The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

The Secretary of State considers that the following are relevant considerations for exclusion and where possible Rykneld Homes will adhere to the following set definitions:

#### ***Short-term Definition***

- whether work is regular or intermittent
- period of employment and whether or not work was intended to be short-term or long-term at the outset
- A contract of employment that was intended to last for less than 12 months could be considered to be short-term

#### ***Marginal Definition***

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature)
- the level of earnings

However Rykneld Homes may take into account that if;

- a tenant only works 15 hours a week, for example, it may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial

### ***Ancillary Definition***

- If a person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the regulations
- If the tenant is expected to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer
- A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations. However, there is nothing to prevent local authorities looking sympathetically on tenants seeking to move into their authority's district for this reason, if they choose to do so

### ***Voluntary Work Definition***

- Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred

### **Apprenticeship**

- The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service)

### **Verification and evidence**

Rykneld Homes will require proof that the work or job-offer is genuine and should seek appropriate documentary evidence, which could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – e.g. proof that the applicant is in receipt of working tax credit (if eligible)
- a formal offer letter
- additionally, the employer may be contacted to verify the position

**Rykneld Homes may consider whether an applicant qualifies both at the time of the initial application and when considering making an allocation.**

A set quota which the Council and Rykneld Homes feels appropriate for the proportion of properties that it expects to allocate each year to transferring tenants who need to move into their district for work related reasons is 1%. However this will be reviewed and revised as appropriate based upon supply and demand through monitoring channels.

DRAFT

## Appendix 4

### **Community Lettings Plans**

A Community Lettings Plan is an agreement between the Council, Rykneld Homes and local tenants and residents that restricts lettings in the area to certain households. This is done to tackle a specific issue or problem that has been identified locally, at block, street, estate or neighbourhood level.

Community Lettings Plans allow the Council and Rykneld Homes to:

- Identify and explore the barriers to accessing housing.
- Deliver better outcomes and improve life chances for current tenants and future residents.

The plans may consider:

- The proportion of people with formerly chaotic lifestyles
- Existing child density
- Adapted homes
- The need to create balanced and sustainable communities
- A maximum or minimum age limit for certain homes
- A requirement for a community connection
- The proportion of customers who do not rely solely on benefits for the payment of their rent
- Specific housing management reasons. For example, age designation of certain homes where particular problems have arisen.

Four key elements will be considered when developing a new Community Lettings Plan:

- Selective lettings. There may be some restrictions as to who can apply for certain properties or areas. For example this may involve age restrictions or a requirement to have a community connection.
- Making the best use of housing stock.
- Developing a balanced and sustainable community to promote community cohesion and balance the needs of existing and new tenants in order to create more inclusive neighbourhoods where people want to live. This may be in areas where there is a high turnover of homes either within an estate or amongst certain property types.
- Attract potential tenants - for example certain homes may be offered with a furnished or part-furnished package attached.

### **Key stages of development**

- Developing a stock and demand profile of the area

This may include a breakdown of and information on:

- Property types and numbers
- Household type
- Voids and lettings within the last financial year
- The numbers of, and reasons for, refusals
- Reasons why tenants are leaving, and applying for the area
- The number of transfer requests to leave an area
- The level of demand for properties in the area
- How long tenancies are lasting
- How quickly vacancies are filled
- The layout of the area and services available
- Any specific social issues within the area, including any multi-agency involvement, such as neighbourhood management approaches.
- An estimate of vacancies expected
- Local targets for performance

- **Involving and consulting customers**

Rykneld Homes will consult with residents and existing tenants, and involve them in the development of any proposals for Community Lettings Plans. Partner landlords who have stock within the area will be consulted regarding the need or otherwise for a local plan.

- **Evaluating the information**

Rykneld Homes and the Council will evaluate the information in the stock and demand profile and will take account of customer views when identifying recommendations to develop Community Lettings Plans. Diversity and equal opportunity issues of local communities will also be considered when formulating Community Lettings Plans, and an equality and diversity impact assessment will be carried out.

- **Making recommendations**

Recommendations may include some of the following criteria:

- Setting a maximum or minimum age limit for certain properties.
- Preference to applicants with a community connection or who already live or work in that area.
- Preference to applicants who are giving or receiving support to or from family, voluntary agency, day care, play groups or other locally based organisations.
- Preference to people who are economically active
- Preference to other household types who would not normally be eligible under the Council's Allocations Policy - e.g. this could be couples without children, where there is a high density already in the area of families with children.
- Preference to specific groups of people for specific types of home or in specific localities where this would benefit the community.
- Meeting the needs of certain groups of people to ensure most appropriate use of stock.

- **Impact of Community Lettings Plans on the Allocations Policy**

In considering adoption of a Community Lettings Plan, Rykneld Homes and the Council will take into account the impact of overall lettings in the district. Any home subject to a community lettings plan will be clearly labelled within the advertisements.

- **Review of Community Lettings Plans**

Rykneld Homes will ensure that Community Lettings Plans are publicised, monitored, and reviewed annually or bi-annually with the involvement of local tenants and residents.

## Appendix 5

### **Non Statutory Overcrowding Assessment – Definition Used by North East Derbyshire District Council**

Local Authorities can use their own definitions when assessing overcrowding for awarding priority housing, as stated in the *CLG's Allocations of Accommodation: Guidance for Local Authorities in England*. The definition which has been adopted is more lenient than the previous Statutory Overcrowding legislation, and has been brought in line with the welfare reforms bedroom criteria.

- each single adult
- each couple
- all children of the same gender under 16
- all children under 10 (regardless of gender)
- each disabled tenant (proven medical need)
- each partner needing an external overnight carer
- all foster children (also applies when no foster children live there as long as the room isn't empty for more than 52 weeks)
- each foster child that can't share a bedroom because of a disability or medical condition (with medical evidence)
- each adult child in the Armed Forces or each reservist
- all external carers who provide overnight care for tenant or your partner
- Children who are unable to share because of their severe disabilities (following medical assessment)

Overcrowding assessments will be carried out by Rykneld Homes using the following detailed guidance;

#### **a) General**

- If a member of the applicant's household applies for housing in his/her own right, they will no longer be considered as part of the applicant's household for rehousing
- Only people who have lived in the property as their permanent full time residence for at least 6 months, and babies born into the household, can be considered within the overcrowding assessment. Additionally, if any member of the household has given up suitable housing, they will not be included when an assessment of overcrowding is made
- Applicants who are overcrowded, but who's overcrowding can be resolved by one household within a larger household moving to another property to resolve their housing need will be excluded from the assessment

#### **b) Children**

- No more than 2 children should share a room
- A child up to the age of 10 can share a bedroom with 1 other child of either sex
- A child from the age of 10, and up to the age of 15, can share a bedroom with 1 other child of the same sex
- A child aged 16 years or more should have their own bedroom
- Adult children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant, otherwise the non-dependent criteria may apply
- Children are not considered as part of the household of the applicant if the children have a main permanent residence elsewhere
- Adopted children are treated in the same way as other children
- If the applicant acts as a foster parent enquires will be made with Social Services regarding the length of the fostering arrangements (the room cannot have been empty for more than 52 weeks)
- Children who are unable to share because of their severe disabilities (following medical assessment) can have their own bedroom

#### **c) Couples**

- The Council will treat families headed by a single parent in the same way as a family headed by a couple



- Married or co-habiting couples should have their own bedrooms and not share with children
- Couples can be treated as needing two bedrooms only if there is a medical need and a medical assessment agrees with this need

#### **d) Non-dependents**

- Children over the age of 18 should only be regarded as part of the household if they have always lived with the applicant. If they have moved away and then moved back with the applicant, for example after a relationship breakdown they will be treated as a non-dependent (excluding members of the Armed Forces who continue to live with their parents but are away on operational duty and Students who are away on a temporary basis i.e. at university or college).
- Non-dependents will only be considered as a member of the household if they have been living with the applicant as their permanent full time residence for a period of over 6 months.
- Non-dependents who are a couple, regardless of marital status and sexual orientation, are able to share a bedroom.
- Commercial lodgers are never considered as non-dependents. (In this context Commercial Lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind)
- Other non-dependents who have lived with the applicants for less than 6 months will be disregarded
- Carers who provide frequent overnight care for the applicant or their partner will be eligible to have their own bedroom

#### **e) Pregnant Women**

- A woman with a confirmed pregnancy will be counted as a household with a child upon the birth of that child and receipt of the birth certificate
- Pregnant women will be required to provide proof of pregnancy for example a certificate of confinement or a letter from a GP
- In some circumstances, where the birth of the children would cause serious overcrowding (especially for multiple births) discretion may be used to decide to grant priority equal to that after the child(ren) is born. The priority will be removed if the pregnancy does not run its full term

**Note: For this purpose a room is either a bedroom or it is not, there is no such thing as a half-bedroom, or a bedroom deemed suitable for occupancy by one person but not two.**

## [Appendix 6](#)

### **Owner Occupier/Financial Assessment**

As part of the application process applicants will be assessed as to whether they meet the eligibility criteria. To enable this assessment to take place, all applicants must complete an equity and savings form in addition to their housing application form.

The financial assessment will determine affordability of alternative accommodation and will be based on;

- The annual market value of the districts average house price
- Affordability to buy a property on the open market including, deposit and potential mortgage payments
- The district's annual average private rented prices

Owner Occupiers must include copies of all property transactions including solicitor's completion forms/valuations surveys and bank/building society/lending organisation statements dating when and if the property was/is to be sold must also be enclosed. Failure to provide all necessary documentation within 14 days will result in the application being returned to the applicant as an incomplete form.

The assessment will include an investigation as to whether the applicant has sufficient funds to secure alternative suitable and appropriate housing to meet their housing need and may include:

- Ownership of any interest in a property, whether in the United Kingdom or outside the United Kingdom;
- Details of property currently owned or formerly owned within the last five years;
- Level of personal assets, savings, equity within existing or former home;
- Potential for securing grants including disabled facilities grants to enable adaptations to be undertaken to their existing home, use of existing income or capital from the owner occupied home, selling of existing accommodation to repurchase alternative accommodation to meet housing need;
- Any mobile homes/static caravans/motor caravans.

As part of the registration process if the applicant(s) are unable to meet their housing need through the release of financial resources and wider assets (as set out in the eligibility criteria), the applicant will be banded accordingly.

The applicant's level of savings, equity and/or assets will be assessed against any debt owed.

Applicants can appeal the decision within 21 days of notification and should do so by contacting the Choice Move Team and the normal appeals procedure outlined in Section 4.10 will apply.

Depending on individual circumstances, applicants may be required to provide information in addition to that set out above. These instances are outlined in the following sections.

### **Negative Equity**

Within the Equity Form, applicants financial circumstances will be assessed to identify negative equity of assets. This will be assessed by the amount by which the market value of a property falls below the amount of the mortgage secured upon it.

### **Owner Occupiers - Mortgage Repossession/Financial Hardship**

A referral will be made to the Council's Housing Options Team for homelessness duty investigations under the Housing Act 2002. This will be considered where it is deemed to help prevent homelessness or a homelessness application being made

### **Owner Occupiers - Matrimonial Breakdown**

Owner Occupiers seeking re-housing due to matrimonial breakdown are required to provide information which demonstrates that they have no alternative but to seek access to social housing. This includes confirmation from a Solicitor that:

- the applicant cannot relinquish their share of the matrimonial home due to court decision
- that the applicant has no recourse to the family home as the mortgage or deeds are in the name of the former partner
- that due to safety and well being of the household that they are unable to pursue access to the family or matrimonial home
- that the individual is unable to support or maintain the costs associated with the family/matrimonial home

Following assessment confirmation that the applicant is unable to pursue retention of the family/matrimonial home, the application will be placed in Band 3 and the applicant will become eligible to place bids through the CBL system. Confirmation of the assessment decision will be provided in writing to the applicant within five days.

### **Fleeing Domestic Violence/Harassment/hate crime**

Owner occupiers seeking re-housing due to fleeing domestic violence/harassment are required to provide information to support their circumstances. Confirmation from a Solicitor or Support Agency will be required as follows:

- background information relating to the incidence of violence and harassment
- level and nature of support being received and from whom

If there is a dispute regarding the ownership or sale of a jointly owned property or it would be unreasonable for the applicant to return to the property a referral will be made to the Council's Housing Options Team for advice and assistance on other housing options available including private rented.

If however, other housing options are not viable then confirmation that the applicant is unable to pursue other options will be required, and a decision will be made in conjunction with the Council's Housing Options Team and the applicant before allowing access to the housing register and being banded accordingly.

### **Owner Occupiers - Medical Priority Applications**

Owner occupiers which include a person (or persons) with an illness (including mental ill health) or disability which has been worsened by their current home and which is impacting on their health and well being are required to provide evidence that they have explored all housing options to address their housing need. This will include:

- Evidence that they have pursued a Disabled Facilities Grant to assist with the cost of any adaptations to enable them to live within their current home.
- Evidence that they do not have the personal funds to pay for any adaptations themselves.
- Evidence that their current home is not suitable to adapt due to layout, size or structure.
- Evidence of their need to move for care/support reasons.

In cases where a Disabled Facilities Grant is not available, the applicant does not have personal funds to pay for the adaptations or the applicant's home cannot be adapted to

meet their housing need confirmation of this will be required from statutory agencies. In addition to this applicants will be required to provide:

- Proof that they cannot use existing income or capital or sell their existing accommodation to repurchase alternative accommodation to meet housing need
- A completion of a medical assessment form

An assessment of the information provided will be undertaken by Rykneld Homes.

In cases where it has been assessed that a move to alternative accommodation would be beneficial to the health and well being of the applicant(s), the applicant will be placed in one of two bands. Where a general medical or support needs priority is granted then a **Band 2 award** will be given and the application date amended from the assessment date. In cases where critical medical priority is awarded then a **Band 1 award** will be given. Confirmation of the outcome of the assessment will be provided in writing to the applicant(s). Applicants will be able to place bids from the effective date on the assessed property types. A review of the applicant's bidding patterns will be undertaken every three months for Band 1 applicants, 6 months for band 2 and twelve months for the other two bands. Where no bids have been placed contact will be made with the applicant and consideration given to the removal of the band award.

### **Property, Equity, Savings and Assets disposals**

If an applicant has worsened their circumstances or have transferred their property or equity, savings and/or assets to another person within the last 5 years they will be required to provide additional information as to why the transfer was undertaken. Cross-checks with other agencies such as Department for Work and Pensions and HM Revenue & Customs may be carried out as to why assets were transferred.

Where it is determined that the applicant(s) deliberately worsened their circumstances in order to gain access to social housing the application will be awarded Band 4 status, however Rykneld Homes also reserve the right to cancel their application.

### **General Conditions**

Where an owner occupier has been re-housed in accordance with their housing application the applicant must undertake to place their property on the open market immediately and provide information that demonstrates how active they are in pursuing its sale, they may not rent the property or make any financial gain while waiting to sell. Reviews will be carried out accordingly and if Rykneld Homes believes false information has been provided then appropriate action will be taken, including possession proceedings.

As a general rule the following will apply. However, in each case the individual's circumstances will be assessed in line with the Allocations and Lettings Policy criteria.

### **Applicants with Equity, Savings and/or Assets Procedures**

Applicants that have equity, savings and/or assets will be assessed using the Procedures table as guidance to determine eligibility and the relevant banding, (existing NEDDC tenants are excluded and assessed and banded as per the policy following the usual procedure).

DRAFT

**FINANCIAL ASSESSMENT FORM**

**Applicant Details**

Housing Register Ref No:	
Name of Applicant(s):	
Additional household members:	
Current address:	
Does the applicant(s) own a property Y / N Is the current address the owned property? If not, what is the address of the property owned?	
Does the applicant have savings or assets? Y / N	<b>(if yes, what. Eg static caravan, estimated value £xxxx)</b>
Reason for applying	
Is there a housing need? e.g. medical / social need (See procedures for registering applications with equity, assets and savings)	
Are there any specialist housing requirements? (See procedures for registering applications with equity, assets and savings)	
Is there any mortgage or other financial restrictions that would make home ownership or private renting unobtainable? (i.e. unable to get a mortgage, credit scoring restrictions)	
What is the current local market value of a suitable property for the applicant?	
Is shared ownership an option?	

What is the current private rent charge of a suitable property for the applicant?	
---	--

**Current owner occupiers (include static homes/caravans in this section of property owned)**

Is the property currently up for sale?	Y / N
If yes, what amount is the property on the market for?	£
Which agent is the property on the market with?	

Documentation	Date received?	Amount
Recent mortgage statement		
Proof of valuation		
Recent bank account statement(s)		
Saving account statement(s)		
Other assets that need to be considered?		
<b>Proof of any debts outstanding</b>		
Debtor	Monthly amount	Total amount
<b>Property valuations</b>		
	Estate agent	Estimated sale price
1		
2		

<b>Summary of equity, savings and assets</b>	
Property value:	£
Total amount in bank/savings accounts:	£
Total value/amount of other assets:	£
Outstanding mortgage:	£
Total amount of other outstanding debts:	£
<b>Potential amount of equity following sale:</b>	£

**Previous owner occupiers (property sold in the last 5 years, include previously owned static caravans/homes)**

<b>Documentation</b>		
<b>Document type</b>	<b>Date received</b>	<b>Total amount where applicable</b>
Proof of sale (Date property sold xx/xx/xx)		
Proof of equity received		
Recent bank account statement(s)		
Saving account statement(s)		
Other assets that need to be considered?		

<b>Proof of any debts paid off following the sale</b>	
<b>Debtor</b>	<b>Amount paid</b>
<b>Evidence provided of other purchases/payments made which have led to a depletion in equity following the sale</b>	
<b>Item/Payee</b>	<b>Cost/Payment</b>

<b>Summary of equity, savings and assets</b>	
Total amount applicant received from sale:	£
Total amount of other outstanding debts:	£
Total amount in bank/savings accounts:	£
Total value/amount of other assets:	£
<b>Total amount of equity</b>	<b>£</b>



**Once the assessment is complete:**

- a) If the assessment for market housing is an option and will be suitable to the applicants housing need – applicant will not be registered
- b) If the assessment for private renting is an option and will be suitable to the applicants housing need – restrict housing priority to band 4 on the housing register.
- c) If the assessment is determined that both a & b (as above) are not a suitable option – applicants will be registered for housing and will be placed in the priority band in accordance with the usual Allocation Policy.

<b>Date of assessment:</b>	
<b>Application refused as meets criteria (a) able to access housing market and would be suitable for applicant's needs.</b>	
<b>Application assessed and determined private renting is an option and suitable, therefore meets criteria (b). Award Band 4</b>	
<b>Application assessed and determined meets criteria (c).</b>	
<b>Date application registered:</b>	
<b>Banding given:</b>	
<b>Signed:</b>	
<b>Officer name and job title:</b>	
<b>Date:</b>	

**Owner Occupier/Applicants with Equity, Savings and/or Assets Procedures and Referrals, from April 2013, updated Sept 2020 (excluding existing NEDDC tenants).**

**Owner Occupier/applicant's level of equity and/or savings**

<b>Level of Equity/Savings</b>	<b>Procedure</b>	<b>Band</b>	<b>Properties Eligible to Bid For</b>	<b>Review</b>	<b>Referrals</b>
Owner occupiers or applicants who have been assessed as having equity, assets and savings which indicate that the housing market is an option.	Do not register	None	N/A	N/A	<ul style="list-style-type: none"> <li>• Non necessary but suggest considering private rent / shared ownership as options.</li> </ul>
Owner occupiers or applicants who have been assessed as having equity, assets and savings and/or credit scoring which indicates that private renting is an option and will be a suitable.	Register, but restrict housing priority to Band 4	Band 4	Able to bid for properties linked to property type eligibility	Reviewed as per banding procedure	HOT
Owner occupiers or applicants who have been assessed and determined that the housing market or private renting are not a suitable option.	Register for housing	Banding assessed on priority need	Able to bid for properties linked to property type eligibility	Reviewed as per banding procedure	

In exceptional circumstances Owner Occupiers or applicants assessed as having savings, equity and/or assets, but cannot access funding	Register with CBL and refer to NEDDC's Housing Options Team (HOT) for advice.  A property may be allocated on a flexible tenancy until their circumstances change to enable them to seek alternative accommodation, for further information see 4.9 of the CBL policy.	Banding assessed on priority need	Able to bid for properties linked to property type eligibility	Reviewed as per banding procedure	•HOT
<b>Owner Occupiers/applicants who have savings, equity and/or assets, but cannot get access to funding or suitable alternative accommodation to alleviate their housing or support needs.</b>					
<b>Level of Housing Need</b>	<b>Procedure</b>	<b>Band</b>	<b>Properties Eligible to Bid For</b>	<b>Review</b>	<b>Referrals</b>
Medical Priority Applicants	If evidence that the applicant has; <ul style="list-style-type: none"> <li>• pursued a Disabled Facilities Grant to assist with the cost of any adaptations to their current home and/or;</li> <li>• they do not have any personal funds to pay for adaptations to enable them to live within their current home or;</li> <li>• evidence that their current home is not suitable to adapt due to layout, size or structure</li> </ul>	Appropriate banding following assessment	Eligible to bid for properties in accordance with Medical Priority Award only	Reviewed as per banding procedure	

	Complete a medical assessment then band accordingly.				
Homelessness Prevention cases assessed by the Councils Housing Options Team	Register with CBL as recommended by HOT and award priority banding.	Band as assessed by HOT	Able to bid for properties linked to property type eligibility	Review as per banding procedure or Homeless Legislation if applicable	HOT
Mortgage repossession proceedings/financial hardship	Register with CBL and refer to HOT for debt and housing advice. May be able to assist in the repossession being postponed or stopped.	Appropriate banding following assessment	Able to bid for properties linked to property type eligibility	Review as per banding procedure or Homeless Legislation if applicable	HOT
Matrimonial Breakdowns	Register with CBL once the applicant has demonstrated that they have no alternative but to seek access to social housing. This may include confirmation from a Solicitor or professional organisation that the applicant: <ul style="list-style-type: none"> <li>• cannot relinquish their share of the matrimonial home due to court decision</li> <li>• has no recourse to the family home as the mortgage or deeds are in the name of the former partner</li> </ul>	Appropriate banding following assessment	Able to bid for properties linked to property type eligibility	Review as per banding procedure	HOT

	<ul style="list-style-type: none"> <li>• that due to safety and well being of the household that they are unable to pursue access to the family or matrimonial home</li> <li>• that the individual is unable to support or maintain the costs associated with the family/matrimonial home</li> </ul> <p>Also refer to HOT for advice on alternative accommodation</p>				
Fleeing domestic violence/ harassment	Register with CBL once the applicant has demonstrated that they have no alternative but to seek access to social housing or register as per HOT assessment.	Appropriate banding following assessment	Able to bid for properties linked to property type eligibility	Review as per banding procedure or Homeless Legislation if applicable	HOT
Support Needs	If the applicant needs to move to give or receive care/support from someone living in the district and there is no alternative but to seek access to social housing, supporting evidence will be required.	Appropriate banding following assessment	Able to bid for properties linked to property type eligibility and in the immediate area of which providing or receiving support	Review as per banding procedure	
Right to Move Applicants	Register in line with the “Right to Move” legislation as per allocations policy. (Restrictions do not apply under this regulation).	Appropriate banding as per allocations policy	Able to bid for properties linked to property type eligibility and in the immediate area of which they	Review as per banding procedure	

			have/seek employment/training		
Worsening their Housing Circumstances	Where it is determined that the applicant(s) deliberately worsened their circumstances in order to gain access to social housing the application will be awarded Band 4 status. Refer to HOT for advice on securing alternative accommodation	Band 4	Able to bid for properties linked to property type eligibility	Review as per banding procedure	HOT
<p><b>Extra Care Applicants</b> - for vacant homes in these schemes, other agencies, including Derbyshire County Council's (DCC) Adult Care, will be involved in setting the lettings criteria and making the final offer decision. The Council's Housing Strategy Team, DCC's Adult Care and the Scheme Manager will make up the allocations panel and will make an offer of accommodation based on level of housing and support need. The procedure below will capture all applicants who may have a need for Extra Care housing and does not want to bid on any other property type.</p>					
<b>Level of Equity/Savings</b>	<b>Procedure</b>	<b>Band</b>	<b>Properties Eligible to Bid For</b>	<b>Review</b>	<b>Referrals</b>
All applicants including those assessed as having equity, savings and/or assets who would normally be excluded from the housing register	Applicants to complete the RH Extra Care short form to purely enable registration to specifically express an interest by bidding on these types of properties only. No assessments will be required by RH as these will be carried out by the Scheme manager and Adult Social Care who will collate the necessary evidence to support their application.	Register as appropriate to enable bidding	<p><b>ONLY</b> eligible to bid for extra care housing, which are:</p> <ul style="list-style-type: none"> <li>• Smithybrook View</li> <li>• Stonelow Court</li> </ul>	Not applicable	Shortlist to be emailed to Appropriate Scheme Manager

## North East Derbyshire District Council

### Cabinet

8<sup>th</sup> October 2020

#### **Clay Cross Town Emerging Investment Plan**

#### **Report of Councillor C Renwick, Portfolio Holder for Economic Growth,**

This report is public

#### **Purpose of the Report**

- To update Cabinet on the Clay Cross Town Investment Plan (CCTIP).
- To agree the identified themes within the Town Investment Plan.

#### **1 Report Details**

- 1.1 Clay Cross has been invited to submit a Town Investment Plan (TIP) with the opportunity to secure up to £25m to invest within Clay Cross. This TIP should be transformational and make a substantial difference to Clay Cross. The CCTIP is due to be submitted on Friday 30<sup>th</sup> October as part of the second cohort. The programme of delivery for the CCTIP is currently on track to be completed by the agreed deadline.
- 1.2 To develop the CCTIP, the Council ran a procurement exercise and appointed Nexus to lead a consortium of suitably qualified consultants. The CCTIP has been developed by Nexus with two public consultation exercises undertaken. The first to understand Clay Cross from the perspective of its residents/businesses and visitors. The second was to consult on the projects identified within Clay Cross for investment, again with residents/businesses and visitors.
- 1.3 The projects were identified through reviewing the existing evidence base, the vision for Clay Cross and the public consultation work that has been completed. The emerging CCTIP went to the Clay Cross Town Board (CCTB) on Friday 18<sup>th</sup> September 2020 and the feedback from that meeting is being incorporated into the final CCTIP
- 1.4 Through the emerging CCTIP a number of built environment interventions have been suggested (see diagram 1.5). There have also been some additional themes that have been developed that will underpin the CCTIP and beyond the lifetime of the CCTIP. Low Carbon Energy is a key theme of the CCTIP and something that has been noted by the Governments reviewers as a USP for Clay Cross which is important to secure the funding. This Low Carbon Energy theme has a couple of energy sources and we are looking to have a demonstrator project at Sharley Park. The energy sources is due to be explored further, through a feasibility study funded through the New Towns fund.

- 1.5 Another long term consideration is the reinstatement of a Train Station within Clay Cross and discussions have been held with Network Rail. The best location has to be finalised and the impact of HS2 has to be considered as part of this. The TIP will recommend a feasibility study to develop this further.
- 1.6 The emerging CCTIP (see appendix 1) has developed a town centre masterplan which has identified a number of physical interventions. These can be seen in the diagram below.



1. Potential leisure development
2. Bus station relocated
3. Additional public realm improvements to the link to Tesco
4. Commercial, leisure, workspace, residential above
5. Improvements to streetscape and public realm
6. Mixed use commercial, retail, residential above
7. New traffic management and public realm works
8. Children's play
9. Market square
10. Potential creative enterprise hub
11. Improved green links to park
12. Car parking
13. Skills and Community Hub incorporating social centre and library
14. Mixed use, commercial, retail, residential
15. Potential new vehicular link between Market Street and Tesco
16. Frontage improvements to High Street
17. New homes



- 1.7 As part of the emerging CCTIP a 'check and challenge' session was held on Tuesday 15<sup>th</sup> September with the Towns Hub Co-ordinator. The response to the draft CCTIP was very positive with feedback including:
- Really interesting background/ rich history, vision, and themes for the future
  - Clear alignment to policies
  - Inclusive and engaging consultation process
  - Tangible and clear logic model but consider theory of change (methodology for planning, participation, and evaluation to promote social change)
- 1.8 The recommendations from the 'check and challenge' session have been accepted by the project team and Nexus. The CCTIP will be adapted to incorporate the recommendations which included the following:
- Make use of visuals and graphics to supplement with further evidence/ convey local context further
  - Consider how strong you want the energy/ clean growth agenda to be?
  - Theory of change
  - Project detail
  - Consideration of links to appendices

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The emerging CCTIP has been firmly rooted in Clay Cross and this has been recognised through the 'check and challenge' session. Endorsement of the Cabinet will support the submission
- 2.2 The identified themes and masterplan have been derived through the inclusive and engaging public consultation as well as building on the CCTB vision for Clay Cross.

## **3 Consultation and Equality Impact**

- 3.1 The emerging CCTIP themes have been consulted widely through the local community for four weeks during July and August 2020?
- 3.2 The emerging CCTIP has also been consulted with the CCTB and the Government appointed independent Consultants (Arup) through a 'check and challenge' session.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 To not agree to the identified themes is rejected as these have been selected based on analysis of the existing evidence base, Clay Cross vision and through public consultation.
- 4.2 To not agree to the identified themes is also rejected as it would put the delivery of the CCTIP in jeopardy. It would mean the target submission of the 30<sup>th</sup> October 2020 could not be achieved.

## 5 Implications

### 5.1 Finance and Risk Implications

5.1.1 None arising from this report however if the CCTIP is successful there will be financial implications arising from that. This will be covered in future reports.

### 5.2 Legal Implications including Data Protection

5.2.1 None arising from this report however if the CCTIP is successful there will be legal implications arising from that. This will be covered in future reports.

### 5.3 Human Resources Implications

5.3.1 None arising from this report however if the CCTIP is successful there will be human resource implications arising from that. This will be covered in future reports.

## 6 Recommendations

6.1 That Cabinet notes the content of this report

6.2 That Cabinet endorses the identified themes (paragraph 1.3 – 1.5) within the emerging Clay Cross Town Investment Plan.

6.3 That Cabinet delegates the finalisation of the Clay Cross Town Investment Plan to the Clay Cross Town Board in conjunction with the Portfolio Holder for Economic Growth and the Director of Growth and Economic Development.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	Clay Cross North and Clay Cross South
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

--	--

**8 Document Information**

Appendix No	Title	
1	Emerging Strategy September 2020: TO FOLLOW	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
Report Author		Contact Number
Karl Apps Joint Housing Strategy and Growth Manager		01246 217289

Report Reference –

## North East Derbyshire District Council

### Cabinet

8 October 2020

#### **Medium Term Financial Plan - Revised Budgets 2020/21**

#### **Report of Councillor P Parkin, Portfolio Holder for Finance**

This report is public

#### **Purpose of the Report**

- To present revisions to the 2020/21 budget that was approved by Council in February 2020 for Cabinet to consider.

#### **1 Report Details**

##### **General Fund Revenue Account**

- 1.1 The revised budget process is now complete and the proposed revisions for the General Fund are attached at **Appendix 1**. The appendix shows the original budget for 2020/21 which was approved by Council in February 2020 and the proposed revised budget for 2020/21. **Appendix 2** details the net cost of each cost centre by Directorate.
- 1.2 As reported in previous budget updates this year, the Covid-19 pandemic is inevitably having a detrimental impact on the Council's 2020/21 budget. The main concern is income lost from fees and charges, predominantly within Leisure Services but also within other services such as MOT testing and commercial waste collection. Growth from Business Rates is also expected to be considerably lower than in previous years.
- 1.3 Government grant of £1.166m has been received to aid the continued delivery of council services and in addition an income compensation scheme has been launched by the Government that will compensate us for a proportion of the income we expect to lose from independently generated sources such as our leisure centres. The basis of the scheme is to reimburse 75% of income losses when compared to our original forecasts, pre Covid, over and above the first 5%. Claims are retrospective based on actual losses incurred and the claim period runs to 31 March 2021. Councils are required to demonstrate the measures they have put in place to reduce expenditure and claims must be made net of these. The first claim has been submitted at the end of September.

- 1.4 The Government's Covid grant has been transferred to the Resilience Reserve and is being utilised to fund the additional costs incurred by the pandemic and the shortfall in sales, fees and charges. Income received from the Government's compensation scheme will on receipt be transferred to the Resilience Reserve to replenish that used in this budget. Table 1 below details the use of reserves in this budget when compared to the Original Budget:

Table 1

	Into Reserves £000	From Reserves £000
Original Budget	(20)	258
Revised Budget	(1,419)	1,904
Difference	(1,399)	1,646
Comprising:		
Revenue Grants	(234)	212
Earmarked Reserves		89
Invest to Save Reserve		20
Covid related (Resilience Reserve)	(1,166)	1,325

- 1.5 Table 1 demonstrates that the impact of the pandemic on the Council's financial position is considerable with £1.325m being funded from the Resilience Reserve this year. Table 2 below provides further analysis.

**Table 2**

	£000's
<b>Income Reductions:</b>	
Leisure	1,618
MOT Testing	63
Commercial waste collections	67
Printing & design	15
Business Rates	450
Housing Benefit Overpayments	150
<b>Total Income Reductions</b>	<b>2,363</b>
<b>Expenditure Reductions:</b>	
Vacancy Management	(233)
Compensation of pay costs - Furlough Scheme	(245)
Utilities	(188)
Car allowances and travel	(19)
Housing Benefits	(410)

Minimum Revenue Provision (MRP)	(246)
<b>Total Expenditure Reductions</b>	<b>(1,341)</b>
<b>Additional Covid related Budget Pressures</b>	<b>303</b>
<b>Net Increase to the Revised Budget</b>	<b>1,325</b>
<b>Funded From:</b>	
Covid Grant	(1,165)
Transfer from Resilience Reserve	(160)
<b>Total Funding</b>	<b>(1,325)</b>

- 1.6 The final position will clearly be dependent on the actual financial performance out-turning in line with the revised budgets and there may be further budget changes required as the year progresses. As additional expenditure is largely covered by the Covid grant received from the Government and with further assistance from the income compensation scheme is expected, a balanced position is achievable in 2020/21.
- 1.7 Should any surpluses arise, they will be transferred to the Resilience Reserve to assist with future budget pressures. It should be noted that the impact of Covid on future year budgets is going to present a considerable financial pressure that will need careful consideration when the Medium Term Financial Plan is refreshed in the coming months.

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

- 1.8 The Housing Revenue Account revised budget for 2020/21 is set out in **Appendix 3** to this report.

#### Income

- 1.9 The income budget has been reduced to take account of a number of Covid related factors. Voids increased during the lockdown when lettings had to be reduced and this has subsequently resulted in the number of relets at target rent being lower than forecast.
- 1.10 Unrelated to Covid, the original budget assumed lower numbers of right to buy sales than have taken place resulting in a reduction to the rent debit in 2020/21. Forecasting the number of right to buy sales each year can be challenging and numbers remain high so the forecast has been adjusted upwards for both this year and future years. Overall, the income budget has been reduced by £0.360m (1%).

#### Expenditure

- 1.7 Rykneld Homes Limited, who undertakes the management of the Council's housing stock, is funded through the HRA by the payment of a management fee which for

2020/21 is £9.852m. The 2021/22 fee will be reported to Cabinet as part of the Medium Term Financial Plan refresh.

- 1.8 The remainder of the HRA expenditure is managed by the Council. The revised budget shows an increase against the current budget of £0.095m. This is the result of costs forecast to be incurred in relation to the independent review of housing services. Interest payable and interest receivable are both reduced, the net impact totalling a reduction of £0.106m.
- 1.9 Taking account of the proposed budget changes detailed above, the HRA is anticipated to deliver a surplus in the current financial year of £0.856m, which is in line with the current budget. This surplus will be retained in the development reserve to fund improved services to Council tenants' in future financial years.

### **Capital Programme**

- 1.10 The Council's capital programme is shown in **Appendix 4**. It has been updated from the original budgets to reflect approvals within the year and the profiling of the individual schemes following approved changes by Members and from detailed discussions with budget officers.
- 1.11 The HRA capital programme has been increased by £0.557m to account for under spends being carried forward from the previous year. The rollover of the budgets was approved by Cabinet in September with the financial outturn for 2019/20.
- 1.12 The General Fund capital programme is also higher than the original budget as result of underspends being carried forward from the previous year but has subsequently been reduced to account for the delay in purchasing vehicles in 2020/21. Overall the reduction is £0.807m. Both programmes are forecast to be in line with the revised budget.
- 1.13 The changes that are shown in the revised capital programme mean that the financing is adjusted accordingly to meet the anticipated spend. The programme is fully financed including provision to repay debt becoming due during the year should this be required.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 Following the uncertainty caused by the Covid pandemic in the first half of the year, the main priority now is to provide as far as possible some stability with the budget for the rest of this financial year. The revised budget prepared for 2020/21 takes account of the Council's response to the impact of the Covid-19 pandemic thus far.

## **3 Consultation and Equality Impact**

- 3.1 There are no consultation and equality impact implications from this report.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 General Fund and HRA

There are no alternative options being considered at this time. How resources are utilised is ultimately a decision Members which will take as part of the 2021/22 Medium Term Financial Planning process.

## 4.2 Capital

There are no alternative options being considered with regard to the proposed allocations from the Capital Programme budget as it ensures the Council's assets meet health and safety requirements in that they are maintained in a fit for purpose state that ensures they remain fully operational.

## 5 Implications

### 5.1 Finance and Risk Implications

5.1.1 The issue of financial risk is covered throughout the report. In addition, however, it should be noted that the risk of not achieving a balanced budget is outlined as a key risk within the Council's Strategic Risk Register. While officers are of the view that these risks are being appropriately managed it needs to be recognised that the Covid pandemic is putting additional pressure on the Council's financial position which will need careful consideration when the Medium Term Financial Plan is refreshed in the coming months.

5.1.2 The capital programme identifies and recognises the need to maintain the Council's assets in a fit for purpose state and to retain and attract income streams for the Council. The financing of the capital programme is secured for 2020/21 thus minimising the risk of any additional unplanned borrowing.

5.1.3 Financial issues and implications are covered in the relevant sections throughout this report.

### 5.2 Legal Implications including Data Protection

5.2.1 There are no legal issues arising directly from this report.

### 5.3 Human Resources Implications

5.3.1 There are no human resource implications arising directly out of this report.

## 6 Recommendations

6.1 That the recommendations below are referred to Council:

6.2 The budget in respect of the General Fund as set out in **Appendix 1** of this report be approved as the Current Budget for 2020/21.

6.3 That any under spend on the General Fund in respect of 2020/21 be transferred to the Resilience Reserve to increase financial resilience for future years.



- 6.4 The budget in respect of the HRA as set out in **Appendix 3** of this report be approved as the Current Budget for 2020/21.
- 6.5 The Capital Programme as set out in **Appendix 4** of this report be approved as the Current Budget for 2020/21.

## 7 Decision Information

<b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	Yes
<b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)	Yes
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
1	General Fund Summary
2	General Fund Detail
3	HRA
4	Capital Programme
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	

Report Author	Contact Number
Jayne Dethick Head of Finance and Resources	01246 217078

**GENERAL FUND SUMMARY Revised 2020/21**

**Appendix 1**

	<b>Original Budget 2020/21 £</b>	<b>Revised Budget 2020/21 £</b>
Environment & Enforcement	4,332,207	4,634,770
Corporate Resources	6,043,657	5,536,414
Growth and Economic Development	1,512,362	1,359,415
Bad Debt Provision	40,000	40,000
Recharges to Capital and HRA	(527,500)	(527,500)
Savings Target	(216,995)	0
<b>Net Cost of Services</b>	<b>11,183,731</b>	<b>11,043,099</b>
Investment Properties	(437,365)	(469,270)
Interest	(132,764)	(162,766)
Debt Repayment Minimum Revenue Provision	56,000	56,000
Parish Precepts	3,295,048	3,295,048
Parish Council Tax Support Grant	70,382	70,382
Transfer from NNDR Reserve	0	0
Transfer To Earmarked Reserves	20,000	1,418,566
Transfer From Earmarked Reserves	(258,372)	(1,904,399)
<b>Total Spending Requirement</b>	<b>13,796,660</b>	<b>13,346,660</b>
Business Rates	(3,650,000)	(3,200,000)
New Homes Bonus	(823,860)	(823,860)
Collection Fund (Surplus)/Deficit - Council Tax	(98,661)	(98,661)
Collection Fund (Surplus)/Deficit - NNDR	0	0
NEDDC Council Tax Requirement	(5,929,091)	(5,929,091)
Parish Council Council Tax Requirement	(3,295,048)	(3,295,048)
<b>Council Tax Requirement</b>	<b>(13,796,660)</b>	<b>(13,346,660)</b>

	Original Budget 2020/21 £	Revised Budget 2020/21 £
<b><u>Environment and Enforcement</u></b>		
<b>Joint Strategic Director Environment and Enforcement</b>		
5700	54,992	54,892
5706	0	(3,550)
<b>Joint Head of Service Housing and Community Safety</b>		
1218	20,083	20,080
1220	0	0
1283	21,000	21,000
3400	75,998	71,122
3401	113,709	151,130
3402	96,348	94,882
3403	0	0
3404	(15,867)	(12,013)
3405	90,294	106,682
3407	21,006	47,680
3408	20,851	20,477
3409	186,653	237,688
3410	59,279	70,010
3419	1,500	1,500
3420	3,000	0
3421	0	0
3422	0	0
3423	0	57,091
3726	0	0
<b>Joint Head of Service Planning</b>		
4111	(452,400)	(554,000)
4113	0	7,830
4116	273,968	321,953
4119	0	0
4311	20,100	17,650
4511	38,418	54,680
4513	607,177	646,778
4515	58,000	58,000
<b>Joint Head of Service Street Scene</b>		
3174	315,227	311,875
3227	190,539	286,450
3231	0	0
3244	(360,000)	(360,000)
3282	103,072	99,200
3285	3,510	3,500
3511	(56,120)	(43,290)
3513	(8,080)	(8,080)
3514	(59,685)	(63,200)
3516	(18,270)	(15,770)
3918	(55,000)	(56,160)
3921	609,682	582,230
3943	354,623	463,040
3944	613,874	528,160
3945	1,605,137	1,564,435
3946	(200,411)	(149,182)
4436		

		<b>Original Budget 2020/21 £</b>	<b>Revised Budget 2020/21 £</b>
<b>Total for Environment &amp; Enforcement</b>		<b>4,332,207</b>	<b>4,634,770</b>
<b><u>Corporate Resources</u></b>			
<b>Joint Strategic Director Corporate Resources</b>			
1141	Joint Chief Executive	39,916	300
1142	Joint Chief Executive	81,601	38,675
4500	Joint Strategic Director - Corporate Resources	57,132	57,132
5720	Supporting PA's	84,811	84,990
<b>Joint Head of Service Partnerships and Transformation</b>			
1315	Design & Print	118,493	120,310
1321	Communications & Marketing	92,069	60,530
1323	NEDDC News	28,000	25,000
1329	Corporate Web Site	1,670	1,670
1331	Strategic Partnerships	160,706	155,645
1332	Strategic Partnership Projects	0	0
1333	Healthy North East Derbyshire	29,190	816
1334	NE Derbyshire Business Growth Fund	0	4,000
1335	Big Local	0	0
4352	LEADER	469	0
4443	Elderly Peoples Clubs	4,000	2,000
4561	Leisure Centre Management	131,574	134,970
4600	Jnt Hos Partnerships & Transformation	35,612	35,612
4720	Sportivate	0	0
4722	Physical Inactivity Fund	0	0
4723	Generation Games	0	0
4724	Walking into Communities	11,000	11,000
4726	Walking for Health	0	0
4727	Five 60	0	0
4731	Promotion Of Recreation And Leisure	29,899	29,910
4732	Schools Promotion	0	0
4736	Derbyshire Sports Forum	14,450	14,450
4739	Coach Core Apprentices	0	0
4742	Arts Development	2,530	2,530
5215	Telephones	31,200	29,220
5216	Mobile Phones and Ipads	19,150	19,125
5221	Customer Services	372,728	353,295
5223	Franking Machine	52,630	47,700
5701	Joint ICT Service	0	28,103
5734	NEDDC ICT Service	221,692	421,476
5735	Cyber Security	0	(6,000)
5736	Business Development	290,529	51,077
5737	Corporate Printing Costs	15,790	15,790
5785	Contributions	136,085	136,085
5825	Concessionary Bus Passes	(9,600)	(9,600)
8441	Eckington Swimming Pool	124,000	408,850
8445	Eckington Pool Cafe	(9,613)	8,730
8451	Dronfield Sports Centre	(135,535)	415,445
8455	Dronfield Café	(22,351)	12,140
8461	Sharley Park Sports Centre	306,390	604,110
8465	Sharley Park Sports Centre Outdoor	(3,635)	(590)
<b>Joint Head of Service Corporate Governance</b>			
1121	Member's Services	435,483	427,328
1123	Chair's Expenses	11,120	6,720
1131	District Elections	0	0

		<b>Original Budget 2020/21 £</b>	<b>Revised Budget 2020/21 £</b>
1133	Parish Elections	0	0
1137	Parliamentary Elections	0	0
1139	County Council Elections	0	0
1231	Corporate Training	43,980	27,500
1255	Strategy and Performance	106,668	106,386
1256	Corporate Consultation	13,208	13,148
1259	Corporate Groups	7,000	1,000
1311	Human Resources	192,385	184,595
1312	Payroll	55,707	55,553
1313	Work Well Team	0	0
3121	Health & Safety Advisor	47,932	73,043
5219	Corporate Support	0	0
5249	Twinning Expenses	0	0
5273	Brass Band Concert	2,200	500
5313	Register Of Electors	161,072	146,181
5321	Jnt HoS Corporate Governance	40,353	40,353
5353	Legal Section	161,536	170,028
5354	Land Charges	(13,115)	(6,650)
5392	Scrutiny	51,001	51,375
5711	Democratic Services	212,002	203,135
<b>Joint Head of Service Finance and Resources</b>			
3176	Pool Car	1,000	500
3512	CBC Crematorium	(173,000)	(173,000)
5113	Unison Duties	16,045	16,310
5611	External Audit	43,510	67,510
5615	Bank Charges	74,500	74,500
5621	Contribution to/from HRA	(185,600)	(185,600)
5705	Jnt HoS Finance & Resources	0	0
5713	Audit	113,540	107,030
5714	Financial Support Services	4,130	2,130
5715	Procurement	46,244	46,244
5721	Financial Services	315,333	313,480
5723	Housing Act Advances	0	0
5724	Insurance	286,508	286,508
5725	Apprenticeship Levy	45,000	45,000
5727	Cost Of Ex-Employees	936,000	936,000
5728	Covid-19 Response	0	(1,061,109)
5741	Housing Benefit Service	391,526	(19,944)
5747	Debtors	49,901	50,255
5751	`NNDR Collection	(13,485)	(2,596)
5759	Council Tax Administration	236,521	203,635
5781	Village Hall Grants	14,870	14,870
<b>Total for Corporate Resources</b>		<b>6,043,657</b>	<b>5,536,414</b>

### **Growth & Economic Development**

#### **Joint Strategic Director Corporate Resources**

1143	Director of Growth & Economic Development	56,999	63,510
------	---	--------	--------

#### **Joint Head of Service Property and Commercial Services**

3135	Drainage	39,247	38,475
3172	Engineers	96,202	80,065
3241	Car Parks	43,410	41,890
3247	Street Names/Lights	6,000	4,230
3249	Footpath Orders	(400)	(1,200)

		<b>Original Budget 2020/21 £</b>	<b>Revised Budget 2020/21 £</b>
3265	Dams And Fishing Ponds	(450)	17,245
3281	Clay Cross Depot	(1,220)	(1,070)
3283	Northwood	0	0
3811	Closed Circuit Television	420	0
4412	Midway Business Centre	(66,190)	(63,445)
4425	Coney Green Business Centre	(45,312)	(158,040)
4523	Estates Administration	281,720	287,100
5204	Jnt HoS Property & Commercial Services	38,465	0
5205	Mill Lane	229,492	243,962
5206	Mill Lane Land	0	(5,150)
5209	Facilities Management	112,060	51,225
5210	Pioneer House	(43,113)	(51,593)

#### **Joint Head of Service Economic Development**

3165	Housing Options Team	179,504	195,375
3740	Strategic Housing	83,765	55,982
3741	Housing Ambition Project	0	0
3743	Manufacturing Zone Bid	0	15,960
3747	Homeless Temp Accomodation	10,848	16,665
3748	Homelessness Grant	62,000	1,610
3749	Empty Properties	2,000	2,599
3750	Housing Growth	14,432	14,825
3751	Care Call System	0	0
3752	Homeless Bond Scheme	0	1,660
3754	Rough Sleepers	0	(30,776)
3755	PRS Access Fund	0	37,500
4211	Tourism Promotions	18,500	18,500
4238	Working Communities Strategy	71,675	70,925
4240	Project X	0	0
4351	Alliance	0	0
4512	Growth Agenda	22,560	13,430
4516	Clay Cross OPE	0	0
4517	Economic Development	155,748	156,700
4519	The Avenue, Wingerworth	0	0
4520	Eckington Killamarsh OPE	0	53,381
4524	New Towns Fund - Clay Cross	140,000	138,545
4526	Sheffield City Region	4,000	4,000
5750	Jnt HoS Economic Development	0	45,330

<b>Total for Growth &amp; Economic Development</b>	<b>1,512,362</b>	<b>1,359,415</b>
--	------------------	------------------

#### **Investment Properties**

4411	Stonebroom Industrial Estate	(43,655)	(59,700)
4413	Clay Cross Industrial Estate	(83,130)	(84,600)
4415	Norwood Industrial Estate	(218,000)	(225,400)
4417	Eckington Business Park	(13,000)	(6,200)
4418	Rotherside Court Eckington Business Unit	(20,460)	(23,720)
4423	Pavillion Workshops Holmewood	(86,070)	(89,800)
4432	Miscellaneous Properties	26,950	20,150

<b>Total for Investment Properties</b>	<b>(437,365)</b>	<b>(469,270)</b>
--	------------------	------------------

	Original Budget 2020/21 £	Current Budget 2020/21 £	Revised Budget 20120/21 £
<b>INCOME</b>			
Dwelling Rents	(31,137,288)	(31,137,288)	(30,743,726)
Non-Dwelling Rents	(420,817)	(420,817)	(420,817)
Charges for Services and Facilities	(152,400)	(152,400)	(137,700)
Contributions Towards Expenditure	(50,000)	(50,000)	(50,000)
<b>INCOME TOTAL</b>	<b>(31,760,505)</b>	<b>(31,760,505)</b>	<b>(31,352,243)</b>
<b>EXPENDITURE</b>			
Repairs & Maintenance	5,185,929	5,185,929	5,185,929
Supervision and Management	6,156,910	6,156,910	6,252,560
Rents, Rates & Taxes	110,000	110,000	110,000
Capital Charges - Depreciation	8,101,505	8,101,505	8,101,505
Provision for Bad Debts	250,000	250,000	250,000
Debt Management Expenses	11,500	11,500	11,500
<b>EXPENDITURE TOTAL</b>	<b>19,815,844</b>	<b>19,815,844</b>	<b>19,911,494</b>
<b>NET COST OF SERVICES</b>	<b>(11,944,661)</b>	<b>(11,944,661)</b>	<b>(11,440,749)</b>
Corporate & Democratic Core	185,450	185,450	185,450
<b>NET COST OF HRA SERVICES</b>	<b>(11,759,211)</b>	<b>(11,759,211)</b>	<b>(11,255,299)</b>
Interest Payable	5,211,719	5,211,719	5,081,477
Interest Receivable	(85,197)	(85,197)	(61,206)
Debt Repayment	1,205,815	1,205,815	1,205,815
Transfer to HRA Insurance Reserve	783,572	783,572	385,911
Contribution to MRR	3,787,495	3,787,495	3,787,495
Contribution to Development Reserve	855,807	855,807	855,807
<b>(Surplus)/Deficit on HRA Services</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Opening HRA Balance</b>	<b>(3,000,000)</b>	<b>(3,000,000)</b>	<b>(3,000,000)</b>
<b>Transfers (to)/from Balances</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Closing HRA Balance</b>	<b>(3,000,000)</b>	<b>(3,000,000)</b>	<b>(3,000,000)</b>



	Original Budget 2020/21 £	Current Budget 2020/21 £	Revised Budget 2020/21 £
<b>Capital Expenditure</b>			
<b>Housing Revenue Account</b>			
Capital Works - Council Housing	10,164,000	10,164,000	10,164,000
Capital Works - Non-Traditional Properties	1,725,000	1,725,000	1,725,000
EWI Scheme	0	520,000	520,000
Pine View Danesmoor	1,100,000	1,071,000	1,071,000
North Wingfield New Build Scheme	0	66,000	66,000
Acquisitions & Disposals (RHL)	500,000	500,000	500,000
North Wingfield New Build Programme	2,015,000	2,015,000	2,015,000
Garage Demolitions	23,000	23,000	23,000
Concrete Balconies	115,000	115,000	115,000
Parking Solutions	288,000	288,000	288,000
<b>HRA - Capital Expenditure</b>	<b>15,930,000</b>	<b>16,487,000</b>	<b>16,487,000</b>
<b>General Fund</b>			
Private Sector Housing Grants (DFG's)	393,000	630,000	630,000
ICT Schemes	158,000	214,000	214,000
Clay Cross Football Pitch	0	10,000	10,000
Asset Refurbishment - General	500,000	667,000	667,000
Roller Shutter Doors	0	42,000	42,000
Eckington Pool Roof	0	77,000	77,000
Replacement of Vehicles	2,327,000	3,078,000	1,126,000
Contaminated Land	0	42,000	42,000
Northwood Grant	290,000	290,000	290,000
<b>General Fund Capital Expenditure</b>	<b>3,668,000</b>	<b>5,050,000</b>	<b>3,098,000</b>
<b>Total Capital Expenditure</b>	<b>19,598,000</b>	<b>21,537,000</b>	<b>19,585,000</b>
<b>Capital Financing</b>	<b>2020/21</b>	<b>2020/21</b>	<b>2020/21</b>
<b>Housing Revenue Account</b>			
Major Repairs Reserve	(11,889,000)	(11,889,000)	(11,889,000)
Prudential Borrowing - HRA	(1,410,000)	(1,476,000)	(1,476,000)
Development Reserve	(1,466,000)	(1,957,000)	(1,957,000)
Capital Receipts Reserve	(350,000)	(350,000)	(350,000)
1-4-1 Receipts	(815,000)	(815,000)	(815,000)
<b>HRA Capital Financing</b>	<b>(15,930,000)</b>	<b>(16,487,000)</b>	<b>(16,487,000)</b>
<b>General Fund</b>			
Disabled Facilities Grant	(373,000)	(610,000)	(610,000)
External Grant - Lottery Funded Schemes	0	(10,000)	(10,000)
External Grant - Contaminated Land	0	(42,000)	(42,000)
Prudential Borrowing	(2,327,000)	(3,155,000)	(1,203,000)
RCCO - Roller Shutter Doors	0	(42,000)	(42,000)
Useable Capital Receipts	(678,000)	(901,000)	(901,000)
1-4-1 Receipts	(290,000)	(290,000)	(290,000)
<b>General Fund Capital Financing</b>	<b>(3,668,000)</b>	<b>(5,050,000)</b>	<b>(3,098,000)</b>
<b>HRA Development Reserve</b>			
Opening Balance	(1,456,000)	(1,456,000)	(1,456,000)
Amount due in year	(856,000)	(856,000)	(856,000)
Amount used in year	1,466,000	1,957,000	1,957,000
<b>Closing Balance</b>	<b>(846,000)</b>	<b>(355,000)</b>	<b>(355,000)</b>
<b>Major Repairs Reserve</b>			
Opening Balance	(176,000)	(176,000)	(176,000)
Amount due in year	(11,889,000)	(11,889,000)	(11,889,000)
Amount used in year	11,889,000	11,889,000	11,889,000
<b>Closing Balance</b>	<b>(176,000)</b>	<b>(176,000)</b>	<b>(176,000)</b>
<b>Capital Receipts Reserve</b>			
Opening Balance	(1,384,000)	(1,384,000)	(1,384,000)
Income expected in year	(4,000,000)	(4,000,000)	(4,000,000)
Debt Repayment/Other Expenses	3,200,000	3,200,000	3,200,000
Amount used in year	1,028,000	1,191,000	1,251,000
<b>Closing Balance</b>	<b>(1,156,000)</b>	<b>(993,000)</b>	<b>(933,000)</b>
<b>Capital Receipts Reserve 1-4-1 receipts</b>			
Opening Balance	(1,909,000)	(1,909,000)	(1,909,000)
Income expected in year	0	0	0
Amount used in year	1,105,000	1,165,000	1,105,000
<b>Closing Balance</b>	<b>(804,000)</b>	<b>(744,000)</b>	<b>(804,000)</b>
<b>Total Capital Financing</b>	<b>(19,598,000)</b>	<b>(21,537,000)</b>	<b>(19,585,000)</b>