

Scrutiny Standing Panel Agenda



Housing Scrutiny Standing Panel Friday, 3rd March, 2006

Place: Committee Room 1, Civic Offices, Epping

Time: 2.00 pm

Democratic Services Officer: Adrian Hendry, Research and Democratic Services
Tel.01992 56 4246 email: ahendry@eppingforestdc.gov.uk

Members:

Councillors S Murray (Chairman), Mrs R Gadsby (Vice-Chairman), K Angold-Stephens, R Chidley, P Gode, Mrs A Grigg, Mrs J Lea, L Martin, Mrs S Perry, T Richardson and Mrs J H Whitehouse

<p>PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND</p>
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1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

3. DECLARATION OF INTERESTS

(Head of Research and Democratic Services). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting

purely for the purpose of answering questions or providing information on such a matter.

4. NOTES OF LAST MEETING - 30 JANUARY 2006 (Pages 3 - 6)

Attached.

5. TERMS OF REFERENCE / WORK PROGRAMME (Pages 7 - 12)

(Chairman/Lead Officer) The Overview and Scrutiny Committee has agreed the Terms of Reference of this Panel and associated Work Programme. This is attached. The Panel are asked at each meeting to review both documents.

6. HOUSING SERVICE STRATEGIES - HOUSING ALLOCATIONS AND HOUSING ADVICE (Pages 13 - 38)

To consider the attached strategies on Allocations and Advice (attached) and provide comments to the Head of Housing Services before they are presented to the Housing Portfolio Holder for formal consideration.

7. EPPING FOREST LOCAL SUPPORTING PEOPLE STRATEGY - 2006-2010 (Pages 39 - 40)

To consider the Local Supporting Strategy 2006-2010 report (circulated separately) and to provide comments to the Head of Housing Services before they are presented to the Housing Portfolio Holder for formal consideration and endorsement.

8. INCREASING THE AMOUNT OF AFFORDABLE HOUSING IN THE DISTRICT. (Pages 41 - 66)

To consider the options outlined in the attached report.

9. CHOICE BASED LETTINGS (Pages 67 - 82)

The Panel to note the progress made on the implementation of the Choice Based Lettings Scheme for all the Council's vacant social rented properties.

10. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

To consider which reports are ready to be submitted to the Overview and Scrutiny Committee at its next meeting.

11. FUTURE MEETINGS

To consider the forward programme of meeting dates for the Panel.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF HOUSING SCRUTINY STANDING PANEL
HELD ON MONDAY, 30 JANUARY 2006
IN COMMITTEE ROOM 1, CIVIC OFFICES, EPPING
AT 5.00 - 6.50 PM**

Members Present: S Murray (Chairman), Mrs R Gadsby, K Angold-Stephens, R Chidley, P Gode, Mrs A Grigg, Mrs J Lea, L Martin, Mrs S Perry, T Richardson and Mrs J H Whitehouse

Other members present: M Heavens

Apologies for Absence: (none)

Officers Present A Hall (Head of Housing Services), S Devine (Environmental Health Officer), Mrs S Lindsay (Housing Resources Manager), S Strandens (Environmental Services), R Pavey (Assistant Head of Finance), Mrs M Pearce (Housing Needs Manager) and Z Folley (Democratic Services Assistant)

36. SUBSITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted that there were no substitute members appointed for the meeting.

37. DECLARATION OF INTERESTS

Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and Mrs J H Whitehouse declared a personal interest in agenda item 7 (Homelessness Strategy). They declared that their interests were not prejudicial and that they would remain in the meeting for the duration of the consideration and voting on the item.

38. NOTES OF THE LAST MEETING - 7 DECEMBER 2005

Noted.

39. TERMS OF REFERENCE / WORK PROGRAMME

Noted.

40. THE DEVELOPMENT OF AN EMPTY PROPERTY STRATEGY

S Devine presented the report and circulated the findings of a MORI survey on empty properties in the Eastern Region. Noted that the Panel had given initial consideration to the development of a strategy at its meeting in September 2005. The report had undertaken further work on the preferences identified by that meeting and incorporated the findings of various surveys.

S Devine reported that 2.9% of properties in the District were vacant. The highest percentage of empty properties occurred in North Weald. This was partly due to the relatively high turnover rates for property selling in the area. The reasons behind the statistics for Ongar and the North had not been identified.

The Panel considered each set of options in turn. In relation to informal measures, noted the disadvantages of providing a list of all empty properties on the website. Noted that the facility could be used to raise awareness and ascertain details on empty dwellings. In relation to policy led initiatives, considered the options in relation to letting agents, empty property grants, the private sector leasing scheme, the LCB Sub Regional Bid, the finders and the deposit grant scheme.

R Pavey advised that at present properties left vacant for six months or less received a 100% discount. Properties vacant for more than 6 months received a 50% reduction. The Panel could not alter the discount for the first six month period, but there was scope to make recommendations on the level of discount that should be set for the period thereafter. Noted that increasing the percentage of discount might encourage people to declare properties vacant.

Agreed that the discount given to properties vacant for more than six months be 50%. Agreed that the discount be removed for properties vacant for more than a year.

Noted that one options was to provide Grant Aid to help cover the costs of bringing unfit dwellings back in use. Conditions could be attached to the financial support, to state amongst other things, that the expenditure be paid back should the agreed conditions be breached. It was suggested that loans could be made available for empty properties. Noted that the consultants appointed to undertake work on the strategy would explore these options. Noted the enforcement powers that were available and the circumstances in which they could be used.

Agreed that a decision on whether financial assistance be allocated to bring empty properties back into use be deferred until the findings of the private sector renewal project survey had been identified.

Agreed that in the event that the bid to the ODPM for funding was not successful, the Fresh START scheme be increased.

Agreed that the Finders Scheme be introduced on empty properties as per the option set out in Annex A of the report.

Agreed that no changes be made to the Rent Deposit Scheme

Agreed in principle that the Empty Property Strategy should include the use of all statutory powers including Empty Dwelling Management Orders and compulsory purchase. (EDMOs and compulsory purchase only to be used in exceptional circumstances and action in any individual cases only initiated with prior approval of the Portfolio Holder for Housing);

Agreed that the BV64 (number of properties brought back into use or demolished as a result of local government intervention) should be deleted. Agreed that the issues in the District did not warrant a significant KPI. Also agreed that the target did not reflect the current situation. Agreed that this be put to the next OSC on 2 February 2006 to propose that it be referred the Finance and Performance Scrutiny Standing Panel.

Councillor R Chidley voted against the recommendations.

41. HOMELESSNESS STRATEGY

M Pierce presented this report. Noted that following the discussions at this meeting, the Consultation Draft of the Strategy would be sent out to all organisations with an interest in homelessness to seek their views. Noted that at the end of the consultation exercise, the Homelessness Strategy would be revised to take account of comments received and then submitted to the Housing Portfolio Holder for final approval.

Noted that a report would be submitted to the Cabinet seeking approval for the resource implications of the plan.

Member considered each part of the strategy and endorsed the content.

42. HOUSING SERVICE STRATEGIES - HOUSE SALES AND LEASEHOLD SERVICES, RENT ADMINISTRATION AND COLLECTION

S Lindsey presented a summary report and the strategies for the Housing Service Strategies on House Sales and Leasehold Services, rent administration and collection

The Panel considered and approved the updated strategies.

43. REPORTS TO BE MADE TO THE NEXT MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

There were no reports to be made to the OSC, other than the Chairman of the Panels oral report on the work of the meeting.

44. FUTURE MEETINGS

Noted that the next meeting would take place on 3 March 2006 at 2.00 p.m in Committee Room 1.

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TERMS OF REFERENCE - STANDING PANEL

Title: Housing

Status: Standing Panel

Terms of Reference:

(1) To undertake reviews of public and private sector housing policies on behalf of the Overview and Scrutiny Committee, Housing Portfolio Holder or Head of Housing Services and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(2) To undertake specific projects related to public and private sector housing issues, as directed by the Overview and Scrutiny Committee, and to make any recommendations arising from such reviews to the Housing Portfolio Holder or Cabinet as appropriate.

(3) To consider and provide comments to the Housing Portfolio Holder on the following matters, prior to consideration by the Cabinet:

- (i) Draft Housing Strategy (to be adopted by full Council in accordance with the Council's Constitution)
- (ii) Draft Private Sector Housing Strategy
- (iii) Draft Private Sector Housing Grants Policy
- (iv) Annual Review of the Housing Allocations Scheme
- (v) Annual Review of Housing-Related Fees and Charges

(4) To consider and provide comments to the Housing Portfolio Holder on draft versions of the following documents:

- (i) Housing Revenue Account (HRA) Business Plan
- (ii) Local Supporting People Strategy
- (iii) Housing Service Strategies

(5) To undertake the Annual Ethnic Monitoring Review of Housing Applicants and Housing Allocations, in accordance with the Code of Practice in Rented Housing.

(6) To monitor progress with the actions plans contained in the following documents, on a six-monthly basis:

- (i) Housing Strategy
- (ii) Local Supporting People Strategy
- (iii) Private Sector Housing Strategy
- (iv) Housing Services Development Plan

(7) To consider the Housing Portfolio Holder's draft response to any consultation papers relating to public or private sector housing that the Housing Portfolio Holder considers warrants a response from the Council.

Work Programme 2005/6

Item	Priority	Report Deadline
(1) Annual Ethnic Monitoring Review of Housing Applicants	High	July 2005
(2) Updated draft Housing Service Strategies on Older People and Housing Management	Medium	July 2005
(3) Updated draft Housing Strategy	High	Sept 2005
(4) Implementation of Choice Based Lettings	Medium	First Report – Sept 2005
(5) Annual Review of the Housing Allocations Scheme	Medium	Sept 2005
(6) Six-monthly Progress Report on Local Supporting People Strategy Action Plan	Medium	Sept 2005
(7) Six-monthly Progress Report on Housing Services Development Plan Action Plan	Medium	Sept 2005 and March 2006
(8) Annual Review of Housing-Related Fees and Charges	High	Nov 2005
(9) Report on Findings of Private Sector House Condition Survey	Medium	Dec 2005
(10) Updated draft HRA Business Plan	Medium	March 2006
(11) Updated draft Local Supporting People Strategy	High	March 2006
(12) Six-monthly Progress Report on Housing Strategy Action Plan	Medium	March 2006
(13) Draft Private Sector Housing Assistance Policy	High	March 2006
(14) Initiatives for Reducing the Number of Empty Properties in the Private Sector	Low	March 2006

Chairman: Cllr Stephen Murray

Report to the Housing Scrutiny Panel

Date of meeting: 3 March 2006



Subject: Housing Scrutiny Panel Work Programme 2005/6 – Progress Report

Officer contact for further information: Alan Hall, Head of Housing Services

Committee Secretary: Zoe Folley (4532)

Recommendation:

That the Progress Report on the Panel's Work Programme 2005/6, attached as an Appendix, be noted.

Report

1. At its first meeting in July 2005, the Panel noted its Work Programme set by the Overview and Scrutiny Panel.
2. Attached is the current position with regard to each of the tasks assigned to the Panel, which includes additional tasks agreed by the Panel since July 2005.

Housing Scrutiny Panel
Work Programme 2005/6

PROGRESS REPORT
(As at 1 February 2006)

Item	Priority	Original Report Deadline	Current Position
ORIGINAL WORK PROGRAMME			
(1) Annual Ethnic Monitoring Review of Housing Applicants	High	July 2005	Completed - At the 21 July 2005 meeting.
(2) Updated draft Housing Service Strategies on Older People and Housing Management	Medium	July 2005	Completed – At the 21 July 2005 meeting.
(3) Updated draft Housing Strategy	High	Sept 2005	Delayed - Now to be presented to the Panel's next, or following, meeting, due to the wide-scale consultation that will need to be undertaken.
(4) Implementation of Choice Based Lettings	Medium	First Report – Sept 2005	In Progress - First report considered at the meeting on 15 th September 2005. Further reports on the operation of the scheme will be submitted to the Panel in due course. Information report on the draft Consultants Brief for the CBL Consultant is being reported to this meeting .
(5) Annual Review of the Housing Allocations Scheme	Medium	Sept 2005	Completed – At the 15 September 2005 meeting. Officers' proposals were supported by the Panel, and subsequently agreed by the Cabinet.
(6) Six-monthly Progress Report on Local Supporting People Strategy Action Plan	Medium	Sept 2005	Completed – At the 7 December 2005 meeting (6 months after adoption of the Strategy).

(7) Six-monthly Progress Report on Housing Services Development Plan Action Plan	Medium	Sept 2005 and March 2006	On Target - First six monthly report considered at the 15 September 2005 meeting. Next report to be considered at the Panel's next meeting.
(8) Report on Findings of Private Sector House Condition Survey	Medium	Dec 2005	Delayed – The survey has been completed. It is intended to present a report on the surveys findings to the next meeting of the Panel.
(9) Updated draft HRA Business Plan	Medium	March 2006	Not yet due - The Draft HRA Business Plan will be reported to the Panel's next meeting.
(10) Updated draft Local Supporting People Strategy	High	March 2006	Reported to this Meeting – Following this meeting, the Housing Portfolio Holder will be asked formally to endorse the Strategy, on behalf of the Council.
(11) Six-monthly Progress Report on Housing Strategy Action Plan	Medium	March 2006	Completed & Provided Early - Due to the new Housing Strategy not yet being ready, a Six-month Progress Report on the current Housing Strategy was considered at the 15 September 2005 meeting.
(12) Draft Private Sector Housing Assistance Policy	High	March 2006	Delayed – The Policy cannot be revised until the results of the Private Sector House Condition Survey have been analysed, and the outcome of the Governments proposed changes to the disabled facilities grants regime is known. It is intended that the draft policy will be produced for consideration in September 2006.
(13) Initiatives for Reducing the Number of Empty Properties in the Private Sector	High	March 2006	In Progress - Agreed at the 21 July 2005 meeting that the Panel should consider a few reports on the issues, leading up to a draft Empty Property Strategy to be considered in March 2006. A scoping report on the proposed scrutiny was provided to the 15 September 2005 meeting of the Panel, and a report on the possible use of collaborative initiatives and enforcement for inclusion within the Empty Property Strategy was considered at the last meeting. These need to be considered by the Cabinet, following which a draft Strategy will be drafted for consideration by the Panel.

ISSUES ADDED TO WORK PROGRAMME DURING THE YEAR

(14) Discretionary rights to be provided to introductory tenants	High	Sept 2005	Completed - At the 15 September 2005 meeting
(15) Review of Housing Service Strategy on Tenant Participation	Medium	Sept 2005	Completed - At the 15 September 2005 meeting
(16) Homelessness Strategy	Medium	March 2006	Completed – At the 30 January 2006 meeting. A consultation exercise is currently being undertaken, following which the Housing Portfolio Holder will be asked to approve the final version.
(17) Member Briefings	Medium	October 2005	Completed – A Members Information Evening was held in September 2005, and two Briefings on Basic Housing Law were held in October 2005
(18) Increasing the amount of affordable housing	High	March 2006	Reported to this Meeting – The scope of the report was agreed at the 30 January 2006 meeting. Any recommendations of the Panel arising out of consideration of the report will need to be reported to the Cabinet. In addition, more detailed consideration may need to be given at future meetings.
(19) Requests from Witness Mobility Scheme	Medium	December 2005	Completed – At the 7 December 2005 meeting.
(20) Housing Service Strategy on Rent Administration and Collection	Low	January 2006	Completed – At the 30 January 2006 meeting.
(21) Housing Service Strategy on House Sales, Land Sales and Leasehold Services	Low	January 2006	Completed – At the 30 January 2006 meeting.
(22) Housing Service Strategy on Allocations	Low	March 2006	Reported to this Meeting – After consideration by the Panel, the Housing Portfolio Holder will be asked to approve the final version.
(23) Housing Service Strategy on Housing Advice	Low	March 2006	Reported to this Meeting – After consideration by the Panel, the Housing Portfolio Holder will be asked to approve the final version.



Report to the Housing Scrutiny Panel

Date of meeting: 3 March 2006

**Subject: Housing Service Strategies – Housing Allocations
And Housing Advice**

Portfolio: Housing – Councillor Michael Heavens

Officer contact for further information: Marion Pearce 4024

Committee Secretary: Adrian Hendry

Recommendation:

That the Housing Scrutiny Panel considers the Housing Service Strategies on Allocations and Advice, attached as appendices, and provides any comments to the Head of Housing Services, prior to formal consideration by the Housing Portfolio Holder.

1. Over the past year, the Housing Scrutiny Panel has been reviewing a number of the Housing Service Strategies that were originally produced around 5 years ago, in accordance with an agreed standard framework, and that have since been updated. The Housing Service Strategies give more detail than the Council's main Housing Strategy on the various housing services provided. In total, 15 Housing Service Strategies have been produced to date, covering:

House Sales & Leasehold Services	Rent Arrears
Rent Collection and Administration	Homelessness
Under-occupation	Housing Information
Tenant Participation	Private Rented Sector
Housing Management Services	Older Peoples Housing Services
Housing Allocations	Housing Advice
Empty Properties	Energy Efficiency
Anti-Social Behaviour	

2. With the exception of the Homelessness Strategy, which is governed by statute, the Strategies are produced to a common format that sets out how individual housing services will be delivered. They have assisted Housing Services in achieving the Charter Mark award for customer service excellence, and ISO 9001:2000 Quality Accreditation.

3. The Housing Scrutiny Panel are asked to consider the updated Housing Service Strategies on Housing Allocations and Housing Advice, which are attached as appendices to the report, and provide any comments to the Head of Housing Services for inclusion within the final version considered and approved by the Housing Portfolio Holder.

Consultation undertaken:

The C.A.B.X have been consulted on the Housing Advice Strategy and the Tenants and Leaseholders Federation have been consulted on the Housing Allocations Strategy, which they support.

Resource implications:

Budget Provision:N/A

Personnel: N/A

Land: N/A

Community Plan/BVPP Ref :N/A

Relevant statutory powers: Housing Act 1996 as amended by the Homelessness Act 2002.

Background papers: Attached Housing Services Strategies

Environmental/Human Rights Act/Crime an

Epping Forest District Council

**HOUSING SERVICES STRATEGY ON
ALLOCATIONS**

1. Introduction

- 1.1. This strategy relates to the Council's duties in respect of the Housing Register, garage waiting lists, tenancy surrenders where vacant possession is given, the allocation of properties and garages, offers of tenancies and mutual exchanges.
- 1.2. The Council does not have a statutory duty to keep a Housing Register but has chosen to do so.
- 1.3. The Council does have a statutory duty to have an 'allocations scheme' for determining priorities for allocating social housing. It is required to ensure that a summary of the scheme is available on request, free of charge, and that a copy of the full scheme is available for inspection. Registered social landlords (RSLs) with accommodation in the District must be consulted on changes to the allocation scheme. Major changes must be notified to applicants on the Housing Register. This must be done 'within a reasonable period of time', with the effect of changes being explained to applicants.
- 1.4. The Council may only allocate social housing in accordance with its published scheme. Under the provisions of the Homelessness Act 2002 social housing must not be allocated to certain categories of applicant. Certain other categories of applicant must be awarded reasonable preference for accommodation. The allocations scheme must include a statement of the Council's policy, either to offer housing applicants choice of accommodation or to give them the opportunity to express a preference about the accommodation to be allocated to them.
- 1.5. This strategy sets out how the allocations service will be delivered and monitored. The service will be provided by the Housing Needs Section within the Council's Housing Services.
- 1.6. EFDC's Housing Services qualified for an Investors in People Award in 2001. This was extended to all Council Services in 2002 and renewed early in 2005. Housing Services was also accredited for the ISO 9001:2000 quality management system by Lloyds Register Quality Assurance in 2002 and this was renewed in 2005, now being valid until 2007. Housing Services also achieved Charter Mark status in January 2005.
- 1.7. This strategy was formulated in consultation with representatives of the Tenants and Leaseholders' Federation and the Council's Housing Scrutiny Panel. It was formally approved by the Council's Housing Portfolio Holder on XX XX XX.

2. Background to the Service

2.1. Between 1st January 2005 and 31st December 2005, the Housing Needs Section :-

- received around 2500 new applications for the Housing Register (including requests for alternative accommodation from existing social housing tenants); this is a 25% increase on the number of applications received two years ago
- let 497 vacancies in the Council's housing stock; 25% more lettings than two years ago
- made 129 nominations for RSL vacancies; as opposed to 75 two years ago, an increase of 58%
- received around 500 applications for garage tenancies; 25% up on two years ago
- let 264 garages; down 25% on two years ago
- processed 70 tenancy assignments by way of mutual exchange; just over 14% more than two years ago.

2.2. The Mutual Exchange Scheme reflects good housing management practice as well as legislation governing the assignment of social housing tenancies by way of mutual exchange.

2.3. The Housing Allocations Scheme is reviewed annually to ensure that it remains equitable, relevant and responsive to change.

2.4. It allows housing applicants to express a choice about the localities in which they would like to live, the type of accommodation they would like to be offered and whether they would prefer to be the tenant of an RSL or the Council. This is a prelude to a Choice Based Lettings Scheme (CBL), in which applicants 'bid' for advertised social housing vacancies, which is scheduled for implementation in April 2007 (See 8.6. to 8.8.) All local housing authorities are required by government to have such a scheme in place by April 2010.

2.5. The Housing Allocations Scheme includes a banding system which is used to broadly prioritise housing applications, with applications being dealt with in date order within each band.

2.6. The scheme provides for applications for housing from persons not currently resident in the Epping Forest District. However, due to very high demand for vacancies in the general housing stock, the Council is usually only able to assist such applicants who are over 60 years of age and willing to accept small units of accommodation in sheltered or grouped housing schemes for older people for which there is less local demand.

- 2.7. All officers in the Housing Needs Section offer general as well as specialist housing advice. Information can be made available to accommodate special needs if necessary.
- 2.8. The Council owns around 3,000 garages which are let on an individual basis. Date order waiting lists are maintained, from which vacancies are allocated. With the exception of garages at Limes Farm, Chigwell, this work is undertaken by the Housing Needs Section.
- 2.9. Tenancy surrenders, where vacant possession is being given, form part of the allocation process for garages and properties. This process is computerised, using the allocations module of Anite's Open Housing Management System (OHMS), the computer system used by other sections within Housing Services. Some letters are generated by the system but many are not; standard templates being used for routine correspondence, for instance, notification of assessments by one of the Council's Medical Advisers.

3. Coverage

3.1 In summary, allocations encompasses –

- tenancy surrenders where vacant possession is being given on properties and garages
- allocation of vacant properties and garages
- offers of tenancies for vacant properties and garages
- signing up of applicants for new tenancies
- administration of the Housing Register, nominations for properties owned by registered social landlords, the Mutual Exchanges Scheme and garage waiting lists.
- notifications of updates for the Housing Revenue Account.

4. Relationship with other Documents

- 4.1. This Strategy forms part of the Council's overall *Housing Strategy* and the *Housing Revenue Account Business Plan*.
- 4.2. This strategy accords with the *Council Plan* which sets out the Council's plans for the delivery and development of its services.
- 4.3. Every year, following consultation with residents, the Council publishes a *Best Value Performance Plan* which explains the Council's current performance and how it intends to improve its services on a continuing basis.
- 4.4. The Council has adopted a *Housing Charter*, which sets out in simple, clear and precise terms its general approach to all its housing services.

- 4.5. The Council follows the guide set out in the Commission for Racial Equality's *Code of Practice in Rented Housing*.
- 4.6. The Council follows advice from central government set out in circulars and the Office of the Deputy Prime Minister's *Homelessness Code of Guidance for Local Authorities* and *Allocation of Accommodation Code of Guidance to Local Housing Authorities November 2002*.
- 4.7. The booklets produced by Housing Services entitled, *Housing Allocations Scheme*, and *Mutual Exchanges Scheme*, set out in full the Council's policies on these matters.
- 4.8. The following are included in the application pack for the Housing Register: a summary of the *Housing Allocations Scheme*, entitled *Moving Home with the Council Housing* (this includes advice on mutual exchanges); the formal application, including guidance notes; and an information booklet, *Where to Live*. These are all produced by Housing Services.
- 4.9. The following booklets, also produced by Housing Services, offer more general advice: *Mobile Homes*; *Private Rented Accommodation*; *Shared Ownership Schemes*; *Housing Associations for Elderly Needs*; *Housing Associations for General Needs Accommodation*.
- 4.10. Information for tenants in respect of tenancy surrenders, complaints and appeals procedures, as well as the right to assign by way of mutual exchange, is contained in a booklet, *Your Rights, the Conditions of Your Tenancy, and How to Complain*.
- 4.11. The booklet, *Renting a Garage*, explains how to apply for a Council garage.
- 4.12. The following guides are available from Housing Services but produced by the O.D.P.M.
- *Assured and assured shorthold tenancies – a guide for landlords*
 - *Letting your home*
 - *Letting Rooms in Your Home – a guide for landlords and their tenants*
 - *Assured and assured shorthold tenancies – a guide for tenants*
- 4.13. Information about the Council's Housing Services is also available on the Council's website at www.eppingforestdc.gov.uk/housing.

5. Aims and Objectives

- 5.1. The Aim of the Council's Strategy on Allocations is:

"To comply with legislation governing the allocation of social housing, operating in an efficient, fair and transparent way,

optimising the use of available resources to meet housing need as far as possible.”

5.2. The aims of this strategy will be met by:

- a) Reviewing the Housing Allocations Scheme annually, including monitoring the ethnicity of applicants on the Housing Register and of those who have been rehoused
- b) Maintaining a Housing Register, utilising the OHMS computerised system
- c) Assessing applications for accommodation in accordance with the Housing Allocations Scheme; requiring applicants to complete and supply appropriate documentation to support their applications; referring medical submissions to the Council’s Medical Advisers; arranging for applications for rehousing for welfare or hardship reasons to be considered by the Housing Needs Manager in conjunction with one of the Council’s Medical Advisers and a Housing Needs Officer; making home visits and requesting special reports as necessary; arranging special needs or occupational therapy (O.T.) assessments in appropriate cases; requiring applicants to renew their requests for rehousing annually
- d) Notifying housing applicants of decisions affecting their application and of their statutory rights; making applicants’ files available to them on written request; notifying applicants on the Housing Register, in writing, of major changes to the Housing Allocations Scheme
- e) Recording property and garage surrenders on the OHMS system and monitoring the progress of voids, including the receipt and return of keys
- f) Allocating vacancies and offering tenancies in accordance with the Allocations Scheme and arranging for prospective tenants to view vacant Council properties before they are ready for letting; signing up applicants for Council tenancies and issuing claims forms for decorating vouchers
- g) Making available, free of charge, copies of the Allocation Scheme and the Mutual Exchanges Scheme, both in full and summarised versions.
- h) Making available at housing offices and Waltham Abbey Town Hall, registers of social housing tenants interested in effecting mutual exchanges and processing mutual exchange applications within time limits and in accordance with the Mutual Exchanges Scheme
- i) Monitoring RSL vacancies in the District and making nominations
- j) Offering financial incentives to the Council’s tenants transferring from 3 or 4 bedroom properties to 1 bedroom or studio

accommodation and giving general advice on availability of accommodation, rent levels etc

- k) Maintaining date order waiting lists for garages and offering vacant garages to applicants at the top of each list
- l) Working with other interested parties, such as the Learning Disabilities Local Action Group, the Domestic Violence Forum, the Children and Young Peoples Strategic Partnership, the Single Accommodation For Epping Forest (SAFE) project, and the referral panel for the Floating Support Scheme (for people with a history of substance abuse or mental ill health)
- m) Monitoring staff performance against set targets
- n) Annually updating the Housing Needs Assessment Module to facilitate projections for the requirement of additional social housing in the District.

6. Statutory Requirements

- 6.1. *Part II of the Housing Act 1985* governs the provision of housing accommodation and related development by a district council and the periodical review of housing needs in the area. It also empowers the local housing authority to pay tenants' removal expenses.
- 6.2. *Part IV of the Housing Act 1985* regulates the provision of information to tenants about the express terms of their tenancies and related matters, and provides for assignments by way of mutual exchange.
- 6.3. The *Landlord and Tenant Act 1985* sets out a number of provisions relating to tenancies and leases.
- 6.4. The *Protection from Eviction Act 1977* governs the period of notice required from tenants surrendering Council housing tenancies.
- 6.5. *Part VI of the Housing Act 1996* as amended by the *Homelessness Act 2002* governs the allocation of social housing. This is supported by the Office of the Deputy Prime Minister's *Allocation of Accommodation Code of Guidance to Local Authorities November 2002*, to which local housing authorities must have regard. The *Immigration and Asylum Act 1996* is relevant to classes of applicant disqualified from applying for social housing.
- 6.6. Notwithstanding the above, the requirements of the *Race Relations Act 1976* apply to the allocation of social housing, as do those of the *Sex Discrimination Act 1975* and the *Disability Discrimination Act 1995* and the *Code of Practice in Rented Housing*.
- 6.7. The *Homelessness Act 2002* gives a housing applicant certain rights to information relating to the assessment of their application and decisions made in respect of it. It also provides for the right to request a review of certain decisions.

- 6.8. Personal information held by the Housing Needs Section is protected by the *Data Protection Act 1998* which, together with the *Housing Act 1996*, allows individuals to access the information held about them.
- 6.9. The provisions of the *Rent (Agricultural Act) 1976* is relevant to some Housing Register applicants.
- 6.10. Under the terms of the *Children Act 1989*, an authority responsible for social care may request the help of a housing authority in discharging its duties towards a 'child in need'. A local housing authority must comply with any such request if it is compatible with its own functions and does not unduly prejudice the discharge of its own functions.
- 6.11. The *Local Government & Housing Act 1989* sets out the framework for the funding of the allocations service i.e. in respect of the Housing Revenue Account and the General Fund.
- 6.12. The *Human Rights Act 1998* is most likely to be engaged for housing needs issues in respect of Articles 6,8 and 14. These relate to the right to a fair trial (review and appeals procedures), respect for private and family life, home and correspondence (confidentiality) and discrimination (equal opportunities).
- 6.13. The *Health and Safety at Work Act 1974* sets out the responsibilities of the Council as an employer in respect of the health and safety of staff.

7. Client Consultation, Information & Involvement

- 7.1. To a large extent, allocations functions are regulated by statute, which includes consultation with RSLs in respect of major changes on the Housing Allocations Scheme. However, this authority also consults with parish and town councils and the three Citizens Advice Bureaux in the District. In addition, the Tenants and Leaseholders' Federation are consulted on all housing policy matters prior to referral to the Housing Portfolio Holder and the Cabinet.
- 7.2. Housing Register applicants may be informed on an individual basis of changes that affect them and items of general interest are included in a newsletter, *Housing News*, which is sent, usually quarterly, to tenants and, when appropriate, all housing applicants, to keep them informed of important issues.

8. General Principles

- 8.1. One of the aims of the Council Plan is to address housing need. In order to achieve this the Council is seeking, through formal Alterations to the Local Plan, in June 2006, a provision that will require, 40% affordable housing on development sites comprising 15 units or more, or of half a hectare or more in size. The current requirement is for 30% affordable housing on sites comprising 25 units or more, or 1 hectare.

- 8.2. Underpinning this will be annual reviews of the Housing Allocations Scheme and the monitoring of the effectiveness of financial incentives to Council tenants willing to move to smaller accommodation.
- 8.3. Key workers will be identified and advised of initiatives to assist them, which includes a scheme where up to five key workers from health, education or the Police will be allocated with Council accommodation each year.
- 8.4. The Council will continue to work closely with RSLs and other agencies to resolve housing problems. Part of this process will be a monitoring of vacancies arising in RSL stock within the District and working with the Learning Disabilities Local Action Group, the Domestic Violence Forum, the Children and Young Peoples Strategic Partnership, the Single Accommodation For Epping Forest (SAFE) project and the referral panel for the Floating Support Scheme.
- 8.5. The current Housing Allocations Scheme allows housing applicants to express a choice about the localities in which they would like to live, the type of accommodation they would like to be offered and whether they would prefer to be the tenant of an RSL or the local authority. The allocations process also includes accompanied viewing arrangements, whereby prospective tenants are met at properties by a technical officer, so that queries concerning repairs and related matters can be answered straight away.
- 8.6. The Council will further extend applicants' choice by introducing a CBL Scheme, whereby tenants will 'bid' for advertised social housing vacancies, by April 2007. To this end, it has formed a partnership that includes Chelmsford Borough Council, Broxbourne Borough Council, East Hertfordshire District Council, Brentwood Borough Council, Uttlesford District Council, and the main RSLs that operate in these six authority areas. This partnership, called the Herts and Essex Housing Options Consortium will enable the cost of advertising vacancies and receiving bids to be shared by the 6 authorities, introducing CBL across West Essex and East Hertfordshire. It has also enabled a grant of £96,000 to be received from the ODPM.
- 8.7. The consortium will appoint a Project Manager to oversee the project. The post will be funded by the grant from the Office of the Deputy Prime Minister.
- 8.8. Housing applicants will only be able to bid for vacant properties in accordance with each individual local housing authority's criteria.
- 8.9. The Council will ensure that general information is available to housing applicants electronically as well as through more traditional media and keep them informed on important issues. Details of tenants wishing to mutual exchange accommodation will be posted on the Council's website, as well as being available from certain Council Offices.
- 8.10. Housing applications will be processed effectively and allocations monitored to ensure that they are equitable.

- 8.11. Tenancy surrenders where vacant possession is being given form part of the allocation process. The process is computerised and this facilitates monitoring. Other housing officers are notified of on a weekly basis of changes to the Housing Revenue Account to enable all Service records to be updated.
- 8.12. Housing Needs staff offer general as well as specialist advice on housing options and their training needs are identified through the Council's annual Staff Development Review process.
- 8.13. Actions agreed as a result of the following have been incorporated into service practices -
- the Housing Needs Service Review and Best Value inspection in November 2001
 - the Voids & Lettings Review conducted by senior and middle housing managers during the first part of 2001
 - the Service review of Housing Services, completed in March 2004.
- 8.14. Applicants refused inclusion on the Housing Register or dissatisfied with certain decisions in respect of their housing applications have a statutory right to request a review of the decision. Reviews will be conducted by the Assistant Head of Housing Services or the Housing Needs Manager, subject to their not having been involved in the original decision. If applicants are dissatisfied with a decision following the statutory review they will be able to take their case on a non-statutory basis to the Housing Review and Appeals Panel, comprising 5 elected members.
- 8.15. Complaints will be dealt with, and appropriate action taken, in accordance with corporate procedures.
- 8.16. Performance on lettings, including garages, will be monitored quarterly by the Head of Housing Services.

9.1. Best Value Considerations

- 9.1. The allocations service underwent a best value inspection, jointly with the homelessness service, in November 2001, which resulted in a one star and 'likely to improve' rating. The pre-inspection assessment of 'the 4 Cs' as they related to allocations are briefly summarised below:

Challenge – 'a solid foundation with strong structures, experienced workforce and a clear knowledge of major issues'

Compare – 'sensible staffing numbers whilst at the same time offering a range of services which is at least comparable to, if not greater than, the other responding authorities'

Consult – 'there is a need to focus on the initiatives most likely to lead to an improvement in the Service'

Compete – ‘the Council works well with organisations from other sectors, both voluntary and private, to partnerships aimed at helping to meet housing need in the District’.

9.2. The Housing Needs Section responded to the findings of the Best Value Review by making changes to its services, though they largely related to homelessness issues.

10. Future Developments

10.1. The analysis of strengths, weaknesses, opportunities, and threats (SWOT analysis) on the following page forms the foundation for future action:

<p>Strengths</p> <p>Well trained staff Well tried processes Good relations with RSLs and others Annual review of Housing Allocations Scheme Strong performance monitoring Wide variety of publications Ethnic monitoring of applicants and allocations Easy access to staff by telephone, e-mail and in person Detailed information on service on the Council’s Web-site</p>	<p>Weaknesses</p> <p>Current performance relies on overtime amounting to around 4 hours each week Insufficient ITC support because of recruitment problems Staff at some risk of assault pending corporate decisions on safety measures Lack of Housing Corporation funding and land to provide the required amount of affordable housing</p>
<p>Opportunities</p> <p>Introduction of CBL through cross-boundary partnership</p>	<p>Threats</p> <p>Continuing high work-loads Disposal of housing stock through RTB and increased demand, far outstrips RSL new build Possibility of serious assault on staff due to increased anti-social behaviour</p>

11. Action Plan

Action	Lead Officer	Timescale	Resource Implications
Mutual exchange information available on website	Housing Needs Manager	01/04/06	Existing resources

Review Housing Allocations Scheme and effect changes as necessary	Housing Needs Manager	01/01/07	Existing resources
Introduce on-line housing applications	Housing Needs Manager	01/01/07	Existing resources
Introduce CBL	Assistant Head of Housing Services (Operations)	01/04/07	Existing resources
Investigate the possibility of using a private company for medical assessments	Housing Needs Manager	01/09/06	Existing resources
Review staffing structure following introduction of CBL	Housing Needs Manager	01/09/07	Existing resources

12. Resourcing the Strategy

12.1. The Allocations Service is funded from the Housing Revenue Account.

12.2. Staffing resources in the medium term will be:

	Staff Resource Projections		
	2005/06	2006/07	2007/08
Staff to provide the service (FTE p/a)	8.5	8.5	8.5

Staff Resource Breakdown	2004/05
Posts	FTE
Housing Needs Manager	0.5
Assistant Housing Needs Manager	1.0
Housing Officers	3.0
Housing Assistants	4.0
Total	8.5

12.3. The Council has a robust system for training new staff and for ensuring that the training needs of existing staff are met. New staff undergo a rigorous induction programme during their first 12 months of employment. Existing staff participate in the annual Staff Development Review Scheme. Their training needs are recorded in the Training Needs Schedule which enables Human Resources staff to plan an appropriate in-house training programme. In addition to this, it is open to staff to attend seminars, conferences and external training courses on specialist subjects, such as Choice Based Lettings.

12.4. £332,320 (including £40,000 for consultants costs on Choice Based Lettings) of the Housing Revenue Account budget will be set aside for resourcing allocations work in the financial year 2006/07.

13. Key Targets and Performance Monitoring

13.1. Generally, monitoring reports will be computer generated or produced from spread sheets.

13.2. Best Value and Local Performance Indicators will be included within the Best Value Performance Plan, which is published annually, a summary of which is provided to every household in the District.

13.3. Monitoring of performance will form part of the Housing Services' Performance management System and quarterly meetings will be held between the Head of Housing Services, the Assistant Head of Housing Services (Operations) and the Housing Needs Manager to monitor performance and agree a quarterly Action Plan to continuously improve performance.

13.4. The key Best Value and Local performance indicators for the service are as follows:

Key Targets & Performance				
Performance Indicator	2005/06 Target	2006/07 Target	2007/08 Target	2008/09 Target
BV 164 Does the local authority follow the Commission for Racial Equality's Code of Practice for Rented Housing	Yes	Yes	Yes	Yes
H14b % of total lettings (LA & RSL homes) to homeless households	20%	22%	24%	26%

14. Reviewing the Strategy

14.1. This strategy will be reviewed in consultation with the Epping Forest Tenants and Leaseholders' Federation by April 2008.

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Epping Forest District Council

**HOUSING SERVICES
STRATEGY ON
HOUSING ADVICE**

1. Introduction

- 1.1. This strategy relates to housing advice provided by Housing Services and supplemented by the 3 Citizens' Advice Bureaux (C.A.B.) within the District.
- 1.2. This strategy works within the framework of the Community Legal Service Partnership (CLSP) for the Epping Forest District, a multi-agency partnership including Voluntary Action Epping Forest, Age Concern, C.A.B., some privately practicing solicitors, Essex County Council, the Legal Services Commission and Epping Forest District Council. The latter three are the main partnership funders.
- 1.3. The CLSP is set up to co-ordinate provision in the District of good quality, publicly funded legal advice and assistance on civil matters. It aims to achieve suitable quality mark accreditation for all partner organizations and to make available an on-line advice/referrals directory. At a consultation event held on 6th March 2003, housing was one of five main categories of law identified as being in most demand. Across the categories, the need for advocacy, mediation and out-reach services and home visiting services were highlighted.
- 1.4. The Council has a rolling Service Level Agreement with the three Citizens Advice Bureaux (CABX) in the District to provide a range of advice and to support those who have difficulties expressing their needs effectively. EFDC is contributing £120,500 from its General Fund in 2005/06 towards CABX costs and has guaranteed increased funding, at least in line with inflation, in future years, as long as there is no worsening in the Council's own budgetary situation.
- 1.5. EFDC has formal arrangements for referring cases to the CABX and, in addition to front-line liaison on a case by case basis, the Housing Management Team, which consists of the Head of Housing Services and two Assistant Heads of Service, meets with the Bureaux Managers each quarter. These meetings serve a number of purposes: to discuss general issues arising from individual cases and receive feedback on the Council's housing policies and procedures; to consult on proposed changes to housing policies; to co-ordinate the approach to the provision of housing advice in the District; and to ensure CABX Managers have up to date information on local and national housing issues.
- 1.6. The C.A.B. have offices in Epping, Loughton and Waltham Abbey and outreach services at the Council's hostel for homeless families in North Weald, the Health Centre in Chigwell and the library in Ongar. There is also a home visiting service for people who are housebound.
- 1.7. Local housing authorities have a statutory duty to offer advice and assistance on homelessness and the prevention of homelessness. They also have a duty to ensure that an allocations scheme for determining priorities for allocating social housing is available for inspection. Further, that a summary of that scheme is available, on request, free of charge.

- 1.8. Landlord authorities, such as Epping Forest District Council, have a duty to provide their tenants with information on the express terms of their tenancies, including their statutory rights in respect of assignments, successions and assignments by way of mutual exchange.
- 1.9. This strategy sets out how the advice offered by Housing Services and the C.A.B. will be delivered and monitored.
- 1.10. This strategy was formulated in consultation with the three C.A.B.X in the District and the Housing Scrutiny Panel. It was formally approved the Housing Portfolio Holder on 27th March 2006.

2. Background to the Service

- 2.1. Advice and assistance on homelessness and the prevention of homelessness can encompass a wide range of issues. The Housing Needs Section of Housing Services, based at the Civic Offices in Epping, has 2.5 FTE officers dedicated to homeless prevention work. These officers provide a link to housing and a range of other services. The part time officer has permanent employment with the Council but the 2 full time officers are on temporary contracts as their posts are being funded by the Office of the Deputy Prime Minister (ODPM), at least until March 2008. The Council has plans to appoint an additional full time homelessness prevention officer, on a similar basis as the other 2, funded largely by the ODPM but with a 'top up' from the Council under 'spend to save'. Full information relating to the Council's plans in connection with homelessness prevention is given in the Council's Homelessness Strategy.
- 2.2. Many aspects of advice require specialist knowledge. Some, for example debt management, whilst not being unusual, do not arise often enough in relation to housing matters for the Council to have its own specialist in the field. This being so, part of the role of housing officers is to identify appropriate cases to be referred to the C.A.B. The Housing Needs Section has a formalised arrangement with the C.A.B. for this purpose. In addition, one of the aims of the quarterly meetings between Housing Services and the C.A.B.X is to ensure that the provision of housing advice continues to be offered in a co-ordinated way.
- 2.3. Other agencies and organisations to which enquirers may be directed by housing officers include: the Alcohol and Drugs Advisory Service; the Community Drugs and Alcohol Team; Social Care; the Department of Social Security; Connexions; Voluntary Action in Epping Forest; Victim Support; and Womens' Aid.
- 2.4. Some matters, for instance Housing Benefit, are covered by other Council Services. Issues on which Environmental Health Officers offer specialist advice include: harassment and illegal evictions by private landlords; properties in need of repair, including those which are unfit for habitation; and houses in multiple occupation. Here again, housing staff offer basic advice and support to ensure that expert help is accessed.
- 2.5. Additional matters on which Housing Needs staff offer advice include: charitable and other organisations assisting homeless people; sourcing privately rented accommodation; Notice to Quits issued by landlords (together with related legal proceedings); shared ownership schemes; rent levels; property rights in cases of relationship breakdown or other domestic issues; interim and temporary accommodation and related licences; access to Housing Registers and registered social landlords; assignments by way of mutual exchange; and rights in respect of access to files, reviews and appeals.

- 2.6. Although Housing Needs Officers do give advice to Council tenants, other housing officers have prime responsibility for advice on the Council's Conditions of Tenancy and related issues, including assignments and successions, sheltered and very sheltered accommodation and adaptations for disabled people. Most of these staff work at the Civic Offices in Epping but some are based at satellite locations in Loughton and Chigwell.
- 2.7. The Council employs 1.5 FTE (full time equivalent) housing welfare officers to support vulnerable tenants and formerly homeless people in interim and temporary accommodation. Advice on housing related matters is an important part of the duties of these officers, helping to prevent repeat homelessness.
- 2.8. Due to the wide ranging nature of housing advice it is not possible to give accurate information on the volume of cases overall,¹ but the following 2 paragraphs give an indication of some workloads.
- 2.9. The CABX estimate that over 2,000 people contact them in the course of a year on housing related matters.
- 2.10. Over 6,000 enquiries are received at the Housing Needs Reception Desk in the course of a year; the Council has approximately 6,600 tenants; around 3,000 households are on the Housing Register at any one time; homeless prevention officers see 450 or so households per annum, preventing homelessness in over 93% of cases; homelessness officers deal with a similar number of cases in the course of a year. The volume of telephone enquiries to the Housing Needs Section is far higher than the number of personal callers but written and electronic enquiries are fewer.

3. Coverage

- 3.1. In summary, the responsibility for providing housing advice is spread but rests primarily with the Council's Housing Services and Environmental Services. The former takes the lead, giving advice on social housing tenancies, particularly the Council's own tenancies, and homelessness, except in cases of illegal eviction, harassment and matters of disrepair.

4. Relationship with other Documents

- 4.1. This Strategy works within the *Council Plan* and accords with the Council's *Best Value Performance Plan*, which sets out annually the authority's intentions for the delivery and development of its services, giving information on past performance and how the Council plans to improve services on a continuing basis. One of the key issues is 'Homes and Neighbourhoods' and social inclusion.
- 4.2. This Strategy accords with the *Community Legal Service Plan*.
- 4.3. This Strategy forms part of the authority's overall approach to strategic housing, set out in the *Housing Strategy*, and accords with Housing Services' *Housing Revenue Account Business Plan*.
- 4.4. This Strategy interrelates with the Council's *Homelessness Strategy* and other Housing Service Strategies on: *Housing Management; Allocations; Tenant Participation; Information; and the Private Rented Sector*.

- 4.5. *The Housing Needs Service Review 2000 - 2001* was a rigorous review of the Housing Needs Section, undertaken as part of the Best Value initiative.
- 4.6. The Council has adopted a *Housing Charter*, which sets out in simple, clear and precise terms its general approach to all its housing services.
- 4.7. The Council follows the guide set out in the Commission for Racial Equality's *Code of Practice in Rented Housing*.
- 4.8. The Council follows advice from central government set out in circulars and the Office of the Deputy Prime Minister's *Code of Guidance on Allocations* and *Homelessness Code of Guidance*.
- 4.9. A booklet produced by Housing Services entitled *Homelessness* explains a little about homelessness legislation, the Council's duty towards homeless applicants and how homeless applications are processed.
- 4.10. Another booklet, *Housing for single people*, produced by Housing Services to assist single people, gives basic information on, amongst other matters, shared-ownership and renting accommodation in the private sector.
- 4.11. Two more booklets produced by Housing Services entitled, *Housing Allocations Scheme* and *Mutual Exchanges Scheme*, set out in full the Council's policies in these matters.
- 4.12. A summary of the *Housing Allocations Scheme* and *Mutual Exchanges Scheme*, entitled *Moving home with the Council*, and a booklet, *Where to live*, produced by Housing Services, are included in the Housing Register Application Pack. Other booklets, *Joint Tenancies* and *Redecoration Voucher Scheme*, are available separately.
- 4.13. Included in the Council's *Tenants Handbook* are the following leaflets: *Information on housing services*; *Rents, benefits and housing management*; *Repairs and improvements to your home*; *Services for the elderly*; *Succession to a tenancy*; *Buying your home from the council*; *Renting a garage*; *Your rights and the conditions of your tenancy*; and *Housing appeals and complaints*.
- 4.14. The following booklets and information sheets produced by Housing Services, give more general advice: *Mobile Homes*; *Private Accommodation*; *Shared Ownership Schemes*; *Housing Associations for Elderly Needs*; *Housing Associations for General Needs Accommodation*.
- 4.15. Epping Forest Domestic Violence Action Group has produced an information pack, *Domestic Violence – Take Control*. Voluntary Action for Epping Forest has produced a leaflet, *Housing Relocation*, giving details of a Council sponsored project to support older people moving home. Both are available from Housing Services.
- 4.16. The following guides are available from Housing Services but were produced by the Office of the Deputy Prime Minister:
- *Assured and assured shorthold tenancies – a guide for landlords*
 - *Letting your home*
 - *Letting Rooms in Your Home – a guide for landlords and their tenants*

- *Assured and assured shorthold tenancies – a guide for tenants*

4.17. In addition to the literature detailed above, which is freely available, important items of general interest are included in a newsletter, *Housing News*, which is sent, usually quarterly, to tenants and, when appropriate, to housing applicants as well.

4.18. Information about the Council's Housing Service can be obtained through the Council's Website: www.eppingforestdc.gov.uk/housing

5. Aims and Objectives

5.1. The aim of the Council's Strategy on Housing Advice is:

“ To ensure that housing advice is readily available, free of charge, to anyone in need of it, enabling them to explore their options and understand the possible consequences of certain courses of action”.

5.2. The aim of this Strategy will be met by:

- a) giving advice through the most appropriate media for the applicant;
- b) making housing information available on the Council's web-site;
- c) offering personal interviews, mainly at the Civic Offices but at other locations where appropriate, including at home addresses;
- d) publishing details of the Council's Housing Register and Mutual Exchange Schemes;
- e) making freely available other leaflets and documents, including details of the Council's Conditions of Tenancy;
- f) arranging language translation in appropriate instances;
- g) liaising with CAB and other agencies and services;
- h) ensuring appropriate cases are referred at an early stage to housing welfare officers, homelessness prevention officers or other specialist advisers;
- i) encouraging homeless applicants with adverse homelessness decisions to seek specialist housing advocacy advice.

6. Statutory Requirements

6.1. The *Homelessness Act 2002* requires that the Council has a *Homelessness Strategy*, based on a homelessness review, and elements of this strategy relate to the provision of advice and information.

6.2. More specifically, the Council must ensure that advice and information about homelessness and the prevention of homelessness is available to anyone in the District. This is pursuant to the *Housing Act 1996*, as amended by the *Homelessness Act 2002*, statutory instruments and the *Office of the Deputy Prime Minister's Homelessness Code of Guidance*.

- 6.3. *The Housing Act 1996*, as amended by the *Homelessness Act 2002*, supported by the *Office of the Deputy Prime Minister's Code of Guidance on Allocations* prescribes the information to be provided in respect of the allocation of social housing.
- 6.4. *The Local Government & Housing Act 1989* sets out the framework for the funding of homelessness functions i.e. in respect of the General Fund and the Housing Revenue Account.
- 6.5. *Part IV of the Housing Act 1985* regulates the provision of information to tenants about the express terms of their tenancies and related matters.
- 6.6. *The Protection from Eviction Act 1977* sets out safeguards to ensure that residential tenants are not unlawfully evicted.
- 6.7. Environmental health officers, housing officers and C.A.B. staff deal with enquiries on a wide range of legislation relating to rights of occupancy in private accommodation. Some issues only occur from time to time, such as those relating to the provisions of the *Rent (Agricultural) Act 1976*.
- 6.8. The requirements of the *Race Relations Act 1976*, the *Sex Discrimination Act 1975*, and the *Disability Discrimination Act 1995* apply to the provision of housing advice, as does the *Code of Practice in Rented Housing*.
- 6.9. *The Human Rights Act 1998* is most likely to be engaged for housing issues in respect of Articles 6,8 and 14. These relate to the right to a fair trial (appeals procedures), respect for private and family life, home and correspondence (confidentiality) and discrimination (equal opportunities). The *Data Protection Act 1998* also governs the protection and use of personal data held by the Council.
- 6.10. *The Health and Safety at Work Act 1974* sets out the responsibilities of the Council as an employer in respect of health and safety matters.

7. Client Consultation, Information & Involvement

- 7.1. Due to the wide ranging nature of housing advice, consultation with service users is not straight forward, but set out below are details of some consultation exercises that have been undertaken by the Council.
- 7.2. As part of the Housing Needs Service Review conducted during 2000/01 an extensive consultation exercise was carried out, seeking views on a range of matters, such as the helpfulness of staff, the clarity of literature and the time taken to deal with requests for information. Overall, responses were favourable, although some areas of weakness were identified and action was taken concerning these.
- 7.3. In 2003, further consultation was undertaken as part of the homelessness review in preparation for the production of the *Homelessness Strategy*. This involved exit surveys at the close of interviews, postal surveys, focus groups and a Consultation Day. Council staff, partner and stakeholder organisations as well as services users were invited to comment on a wide range of issues. It was clear from these exercises that investment in liaison between organisations has resulted in a good quality advice service.
- 7.4. The Council has regular liaison meetings with the C.A.B.X. on all housing matters.
- 7.5. Epping Forest Tenants and Leaseholders Federation is involved in the planning and delivery of services and kept informed on performance and general issues relating to

housing advice. It is consulted on all housing policy matters prior to consideration by the Portfolio Holder and Cabinet.

7.6. As indicated in 4. above, Housing Services produces a wide range of free literature.

8. General Principles

8.1. One of the medium term aims of the Council Plan is to address key housing need. One of the ways this will be achieved is by the provision of timely housing advice.

8.2. The Council Plan also seeks to promote social inclusion and put people first. Performance in respect of 'Homes and Neighbourhoods' is a key issue and the Council will aim to ensure housing advice is available to anyone in the district in need of it, conveying it in a way appropriate to individual needs.

8.3. Housing advice will be offered in accordance with the principles of equal opportunities. Provision will be made for those with special needs and appropriate cases will be referred to housing welfare, homelessness prevention officers or other specialist advisers. Where English is not the first language of the client, Housing Services will engage the services of 'Language Line' and arrange for document translation in appropriate cases. For those with visual impairment, it will make literature available in large print or arrange for the provision of audio cassettes or Braille translations as required. Where a profoundly deaf client is a sign language user, it will endeavour to ensure that a specially trained member of staff is present at interviews. The Council will also conduct home visits in appropriate instances.

8.4. Both general and specialist housing advice will be offered through appropriate service areas within the Council and by the 3 C.A.B.X. in the District.

8.5. The Council will, in addition to ensuring that personal interviews are arranged in appropriate instances, have readily available a wide range of literature offering advice on landlord and tenant matters.

8.6. The Council will ensure that housing advice keeps abreast of changes in legislation and other issues and that its literature is updated as the need arises.

8.7. The Council will ensure that appropriate and up to date information is available electronically, in particular through its Website.

8.8. The Council will respond to requests for information from Shelter on specific cases where housing advice has been sought from that agency, if appropriate authority has been given by clients.

8.9. The Council will respond to requests from the C.A.B. for information on specific cases, if appropriate authority has been given by clients.

8.10. Complaints about the service will be dealt with and appropriate action taken in accordance with corporate procedures.

8.11. Comparisons on performance will be made through the 'Housemark' benchmarking initiative, as appropriate.

9. Best Value Considerations

9.1. A Best Value Inspection of the Housing Needs Section, covering allocations, homelessness, advice and information was carried out in November 2001. The

outcomes of 'the 4 Cs' in preparation for the inspection and as they relate to housing advice are set out below.

Challenge – 'a solid foundation with strong structures, experienced workforce and clear knowledge of major issues'

Compare – 'a range of services which is at least comparable to, if not greater than, the other responding authorities'

Consult – 'there is a need to focus on the initiatives that are most likely to lead to an improvement in the service'

Compete – 'the Council works well with organisations from other sectors, both voluntary and private'

10. Future Developments

10.1. The following analysis of strengths, weaknesses, opportunities and threats (SWOT analysis) forms the foundation for future action:

<p>Strengths</p> <p>'Homes and Neighbourhoods' a corporate priority Highly successful homelessness prevention service Good working relationships with C.A.B. Well trained, experienced staff Wide range of literature Performance monitored Involvement of Tenants & Leaseholders Federation</p>	<p>Weaknesses</p> <p>Ratio of housing welfare officers to tenants/applicants very poor at 1:6,000 Housing welfare officers are funded through Supporting People and this could be withdrawn</p>
<p>Opportunities</p> <p>Use of new technology to disseminate information Introduction of CBL to allow housing applicants to exercise maximum choice</p>	<p>Threats</p> <p>FTE homelessness prevention officers only guaranteed funding to March 2008</p> <p>Funding of housing welfare officers under review as part of countywide exercise</p>

11. Action Plan

Action	Lead	Timescale	Resources
Continue regular liaison meetings with C.A.B.	Head of Housing Services	Ongoing	Within existing
Continue to ensure that information leaflets etc. are up to date and apposite	Housing Needs Manager	Ongoing	Within existing
Continue to ensure housing information is available in a variety of formats	Housing Needs Manager	Ongoing	Within existing

Continue to ensure staff are well trained	Housing Needs Manager	Ongoing	Within existing
Monitor funding for housing welfare officers and make appropriate provision if at risk	Assistant Head of Housing Services (Operations)	March 2007	Budget provision may need to be made through both the General Fund and the HRA
Make provision for alternative funding for 2 FTE homelessness prevention officers, if necessary	Head of Housing Services	March 2008	Budget provision will need to be made through the General Fund
Appoint 1 additional homelessness prevention officer	Assistant Head of Housing Services (Operations)	June 2006	To be funded from O.D.P.M. grant and General Fund on a 'spend to save' basis
Ensure introduction of CBL is well publicized and housing applicants are supported to bid for properties	Assistant Head of Housing Services (Operations)	March 2007	Funding received from ODPM for project manager to oversee introduction of CBL

12. Resourcing the Strategy

12.1. Funds will be provided from the General Fund for the C.A.B. as outlined in 1.4.

12.2. The housing welfare officers' posts will be funded, at least for the time being, through Essex County Council's Supporting People budget.

12.3. The 2 homeless prevention officer's posts will be funded by central government until March 2008.

12.4. The Housing Revenue Account will fund necessary literature.

12.5. Staffing resources will be as follows:

	Staff Resource Projections		
	2006/07	2007/08	2008/09
Staff to provide the service (FTE p/a)	3.5	4.5	4.5

Staff Resource Breakdown	2004/05	2005/06	2006/07
	FTE	FTE	FTE
Posts			
Housing Needs Manager	.10	.10	.10
Assistant Housing Needs Managers	.25	.25	.25
Housing Officers & Housing Assistants	.10	.10	.10
Homelessness Prevention Officers	2.00	2.50	3.50
Welfare Officers	1.00	1.00	1.00
Hostel Managers	.05	.05	.05
Total	3.50	4.50	4.50

13. Key Targets and Performance Monitoring

13.1. Housing advice covers a broad spectrum of work, so it is difficult to set targets. However, Housing Services will;

- a) monitor performance on homelessness prevention and supply the O.D.P.M. with statistical information as required
- b) make use of Housemark to compare the service provided with that of other similar authorities where appropriate
- c) work with Essex County Council's Supporting People Team on Validation Inspections
- d) update the Council's Homelessness Strategy every 2/3 years
- e) ensure that other key documents, such as the Allocations Scheme, are updated as necessary on an annual basis
- f) ensure that literature offering advice and information, for instance the Mobile Homes leaflet, is updated as necessary to reflect changes in circumstances
- g) update information on the Council's web site
- h) take qualitative feedback from C.A.B. managers
- i) undertake client satisfaction surveys from time to time

14. Reviewing the Strategy

14. 1.This Strategy will be reviewed, in consultation with the C.A.B.X in Spring 2008.



Report to Housing Scrutiny Panel

Date of meeting: 3 March 2006

Subject: Epping Forest Local Supporting People Strategy – 2006-2010

Officer contact for further information: Roger Wilson, ext.4419

Committee Secretary: A Hendry (ext 4246)

Recommendations/Decision Required:

That the Housing Scrutiny Panel considers the Epping Forest Local Supporting Strategy 2006-2010 (circulated separately) as an appendix to this agenda, and put forward their comments to the Housing Portfolio Holder prior to its endorsement.

Report:

1. “Supporting People”, a major Government initiative, introduced a new policy and funding framework for supported housing and ancillary welfare services in April 2003. It has brought together a range of national and local funding regimes consolidating them into a cash-limited “single pot” administered by a Commissioning Body at local (County) level.
2. Supported housing can include the provision of accommodation for older people, physically disabled, people with learning disabilities, the mentally ill, young people with drug and alcohol problems etc.
3. In addition to Essex County Council producing a 5-year Supporting People Strategy, this Council has adopted the practice of producing an annual Local Supporting People Strategy. This Council is the only one in Essex to adopt such an approach. This document sets out, for the future, the means of planning and delivering locally, high quality housing related support services to vulnerable people. The Council produced its first Local Strategy in 2002, which in the past has been reviewed by the Overview and Scrutiny Committee.
4. Under the new Overview and Scrutiny arrangements, the Housing Scrutiny Panel is now asked to consider the draft Local Supporting People Strategy for 2006-2010, which is attached as an appendix to the agenda, and recommend its adoption to the Housing Portfolio Holder.

Consultation undertaken:

5. Local providers and user representatives involved in supported housing have been consulted on the 2006–2010 Local Strategy through the Epping Forest Inclusive Forum, which comprises such representatives. Consultation workshops were held on 31 January 2006, to discuss the draft Local Strategy, and comments from the workshops have been incorporated within the final version attached.

Resource implications:

Budget provision: Nil

Personnel: Nil

Land: Nil

Community Plan/BVPP reference: "Community Care"

Relevant statutory powers: N/A

Background papers: Local Supporting People Strategy

Environmental/Human Rights Act/Crime and Disorder Act Implications: Certain aspects of the Strategy relating to the reduction of crime and disorder. Other aspects relate to the equality of provision for people in the community.

Key Decision reference: (if required) N/A

Report to the Housing Scrutiny Panel



Date of meeting: 3 March 2006

Subject: Increasing the Amount of Affordable Housing in the District

Portfolio: Housing – Councillor Michael Heavens

Officer contact for further information: Alan Hall, Head of Housing Services

Committee Secretary: Adrian Hendry

Recommendation:

- 1) That the Panel considers each of the options set out in the report on possible ways of increasing the amount of affordable housing within the District;**
- 2) That consideration be given to whether or not there is any merit in exploring further the possibility of allowing some residential housing in the Metropolitan Green Belt, subject to it providing significant levels of affordable housing, on the basis that it would constitute very special circumstances and an exceptional reason for not applying the Council's normally strict policy of restraint, in view of the high affordable housing need;**
- 3) That, if the Panel feels there is merit in further exploration;**
 - (a) a more detailed report be submitted to a future meeting of the Scrutiny Panel;**
 - (b) the detailed report includes coverage of the issues listed in [Paragraph 36] of this report, and any other issues the Panel considers appropriate; and**
 - (c) the Cabinet be advised of the Panel's initial thoughts and that the Panel will be giving further consideration on receipt of a more detailed report;**
- 4) That consideration be given to whether or not there is any merit in exploring further the possibility of part of one or more urban open spaces in Loughton accommodating development to provide significant levels of affordable housing as well as enhancing the remaining open space;**
- 5) That, if the Panel feels there is merit in further exploration;**
 - (a) the Panel identifies which site(s) should be explored further;**
 - (b) a full feasibility study of the identified site(s) be undertaken by the Heads of Planning & Economic Development, Housing and Leisure Services, on what could be provided in terms of affordable housing and how the remaining open space could be enhanced;**
 - (c) at the appropriate time, and before a decision is made on whether or not to go ahead with any development, a consultation exercise be carried out; and**
 - (d) the Cabinet be advised of the Panel's initial thoughts and that the Panel has**

requested a full feasibility study of the identified site(s);

- 6) That consideration be given to whether or not the Panel wishes to make a recommendation to the Cabinet that an absolute minimum amount of affordable housing should be negotiated by officers for residential development on Section 106 sites, irrespective of other planning gains, (notwithstanding any other planning issues or requirements related to the current or proposed Altered Local Plan);
- 7) That, if the Panel feels that a recommendation should be made, an absolute minimum amount be proposed;
- 8) That consideration be given to whether or not the Panel wishes to make a recommendation to the Cabinet that more funding should be made available within the Capital Programme to allocate to the Council's Preferred RSL Partners to fund affordable housing schemes and, if so, that the Panel considers;
 - a) how much should be recommended;
 - b) whether it should be a one-off amount or an annual provision; and
 - c) a recommendation on when the funding should commence;
- 9) That the Panel notes the current position with regard to Phases 1 and 2 of the development of the Council's small housing sites;
- 10) That consideration be given to whether or not the Panel has any views on the approach that should be taken to any development of the Council's General Fund car parks that include the provision of housing and, if it does, that the Panel considers whether it wishes to pass any comments on to the Cabinet with regard to the feasibility studies that will be undertaken in the near future;
- 11) That consideration be given to whether or not the Panel wishes to make a recommendation to the Cabinet that the land associated with any General Fund assets that become surplus to requirements in the future, where residential housing would be acceptable in planning terms, should be used to provide affordable housing, instead of providing a capital receipt for the Council;
- 12) That, unless;
 - a) any of the London Housing Sub Regions offer at least 50% nomination rights to the Council, as host authority, to allow the use of funding allocated by the London Region of the Housing Corporation to develop sites within the District for affordable housing; or
 - b) such funding is able to be used to purchase existing housing in the District to let as affordable housing;the Council does not enter into any "Out of London Agreements" with London Sub Regions;
- 13) That consideration be given to whether or not the Panel feels the Cabinet should be asked to re-affirm its commitment to the Strategic Housing Partnership and the Scheme of RSL Partnering and Joint Commissioning;
- 14) That consideration be given to whether or not the Panel feels that the Cabinet should be recommended to seek Right to Buy (RTB) Hot Spot Status for the

District from the ODPM, which if obtained would reduce the maximum discount available to tenants under the RTB from £34,000 to £16,000, in order to slow the reduction in the Council's contribution to the affordable housing stock in the District; and

- 15) That consideration be given to whether or not the Panel would like to explore any other initiatives to increase the amount of affordable housing available within the District.**

Background

1. At its meeting held on the 6th June 2005, the Cabinet agreed the following as one of its Priority Actions for 2005/6:

"To take every opportunity to increase the amount of affordable housing in the District in order to contribute to meeting the needs of the local community."

2. At its meeting in November 2005, the Finance and Performance Management Scrutiny Panel considered the performance made in the Second Quarter of 2005/6 with the new set of Key Performance Indicators, previously agreed by the Cabinet. Two of these related to the amount of affordable housing being provided in the District.

3. At the meeting, the Leader of Council expressed concern at the relatively low levels of affordable housing being provided in the District, compared with the increasing need. The last Housing Needs Survey (2003) estimated that 665 new affordable homes were required *per annum* to meet the current and arising need over the following five years. As a result, the Panel agreed to recommend to the Overview and Scrutiny Committee that the Housing Scrutiny Panel be asked to consider ways in which the amount of affordable housing provided within the District could be increased. This was subsequently agreed by the Overview and Scrutiny Committee at its meeting on 10 November 2005.

4. At its meeting on the 7 December 2005, the Housing Scrutiny Panel considered the scope of the required report from the Head of Housing Services, and agreed that it should cover the following:

- Details of historic and forecast performance on the provision of new affordable housing;
- Consideration of the legal ability and desirability of allowing the development of residential accommodation in the Green Belt, providing significant levels of affordable housing, as a very special reason for departing from normal Green Belt policy – in advance of the allocation of land through the Council's future Local Development Scheme;
- The scope for developing affordable housing on parts of large urban open spaces within existing Council estates (suggested by the Council's Management Board);
- Setting an absolute minimum amount of 20% affordable housing that will be acceptable on large residential development sites, irrespective of other planning gains;
- The Council's ability to provide additional Social Housing Grant to RSLs;
- A review the Council's General Fund and HRA landholdings, to assess the scope and implications of providing land to an RSL, free of charge to provide 100% affordable housing, or to a developer to provide a mix of market and affordable housing (with the OMV being paid for the market housing land, with the affordable housing land

provided free), including “Phase 2” of the development of small Council housing sites;

- The scope for allowing the use of grant funding from the Housing Corporation’s London Region to fund the development of affordable housing schemes in the District, with nomination agreements being shared between the Council and London boroughs; and
- A commitment to comply with the Council’s agreed Joint Commissioning Scheme.

5. In addition, since the last meeting, the Joint Chief Executive (Resources) has asked that the Scrutiny Panel also considers whether the Council should seek “hot spot” status from the Office of the Deputy Prime Minister (ODPM), to deter Right to Buy sales (and therefore slow down the reduction in Council housing stock) by providing lower discounts to sitting tenants.

General ability to increase affordable housing in the District

6. The Council’s ability to increase the amount of affordable housing to date has been constrained by three main issues:

- Land – The Council has exceeded its existing Essex and Southend-on-Sea Structure Plan targets for new housebuilding, and all allocated sites have been developed. Therefore, for a number of years, all new developments (including associated affordable housing) have been on unplanned “windfall” sites. This will not change until the Council allocates additional land through its the new Local Development Scheme that will be produced in response to the requirements of the East of England Plan, or agrees to allow housing development on land not allocated for housing within the existing Local Plan (e.g. in the Green Belt or on urban open spaces).
- Grant – Although affordable housing can be provided without grant from the Housing Corporation or the Council, the amount (compared to the percentage of market housing on Section 106 sites) is significantly reduced without grant. In any event, land is still needed.
- Members’ Priorities – The Council is responsible for delivering many different – often conflicting - policies and services, and must balance these priorities. It is possible that more affordable housing could be provided in the future, but at the expense of other priorities.

The Council’s current approach to affordable housing

7. Under Planning Policy Guidance (PPG) 3: Housing and ODPM Circular 6/98, local authorities are able to negotiate an appropriate amount of affordable housing on large development sites, subject to there being sufficient housing need, evidenced by a Housing Needs Survey. It should be noted that the ODPM is consulting on a Draft Planning Policy Statement (PPS) 3 on Housing, which if/when adopted will replace PPG 3 and Circular 6/98, although the Council’s ability to negotiate affordable housing will continue.

8. Following completion of the Council’s first Housing Needs Survey in 1999, the Council increased the amount of affordable housing it seeks on large sites from 20% to 30%. As a result of the subsequent Housing Needs Survey carried out in 2003, the Council is proposing, through the Alterations to the Local Plan currently under consideration, to increase the amount of affordable housing sought to 40%. In addition, the Council is proposing:

- An acceptance that a lower proportion of affordable housing can be provided if social housing grant is not available, although the same level of developer subsidy would be required;

- A reduction in the threshold above which affordable housing is sought on development sites in urban areas, from 1 ha or 25 units to 0.5 ha or 15 units (as proposed in the Government's Consultation Paper on PPG 3);
- A reduction in the site threshold for affordable housing in rural areas to 2 or more dwellings on a greenfield site or 3 or more dwellings on a previously developed site;
- An expectation that 50% of new properties developed in rural areas on greenfield sites, and 33% on previously developed sites will be affordable housing; and
- A requirement that the mix of affordable housing reflects the mix of market housing on sites, which is the Council's current practice.

9. The Public Inquiry into the proposed Alterations is being held during February 2006, with adoption planned for June 2006.

10. In April 2005, the District Development Control Committee agreed that an element of shared ownership (now called New Build Homebuy) should be sought as part of the overall affordable housing provision required on large sites, subject to it representing no more than 25% of the overall affordable housing provision. At least 75% of the affordable housing should be "social rented housing".

Housing Needs Survey 2003

11. The key findings of the last Housing Needs Survey were as follows:

- The District's housing market excludes many families and single person households who are currently seeking access to local housing.
- Any household with an income below £30,000 to £48,000 per annum (depending on location within the District) would struggle financially to access the smallest, acceptable quality units in the local housing market, i.e. one bed flats.
- Around 99% of new households forming in the next year have incomes below £35,000.
- The local relationship between house prices and incomes is such that around 88% of new forming households are unable to purchase in their own right.
- The largest proportion of additional affordable units are required as rented properties, both for new forming households and existing families.
- The private rented sector makes only a limited contribution to accessing affordable housing and this almost certainly underlies the problem of concealment that exists in the District.
- Around 5,512 households plan to leave Epping Forest in the next five years. The single most common reason given by existing households moving outside the District was lack of affordable housing locally (39%).
- 665 new affordable properties *per annum* are required over the following five years to meet both the current and anticipated housing need over that period.

12. More recently, research by the National Housing Federation established that house prices in Epping Forest rose to 8.9 times local income levels in 2004. This is the highest ratio

in Essex (with an average of 7.9). It also identified that the average property price in Epping Forest in 2004 was £279,000.

Housing Register

13. As at 1 February 2006, there were 3,624 applicants on the Council's Housing Register. This can be compared with 1,478 in March 2002. As can be seen, the numbers of applicants on the Housing Register seeking affordable rented housing has increased by around 145% over the past four years.

Affordable housing completions and pipeline schemes

14. The following table summarises the number of affordable properties completed over the past 4 years and expected for 2005/6. As can be seen, the numbers are far lower than the 665 properties per annum assessed as being required from the latest Housing Needs Survey:

	2005/6 (Expected)	2004/5	2003/4	2002/3	2001/2
Rented	31	83	7	0	27
Shared Ownership	4	18	0	2	2
Supported Housing	28	5	0	0	1
TOTALS	63	116	7	2	30

15. There are only 2 schemes currently on site that will complete in 2006/7, which will provide 25 affordable properties, one of these being a special needs scheme of 6 flats for people with learning difficulties. The other scheme comprises 19 rented flats at the former Buckhurst Hill Reservoir Site, Buckhurst Hill.

16. The Council's Preferred RSL Partners have made bids to the Housing Corporation for funding for the following schemes in the two year period 2006/7-2007/8, that are not included in the figures above, some of which do not have detailed planning permission. The outcome of the bids is expected at the beginning of March 2006:

Scheme	Units
Merlin Way, North Weald	38
EFDC Housing Sites	17
St Margarets Hospital (Key Worker)	46
Mason Way (Physical Disabilities)	5
Young Parent Scheme (Nominations shared with Uttlesford and Brentwood BCs)	8
Total	114

17. Again, the reason for the relatively low numbers is because of the lack of land availability within the District.

Provision of affordable housing in the Green Belt

Introduction

18. In view of the high evidenced need for affordable housing, and the shortage of identified residential land until such time as the Council introduces new housing targets through its new Local Development Scheme, members may want to consider whether or not there is any merit in considering further the possibility of the Council allowing some housing in the Green Belt, where appropriate, subject to it providing significant and high levels of affordable housing and each application being considered on its individual merits. This would

be on the basis that it constitutes very special circumstances or an exceptional reason for not applying the Council's normally strict policy of prohibiting development in the Green Belt, because of the high affordable housing need.

Existing planning exceptions policy for affordable housing in the Green Belt in rural locations

19. The Council already has a policy within its existing Local Plan to provide affordable housing in rural locations (under 3,000 population) to assist in meeting a local housing need. This allows a housing association to provide a small amount of affordable housing on land for which planning permission would not normally be granted for residential accommodation. To qualify, applicants must have an established local connection with the village – either through current or past residency, or employment.

20. To date, the Council has allowed two such rural exceptions schemes, and is actively considering a third (at Matching Tye). This type of scheme continues to have an important and specific role within the Council's Housing Strategy and Local Plan – to meet the local housing need, specifically, of the local rural population.

21. However, this section of the report considers the possibility of allowing affordable housing in the Green Belt, but not necessarily in rural areas to meet local housing need, nor in accordance with the Council's adopted "planning exceptions policy".

National planning policy on Green Belts

Planning Policy Guidance

22. Generally, development within the Metropolitan Green Belt is firmly resisted by the Council. "Planning Policy Guidance 2: Green Belts" (PPG 2) issued by the Office of the Deputy Prime Minister, states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It explains that the most important attribute of Green Belts is their openness and that Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans.

23. PPG 2 goes on to state that there are five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

24. PPG 2 explains that, once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and

- to retain land in agricultural, forestry and related uses.

25. PPG 2 states that, once the general extent of a Green Belt has been approved, it should be altered only in exceptional, or very special, circumstances. If such an alteration is proposed, which is to be through the development plan process, the Secretary of State will wish to be satisfied that the authority has considered opportunities for development within the urban areas contained by and beyond the Green Belt. Detailed boundaries should not be altered or development allowed merely because the land has become derelict.

26. PPG 2 goes on to state that, for planning applications for inappropriate development, (such as housing), it is for the applicant to show why permission should be granted, and that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Determination by the Secretary of State

27. Prior to January 2006, national planning policy required certain planning applications which did not accord with the provisions of the Local Plan, and which the Council did not propose to refuse, to be notified to the Secretary of State. This included “any development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the Local Plan’s policies and proposals”, which included applications involving inappropriate development in the Green Belt.

28. The previous requirement did not, therefore, specifically require the referral of planning applications affecting the Green Belt to the Secretary of State. Instead, local authorities had to decide whether or not to refer such applications, depending on their view of whether a proposed inappropriate development in the Green Belt was likely to cause ‘significant prejudice to the implementation of the development plan’s policies and proposals’. Interestingly, of the 300-400 applications per annum involving development in the Green Belt referred to the regional Government Offices (in the first instance) under this policy, only 3% – 6% were subsequently called-in by the Secretary of State for his own determination. The remainder were left for determination by the appropriate local planning authority.

29. However, from January 2006, the situation has changed and a new Town and Country Planning (Green Belt) Direction 2005 has been introduced. The effect of the Direction is to require local planning authorities to refer to the Secretary of State any application for planning permission involving inappropriate development on land allocated as Green Belt in an adopted local plan, in respect of which the authority is minded to approve, and which would involve:

(a) the construction of a building or buildings with a floor space of more than 1,000 square metres; or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

30. The Secretary of State will then decide whether he wishes to exercise his powers of intervention by calling-in any such referred application for public inquiry and his own determination. If the application is called-in, the Secretary of State must be sent:

(a) a copy of the application;

(b) a copy of any representations made to the authority in respect of the application;

(c) a copy of any report on the application prepared by an officer of the authority; and

(d) unless contained in the officers' report, a statement providing sufficient information to demonstrate that, in reaching a decision on the application, the local planning authority has assessed the application in the light of the policies for protecting the Green Belt set out in PPG2.

Possible exceptional/very special circumstances for development

31. Notwithstanding the guidance within PPG2 and the requirements of the Town and Country Planning (Green Belt) Direction 2005, in view of the high levels of affordable housing need within the District, the Panel may want to consider whether, in principle, the Council should consider allowing some residential development in the Green Belt, as an exception to the Council's normal policy of restraint, provided that it offered significant levels of affordable housing.

32. Such an approach would not be intended to remove the proper consideration of applications, in particular having regard to Section 38(6) of the Town and Country Planning Compensation Act 2005 (which requires applications to be determined in accordance with development plan policies) and to the national Green Belt policy set out above, nor to ignore other technical or practical constraints, but would be to consider carefully justified applications by land owners or developers on this basis.

33. Members may be aware that the Leader of Council is an advocate of such an approach and, as a result, a number of planning applications and proposals have been received from landowners for development in the Green Belt, albeit providing differing levels of affordable housing. Only one such application has been determined to date, for the provision of 6 affordable houses for rent at Albion Terrace, Waltham Abbey. In view of these applications now being received, it is the view of officers that it would be helpful to have an agreed approach on the response to such applications; an unco-ordinated reaction to individual proposals may create undesirable precedents, which is to be avoided.

34. The benefit of allowing some development in the Green Belt would be that, since planning permission would not normally be given, the land value would be significantly less than normal residential land, yet still more than existing use value (e.g. commercial / agricultural). Therefore, landowners and developers would have to be prepared to come forward with suitable developments, on terms set by the Council, that ensure affordable housing was provided.

35. However, there are a number of other considerations that would need to be taken into account before taking such an approach, including:

a) The Council has always been protective of its Green Belts - an approach which, generally, appears to be supported by many residents. There is therefore likely to be opposition from residents if the Council allows significant development in the Green Belt, even for affordable housing.

b) The Council's current Local Plan sets out a clear intention to protect the Green Belt and the proposed Alterations to the Local Plan make no reference to allowing development in the Green Belt to increase the provision of affordable housing.

c) It looks likely that the proposed new Green Belt Direction will result in either the majority or all applications for residential development in the Green Belt to be referred to the Secretary of State. The views of the Secretary of State on whether he considers that the need to provide affordable housing, in an area like Epping Forest with high levels of housing need, constitutes very special circumstances or an exceptional reason

for not applying the normally strict policy of restraint is unknown. However, he may have regard to the fact that the Council has made no mention of such an approach within its proposed Alterations to the Local Plan.

d) If the Council agreed to a number of applications for the provision of affordable housing in the Green Belt, could it be argued that it is no longer a very special circumstance or an exceptional reason ?

36. If the Panel feels that such an approach merits further consideration, it is suggested that a detailed report be submitted to a future meeting of the Panel, to agree any recommendations to be made to the Cabinet. Consideration would need to be given at that time on such issues as:

- The maximum number of properties considered appropriate within any one development;
- Whether there should be an overall maximum number of affordable properties allowed in the Green Belt, and if so, what the maximum should be;
- General suitability of sites (e.g brownfield sites and not greenfield sites, proximity to existing residential developments, landscape quality, access to services);
- Minimum levels of affordable housing considered acceptable;
- Amounts of “landowner subsidy” required to enable the affordable housing to be delivered;
- Types of affordable housing to be allowed;
- Acceptable property sizes, related to the tenure;
- Whether applications received should be considered direct by the District Development Control Committee, in order to ensure a consistent approach;
- The effect that the development would have on the existing community infrastructure (e.g. roads, schools, health facilities etc); and
- The likelihood and effects of planning decisions being “called in” by the Secretary of State.

37. The Scrutiny Panel is invited to consider whether any other issues should be covered as part of any future report.

Relationship with the proposed housing allocation from the East of England Plan

38. The East of England Plan seeks to make changes to the amount of affordable housing to be delivered within the Region and the District, and to the total volume of housing to be built. The Examination in Public of the Plan commenced in November 2005 and is still taking place.

39. Although the East of England Plan will not be finally adopted for some time, it should be noted that any developments agreed in the Green Belt in advance of its adoption and implementation would count towards the overall housing provision required for the District by the East of England Plan. Such schemes would therefore have the added benefit of comprising much higher levels of affordable housing than the 30%-40% affordable housing that will be required on sites that are released for residential housing, through the Council’s

Local Development Scheme.

Development on large urban spaces within existing housing estates

40. When the draft KPI Action Plan for Affordable Housing was considered by the Management Board, the Board suggested that the Scrutiny Panel may want to consider whether a study into the possibility of part of one or more urban open spaces within the District should be undertaken.

41. National planning policy, within PPG 17, states that existing open space, sports and recreational land should not be built on unless an assessment has been undertaken which has shown the open space to be surplus to requirement. Developers have to consult the local community and demonstrate that their proposals are widely supported by them. However, local authorities are encouraged to seek opportunities to improve the value of existing facilities and enhanced quality may offset a reduction in quantity.

42. The Council's local planning policies relating to the development of urban open spaces are covered by Policies LL5 and LL6 within the Council's Local Plan.

43. Policy LL5 states:

“ The Council will not grant planning permission for development which would result in either:-

(i) the total loss of; or

(ii) any excessive adverse effect upon

any urban open spaces which contribute, or have the potential to contribute, significantly to the amenity of the locality. ”

44. Policy LL6 states:

“ In granting planning permission for partial development of any area of urban open space, the Council will need to be satisfied that:

(i) The predominantly open nature of the remainder of the site is retained; and

(ii) The scheme provides for the appropriate management of the remainder of the site to enhance its:-

(a) visual importance; and or

(b) nature conservation interest; and/or

(c) recreational potential. “

45. As can be seen from these policies, although development of the whole of an urban open space is prohibited, development of part of an open space is allowed, provided that the requirements set out in the above policies are met.

46. Discussions with planning officers have established that the only significant areas or urban open space within the District that could potentially be suitable for residential development, if members wanted to investigate such an initiative, are in Loughton. Such open spaces are in the ownership of either the District Council or Loughton Town Council (following transfer from the District Council on the formation of the Town Council).

47. The urban open spaces in Loughton above 0.7 hectares are as follows:

Location	Area	Ownership
Colebrook Lane / Jessel Drive	8.6 Ha	EFDC
Pyrles Lane / Rectory Lane	5.1 Ha	Loughton Town Council
Rectory Lane /Newmans Lane	1.27 Ha	EFDC
Rectory Lane / Lawton Road	0.69 Ha (Total = 1.96 Ha)	
Rochford Green / Sandford Avenue	0.97 Ha	EFDC
Rookwood Gardens	0.90 Ha	EFDC
Willingale Road	0.74 Ha	Loughton Town Council (but see below)
Total	18.27 Ha	

48. It should be noted that, although the freehold interest of 0.74 Ha of land at Willingale Road has been transferred to Loughton Town Council for use as an urban open space (in addition to 1.27 Ha of adjacent land for allotments), an “option” has been included within the Title which enables the District Council to repurchase the freehold interest of the urban open space for £1, upto 2026, if the District Council wants to use the land “for housing purposes”. This is subject to the District Council consulting the Town Council and their comments being taken into account.

49. Location plans of these six urban open spaces are attached as appendices. Clearly, the issue that members will need to balance is, on the one hand, the need to increase the amount of land available for affordable housing developments and, on the other, the potential effect on the loss of an amenity area.

50. One of the benefits of developing part of one or more urban open spaces is that most of them are in the Council’s ownership, which would enable the land to be transferred to a housing association free of charge, thereby maximising the amount of affordable housing that can be provided. Moreover, it could enable the remaining area(s) of open space to be improved, perhaps through better landscaping, shrubs and trees, or the provision of a play area. However, members need to be aware that the development of such areas is likely to result in strong objections from local residents, concerned at the loss of amenity.

51. In view of the need to enhance any urban open spaces where development is undertaken, it may be necessary to provide some market housing on the site(s) - perhaps smaller properties for first time buyers - with the “profit” from the sale being used to fund the enhancements to the open space(s).

52. If the Scrutiny Panel wishes to pursue this option, the Panel is asked to suggest which site(s) should be explored further, in which case it is suggested that the Panel considers whether it would be better to explore a number of the smaller sites, or one large site. A full feasibility study of the selected site(s) would then need to be undertaken by the Heads of Planning & Economic Development, Housing and Leisure Services, on what could be provided in terms of affordable housing and how the remaining open space could be enhanced. At the appropriate time, and before a decision was made on whether or not to go ahead with any development, a consultation exercise would also need to be carried out.

Development of affordable housing on allotments

53. It has been suggested that the Scrutiny Panel could consider the possible development of allotments for the provision of affordable housing. However, there are a number of legal difficulties associated with such a proposal.

54. Section 8 of the Allotments Act 1925 states that where a local authority has purchased or appropriated land for use as allotments, the local authority cannot sell, appropriate, use or dispose of the land for any purpose other than for use as allotments,

without the consent of the Deputy Prime Minister. Such consent may be given unconditionally or subject to such conditions as the Deputy Prime Minister thinks fit, but should not be given unless he is satisfied that adequate provision will be made for the allotment holders displaced by the action of the local authority or that such provision is unnecessary or not reasonably practical.

55. Furthermore, the Deputy Prime Minister will, as well as the statutory requirements, consider whether adequate provision for displaced allotment holders has been made and take into account the number of vacant plots and any objections to the application. He will also consult whoever he thinks appropriate (e.g. the National Society of Allotment and Leisure Gardens and the Horticultural Society).

56. Therefore, in view of the difficulties associated with such a proposal, it is suggested that such an option is not pursued.

Absolute minimum percentage of affordable housing on large development sites

57. As explained earlier, the Council currently seeks the provision of 30% affordable housing on Section 106 sites in excess of 1 ha or 25 units and is seeking to increase this, through the Alterations to the Local Plan, to 40% on sites in excess of 0.5 ha or 15 units.

58. Generally, after extensive negotiation with landowners, the provision of 30% affordable housing is achieved. However, there have been some instances when Area Plans Sub-Committees and/or the District Development Control Committee have agreed to lower percentages, because of other planning gains being obtained from the development.

59. An example is the development of 3.67 hectares of Green Belt land for residential purposes at St Johns School, Epping, where planning permission was granted for only 10% affordable housing (and a sum of £100,000 to contribute towards the funding of affordable housing). The development was agreed to enable the proceeds from the sale of the residential land to be used to fund the provision of a new school on the site. More affordable housing could have been provided, but the Committee accepted the applicant's proposal that 1.77 hectares of public open space should be provided between the proposed new school and residential development, at the expense of providing more affordable housing. The effect was that the likely affordable housing provision will be reduced by around 45 affordable homes, from around 60 homes to 15 homes.

60. Clearly, on some proposed residential developments, like this one, there will be other planning gains that the Council and the community will wish to seek, which will have an impact on the amount of affordable housing that can be provided. However, the Scrutiny Panel may want to consider whether it feels there should be an absolute minimum amount of affordable housing that officers should seek to negotiate on residential Section 106 sites, in view of the importance now being placed on the provision of affordable housing by the Council.

61. If the Panel considers that there should be an absolute minimum, it is suggested that a recommendation be made to the Cabinet accordingly, and that the minimum amount should take account of the proposed increase in the amount of affordable housing that would normally be sought, through the Alterations to the Local Plan.

62. For discussion purposes, it is suggested that (notwithstanding any other planning issues or requirements related to the current or proposed Altered Local Plan) the absolute minimum affordable housing sought on Section 106 sites, irrespective of other planning gains, should be:

- 20% - under the Council's current planning policy (generally 30%); and
- 25% - under the Council's proposed planning policy (generally 40%)

Provision of additional social housing grant by the Council

63. Between 1993 and 2005, the Council provided social housing grants to RSLs totalling £8.5m (an average of £700,000 per annum), which contributed to the required funding for the 870 affordable homes that were provided over that period.

64. Prior to April 2003, there was a “double benefit” to the Council of providing Local Authority Social Housing Grant (LA SHG). Not only did it fund affordable housing, the Council also received an equivalent amount re-imbursed back from the Housing Corporation. The only drawback was that the re-imbursed amount had to be “set aside” either to pay off Council debt or to be invested.

65. However, LA SHG was abolished in April 2003. From this date, although local authorities can still provide capital grants to RSLs to fund affordable housing schemes, there is no re-imburement from the Housing Corporation.

66. At the time of the abolition, the Council had included £1.8m LA SHG within its Capital Programme, which was then withdrawn by the Cabinet due to the negative financial effects of the abolition. However, the Cabinet has subsequently included within the Capital Programme a one-off provision of £1 million, to provide a capital grant to Estuary Housing Association to fund up to 39 affordable homes on Council-owned housing sites (see below). However, no further provision has been included, other than £210,000 that has been received from developers on Section 106 sites, in lieu of the provision of affordable housing.

67. The Scrutiny Panel may wish to consider whether or not it feels that the Cabinet should make more funding available within the Capital Programme to allocate to the Council’s Preferred RSL Partners to fund affordable housing schemes in the District. As a guide, the average grant requirement for the affordable housing schemes recently submitted by the Council’s Preferred RSL Partners to the Housing Corporation for funding over the next two years was £58,000 (compared to a sub-regional average of £34,000). Therefore, a capital grant of £500,000 to an RSL would, on average, currently fund around 8 or 9 affordable homes. In reality, it is likely that the number would either be more or less than this, since the numbers will depend on whether free land has been provided and whether the affordable housing is “social rented” or New Build Homebuy (shared ownership), the latter requiring much less grant.

68. If the Scrutiny Panel feels that the Cabinet should be recommended to make further financial provision within the Capital Programme for social housing grants, the Panel is asked to recommend how much should be allocated, and whether it should be in the form of either a one off amount or an annual provision.

69. In considering amending the Council’s Capital Programme the Head of Finance advises that there are three options for members to examine. Firstly, members might feel that a five-year Capital Programme exceeding £50m was already ambitious enough and that any additional scheme should only be accommodated at the expense of other schemes currently included. The programme currently includes £15.5m of non-housing schemes over the five-year period. Major schemes within this figure include Town Centre Enhancements (£4.1m), the Customer Service Transformation Programme (£2.2m) and Bobbing worth Tip (£1.8m). If members are so minded, some flexibility may come from a reduction in spending on Traffic Calming (£1.1m). Members may also feel it appropriate for some of the £206,000 currently included for housing estate car parking to be re-allocated to fund affordable housing, although there continues to be an increasing need for such schemes. It is clear that additional funding for affordable housing could only come from the existing programme if members were prepared to sacrifice one of the major schemes currently included.

70. If members are prepared to increase the five-year capital programme further beyond

£50m, then the schemes could be funded from capital receipts. It is currently predicted that the balance of usable capital receipts will have fallen from £21.2m to £7.9m over the life of the current programme. The Council is currently benefiting from the revenue income generated by the investment of these balances. The full year effect of funding £1m of additional expenditure from receipts would be to reduce investment income by approximately £50,000. This would clearly have to impact on either the level of the Council Tax or the level of other services being provided.

71. Members' attention is also drawn to the Capital Strategy approved by Council on 13 December 2005. The Capital Strategy identified 8 key capital priorities and meeting housing needs was only ranked seventh, although this was partly based on the relatively low levels of capital investment on meeting housing need in the current capital programme. The Council has also adopted a policy of actively seeking the investment of capital resources in revenue-generating assets, in order to minimise the detrimental effect of capital receipt usage on the Council's General Fund. Capital housing grants to housing associations will not generate revenue and the allocation of funds to them may prohibit any subsequent scheme for generating revenue.

72. Having considered the impact of funding these schemes from alterations to the current programme or from capital receipts, members also need to consider whether, in fact, they wish to fund additional capital housing grants at all, and to rely on the Housing Corporation to fund all affordable housing schemes. Within the five-year programme of £50.3m, around £34.8m is already allocated to housing expenditure (mainly on the Council's own stock), which represents nearly 70% of the programme.

73. A recent study by the London Commuter Belt Sub Regional Housing Group (which includes Epping Forest) has established that, of the other 14 local authorities in the Sub-Region:

- 5 local authorities **do not** intend to provide any capital grants to housing associations in the current year (2005/6)
- 9 local authorities **do** intend to provide capital grants in the current year, ranging between £200,000 and £5 million, with an average amount of £2.4 million per local authority

General Fund and HRA landholdings

74. In simple terms, the Council's landholdings fall into two categories, those held under housing act powers and accounted for within the HRA, and those held within the General Fund. Generally, the former are managed by the Head of Housing Services and the latter by the Head of Legal Administration and Estates.

HRA landholdings

75. With regard to the HRA's landholdings, nearly all of the available areas of land have been transferred to RSLs in the past, free of charge, to develop affordable housing. Indeed, between 1992 and 2005, over 9 hectares of land have been given to RSLs, at a total value of over £7 million.

76. The only opportunities that arise now are either where small areas of land on housing sites are identified, or where garage blocks have become difficult to let and can be redeveloped. As a result of these opportunities, the Council is working with Estuary Housing Association to develop 8 Council-owned housing sites to provide (subject to planning permission) 57 properties, of which 18 will be sold on the open market, to cross subsidise 39 affordable homes. As explained above, the Council is providing £1 million SHG. This package of developments is referred to as "Phase 1" and Estuary Housing Association will be

submitting detailed planning applications shortly.

77. In addition, over the past couple of years, 10 additional potential development sites on Council-owned land have been identified which, potentially, could provide up to 35 properties. At the meeting of the Cabinet on 6 February 2006, it was agreed that the Council would work with Warden Housing to investigate the development potential and, where possible, to proceed to undertake the development (referred to as "Phase 2").

78. It was also agreed by the Cabinet that the general approach to be taken should be to maximise the amount of affordable housing on the majority of the sites, cross-subsidised with free land and the sale of some properties on the remaining sites. The Housing Portfolio Holder was authorised to consider and agree the development proposals for each of the sites, the proposed tenures, the numbers of properties to be sold to provide the cross subsidy, and to approve the submission of planning applications where appropriate. Furthermore, the Housing Portfolio Holder was asked to consider the overall effects that different levels of social housing grant would have on the viability of the development proposals and, if considered appropriate, report to the Cabinet to seek approval to use some, or all, of the Council's unallocated social housing grant – referred to above - in order to increase the viability.

79. For those sites that receive planning permission, it was agreed that the Council land for the affordable housing should be leased to Warden Housing for 125 years at a peppercorn rent, in return for the Council 100% nomination rights on initial letting and 75% subsequently. The freehold of the land for the market housing would be also be transferred to the Housing Association free of charge.

General Fund landholdings

80. With regard to the General Fund's landholdings, again, nearly all of the unused and under-utilised land has been disposed, the latest sale (currently in progress) being the former Parade Ground at North Weald Airfield, which is being sold with an outline planning permission for residential development.

81. The Head of Legal Administration and Estates has advised that, with the exception of public car parks, all of the Council's main General Fund landholdings are related to industrial/employment use, and are zoned as such within the Local Plan. There is one vacant area of land (0.56 Ha) adjacent to the Oakwood Hill Industrial Estate that could potentially be used for affordable housing but, again, is zoned for employment use; the Head of Planning and Economic Development has expressed concern that if this was used for a different purpose, it could affect the Council's ability to meet the Structure Plan targets for employment land.

82. The Council owns a number of public car parks and the Cabinet has asked the Head of Legal Administration and Estates to appoint a planning and development consultant to undertake a feasibility study into the development potential of the following car parks, whilst retaining an equivalent amount of car parking (e.g. development over car parks):

- Bakers Lane, Epping (Long and Short Stay)
- Church Hill, Loughton
- Cornmill, Waltham Abbey
- Burton Road, Loughton
- Queens Road, Buckhurst Hill

83. It is likely that these feasibility studies will result in proposals that will include residential housing (as well as retail and office use). One of the key issues for members will be to determine whether the Council's priority should be to maximise any capital receipt that may arise, or to maximise the amount of affordable housing that is provided within the overall

housing provision. For example, for the Parade Ground sale, the Cabinet decided that only 30% of the properties should be required to be provided as affordable housing - the same requirement as the Council expects from developers - resulting in a significant capital receipt to the Council.

84. The Scrutiny Panel may want to consider whether it has any views on the approach that should be taken to any development of the Council's car parks that includes the provision of housing and, if it does, to consider whether it wishes to pass any comments on to the Cabinet, with regard to the feasibility studies that will be undertaken.

85. If the Panel feels that, should any other General Fund assets become surplus to requirements in the future - where residential housing would be acceptable in planning terms - the land should be used to provide affordable housing, instead of providing a capital receipt for the Council, the Panel may want to make a recommendation to the Cabinet accordingly. Clearly, both the Panel and the Cabinet will need to take into account the adverse effect that such an approach would have on the Council's ability to fund other capital projects - for example, the expected capital receipt from the sale of the Parade Ground is likely to be used to fund a number of important Council capital projects.

Use of grant funding from the Housing Corporation's London Region

86. Housing Corporation funding for affordable housing developments is distributed through their regional offices, in accordance with the policy agreed by regional housing boards. Epping Forest is within the East of England Region. Recent experience has been that whilst, generally, land and associated development opportunities in the East of England far exceed the amount of Housing Corporation funding available to the region, the converse is the case in London, where there is insufficient land and developments to utilise the funding available. Moreover, development costs in London are far higher than in the East of England.

87. As a result, all of the local authorities in the London Commuter Belt Housing Sub Region (which includes Epping Forest) have been approached by both the North London Sub Region and the East London Sub Region seeking "Out of London" agreements. In general terms, the London Sub Regions are offering to use funding allocated by the London Region of the Housing Corporation to develop sites within the London Commuter Belt Sub Region for affordable housing. Under the agreement, nomination rights for the affordable homes would be shared between the boroughs within the London Sub Region and the "host authority", with the latter receiving 25% nomination rights.

88. Generally, to date, most potential affordable housing schemes within the Epping Forest District have been funded by the Housing Corporation at some time, even if later than required on some occasions. Therefore, with the relatively low number of affordable housing developments coming forward at present (due to the unavailability of land), the associated Housing Corporation funding is not a significant problem at present. However, should some of the potential initiatives outlined in this report be taken forward by members, and certainly when the Council allocates more land through its Local Development Scheme in the future - in response to the East of England Plan - there may be insufficient funding available to deliver the required levels.

89. If/when this becomes the case, the Council will need to determine whether more affordable housing for the benefit of Epping Forest applicants can be provided on a site *without* the provision of any social housing grant (i.e. less affordable housing than the 30%-40% usually sought) or through receiving just 25% nomination rights on schemes funded by a London Sub Region.

90. A recent exercise undertaken by the East Thames Housing Group relating to a large Section 106 site in the District has established that the provision of 30% affordable housing on the site *with grant* and the usual required developer subsidy (providing 80% social rented

and 20% shared ownership) would need to be reduced to 21% *without grant*, with the *same* level of developer subsidy (providing 100% social rented) or, alternatively, the tenure for the 30% affordable housing would need to be changed to 50% social rented and 50% shared ownership.

91. This exercise suggests that a development without any grant from the Eastern Region of the Housing Corporation, with less affordable housing as a result, would still assist more Epping Forest applicants than if the Council entered into an Out of London Agreement with one of the London Sub Regions. Therefore, it is suggested that, unless the London Sub Regions offer more nomination rights to the host authority, this option is not pursued any further.

92. At present, it appears that there would only be a benefit to the Council if London Region funding was used to purchase *existing* properties on the open market, with the Council having nomination rights. In the past, the Council has worked successfully with the London Borough of Camden for two consecutive years on an Out of Borough Scheme, whereby the Council agreed to Camden providing SHG funding to an RSL to purchase and repair 17 existing properties in the Epping Forest District, with Camden and Epping Forest Councils having nomination rights to 12 and 5 properties respectively in perpetuity. The scheme helped Camden provide affordable homes to their applicants, at a lower cost than if purchased in London, and assisted this Council by providing around £500,000 SHG to accommodate Epping Forest applicants. However, since that time, the Housing Corporation has stated that it will no longer normally fund the purchase of existing properties, since they do not increase the overall amount of housing provision.

Commitment to the Council's Scheme of RSL Partnering and Joint Commissioning

93. In March 2005, the Cabinet agreed the Council's Scheme of RSL Partnering and Joint Commissioning. Under the Scheme, the Council has selected - in a transparent and open way - a small, predetermined, number of Preferred RSL Partners who, according to the Housing Corporation:

- are well-governed;
- are viable;
- have a proven track record of successfully developing affordable housing in the District; and
- provide a good housing service to tenants.

94. The Council and the Preferred RSL Partners have then worked together as the Epping Forest Strategic Housing Partnership to discuss potential RSL developments that arise in the District (usually on Section 106 Sites) and have agreed which RSLs should be nominated to develop the affordable housing on each of those sites.

95. The purpose of the Partnership and the Scheme is to avoid the situation that occurred previously, whereby a number of RSLs would be negotiating with developers for the same sites, which enabled the developers to lead the process and select the RSL to work with that gave *them* the best deal. This invariably led to higher bids having to be submitted by RSLs to the Housing Corporation for funding, which not only reduced the value for money, but also risked the Housing Corporation not providing funding, because better value for money was offered by other RSLs in other parts of the Region. As a result, lower numbers of affordable housing would be provided in the District. Furthermore, it inhibited the Council's ability to involve RSLs in the planning and development of affordable housing sites at an early stage, sometimes even before a developer had purchased a site.

96. The Partnership and Scheme has operated very successfully since its introduction, with each of the RSLs operating in a true partnership fashion. However, a problem did arise over the Council's approach to the sale of the Parade Ground site since in this case,

unusually, the Council is the landowner.

97. Originally, the Council selected Warden Housing as its Preferred RSL Partner to undertake the affordable housing on the development, which it stipulated in the Invitation to Tender. Accordingly, Warden Housing devoted a lot of time responding to developers' enquiries during the tender stage and providing costs for the affordable housing, which the developers incorporated within their tenders. These costs were based on an associated grant requirement, which was likely to be funded by the Housing Corporation. However, subsequently, following pressure from the Council's preferred developer, the Council agreed that the developer could work with any of the Council's main Preferred RSL Partners. As a result, the RSLs were forced into a competition, against the spirit and objectives of the Partnership. This led to Warden Housing having to increase their offer to the preferred developer, funded from an increased grant requirement.

98. The outcome was that Warden Housing's bid to the Housing Corporation was far higher than originally envisaged, and more than the regional average for bids, which has put the likelihood of grant funding at greater risk yet, in the event, they are still the RSL that the Council's original preferred developer and current developer have worked with. The outcome of the bid is expected at the beginning of March 2006.

99. To avoid a similar situation happening in the future, the Panel may want to consider whether it feels the Cabinet should be asked to re-affirm its commitment to the Strategic Housing Partnership and the Scheme of RSL Partnering and Joint Commissioning.

“Right to Buy Hot Spot” status

100. In March 2003, the ODPM designated 41 local authority areas in London, the South East and the East of England as “Right to Buy (RTB) Hotspot Areas”, where there is significant housing need and house prices are excessive. With this status, the local authorities in these areas are allowed to reduce the maximum discount available to tenants under the RTB from £38,000 (in London and the South East) and £34,000 (in the East of England) to £16,000. The purpose is to reduce the number of Council properties being lost to the RTB, thereby slowing a reduction on the amount of affordable housing available.

101. Epping Forest was not given this status, but the local authorities in the following areas have:

- All London boroughs, except Barking & Dagenham and Havering
- 9 local authorities in the South East
- 1 local authority in the East of England (Watford)

102. However, following the ODPM's announcement, although not invited to do so, a number of local authorities applied to the ODPM to obtain this status and some were successful (included in the list above). Some also applied to have the status removed.

103. At the time, the Council's Management Board took the view that it was not in the Council's interest to seek the status, because of the potential impact on the capital receipts which were required to support the Council's Capital Programme. However, now that the Council is debt-free and 75% of the capital receipts arising from RTB sales have to be returned to the Government under the pooling arrangements (subject to the last year of the transitional arrangements in 2006/7), the Management Board has suggested that the Scrutiny Panel may want to consider whether a recommendation should be made to the Cabinet to seek RTB Hot Spot status.

104. If obtained, the main benefit to the Council would be that it may slow the reduction in the Council's contribution to the affordable housing stock in the District, enabling more housing applicants to be assisted in the long term, and slow the reduction in rental income to

the HRA. Although such a retardment would result in a reduction in the amount of income the Council receives from the 25% of the capital receipts that the Council can retain, dependent on the number of sales and the number discouraged from buying, the overall income may actually be increased, since an additional £18,000 capital receipt would be received from each sale (due to the lower discount), of which the Council would be able to retain £4,500.

105. However, the main disadvantage would be to those Council tenants who want and are able to access home ownership through the RTB, who would have to pay an additional £18,000 to purchase. Not only would this be unpopular, it may also just push the opportunity for home ownership out of the reach of some tenants. In simple terms, the household would require an additional income of around £6,000 per annum, to support an additional £18,000 mortgage.

106. The numbers of properties sold under the RTB over the past four years are as follows:

2002/3	2003/4	2004/5	2005/6 (Est)
100	139	61	40

107. Taking these issues into account, the Panel may want to consider whether or not it feels that the Cabinet should be recommended to seek RTB Hot Spot Status for the District from the ODPM.

Other initiatives suggested by the Scrutiny Panel

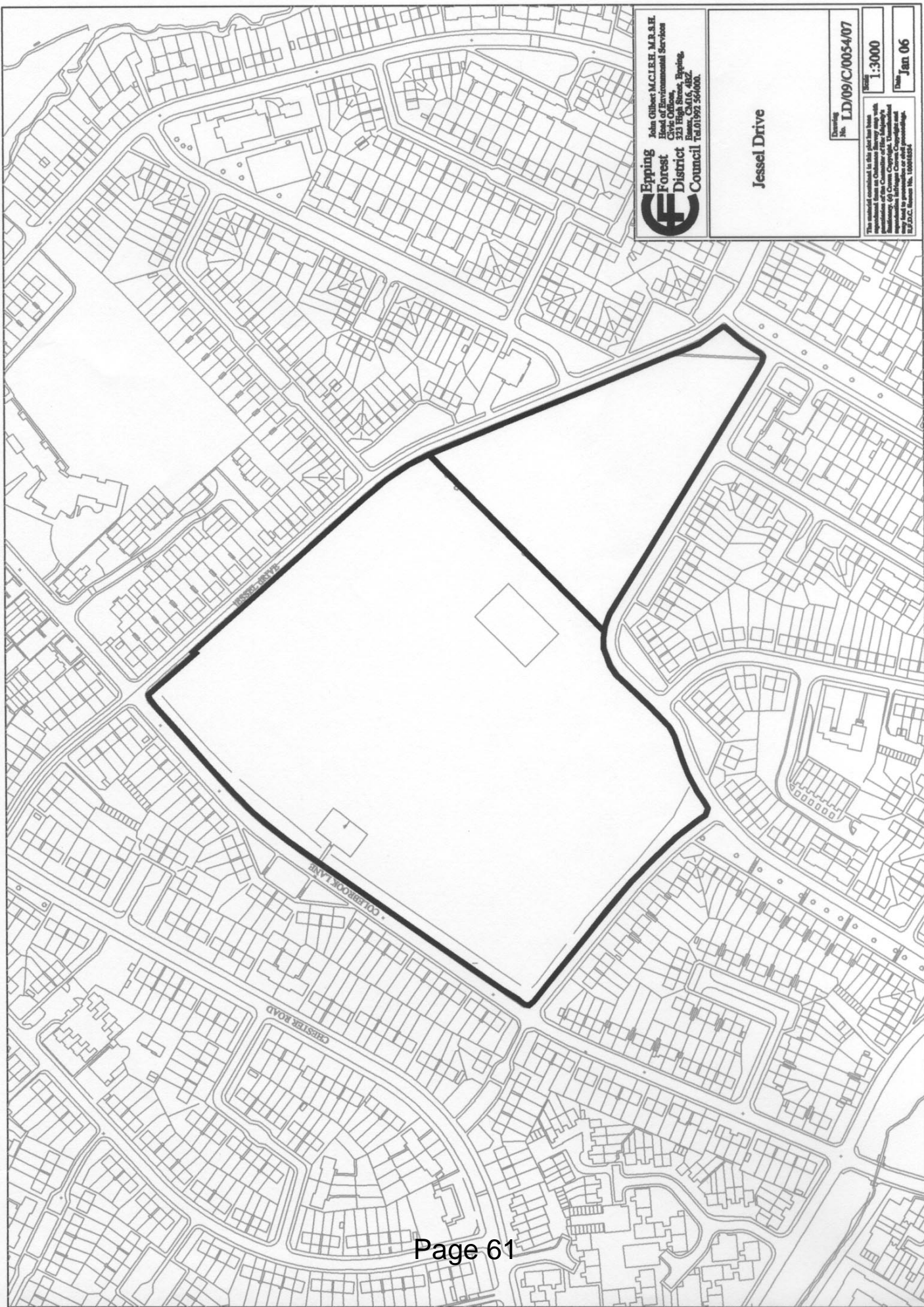
108. The Panel is invited to suggest any other initiatives that it feels should be explored to increase the amount of affordable housing available within the District.

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Jessel Drive

Drawing No. LD/09/C/0054/07
Scale 1:3000
Date Jan 06

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Pyries Lane

Drawing No. **ID/09/C/0054/05**

Scale: **1:2500**
 Date: **Jan 06**

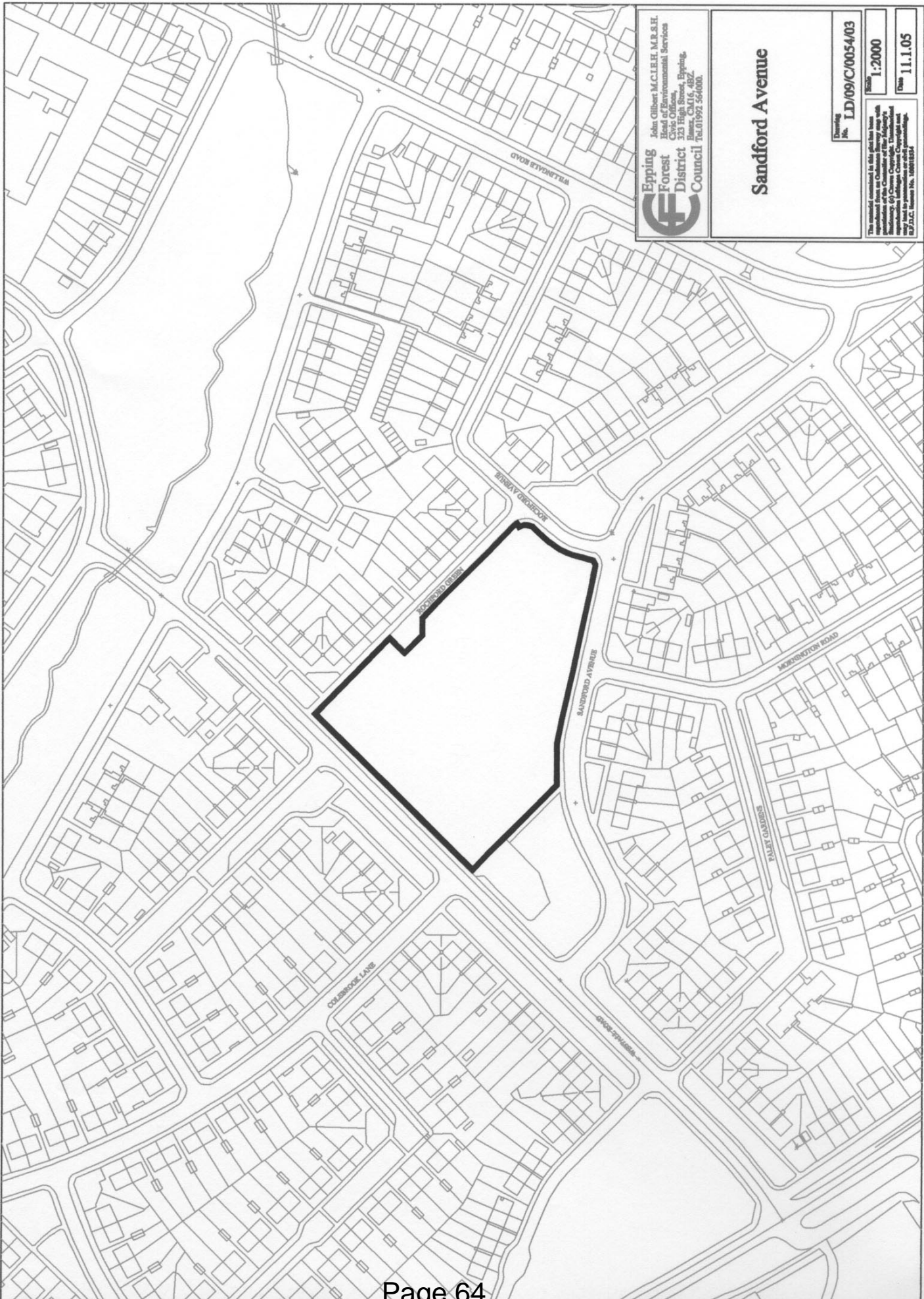
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Rectory Lane	
Reference No.	J.D/09/0054/04
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Date	Jan 06

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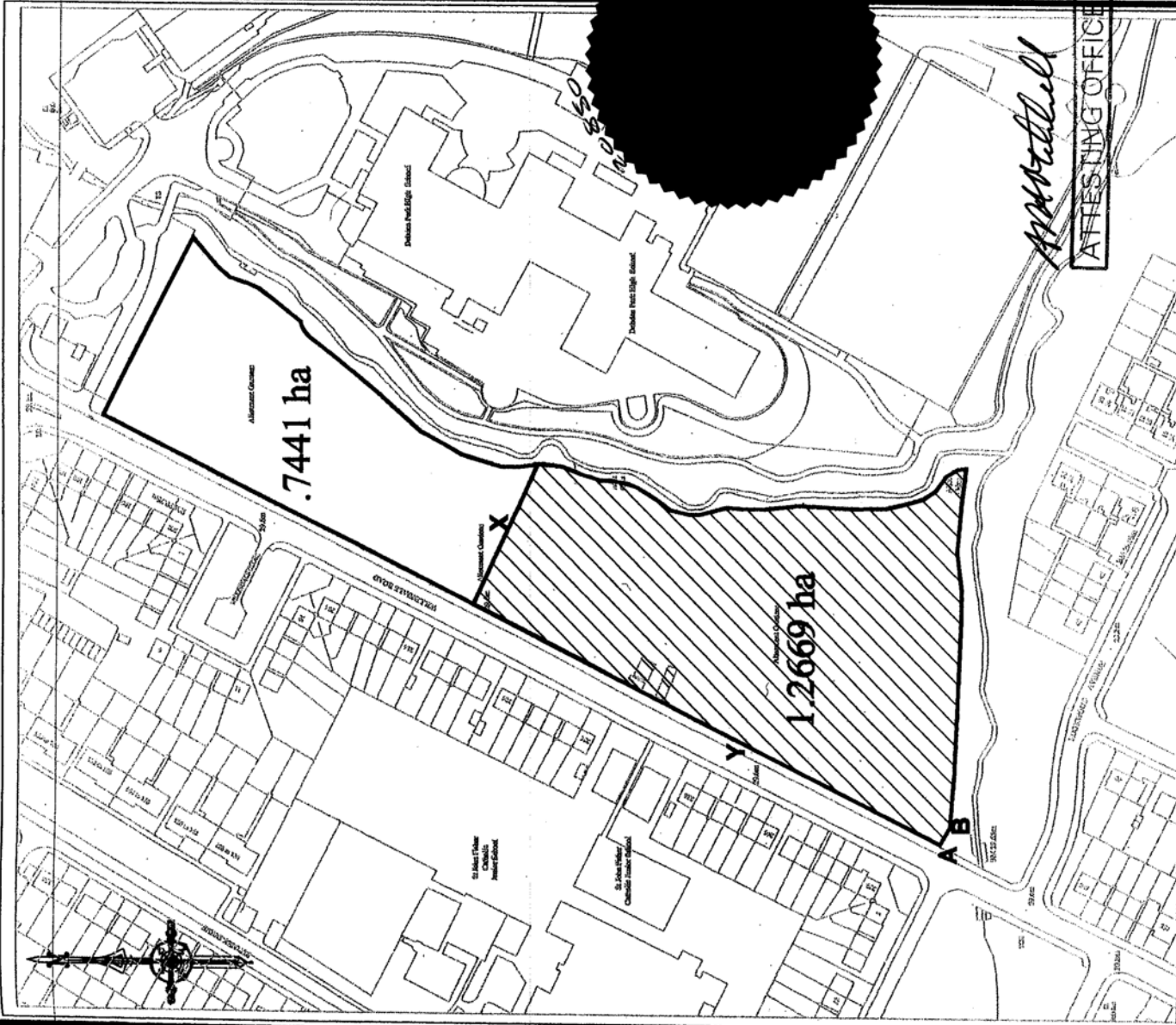
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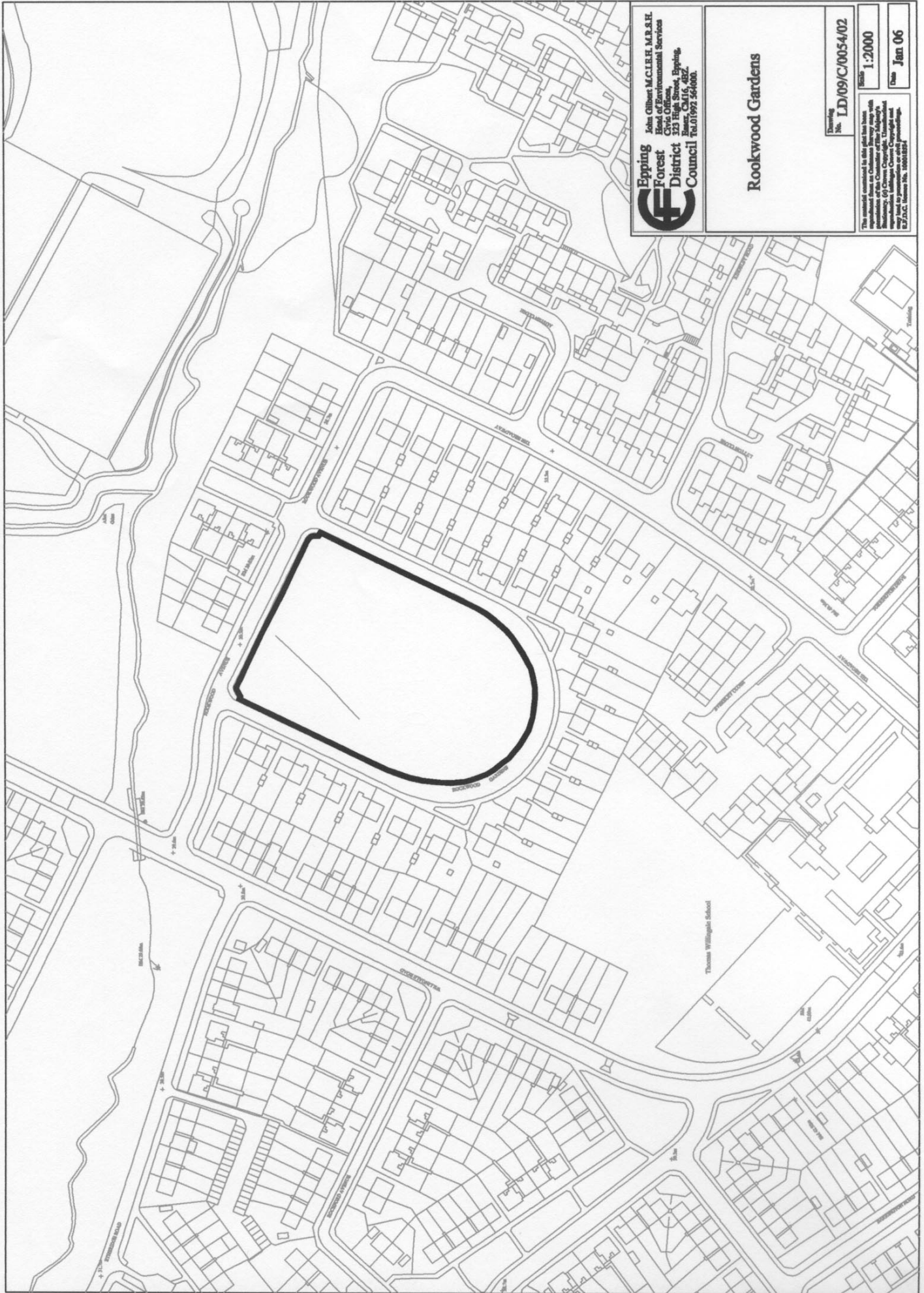
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EPPING FOREST DISTRICT COUNCIL





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Rookwood Gardens

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Report to the Housing Scrutiny Panel

Date of meeting: 3 March 2006



Subject: Choice Based Lettings

Portfolio: Housing – Councillor Michael Heavens

Officer contact for further information: Roger Wilson extension 4419

Committee Secretary: Adrian Hendry

Decision:

That the progress made on the implementation of the Choice Based Lettings Scheme for all the Council's vacant social rented properties be noted.

Background Report:

1. At its meeting on 24 May 2004, the Cabinet agreed the recommendations of the former Overview and Scrutiny Committee (1) that the Council adopts a move towards a Choice Based Lettings system in principle. This followed detailed examinations of the principles and issues at a number of meetings by the former Working Group on Housing.
2. Under a Choice Based Lettings scheme, all vacant social rented properties would be advertised to applicants on the Housing Register in a periodic publication, website, interactive kiosks and other media showing a photograph and giving details of location, type, rent, service charge, council tax band and landlord of the available accommodation. Applicants would apply for a property by "bidding" either in person, by post, telephone, text, email or Internet. Bidding restrictions would be in place, which would include restricting "bidding" for properties to those households which only have an assessed need for a particular property type.
3. At the end of the "bidding" cycle, the Council would analyse the "bids" received and allocate each property following a prioritisation and selection process in accordance with its Allocations Scheme. In general terms, the property would be offered to the applicant in the highest band, who has been registered the longest, who had "bid" for the specific vacancy. The results of the "bidding" on each property advertised is then published in the next periodic publication, setting out the number of "bids" received on each property, as well as the Band and registration date of the successful applicant. This helps applicants to see how long the successful applicant has been waiting and gives greater transparency in the allocation of accommodation, as each applicant would be able to clearly understand the type and location of properties for which they would be most likely to "bid" successfully.
4. Any Choice Based Lettings Scheme must be developed in a way that takes into account the needs of vulnerable groups. This would involve close liaison with Social Care and a wide-range of partner agencies, ensuring that vulnerable people are able to participate fully in any scheme.
5. At its meeting on 15 September 2005, the Housing Scrutiny Panel considered and made comments to the Housing Portfolio Holder on a detailed report setting out the proposed way forward

on the implementation of the Scheme. This is in accordance with Item (4) of the Housing Scrutiny Panel's Work Programme.

6. Following the meeting the Housing Portfolio Holder agreed the following recommendations of the Panel:

- That the principle of introducing a Choice Based Lettings Scheme operated through an agreement with a Choice Based Lettings Agency for all applicants on the Council's Housing Register be agreed;
- That the Choice Based Lettings Scheme and Agency be commissioned in partnership with neighbouring local authorities within the London Commuter Belt Sub-Region
- That, following the consideration of comments from neighbouring partner authorities, the Head of Housing Services be authorised to agree the final version of a joint bid and submit the bid, to the Government's Choice Based Lettings Regional Fund, generally in line with the draft version of the bid attached as an appendix to the report;
- That the Council be prepared to act as the host authority for the engagement of a consultant to act on behalf of all neighbouring authorities; receive the Government's funding; and make appropriate payments on behalf of the authorities;
- That, if the bid is successful, the Head of Housing Services be authorised to appoint a consultant to project manage the implementation of the joint Choice Based Lettings Scheme, funded from the ODPM grant; and
- That a further report be submitted to the Housing Scrutiny Panel and Housing Portfolio Holder to consider:
 - The outcome of the bid to the Government's Choice Based Lettings Regional Fund;
 - The detailed operation of the joint Choice Based Lettings Scheme;
 - The joint contract arrangements with other authorities;
 - The joint commissioning arrangements for the appointment of the Choice Based Lettings Agency;
 - Budgetary requirements for the establishment and on going operation of the scheme
 - The timescale for the Project.

Formal Delegation of Consortium Functions

7. Under the Council's Constitution (Financial Regulation F1 to F9) the Cabinet is responsible for approving delegations, including frameworks for partnerships, which would include the Consortium. At its meeting on 6 February 2006, the Cabinet agreed that the functions relating to the Herts and Essex Housing Options Consortium, a partnership with five other local authorities, be delegated to the Head of Housing Services in accordance with Financial Regulations F1 to F9 within the Council's Constitution. In practice they will be exercised by the Assistant Head of Housing Services (Operations).

Choice Based Lettings – Regional Fund

8. In Autumn 2005, the Council received notification from the Government confirming that £4 million was to be provided to local authorities over three years nationally, through a competitive bidding

process, to support the development of regional and sub-regional Choice Based Lettings Schemes in England.

9. On the recommendation of the Housing Scrutiny Panel, the Housing Portfolio Holder agreed to the Head of Housing Services, in consultation with the five other local authorities and 24 RSLs in the Consortium, submitting a bid to the ODPM. In December 2005, the ODPM notified the Consortium that the bid had been successful and the grant of £96,000 has now been received. The Council is holding the funding, and will make payments, in accordance with the Scrutiny Panel's and Portfolio Holder's decision.

10. In addition to the grant received from the ODPM, each member of the Consortium are making budget provision to supplement the grant to meet operational and any additional implementation costs. The successful consultant will be required to determine the likely set-up and operational costs of each of the partners which will include information technology requirements, staff training, the periodic publication, leaflets and translations. The Council has made budget provision of £40,000 which has been included in the Housing Revenue Account (HRA) budget for next year.

The Herts and Essex Housing Options Consortium's Operational Group

11. The Consortium set up an Officer Operational Group comprising of a representative from each of the six partner authorities and two housing association representatives, which has been charged with setting up the Choice Based Lettings Scheme. At the time of writing the report the Operational Group have drafted a Consultancy Brief which will be approved finally by the Group at its meeting on 7 March 2006. A copy of the current draft is attached as an appendix to the report for information. In addition, at that meeting the Group will be considering an evaluation model for the selection of the successful consultant. The Council will be advertising in Housing Journals during March/April 2006 for expressions of interest from suitably qualified consultants to undertake the work set out in the Consultancy Brief.

12. The Housing Scrutiny Panel are asked to note the progress made to date on the implementation of the Choice Based Lettings Scheme.

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CONSULTANCY BRIEF

**THE HERTS AND ESSEX HOUSING OPTIONS
CONSORTIUM**

**CHOICE BASED LETTINGS
THE CONSORTIUM'S REQUIREMENTS**

1. Introduction

1.1 The Herts and Essex Housing Options Consortium (the Consortium) comprises six local authority partners as listed below and two RSL partners which are in the eastern part of the London Commuter Belt Sub-Region (i.e. on the Herts and Essex border), with the exception of Harlow DC, which has already introduced a CBL Scheme:

Brentwood BC	Chelmsford BC	Epping Forest DC
Broxbourne BC	East Herts DC	Uttlesford DC

1.2 The 25 RSL members of the Consortium listed below all currently have nomination arrangements with one or more of the local authority partners. It should be noted that three local authorities within the Consortium (East Herts, Chelmsford and Broxbourne) have transferred the whole of their housing stock, (*) denotes a stock transfer RSL within the Consortium's area

Aldwyck Anglia(*)	BHT	Broxbourne(*)	Chelmer (*)	Circle
Colne Guinness	East Thames	Estuary	Flagship	
Hastoe	Hereward	London & Quadrant	Metropolitan	Moat
Paradigm Shaftesbury	Riversmead	Rural HT	Sanctuary	
Springboard William Sutton	Stadium	Swan	Warden	

1.3 Most of the RSL Partners already have extensive experience of operating CBL Schemes in other local authority areas.

1.4 All the partners of the Consortium operate within the London Commuter Belt Sub-Region (which comprises all the local authorities in Hertfordshire and five Essex authorities). The Sub-Regional Housing Group's latest Housing Strategy incorporates an Action Plan, within which there is a key action to explore the scope for collaborative working on Choice Based Lettings (CBL) within the Sub-Region.

1.5 Each of the local authority landlords within the Consortium have committed to the provision of 100% of their stock to the Scheme, with the exception of some individual vacancies which, for various reasons, need to be taken out of the CBL process. The RSL Partners have also committed to provide all of their stock to the Scheme, where local authorities have nomination rights. In many cases, RSLs will also provide other vacancies, where nominations do not apply. Furthermore, the RSLs have agreed to look to expand provision to all vacancies. Once the

scheme is introduced, in the first instance, for a short trial period, each landlord may only allocate a proportion of vacancies to the Scheme, to test the Scheme's operation.

1.6 The primary purpose of the Herts and Essex Housing Options Consortium is to drive forward the introduction of a scheme to deliver Choice Based Lettings within the six partner authorities with an implementation date of 1 April 2007. It is the intention of the Consortium that the existing various housing allocation schemes remain the sole responsibility of the individual authorities, and that responsibility for any amendments to allocation schemes to accommodate Choice Based Lettings Schemes and nomination processes remains the sole responsibility of the individual member authorities.

1.7 The Consortium's key objectives for the CBL Scheme are as follows:

- To work collaboratively amongst local authority and RSL partners
- To jointly commission an existing CBL Agency to operate the Joint CBL scheme on behalf of all the partners
- To consult other partners and interested organisations on the operation of the Scheme
- To increase efficiency, through the minimising of implementation and ongoing costs
- To maximise the number of vacant properties that are let through the scheme
- To maximise choice, accessibility and ease of operation for customers
- To ensure that vulnerable and homeless people, and those who do not have English as their first language, are not excluded and are able to obtain full benefits from the Scheme
- To adopt a holistic "housing options" approach to customers
- To explore the opportunities for extending the Scheme to private sector landlords
- To share good practice on joint working with other local authorities and RSLs

2. Approach to the Operation of the Scheme – Use of an Existing CBL Agency

2.1 Following the successful establishment of other joint approaches to the operation of CBL Schemes it is apparent that a number of "CBL Agencies" have been formed. These CBL Agencies are now very experienced at managing the entire process, including producing, printing and distributing the periodic vacancy magazine, telephony, information technology and the electronic and manual receipt of the bids from customers. At the end of each "bidding" cycle, the Agency returns a summary of the "bids" to each authority, who then prioritises offers made to the successful customer based on their own Allocations Scheme. The Agency also provides regular and detailed statistical information to the local authority on bids.

2.2 The Consortium agree that there are lots of benefits to our customers in contracting with an existing CBL Agency to provide the Consortium's CBL Scheme, as opposed to setting up our own joint operation from scratch. The Consortium therefore is minded to contract with a CBL Agency to operate its CBL Scheme, on the Consortium's own terms, through a competitive tendering process. However, it is emphasised that the CBL Agency will operate the Consortium's Joint CBL Scheme as a "stand-alone" operation, to the Consortium's own requirements, and not as an extension to any existing scheme(s), although of course, the Agency will probably use the same ICT infrastructure.

2.3 The Consortium have been successful in obtaining funding from the Office of the Deputy Prime Minister (ODPM) and wishes to appoint a consultant ("the Consultant") to oversee, co-

ordinate and manage the implementation of the CBL scheme on behalf of the Consortium. Accordingly, it has agreed to seek fee bids and tender submissions from potential consultants on how they would project manage the implementation. It is expected that the successful Consultant would be employed from 1 July 2006 for 12 months with the target of implementing the CBL scheme by 1 April 2007.

2.4 The Consortium accepts that a number of existing CBL schemes operated by CBL Agencies, in their current form, are likely to be acceptable for a simple replication for the Consortium's scheme. Therefore, the Consortium does not intend a detailed specification to be produced by the Consultant, but a basic specification produced, allowing Agencies to prepare a scheme based on their existing operation, with options for the Consortium to consider.

3. General Approach to be Taken to Implementation of the CBL Scheme

The following sets out the approach expected to be taken by the consultant to deliver the project as part of their Tender Submission, comments are sought from the consultant on these stages.

Stage 1

- (i) To establish a detailed project plan including, key milestones, project parameters, determine timescale and implementation dates.
- (ii) To recommend the scope, model and detailed operation of the CBL scheme, in liaison with each of the partners
- (iii) To determine the likely set-up and on going operational costs of each of the parties.
- (iv) To undertake a market analysis of the potential providers (CBL Agents)
- (v) To undertake a cost benefit analysis to assess the likely overall savings to each partner of operating a joint CBL scheme, as opposed to individual ones.

Consultation

To undertake a consultation exercise including (but not limited to):

- Preparing a briefing paper explaining the proposed approach and requesting feed back from all external partners.
- Contacting appropriate groups who would have an interest in the scheme, particularly those that represent vulnerable people consulting on advocacy arrangements.
- Contacting the Essex and Herts Race Equality Council to discuss issues relating to BME and communities.
- Providing a report on the outcome of the consultation to the Consortium together with any recommended change as a result.

Stage 2

- (i) To propose, co-ordinate and produce legal documentation for the joint contract arrangements between each of the authorities in the Consortium.
- (ii) To advise each partner within the Consortium of their future budgetary requirements both capital and revenue.
- (iii) To undertake a Race Equality Impact Assessment of the scheme.
- (iv) To advise on any implications of EU Procurement legislation relating to the appointment.

Stage 3

- (i) To produce a specification setting out the basic requirements for the services to be delivered by the Choice Based Lettings Agency, including (but not limited to):
 - Frequency and format of the periodic publication
 - Inclusion of other housing options within the publication
 - Available methods of bidding
 - Bidding restrictions
 - Analysis of bids
 - IT requirements for returning bids to each authority etc.
 - The needs of vulnerable groups
 - Arrangements for translations of scheme user guides and the periodic publication
 - Setting deadlines for each stage of the process
 - Ensuring each authority has access to information and Data Protection requirements are complied with
- (ii) To undertake the complete tendering exercise including, requesting price options from each Agency on various methods of operation e.g. frequency of periodic publication, photographs or text etc. in accordance with the appropriate procurement rules.
- (iii) To advise on the evaluation methodology in terms of quality, price, ICT requirements and the selection process.
- (iv) To arrange and attend the selection interviews (which will comprise members of the Operational Group) for the Choice Based Lettings Agency.
- (v) To produce a Tender Report on the selection process, the recommended appointment, for the benefit of all partners and local authority members.
- (vi) To negotiate the final terms and contract price in consultation with the Consortium's Operational Group to maximise best value for money for all members of the Consortium.
- (vii) To put in place the separate contract arrangements between each of the authorities within the Consortium and the appointed CBL Agency.

Stage 4

- (i) To advise each consortium member on all necessary IT requirements from implementation to day-to-day management of the scheme based on the interfaces required with the CBL Agencies ICT system.
- (ii) To advise on and set up training requirements for each Consortium member, in liaison with the CBL Agency.
- (iii) To produce for all Consortium members, information leaflets and all necessary publications for service users.
- (iv) To co-ordinate all aspects relating to the launch of the scheme across all six authorities in the Consortium.

Stage 5

- (i) To undertake a post-implementation evaluation of the scheme, including a benchmarking exercise on costs, visiting each member of the Consortium.
- (ii) To put in place monthly performance meetings (attending the first two) with the successful Choice Based Lettings Agency with representatives of the Consortium.
- (iii) To undertake post-implementation customer and stakeholder research to determine the success of the scheme or otherwise.
- (iv) To advise all Consortium members on post-implementation staff resourcing and workload distribution issues generally.

4. General Requirements

- 4.1 To assist each Consortium member with Member reporting arrangements, seeking appropriate approvals at each stage of implementation.
- 4.2 To liaise throughout the process with the Herts and Essex Housing Options Consortium, CBL Discussion Forum and the ODPM CBL Advisor.
- 4.3 To ensure that the ODPM Grant is used in accordance with the ODPM Grant Conditions.

5. Interim Reports

- 5.1 The Consortium must be provided with a basic *Draft* Interim Report after the completion of each Stage (referred to in Section 4 above) two weeks prior to the proposed completion date, in order that the Consortium may have the opportunity to comment on the draft before production of the final version.
- 5.1 At the completion of the Consultant's work (1 July 2007) the Consortium must be provided with a final report setting out the success of the scheme or otherwise and

recommendations for any future actions. This report must be presented the Choice Based Lettings Consortium by end of September 2007.

6. Indicative Timetable

6.1 The Consortium's indicative timetable for the implementation of the Choice Based Lettings Scheme is as follows:

Consultants Brief issued and tenders invited	- Mid March 2006
Tender Submissions received from consultants by	- 28 April 2006
Presentation/selection meeting held in	- May 2006 (TBA)
Consultant appointed by	- 29 May 2006
Stage 1 Project Plan/Scope/Model/Costs	-1 September 2006
Stage 2 Impact Assessment/Contracting/Budgets	-2 October 2006
Stage 3 Specification/Tendering/Appointment/Contract	- 31 January 2007
Stage 4 IT/Training/Publications	- 28 February 2007
Stage 5 Evaluation/Meetings/Resourcing/Research	- 1 July 2007

7. Provision of Electronic Versions of Reports

7.1 In addition to the provision of hard copies of any Reports, the Consultant will be required to provide electronic copies of the reports by email or on disc, in a format compatible with the Consortium's computer systems (Microsoft Word, Access and Excel). All reports will then become the property of the Consortium and its individual members for its future use and manipulation in whatever way it wishes.

8. Copyright

8.1 Copyright of the reports, will belong to the Consortium and must not be reproduced without the permission of the Consortium. An endorsement of this fact, with wording agreed by the Consortium, must be stated within the reports.

9. Payments Schedule

9.1 The Consultant's fees will be paid at the stages and percentages of the total fee bid as set out below, on receipt of invoices.

Stage	% of Total Fee Bid
Completion of Stage One & Two as set out in the Consultancy Brief	20%
Completion of Stage Three as set out in the Consultancy Brief	40%

Completion of Stage Four as set out in the Consultancy Brief	20%
Completion of Stage Five as set out in the Consultancy Brief	15%
Receipt of all materials/discs/reports etc following completion of the Project	5%

9.2 Epping Forest District Council (a Consortium Member) has been appointed by the Consortium as the contracting body who will, with the agreement of the Consortium, employ the Consultant. On receipt of invoices, Epping Forest District Council will settle payment within 28 days.

9.3 It will be a requirement of the contract that if the Consultant fails to meet any of the Consortium's requirements within each of the stages set out in this Consultants Brief, payments for that stage will be with-held.

10. Non-assignment

10.1 The contract for the supply of services must not be assigned or sub-contracted, in full or in part, without the permission of the Consortium.

PART B

INVITATION TO TENDER & GENERAL REQUIREMENTS OF TENDERING

1. Invitation to Tender

- 1.1 Tender submissions are invited, detailing an all-inclusive cost to undertake the implementation of the Consortium's Choice Based Lettings (CBL) Scheme in accordance with Part A of this Brief and explaining the approach that the Consultant would take to the Scheme if appointed. Tender submissions must include the required information, and be submitted in accordance with the requirements, detailed in this Part of the Brief.

2. Tender Submission

General

- 2.1 The Consortium's decision on the award of contract will primarily be based on the Fee Bid and the information contained in each tenderer's Tender Submission. Tenderers must include in their Tender Submission all the information they wish to provide and want to be taken into account when the Consortium selects the Consultant to undertake the CBL Scheme.
- 2.2 Tenderers are required to provide their Tender Submission in **eight bound documents, and one unbound document.**
- 2.3 Tenderers are requested to restrict the information contained in their Tender Submission to the minimum that they consider necessary for the Consortium to make a considered decision on their experience and ability to undertake the CBL Scheme. It will not be to tenderer's advantage to provide unnecessarily detailed or superfluous information.

Tender Price

- 2.4 Tenderers are required to state in their Tender Submission an all-inclusive cost for undertaking the CBL Scheme. This must include all costs relating to the CBL Scheme, including research, analysis, all meetings with Consortium members, tenant representatives or partner agencies devising and undertaking the required tasks (including postage costs), staff costs, travelling/accommodation expenses, subsistence, copying, printing, postage, pre-paid postage and answering all queries relating to the CBL Scheme. Additional costs in excess of the tender submission will not be paid without the express agreement of the Consortium, which in any event would only be for additional services not requested as part of this Consultants Brief.

Hourly and Daily Rates

- 2.5 Although the Tender Submission must be based on an all-inclusive cost, tenderers must also detail the hourly and daily rates that would apply for each member of the Consultant's team if additional work was sought by the Consortium.

Proposed Coverage of the work and the Tenderer's Proposed Approach to the Exercise

- 2.6 Tenderers are required to explain in their Tender Submission the tenderer's proposed approach to the exercise, taking into account the Consortium's requirements set out in Part A of this Consultants Brief.
- 2.7 In particular, tenderers are requested to explain their proposed approach to the implementation and co-ordination of the CBL Scheme for the six member authorities.

Information Required from the Consortium

- 2.8 Tenderers are required to state the information that will be required from the Consortium to enable the Consultant to undertake his/her task.

Consultant's Team and Lead Consultant

- 2.9 Tenderers are required to state the name and position within their organisation of:
- the lead consultant
 - other staff (if any) that will be involved with the CBL Scheme, together with their proposed role
- 2.10 Curriculum vitae should be supplied for the lead consultant and any other key members of the Consultant's CBL Scheme implementation Team.

Previous Experience of CBL Schemes

- 2.11 Tenderers are required to provide a summary of their experience in respect of implementing CBL Schemes.

References

- 2.12 Tenderers are required to provide the names, addresses and contact telephone numbers of three local authority clients for whom they have undertaken work relating to CBL, including details of the nature of the work, within the last 12 months, and confirm that they have no objections to the Consortium seeking the views of these clients on the quality of the work undertaken. In addition, evidence of adequate insurance cover will be required.

Quality Control

- 2.13 Tenderers are required to state the processes they would put in place to ensure the quality of the work undertaken.

Indicative Timetable

- 2.14 Tenderers are requested to state whether the indicative timetable set out in Section 6 of Part A of this Consultants Brief is realistic and achievable. If it is not considered to be realistic, tenderers are required to propose an alternative timetable.

Anticipated Difficulties

2.15 Tenderers are requested to state whether they anticipate any difficulties adopting the Consortium's proposed approach to the CBL Scheme.

3. Selection Criteria

3.1 The selection of the Consultant to undertake the CBL Scheme will be based on:

- their fee bid
- the quality and content of their Tender Submission and, in particular, their proposed approach to, the implementation of the CBL Scheme
- the quality and content of information provided at the presentation, and associated answers to questions

4. Administration of Tenders

4.1 Tenderers must not disclose details of their Tender Submissions to any other person or organisation, other than on a confidential basis to those who have a legitimate need to know, or with whom they need to consult for the purposes of preparing the tender.

4.2 Tenderers will be deemed to have read and taken into account the contents of this Consultants Brief in full before submitting their Tender Submission.

4.3 Tender Submissions must not be qualified, but submitted strictly in accordance with this Consultants Brief (or as may subsequently be amended by the Consortium during the tender period).

4.4 Tenderers are responsible for all their own costs incurred in relation to the preparation of their Tender Submission and the subsequent selection process of the Consortium.

4.5 The Consortium is not obliged to accept any Tender Submission and is under no obligation to discuss reasons why Tenders Submissions are not accepted.

4.6 Any tenderer who directly or indirectly canvasses any member of the Consortium, officer, Member or employee of any of the authorities within the Consortium concerning the award of the contract, or who directly or indirectly attempts to obtain information from any member, officer or employee concerning any other Tender Submission will be disqualified.

4.7 Tenderers may seek to clarify any points of doubt or difficulty concerning this Consultants Brief with the Chairman of the CBL Operational Group. Other tenderers will be notified of any matters that arise from such enquiries that may have an effect on their Tender Submission.

4.8 Information contained in this Consultants Brief or provided separately is supplied only for general guidance in the preparation of the Tender Submission. The Consortium will accept no responsibility for any errors or omissions from the information.

5. Return of Tenders

5.1 The Closing Date for Tender Submissions is **12 Noon, Friday 28 April 2006.**

- 5.2 Tender Submissions must be returned before the Closing Date in plain wrapping / envelope and must not bear any name or mark identifying the name of the tenderer, including marks made by commercial franking machines or recorded by the Post Office or other delivery organisations.
- 5.3 **The tender return label enclosed with this Consultants Brief must be used and affixed to the outside of the envelope.**
- 5.4 Tenderers not wishing to make a Tender Submission are requested to return all tender documentation to the Consortium.
- 5.5 Tender Submissions received that do not comply with these requirements may be deemed invalid and may not be considered.

6. Cancellation for Favours

- 6.1 The Council shall be entitled to disqualify a tender, or to cancel the contract, and recover from the Consultant the amount of any loss resulting from such cancellation, if the consultant shall have offered, or given, or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing, or forbearing to do, or for having done or forborne to do any action in relation to obtaining the execution of the contract or any other contract with the Consortium, or for showing or forbearing to show favour or disfavour to any person in relation to the contract.
- 6.2 This will also apply if the like acts shall have been done by any person employed by the consultancy or acting on its behalf (whether with or without the knowledge of the consultancy), or if in relation to any contract with any authority within the Consortium the consultancy, or any person employed by it, or acting on its behalf, shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or any amendment of them, or shall have given any fee or reward, the receipt of which is an offence under sub-section (2) of Section 117 of the Local Government Act 1972.

7. Enquiries

- 7.1 Enquiries relating to the tendering process should be addressed to:

Stephen Tingley
Chairman
CBL Operational Group

Tel:

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