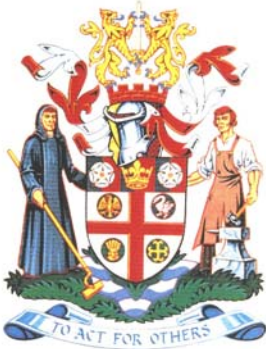


Selby District Council



Agenda

Meeting: **Executive**
Date: **5 April 2012**
Time: **4pm**
Venue: **Committee Room**
To: Councillor Mark Crane, Councillor Mrs Gillian Ivey, Councillor Cliff Lunn, Councillor John Mackman and Councillor Chris Metcalfe

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 1 March 2012 (pages 3 to 6).

3. Disclosures of Interest

Members of the Executive should disclose personal or prejudicial interest(s) in any item on this agenda.

4. Private Sector Housing Assistance Policy

Report E/11/58 asks the Executive to approve the Private Housing Assistance Policy 2012-13 (pages 7 to 22).

5. Local Development Framework and Associated documents

Report E/11/59 asks the Executive to consider the responses to the consultation on Proposed Changes to the Core Strategy and highlights the key issues to be examined by the Inspector at the forthcoming reconvened Examination in Public (EIP) (pages 23 to 33).

6. Tenancy Strategy and Policy – Key Decision

Report E/11/60 asks the Executive to consider the options available to the Council under the Localism Act (pages 34 to 40).

7. Leisure Contract – Year 3 Maintenance Programme

Report E/11/61 asks the Executive to consider a revised Maintenance Programme (pages 41 to 45).

8. Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 1 of Part 1 of Schedule 12(A) of the Act.

9. Green Waste Treatment Procurement Project – Selection of Tender Shortlist – Key Decision

Report E/11/62 asks the Executive to approve the short list of companies to be asked to tender (pages 46 to 50).

**M Connor
Chief Executive**

Dates of next meetings
Executive Briefing 19 April 2012
Executive 3 May 2012
Executive Briefing 17 May 2012

Enquiries relating to this agenda, please contact Glenn Shelley on:

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Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	1 March 2012
Present:	Councillor M Crane (Chair), Mrs G Ivey, C Lunn and J Mackman
Apologies for Absence:	Councillor C Metcalfe
Officers present:	Chief Executive, Deputy Chief Executive, Executive Director (S151), Business Manager (Sarah Smith), Commissioning and Performance Officer and Democratic Services Manager.
Public:	0
Press:	0

NOTE: Please note, only minute numbers 85, 87, 88 and 90 are subject to call in. The deadline for Call In is 5pm on 13 March 2012. Decisions not called in may be implemented from 14 March 2012.

83. Disclosure of Interest

There were no disclosures of interest.

84. Minutes

The minutes of the meeting on 2 February 2012 were submitted and agreed as a correct record and signed by the Chair.

85. All Weather Pitch Abbey Leisure Centre

Councillor Ivey presented report E/11/55 which provided the Executive with the necessary information on which to base the choice of pitch for Abbey Leisure Centre.

Councillor Mrs Ivey began by outlining that the information contained within the report had been produced before the fire at Abbey Leisure Centre on Tuesday 28th February. The Executive discussed the latest position regarding the Leisure Centre.

The Executive outlined their support to continue with the Sports Pitch and, in doing, so reiterated the Council's commitment to providing excellent leisure and recreational facilities for the residents of Selby District.

In respect of the Sports Pitch, the Executive heard that Wigan Leisure Culture Trust had consulted the interested parties and that their views had contributed to the recommendation in the report.

Councillor Mrs Ivey presented revised recommendations which allowed a decision to be taken on the Sports Pitch despite the fire at the Leisure Centre. The Executive accepted the revised recommendations.

Resolved:

- i) To endorse the choice of a 40mm 3G Lano Sports Systems Playing Surface and provision for the full replacement of the Shock Pad if required;**
- ii) To release the £250,000 set aside in the Capital Programme for this purpose;**
- iii) To authorise the Deputy Chief Executive, after consultation with the Leader of the Council and WLCT to determine the most appropriate way forward.**

Reason for the decision:

To allow progress to be made on the Sports Pitch given the events at Abbey Leisure Centre.

86. Private Session

Resolved:

To exclude the Press and the Public from the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted as there is likely to be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

87. Access Selby Service Level Agreement

Councillor Mark Crane presented report E/11/56. The report presented was the first Service Level Agreement between Selby District Council and Access Selby.

The Executive supported the agreement and clarified that the contents were to be reviewed on a regular basis.

Resolved:

To approve the Service Level Agreement.

Reason for the decision:

To ensure the Service Level Agreement is in place for the start of the financial year 2012.

88. Commercial Waste Fees and Charges 2012/13

Councillor Lunn presented report E/11/57 which explained the need to apply a variable increase across the range of services provided.

The Executive welcomed the report. It was felt that the application of variable increases was essential to ensure Access Selby was competitive in the commercial waste market place.

Resolved:

To approve the variable increase across the range of services provided as detailed in Appendix 1 of the report.

Reason for the decision:

Application of variable increase in prices will allow Access Selby to complete more effectively in the market place.

89. Public Session

90. Community Engagement Forums (CEFs): Policy Review Recommendations to the Executive

The Executive acknowledged the comments made by Policy Review Committee and recognised the importance of community engagement.

The Executive heard that Councillor Metcalfe, as lead Executive member for this issue, was currently working on a programme to address both the concerns of Policy Review Committee and to secure the long term viability of the CEFs as the Council's primary method for community engagement and development.

Resolved:

- i) To acknowledge the comments from Policy Review Committee;**
- ii) To receive a report from Councillor Metcalfe on the future of the CEFs at the earliest opportunity.**

Reason for the decision:

To ensure the CEFs provide an efficient and effective method for community engagement.

The meeting closed at 4.40 pm.

Selby District Council

Report

Reference: E/11/58

Public - Item 4



To: The Executive
Date: 5 April 2012
Status: Non Key Decision
Report Published: 28 March 2012
Author: Simon Parkinson, Lead Officer – Community Support
Executive Member: Councillor Chris Metcalfe
Lead Officer: Rose Norris, Executive Director

Title: Private Sector Assistance Policy 2012/13

Summary: The report seeks endorsement of the Private Housing Assistance Policy 2012-13 which sets out the way in which the Council intends to support the repair, improvement and adaptation of private housing across the district.

Recommendations:

That the Executive endorses the Private Housing Assistance Policy 2012/13.

Reasons for recommendation

The Executive is asked to agree the recommendation to enable the delivery of the private sector housing assistance service in 2012/13.

1. Introduction and background

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 places a duty on Local Authorities to publish a Private Housing Assistance Policy every year.
- 1.2 Councillors approved the first Private Housing Assistance Policy in June 2003. The Policy identifies priority areas and delivery methods for private housing improvement, repair and adaptation. The Policy is reviewed each year to take account of new government guidance and legislation, changing local and regional priorities and new partnership initiatives.

2. The Report

- 2.1 The Private Housing Assistance Policy aims to address the following key priority areas;
- Encouraging and supporting owner-occupiers to maintain and repair their homes.
 - Helping people whose independence may be at risk to remain in or return to their homes.
 - Boosting domestic energy efficiency and reducing the number of households in fuel poverty.
 - Encouraging private landlords to provide good quality and well managed properties for their tenants.
 - Maximising the use of the existing housing stock to increase the supply of decent affordable homes in the district.
 - Strengthening existing and developing new partnerships to support the private housing sector.
- 2.2 We aim to deliver against these priority areas through a mix of advice and financial assistance which is targeted at assisting those in most need.
- 2.3 The comprehensive spending review brought with it financial challenges that we have not experienced for many years. Central Government funding for private sector renewal work ceased in 2011/12. This has reduced the scope of our assistance.
- 2.4 The Government believes that it is primarily the responsibility of homeowners to maintain their own property. Whilst many homeowners do have the necessary funds to carry out repairs and improvements there remain a number of homeowners, particularly the elderly and vulnerable, who may not have access to the necessary resources to keep their homes in good repair. We will therefore need to seek alternative ways of supporting these households through the next few years.
- 2.5 The Disabled Facilities Grant remains the only mandatory grant available and is funded by Government grant and SDC General Fund contribution. The demand for, and increased cost of DFGs, continues to place some strain on budgets. The previously approved prioritisation scheme and a joint procurement initiative with Ryedale and Scarborough Councils will help to stretch resources to help those in most need.
- 2.6 Discretionary grant and loan services are again reduced due to financial pressures. It is proposed that a limited Repair Assistance Scheme will operate, aimed at providing urgent/emergency repairs to vulnerable private households at risk from imminent health and safety hazards. We are again not able to offer Home Appreciation Loan or Empty Homes Grant in 2012/13.
- 2.7 We will continue to offer an energy efficiency grant service, funded entirely from Community Energy Reduction Target (CERT) funding and the

Community Energy Saving Programme (CESP). This will target the most fuel poor wards in the district.

- 2.8 The policy is attached to this report (Appendix A) and sets out how we propose to meet the key priority areas in more detail.

3. Legal/Financial Controls and other Policy matters

Legal Issues

The policy meets the requirements of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Matters relating to equality, complaint and appeal procedures are covered within the policy document.

Financial Issues

The policy reflects the council's priorities in the context of financial pressures on the service, as set out in sections 2.6 and 2.7 above. There are no additional financial implications other than those proposed within the Access Selby budget for 2012/13.

4. Conclusion

- 4.1 The Policy identifies the way in which the council will deliver assistance to those private sector households who need help to improve, repair and adapt their homes.
- 4.2 The Policy is reviewed each year to take account of new government guidance and legislation, changing local and regional priorities and new partnership initiatives.
- 4.3 Financial assistance is again restricted this year following the Comprehensive Spending Review.
- 4.4 We will offer mandatory Disabled Facilities Grant service and a more limited discretionary service to cover emergency repairs and energy efficiency improvements.

5. Background Documents

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

The North Yorkshire Housing Strategy 2010-2015

Contact Details: Simon Parkinson
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Selby District Council
sparkinson@selby.gov.uk

Appendices: Appendix A: The Private Housing Assistance Policy 2012-13



PRIVATE SECTOR HOUSING ASSISTANCE POLICY

2012/13

APRIL 2012

FORWARD

The Selby District Council Private Sector Housing Assistance Policy 2012/13 (the Policy) is made under Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 Statutory Instrument No.1860 (the RRO).

The policy sets out the range of assistance that Selby District Council will make available under the RRO, as well as allowing for the provision of assistance that can be made under alternative statutory powers including mandatory Disabled Facilities Grants under the Housing Grants Construction and Regeneration Act 1996.

The policy replaces the previous edition adopted in April 2011.

The policy works within the current legislative and financial framework towards providing a decent home for all current and future residents of Selby District through various advice, support and assistance mechanisms and will aim to give priority to those most vulnerable households.

The policy will continue to evolve as existing commitments are fulfilled and local, regional and national research and policy developments take place. The next review of the policy is due in April 2013.

1.0 INTRODUCTION

- 1.1 Prosperous and sustainable communities need good quality homes that are decent and safe and that meet the needs of the people who live in them. The location, type and quality of the homes we occupy can have a significant impact on all aspects of our lives.
- 1.2 Investing in private sector homes and ensuring standards are maintained goes a long way in delivering a wide range of positive outcomes for local residents:
- ❑ **Fewer homes that pose a risk to health or well being, and savings for health and care budgets further down the line.**
 - ❑ **More choice for those whose housing needs cannot be met through owner occupation or the social rented sector.**
 - ❑ **More choice and independence for those who may be elderly or vulnerable and who wish to remain in their own home.**
 - ❑ **Less anti social behaviour.**
 - ❑ **Improved energy efficiency, a reduction in domestic carbon emissions and fewer households in fuel poverty.**
 - ❑ **Improved outcomes for families and young people.**
 - ❑ **Communities that are more cohesive, attractive and economically vibrant.**

The Selby Context

- 1.3 The vast majority of homes in Selby district sit within the private sector, either privately owned or rented from a private landlord. Whilst most of the private sector homes (76%) were built after 1945, a significant proportion are of pre-war construction and almost 4551 (15%) were built before 1919.
- 1.4 Most private homes in the district (85%) are lived in by the owner. Around 6% are private rented, and 5% are owned by Registered Social Landlords.
- 1.5 The supply of new homes, particularly affordable ones, has not kept pace with demand placing increasing pressure on housing in the district. In this context we must help to ensure that every existing dwelling is maintained to maximise the length of its useful life.
- 1.6 The availability of social rented homes has reduced over time, and market housing has become less accessible due to high cost. The district's private rented stock will therefore play an increasingly important role in meeting local housing needs in the years ahead.
- 1.7 Advances in healthcare and better standards of living have led to a growing number of older households. Almost one in three private sector households are

elderly. In addition we find increasing numbers of people who are frail or disabled and who need adaptations to their homes to help them retain independence and live safely. Keeping people healthy and safe in their homes reduces the burden on health and care services.

- 1.8 An ageing housing stock occupied by an increasing number of households with growing needs places a requirement for significant ongoing investment. We must encourage and support owners to make use of all available funding sources to meet these costs and direct the limited public funds towards those who need it most.

2.0 LEGISLATIVE PROVISIONS AND STRATEGIC AIMS

2.1 We will seek to meet the outcomes identified on page 2 by;

- **Encouraging and supporting owner-occupiers to maintain and repair their homes.**
- **Helping people whose independence may be at risk to remain in or return to their homes.**
- **Boosting domestic energy efficiency and reducing the number of households in fuel poverty.**
- **Encouraging private landlords to provide good quality and well managed properties for their tenants.**
- **Maximising the use of the existing housing stock to increase the supply of decent affordable homes in the district.**
- **Strengthening existing and developing new partnerships to support the private housing sector.**

2.2 The comprehensive spending review has challenged us to deliver against these objectives. Central Government funding for private sector renewal work ceased in 2011/12 and seems unlikely to return for a number of years.

2.3 The Government believes that it is primarily the responsibility of homeowners to maintain their own property.

2.4 Many homeowners have the necessary funds to carry out repairs and improvements - although they may benefit from receiving practical advice. However, there remain a number of homeowners, particularly the elderly and vulnerable, who may not have access to the necessary resources to keep their homes in good repair. We will need to seek alternative ways to support these households through the next few years.

2.5 Sub-regionally, the policy takes account of the 3 themes laid out in the North Yorkshire Housing Strategy 2010-2014;

- Creating better places.
- Delivering better homes, choice and opportunity.
- Ensuring Fair Access to Quality Housing.

3.0 ACHIEVING OUR AIMS

This is how we will work together towards meeting the aims of this policy;

3.1 Encouraging and supporting owner-occupiers to maintain and repair their homes.

3.1.1 Advice Service

Initial advice to tenants or owners of occupied properties may be provided by either the councils Community Support Teams or the Selby Home Improvement Agency.

Detailed advice is available on financial assistance, including current loan or grant eligibility, home maintenance guidance, and landlord/tenant responsibilities in respect of repairs, fire safety and good management. The Home Improvement Agency will provide links to North Yorkshire Adult and Community Services and to voluntary agencies.

3.1.2 Financial Assistance

We no longer have the budgetary resources to provide the previous suite of loans to help financially vulnerable householders achieve and maintain the overall condition of owner occupied dwellings across the district.

Funding for the regionally based Homes and Loans service has been cut meaning the Home Appreciation Loan – an equity release type product specifically aimed at improving houses up to the decent homes standard - will again not be available in 2012/13. The Homes and Loans Team will continue as a skeleton service to administer existing loans and to process the recovery of previously paid loans on sale of property. Whilst redeemed loans may provide some recycled income to generate new activity in future years, predictions are that only £100,000 (across the whole of the Yorkshire and Humber region) will be recovered in 2012/13.

3.1.3 **Repair Assistance Scheme** – a skeleton RAS service will be offered to provide urgent/emergency repairs to vulnerable households at risk from imminent health and safety hazards. Loans are available up to £4,000. The loan is available to those unable to afford monthly repayments and is repayable upon sale of the property. This loan is administered by the council outside the scope of the Yorkshire and Humber Homes and Loans Service.

3.1.4 The **Home Improvement Agency Handyperson Service** will remain in place – this service (funded by NYCC) carries out a wide range of low cost work including; small home repairs (eg. to doors, windows, plumbing...), odd jobs (eg. curtain rails, shelves, light bulbs), minor adaptations (eg. hand rails, special taps, ramps), home safety checks, and security (locks, chains, spy holes).

3.2 Helping people whose independence may be at risk to remain in or return to their homes

3.2.1 Advice Service

Initial advice to private tenants or owner occupiers may be provided by either the councils Community Support Teams or the Selby Home Improvement Agency. In partnership we will seek to ensure that those who need adaptations to help them remain in or return to their accommodation receive the appropriate level of advice, support and assistance either through Mandatory Disabled Facilities Grant, through the minor adaptations service offered by North Yorkshire Adult and Community Services or by other means as deemed appropriate.

3.2.2 Financial Assistance

Disabled Facilities Grant - Mandatory assistance will continue to be provided - up to a maximum of £30,000 - to enable disabled people to live independently in their own homes. Necessary works will be identified in consultation with Adult and Community Services at the County Council and within the requirements of the Housing Grants, Construction and Regeneration Act 1996 (as amended).

For the purpose of this policy and subject to qualifying criteria, DFG adaptations can include works to enable disabled people to:

- move in and out and around their homes;
- access living and sleeping areas within the home; and
- access cooking, bathing and toilet facilities.

Enquiries for all DFG assistance will be processed based on a needs assessment carried out in line with the Selby District Council DFG Prioritisation Scheme. The Home Improvement Agency will administer the DFG service in partnership with the council.

It is expected that tenants of social housing would first approach their own landlords for assistance with adaptations and applications under this policy will normally only be considered if the social landlord is unwilling or unable to assist.

3.2.3 The Support Service and Telecare

We will continue to offer Lifeline and Telecare services to provide support for vulnerable households to assist them in living safely and independently in their own home. Telecare assistance will be offered in partnership with North Yorkshire County Council

There are currently 3 levels of service;

Level 2: Lifeline, daily/weekly monitoring, 24hr response.

Level 1: Lifeline, weekly/monthly monitoring, 24 hr response

Reassurance: Lifeline, 6 monthly monitoring, 24 hr response

3.3 Boosting domestic energy efficiency and reducing the number of households in fuel poverty.

3.3.1 Advice Service

Free, impartial, locally relevant energy efficiency advice is available from Yorkshire Energy Partnership. YEP offers guidance on what people can do in their home to reduce its impact on the environment and to access available energy efficiency grants.

3.3.2 The York and North Yorkshire **Hotspots** scheme is being relaunched this year. Hotspots is a simple card referral scheme which aims to alleviate fuel poverty in vulnerable homes. The scheme promotes partnership working and cross referrals between organisations in North Yorkshire and the City of York. Through effective partnership working the scheme seeks to enable income maximisation, improvements of energy efficiency in the home and assist resident to access cheaper fuel. In addition the scheme also provides free fire safety advice in partnership with the York and North Yorkshire Fire and Rescue service. Key staff in the council and in other key organisations are trained in how to make a Hotspots referral.

3.3.3 Financial Assistance

Funding for our energy efficiency grant programme has previously come from government grant. As indicated earlier this funding ceased in 2011/12. However the council has accumulated Community Energy Reduction Target (CERT) funding levered in from previous years grant activity and will use this to support the following initiatives were necessary.

3.3.4 **Selby Home Insulation Programme** – aims to target provides insulation and or heating measures for households in the most fuel poor wards in Selby district.

3.3.5 **Warm Front Grant** – aims to assist fuel poor households who own and live in properties with a SAP rating of 55 or under and offers a range of measures including insulation and heating improvements. This scheme is fully funded by the Government and administered by the Government approved coordinating body.

3.3.6 **Community Energy Saving Programme** - this government created scheme delivers improved domestic energy efficiency in the country's most deprived areas via a house-by-house, street-by-street approach. In Selby we are working in partnership with energy suppliers, electricity generators and the local Energy Partnership to deliver the scheme to eligible households in a small area in Selby Town.

3.3.7 **Leeds City Region Domestic Energy Efficiency Programme (DEEP)** - The DEEP project provides a unique opportunity for the Leeds City Region Authorities to work in partnership, facilitating energy efficiency measures and carbon savings to domestic customers. The programme will utilise CERT funding to provide a carbon credit to customers and will seek to minimise personal contributions to energy efficiency measures through subsidy from a variety of sources. In the

short term it is likely that public subsidy and utility funding will focus primarily on property insulation delivering lower cost carbon savings.

3.4 Encouraging private landlords to provide good quality, well managed and affordable properties for their tenants

- 3.4.1 Our support of private sector landlords and tenants will be reinforced by 4 key commitments;
- a) Improve the condition of all houses in multiple occupation (HMOs) and smaller shared houses through promotion of the North Yorkshire Fire Safety Standard, by providing encouragement and advice and as at last resort, through enforcement of relevant legislation.
 - b) Maintain and where possible improve energy efficiency of private rented homes through advice and grant assistance offered by Yorkshire Energy Partnership.
 - c) Provide support to vulnerable tenants in accessing good quality accommodation through the **Bond Guarantee Scheme**.
 - d) Support landlords in building knowledge and understanding of tenancy and property management good practice through a series of Landlord Forums run in partnership with the National Landlords Association (NLA)

3.5 Maximising the use of the existing housing stock to increase the supply of decent affordable homes in the district

3.5.1 Advice Service

We will seek to encourage owners of long term empty properties to take appropriate action to bring them back into use. We can assist with advice regarding selling, letting and renovating. When necessary, and as at last resort, we will aim to achieve re-occupation through enforcement of relevant legislation including Compulsory Purchase and Empty Dwelling Management Order.

3.5.2 Financial Assistance

We do not currently have the budgetary resources to provide financial assistance to owners of empty properties.

3.6 Strengthening existing and developing new partnerships to support the private housing sector.

- 3.6.1 We will target the following key areas in our partnership working during 2012/13;
- Redevelop clear strategic leadership for private sector housing standards across the district.

- Work with our North Yorkshire colleagues to develop a bulk procurement service for disabled adaptations across the sub-region to achieve a more streamlined and efficient approach to the adaptation process.
- Support the Leeds City Region Domestic Energy Efficiency Project aimed at boosting domestic energy efficiency across the LCR region.
- Improve other joint working between key agencies delivering services relevant to this policy.

4.0 RESOURCING THE POLICY

4.1 It is generally agreed that the primary responsibility for repairing and maintaining homes must rest with the property owner. Indeed owners have invested significant resources into the private sector housing stock over recent years, helping raise standards across the district.

4.2 Several agencies across the district continue to work closely together to help encourage and support this investment.

4.2.1 Selby District Council

- Provides general advice and information to owners, landlords and tenants regarding legal rights and responsibilities and home maintenance issues.
- Gives advice about how to access sources of finance, such as savings tied up in the property, to fund repairs and improvements.
- Supports the Hotspots referral scheme which seeks to boost energy efficiency, reduce fuel poverty and improve fire safety.
- Has helped to develop a North Yorkshire Fire Safety standard to help protect residents in the private rented sector.
- Provides wider planning and neighbourhood management services working to create safe and sustainable communities
- Implements enforcement powers granted under the Housing Act 2004, used as a last resort, to ensure owners maintain properties to relevant standards, address anti social or nuisance behaviour and tackle long term empty properties.

4.2.2 Selby Home Improvement Agency (HIA)

- Provides advice and help to elderly, disabled and vulnerable people to remain independent in their own homes by identifying necessary repairs, finding contractors and managing work through the councils grant and loan initiatives.
- Provides a handyperson service for vulnerable private sector residents.
- Supports the Hotspots referral scheme which seeks to boost energy efficiency, reduce fuel poverty and improve fire safety.

3.2.3 **Yorkshire and Humber Homes and Loans Service**

- Administers the regional loan scheme on behalf of the council.
- Uses its expertise to develop new loan products to target regional housing priorities.

3.2.4 **Yorkshire Energy Partnership**

- Promotes energy efficiency and provides free, impartial, locally relevant advice on what people can do in their home to reduce its impact on the environment and to access available energy efficiency grants.

3.2.5 **North Yorkshire Adult and Community Services**

- Provides specialist and financial top-up support through the Occupational Therapist service towards the administration of the Disabled Facilities Grant.
- Provides minor disabled adaptations and equipment as necessary.
- Provides a range of Telecare services.

3.2.6 **North Yorkshire Fire and Rescue Service**

- Provides fire safety checks for vulnerable households through the Hotspots referral scheme.
- Assists with the inspection of Houses in Multiple Occupation (HMOs) and helps deliver the North Yorkshire Fire Safety Standard.

5.0 GENERAL PROVISIONS RELATING TO THE POLICY

5.1 This Private Housing Assistance Policy has been developed to comply with the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 and Government guidance. The Council will ensure that the policy and the services identified within it are directly accessible through both the council and the Selby Home Improvement Agency.

5.2 The following general provisions will apply throughout the policy:

- Before any financial assistance is provided, the council will set out in writing to each person the terms and conditions relating to such assistance.
- A person's ability to contribute towards or repay any assistance is taken into account.
- Clear details will be given in writing to any applicant for financial assistance of any fees and charges that will be levied prior to any works commencing.

- Risk and fraud is minimised by following Government's Housing Renewal Guidance and working closely with the North Yorkshire Audit Team.
- Financial assistance would not normally be available to improve, adapt or repair living accommodation of Registered Social Landlords (RSLs) on the basis that RSLs should have robust business plans which will ensure their properties have achieved the Government's Decent Homes Standard by 2010. The only exception to this provision will be in the provision of assistance through mandatory Disabled Facilities Grant. Applications for Disabled Facilities Grant will be considered from RSL tenants. However in such instances the council will expect the RSL to have explored all alternative solutions prior to encouraging such an application. The council does have recourse to enforcement action in respect of RSL property in line with its Private Sector Housing Enforcement Policy.
- Payments of financial assistance will normally be made on full and satisfactory completion of works with the discretion to make interim payments for actual work undertaken resting with the Authority. To safeguard against fraud, payments will normally be made direct to the contractor. However, the council reserves the right to make payment to the applicant in certain circumstances.
- The council will only provide financial assistance for home energy efficiency measures where an individual is unable to obtain assistance through the Government's Warm Front Scheme.
- The council will seek to process all loan and grant applications from receipt of initial enquiry to completion within reasonable time scales. There are currently no such nationally-defined time scales. However the council, through working with our sub-regional local authority partners, has introduced the following local performance indicator specifically in respect of the DFG process;

The average time taken (in calendar days) to process DFG enquiries to approval stage in 2011/12 was 119 days.

We will seek to introduce other relevant performance targets at the next policy review date.

6.0 EQUALITY AND DIVERSITY

6.1 The Private Housing Assistance Policy complies with the Selby District Council Equality Policy by:

- Assessing the likely impact of proposed policies on the promotion of equality.
- Carrying out equality monitoring in services.
- Ensuring full access to information about housing assistance services.

- 6.2 The Private Housing Assistance Policy aims to comply with the Human Rights Act 1998 and relevant anti-discrimination legislation – the Sex Discrimination Act 1975, the Race Relations Act (amended) 2000, the Disability Discrimination Act 1995. In doing so the council wishes to fulfill its widest duty to the residents of Selby District and those who will make their homes here in the future, to support and promote diversity, and to enable service users, some of whom are amongst the most vulnerable of all, to establish themselves as positive members of local and wider communities.

7.0 COMPLAINTS PROCEDURE

- 7.1 A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, administrative actions or lack of such action by the council or their member of staff affecting an individual customer or group of customers.
- 7.2 Any individual is entitled to exercise their right to complain regarding their dissatisfaction with the services that they have received from the council. All complaints about services will be dealt with in line with the council's Corporate Complaints procedure.

8.0 APPEALS PROCEDURE

- 8.1 The appeal process is available to anyone who is dissatisfied with an officer's decision made in line with the Private Housing Assistance Policy. The process will also apply in cases where the council is seeking repayment of financial assistance under conditions which were set out at the time the assistance was given, but the person from whom the repayment is being sought wishes the council to consider waiving the repayment.
- 8.2 Appeals on issues relating to Home Appreciation Loans should be made in writing to the council, stating the nature of and the reasons for the appeal. The appeal will then be considered by the Special Cases Panel of the Homes and Loans Service. The Regional Loans Manager will notify the appellant of the outcome of the appeal giving full reasons for the decision.
- 8.3 Appeals on issues relating to all other assistance schemes should be made in writing to the council, stating the nature of and the reasons for the appeal. The facts of the case will be reviewed by the relevant Lead Officer and Business Manager who will notify the appellant of the outcome of the appeal giving full reasons for the decision.
- 8.4 In all cases the council may request any additional information as felt necessary from the appellant for a fully informed decision to be made on the matter.

Selby District Council

Report

Reference: E/11/59

Public – Item 5



To: The Executive Meeting
Date: 5 April 2012
Status: Non – Key Decision
Report Published: 28 March 2012
Author: Helen Gregory, Policy Officer
Executive Member: Councillor John Mackman
Lead Officer: Mark Steward, Managing Director

Title: Local Development Framework, Core Strategy
Issued Raised by Responses to Published Proposed Changes and
Next Steps

Summary:

This report summarises the number of responses to the consultation on Proposed Changes to the Core Strategy and highlights the key issues which were raised and which will be examined by the Inspector at the forthcoming reconvened Examination in Public (EIP). It also describes the next steps in the process of formal adoption of the Development Plan Document (DPD) as part of the Selby District Local Development Framework (LDF).

Recommendation:

- i. Note the report

Reasons for recommendations:

Implementation of the statutory development plan for the proper planning of the Selby District.

1. Purpose of the Report

1.1 To inform members about:

- a) the number and types of representations received during the consultation period for the Proposed Changes to the Core Strategy which were published in response to the three topics set out in the Inspector's ruling on the suspension of the EIP;
- b) the key issues raised by the representations;
- c) current arrangements for the reconvened EIP; and
- d) the next steps required for progressing the Core Strategy through the statutory process for formal adoption in the light of the changes brought in by central government through the Localism Act 2011.

2. Background

2.1 Subject to a few outstanding matters (see below), the Selby District Core Strategy (SDCS) examination into the other "Matters and Issues" identified by the Inspector was completed on 30 September 2011.

2.2 The Council requested that the examination be suspended to allow further work to be carried out to address the acknowledged deficiencies in the Core Strategy and the Inspector agreed to this request. His decision is set out in a letter - a copy of which is available on the Council's Website EIP page.

2.3 The Inspector's Ruling set out the following three topics to be addressed at a reconvened EIP:

- (i) The strategic approach to Green Belt releases;
- (ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;
- (iii) The overall scale of housing development over the plan period

3. The suspension of the EIP and revised timetable

3.1 A revised timetable proposed by the Council on the last day of the EIP, was agreed by the Inspector.

3.2 The Council completed further evidence base work between October and December 2011 including, for example:

- a) A Housing Study
- b) Sustainability Appraisal
- c) Updated Strategic Housing Land Availability Assessment (SHLAA)

3.3 Executive Meeting, Policy Review and Full Council considered the evidence and options and agreed to propose changes to the Core Strategy to address the topics raised by the Inspector. The Council Report and Minutes of the 13 December 2011 set out the decisions.

- 3.4 A full set of Proposed Changes to the Core Strategy and the background documentation were published on the Council's website on 19 December 2011 and letters sent to all parties on the LDF database in accordance with the agreed timetable.
- 3.5 Press notices were published in local newspapers in the New Year publicising the consultation period of six-weeks between 5 January and 15 February 2012. The documents were made available to view at 'Access Selby' and all local libraries.

4. Consultation Responses to the Proposed Changes

General Information

- 4.1 Officers have processed the representations received, they have been acknowledged and forwarded to the Inspector for examination. They are also available to view on the Core Strategy EIP web page, which also provides some further information about the next steps.
- 4.2 39 individuals and organisations have submitted comments to the Proposed Changes. 26 of those had already made representations in response to the Publication Core Strategy whilst 13 individuals and organisations have made comments for the first time.
- 4.3 A total of 182 individual representations were received during the 6 weeks consultation period.
- 4.4 At the time of writing, no representations were received outside the consultation period.

Key Issues Raised

(i) The strategic approach to Green Belt releases;

Summary of Proposed Changes

- 4.5 A proposed new Policy CPXX was introduced which covers the following general points:
1. the general extent of the green belt will be protected and control of inappropriate development within the green belt
 2. reference to Major Developed Sites in the green belt
 3. that a green belt review will be undertaken at a lower DPD stage
 4. establish the broad scope of the review
 5. as part of the review what exceptional circumstances need to exist if boundaries are to be altered

Summary of Responses to Consultation

- 4.6 24 representations were received relating to Green Belt issues. Although 2 objected to the principle of the Green Belt policy (the review) 10 supported the introduction of the proposed new policy in principle. 9 objected to the detailed wording and 3 provided general comments.

4.7 Some of the issues raised were:

- The Green Belt has been established for a long time and is due for review
- Introduction of the new policy at a late stage in the process
- Goes beyond a localised review
- Triggers for a review are unclear and/or wrong
- Non-Green Belt land should come forward before Green Belt land
- Safeguarded land should / should not be considered as part of a review
- Need to refer to review of Major developed Sites in the Green Belt
- Cross-boundary issues

(ii) The scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt;

AND

(iii) The overall scale of housing development over the plan period

Summary of Issues raised by Inspector regarding Overall Scale

4.8 The Inspector concluded that the Council's case for relying on the RSS figure was not sufficiently robust and the Council should reconsider the overall housing target in the light of the most up-to-date evidence. If the Council intends to rely on a housing requirement which is significantly below one which is derived from the latest evidence, it will need to provide cogent justification for so doing, or face the significant risk that the Inspector will find the Core Strategy unsound.

Summary of Council's Response and Proposed Changes regarding Overall Scale

4.9 The Council commissioned Arup Consultants to undertake a robust and rigorous review of all of the available sources of evidence on future housing growth requirements. They considered carefully, from first principles, the various sources of evidence on population growth, household formation, the housing market, housing completions, housing land availability, and the economy.

4.10 Further evidence base work was undertaken including an up-to-date Strategic Housing Land Availability Assessment, Sustainability Appraisal and an update to the Infrastructure Delivery Plan.

4.11 The Proposed Changes included:

- a) An increase in the annual average housing target to 450 dwellings per annum as the sustainable level of housing growth over the plan period. This compares to 440 dpa set out in the Regional Spatial Strategy

(RSS).

- b) Introduction of 'phasing' of housing growth:
 - 6 years at 400 dwellings per annum
 - 5 years at 460 dwellings per annum
 - 5 years at 500 dwellings per annum
- c) Revised Policy CP2 to incorporate amended figures for new allocations in Sherburn in Elmet increased from 498 dwellings to 700 dw and Tadcaster has reduced from 457 dw to 360 dw (taking account of rounding)
- d) Policy CP2 updated to reflect the latest (March 2011) annual monitoring figures for planning permissions (which consequentially alters other figures for example, an increase at Selby from 2336 dw to 2500 dw)
- e) The plan period for the Core Strategy will run from 2012 to 2027 (15 years from the date of adoption).
- f) Revised Policy CP3
- g) New Policy CPXX (Green Belt)

Summary of Issues raised by Inspector regarding scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt

4.12

- a) The Inspector considers that from evidence given at the hearings by agents of landowners in Tadcaster, it is clear that the Council cannot deliver the housing and employment land that it argues is necessary to meet Tadcaster's needs without releasing land from the Green Belt.
- b) The Inspector highlights concerns about whether the scale of growth proposed for Tadcaster is fully supported by the evidence.
- c) The Inspector considers that the need to take land out of the Green Belt throws this matter into much sharper focus, for the 'exceptional circumstances' test (as set out in PPG2 Green Belts) is unlikely to be met unless there is both:
 - (i) a compelling case for the level of growth proposed for Tadcaster, and
 - (ii) it can be shown that land elsewhere (such as at Sherburn-in-Elmet) would be 'significantly less sustainable' (the phrase at paragraph 2.62 of the RSS).

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Summary of Changes Proposed by the Council regarding scale of housing and employment development proposed for Tadcaster and the implications for the Green Belt

- 4.13
- There is no change proposed regarding employment land because the Core Strategy did not propose a specific amount and location of employment land in Tadcaster (as this is left for the Site Allocations DPD to determine).
 - However the level of housing proposed in Tadcaster is proposed to be lower to reflect more closely the evidence of need suggested in the Strategic Housing Market Assessment (SHMA 2009).
 - Policy CP2 is proposed to be revised to reflect this redistribution.
 - The reduced level in Tadcaster and the increased level in Sherburn in Elmet now proposed, is a direct reflection of the evidence of need and is not a transfer of Tadcaster's requirement to Sherburn in Elmet.
 - Policy CP3 is also proposed to be revised to ensure the implementation of the level and location of new development is carefully monitored and remedial action taken as necessary (options are included in the proposed revised policy).
 - New Policy CPXX includes a commitment for a Green Belt review in order to provide the opportunity if an 'exceptional circumstances' is established to amend boundaries to accommodate development needs if that is clearly more sustainable option to meet the Core Strategy vision, aims and objectives

Summary of Responses to Consultation

- 4.14 97 representations were received relating to the revised Policy CP2 which deals with the overall scale and distribution of growth. There is overall support for the proposed increase in the scale of growth in principle. 21 representations considered the scale however was incorrect and should be even greater.
- 4.15 42 representations objected to the proposed distribution of housing growth between settlements set out in CP2. 16 representations were received objecting to the 'phasing' in CP2. 4 supported an extension to the 'plan period' but suggested it should be longer than to 2027.
- 4.16 14 representations objected to the detail of revised CP3 (housing delivery mechanisms) although some of these objections related to the revised scale of housing not the delivery mechanisms.
- 4.17 The key issues raised were:
- The annual housing requirement should be higher - figures put forward range from 465dpa – 550dpa based on the 2008 population/household projections not the 2004 with related objections to the evidence base relied upon and assumptions made.
 - 'Phasing' should be deleted and a constant annual target figure used.

- The plan period should be longer (to 2028 or 2029) to align with other local authorities and the expected adoption of the SADPD.
- The split between the two Local Service Centres of Tadcaster and Sherburn in Elmet should be different to that proposed with alternative figures and strategies proposed.
- Some consider that because of constraints in Tadcaster the requirement should be accommodated elsewhere instead - variously in Selby, transferred to Sherburn in Elmet or other DSVs.
- Suggestions are made about alternative wording to the specific criteria in Policy CP3.

Other Representations

4.18 A small number of other representations relate to the other Proposed Changes including CP9 (employment/mine sites) and other supporting text. In addition 11 representations relate to the Sustainability Appraisal, Appropriate Assessment, SHLAA and other evidence base.

5. Next Steps

Consideration of the Representations and the EIP

- 5.1 All the Proposed Changes and other documentation which were published by the Council in January 2012 have been submitted to the Inspector along with copies of all the representations which were received during the six-week consultation period.
- 5.2 Participants have had the opportunity to comment on all the Council's Proposed Changes in the consultation exercise. The Proposed Changes will be considered at the EIP alongside the representations that relate to the three topics and the Proposed Changes, which have been made by other parties. The issues will be debated by due process at the reconvened hearings.
- 5.3 Many representations have included matters that go beyond the scope of the re-examination and/or repeat arguments previously made and already addressed at the Hearing sessions last September. The Inspector has made clear that the resumption of the Examination will be limited to the matters set out in his Procedural Note of 14 October 2011, and it is likely that further discussion on matters which fall outside the scope of that Note will not be permitted.
- 5.4 Officers have not identified any issues at this stage which would lead to a recommendation for the Council to withdraw the Core Strategy. However it should be noted that EIP was suspended because the Inspector highlighted a number of key soundness issues. The reconvened EIP will cover some significant policy issues including the most appropriate level of housing and debate on the evidence base. Whilst Policy officers consider that the Core Strategy is sound (with the associated Proposed Changes) and based on robust evidence, it should be noted that the Inspector's recommendations

cannot be predicted, particularly in times of national policy changes.

- 5.5 The reconvened EIP is confirmed for 17, 18 and 19 April 2012. The EIP will be held in the Council Chamber at the Selby District Council offices. The Inspector will decide who of those who submitted duly made representations are invited to attend and participate. The meeting is open to the public to observe. The Inspector will issue Agendas for the hearing sessions nearer the time.

Inspector's Report and Adoption

- 5.6 The Inspector will produce his report following the end of the reconvened EIP. Regarding adoption of Development Plan Documents, Section 112 of the new Localism Act 2011 (LA11) amends sections 20 to 23 of the Planning and Compulsory Purchase Act 2004 (TCPA). Under the old provisions, the Inspector would produce a report determining whether or not the document was suitable for adoption; the Inspector was able to recommend modifications to the draft document. The local planning authority was bound, under section 23, to implement the Inspector's recommendations.
- 5.7 However, Section 112 (of the LA11) amends section 20 (of the TCPA) so that the Inspector must recommend adoption where the Inspector considers that it would be reasonable to conclude that the document satisfies the statutory requirements and can be considered sound. During the examination the local planning authority will have the power to request recommendations for modifications from the Inspector that would make the document suitable for adoption. If the local planning authority does not make this request, the Inspector will be unable to recommend any modifications
- 5.8 Further, Section 112 (of the LA11) also amends section 23 (of the TCPA) so that local planning authorities do not have to implement an Inspector's recommendations. They will still only be able to adopt the development plan document if the Inspector has recommended adoption. Where the Inspector has not recommended adoption, the authority will be able to adopt after following the Inspector's modifications (or make their own modifications and re-submit the draft document to the Inspector for examination). The authority will also be able to make non-material changes before adoption.
- 5.9 Because the Inspector is only able to recommend modifications if the Council has made a formal request for him to do so, officers have already requested that the Inspector considers the Proposed Changes as the Main Modifications the Council wish him to take into account (correspondence is available to view on the SDC, Core Strategy EIP WebPages).
- 5.10 It should be noted however, that the Council may request further modifications up to and during the EIP in accordance with the delegations approved by Full Council on the 28th February as necessary or appropriate in the light of the representations and discussion at the planned hearing sessions, and in particular taking into account any views expressed by the Inspector on matters of soundness

6. Other issues to be taken into account during suspension and at the reconvened EIP

6.1 There are some significant national policy changes that will have to be addressed when the examination resumes in April 2012. For example the Localism Act 2011 and the National Planning Policy Framework, both of which will have significant impact on the LDF process.

Localism Act 2011

Adoption Procedures

6.2 Commencement Orders determine exactly when different parts of the Act come into force. Section 112, regarding changes to adoption procedures (changing how the Inspector reports) came into effect on 15 January 2012 (see section 5 of this report above).

Duty to Cooperate

6.3 Section 110 of the Act introduces a 'duty to cooperate' between adjoining local authorities. The Department of Communities and Local Government and the Inspector had confirmed that, because the Selby Core Strategy, had already been submitted prior to s110 being enacted (15 November 2011), the Council does not have to comply with the requirement because it does not apply retrospectively.

6.4 However, a number of representations have suggested that the provision does apply because the Proposed Changes consultation is part of the plan preparation process and took place after the 15 November 2011.

6.5 There are currently no transitional arrangements or guidance published by central government regarding this issue. However, in order to demonstrate a reasonable approach has been taken, officers are currently producing a Compliance Statement to submit to the Inspector, concerning how the Council has complied with the Duty to Cooperate when developing the Proposed Changes during the suspended examination.

Revocation of Regional Spatial Strategies

6.6 The Act makes provision for the Regional Spatial Strategies to be revoked. Such revocation may only take place when the Secretary of State makes such an Order and as yet, this has not been made. Therefore, the RSS remains relevant for the time being.

National Planning Policy Framework (NPPF)

6.7 The Draft NPPF was published by central government in July 2011 for consultation. When introduced, this will replace the existing policy framework of the PPSs and PPGs. A firm date is not established but the Government has stated that it is likely to be during March 2012. It is still not clear yet what the transitional arrangements will be for those LDF documents which are as well advanced as the Selby Core Strategy.

7. Legal Issues

- 7.1 The report has been prepared following the Examination in Public and is the Council's response to the Inspector's agreement to a suspension and following receipt of comments during the consultation period on the Council's published Proposed Changes.
- 7.2 The decision of the Inspector to suspend the EiP was not challenged by way of Judicial Review by any of the interested parties. The Council did receive a formal Letter before Action in respect of the decision of Full Council on 13th December from an interested party but following an exchange of correspondence, that party took a view that they would not challenge the Council at this time. The interested party is reserving their position pending the outcome of the reconvened EiP.
- 7.3 It should be noted that in the event the Inspector finds the Core Strategy both legally compliant and sound, if the interested party does not believe the issues they have raised have been addressed to their satisfaction, it is highly likely that there will be a challenge by way of Judicial Review in respect of either the Inspector's report and his conclusions or the Council's decision to adopt the Core Strategy. Either challenge would delay the adoption of the Core Strategy with the associated implications for ensuring an up to date local plan for the District. A challenge by way of Judicial Review would also lead to additional expense being incurred in defending the action, irrespective of whether the Council or the Secretary of State is the defendant.

8. Financial Issues

- 8.1 The initial assessment indicated there would be an additional cost of £40 – 50k as a consequence of the Suspension of the EiP to address the three topics.
- 8.2 It is estimated that the additional PINS fees for the reconvened April EiP is likely to be in the region of £25k and additional Legal costs (Counsel and SDC Solicitor time) are likely to be up to £10k.
- 8.3 The actual cost of additional work undertaken so far during the suspension has cost approximately £10k in consultants' fees and £3k advertising costs. There has also been an impact on other work programmes.
- 8.4 There is a continuing need for consultants to provide specific advice, including the potential to appear as an expert witness at the EiP. The anticipated costs are £10K.
- 8.5 Whilst not having a direct bearing on the Core Strategy, it is worth noting that the delay in the Core Strategy will have a knock on effect for the timetable of subsequent LDF documents including the Site Allocations DPD and Development Management DPD. We are currently assessing the implications and impact on a revised Local Development Scheme (the timetable for producing LDF documents).

9. Conclusion

9.1 The Council has undertaken further work in the light of the suspension and has consulted on the Proposed Changes based on an up-to-date, relevant and robust evidence base. A number of responses have been received which raise similar issues to those at the previous stage, but nevertheless deal with significant issues particularly regarding the evidence base, overall housing requirements and the distribution of housing across settlements.

9.2 The report highlights that there are still risks associated with dealing with such significant issues which are not restricted to Selby District and which are being debated nationally in an evolving planning system. The risks are being minimised by ensuring we have access to expert advice and support on technical issues for the EIP.

Background Documents

(all available on the Core Strategy EIP web page of the Council's website)

- Core Strategy
- Inspectors Decision Letter and Procedural Notes
- Previous Committee Reports
- Composite Schedules of Proposed Changes to the Core Strategy
- Representations received to the consultation on Proposed Changes

Selby District Council

REPORT

Reference: E/11/60

Public – Item 6



To: The Executive
Date: 5th April 2012
Status: Key Decision
Report Published: 28 March 2012
Author: Julia Jennison – Policy Officer
Executive Member: Councillor G. Ivey
Lead Officer: Janette Barlow - Director

Title: Tenancy Strategy and Tenancy Policy.

Summary: The report explains the difference between a Tenancy Strategy and Tenancy Policy and explores the options available to the Council under the Localism Act.

Recommendations:

- i. **Note the approach to a joint county Tenancy Strategy as set out by the York and North Yorkshire Housing Board**
- ii. **Officers in consultation with the Executive Member respond on behalf of SDC to the partner consultation on the Tenancy Strategy Questionnaire**
- iii. **Executive Members are requested to provide a steer for the Selby Tenancy Policy**

Reasons for recommendation

- i. To provide an update on work being undertaken through the Local Government York and North Yorkshire Housing Board (LGY&NYHB) and the County Tenancy Strategy Group.
- ii. To ensure that the emerging county Tenancy Strategy and Selby Tenancy Policy are in line with the Corporate objectives.

1. Introduction and background

- 1.1 The Localism Act places a new duty on local authorities to develop a Tenancy Strategy which registered providers of social housing will be expected to have regard to. The Strategy will provide an overview of what the authority expects of partners in their own individual Tenancy Policies.

Under the Localism Act 2011:

A local housing authority in England must prepare and publish a strategy (a “tenancy strategy”) setting out the matters to which the registered providers of social housing in its district are to have regard in formulating policies relating to

- a) The kinds of tenancies they grant*
- b) The circumstances in which they will grant a tenancy of a particular kind*
- c) Where they grant tenancies for a term certain, the lengths of the terms, and*
- d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy*

The tenancy strategy must summarise those policies or explain where they may be found.

- 1.2 As a stock holding local authority, Selby District Council must also produce a Tenancy Policy relating to the management of its own stock, which will need to address specific questions in relation to management and allocations.

2. The Report

Tenancy Strategy

- 2.1 A Tenancy Strategy must be consistent with local homelessness strategies and allocation schemes and must take account of the tenancy and rent standards. A sub regional approach has been agreed through York and North Yorkshire (Y&NY) Housing Board and Chief Housing Officer Group (CHOG) to develop a joint strategy as an agreement of a high level tenancy strategy will prevent the need for individual local authorities to each produce a separate strategy themselves.
- 2.2 The purpose of the strategy would be to set out a strategic aim and key principles across North Yorkshire and also to pull together those areas of policy where a consistent approach is possible amongst some or all of the partner local authorities. Consultation will take place at regional level with partner RSLs who have stock across North Yorkshire.

- 2.3 A County Officer Working Group has been set up, and reported to the Y&NY Housing Board on 12th March 2012. It proposed that the aim of the overarching Tenancy Strategy could be on the following lines:

To enable Housing Authorities in North Yorkshire to coordinate their policies and practices to produce lettings for customers that meet local housing needs, provide support to those who need it, improve choice and contribute to economic growth and recovery.

Within the strategy there would also be a need for a number of agreed objectives, and the group agreed a list of suggestions which are set out below:

- To ensure that affordable housing meets locally identifiable housing needs and demand
- To develop and sustain mixed and balanced communities by incentivising and persuading our partners to support tenure mixes on sites that meet local profiles
- To ensure a balanced and stable housing market
- To bring about consistency for delivery partners by identifying areas of tenancy policy where there could be convergence
- To sustain tenancies
- To protect the interests of vulnerable groups
- To make best use of affordable housing stock
- To increase choice for customers
- To improve support, advice and access for customers
- To address issues of equality, diversity, fairness and consistency across North Yorkshire
- To enable social mobility for households who need to move in/out and within North Yorkshire for whatever reason.

This approach was endorsed by the Y&NY Housing Board on 12th March 2012, where Selby District Council is represented by Councillor Ivey. The next step is for the Forum to make available to partner organisations a consultation questionnaire with a deadline of 25th May 2012; there are two options, the draft response could be considered by Executive on 3rd May 2012 or the completion of the questionnaire could be delegated to officers and Councillor Ivey.

The North Yorkshire Tenancy Strategy will provide a framework for the development of individual Tenancy Policies both by RSLs working within the county, and by stockholding authorities. Landlords will be required to have regard to the Tenancy Strategy in drawing up their own policy.

Selby DC Tenancy Policy

- 2.4 There is a regulatory requirement for Stockholding authorities and RSLs to develop their own detailed Tenancy Policies by January 2013. The SDC Tenancy Policy document would sit below the North

Yorkshire Tenancy Strategy, tailored to reflect Selby housing needs and priorities, whilst upholding the general principles of the North Yorkshire Strategy.

- 2.5 A Tenancy Policy Officer working group has been set up to begin to explore the issues around these potential changes to our policies, and in particular to look at how future tenants might be affected.

The minimum requirements for a Tenancy Policy, including our own, are that it outlines our approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenancy fraud, and sets out –

- a) the types of tenancy we will grant, ie where we will continue to offer a secure tenancy, and situations where a new flexible (fixed term) tenancy might be more appropriate
- b) where tenancies are for a fixed term, the length of the term and the reasoning behind the offer
- c) the circumstances where we will grant tenancies of a particular type, perhaps relating to household make up, or applicant vulnerability
- d) the exceptional circumstances where we might grant tenancies for a term of less than 5 years following the introductory period
- e) the circumstances where tenancies may or may not be reissued at the end of the fixed term either in the same property or a different property, depending upon the decisions we might make about allocations criteria
- f) the appeal mechanism for a tenant to appeal against or complain about the length of the tenancy, type of tenancy offered, and against a decision not to grant a new tenancy on the expiry of a fixed term
- g) the policy on taking into account the needs of households vulnerable by way of age, disability or illness, and households with children, including through the provision of tenancies which provide a degree of stability
- h) the advice and assistance we will give to tenants on finding alternative accommodation in the event that a tenancy is not reissued
- i) our policy on granting discretionary succession rights. From 1st April 2012 there is only a statutory right of one succession to a spouse or partner, and no statutory right of succession to other family members. Each local authority has the power to extend this right if they so wish.

This new approach would apply to new tenancies only; existing tenants will not be affected.

- 2.6 Further issues relating to our published allocations policy, North Yorkshire HomeChoice, such as the proposed requirement currently out for consultation to prioritise ex service personnel, will be considered

at the county Choice Base Lettings Project Group, and separate consultation on allocations will be arranged at a county level in accordance with the original approach to setting up the joint scheme.

2.7 The Tenancy Policy will be led by both our overall corporate objectives, and local knowledge regarding the management of our stock. The work of the Officer group will need to be informed by a steer from Executive on the wider purpose of the policy; the key questions are:

- what are the broad aims and objectives of the policy, and
- what are the specific outcomes we would like to see?

Overarching aims could be:

- Target resources at those in greatest need.
- Meet more residents' long term housing aspirations by improving access to home ownership
- Make better use of our stock.
- Support more tenants into work.
- Maintain sustainable communities.

A steer on these wider aims will be required before officers in conjunction with the Executive Member draw up a list of consultation questions including the pros and cons of the various options.

2.8 Detailed operational decisions will need to be made about how these overarching aims might be delivered, and whether and how we might decide to offer fixed term tenancies, and these will be explored by Officer groups resulting in a range of options being set out to inform the development of consultation with the Executive Member.

It is proposed that consultation comprises an article in the next Open Door (April 2012), a questionnaire on the web, market stalls at Community Engagement Forums, and direct consultation with the Tenant Scrutiny Panel on behalf of tenants.

2.9 Timescale

The time line for the Tenancy Strategy and the Tenancy Policy are scheduled below.

Tenancy Strategy

Date	Event	Action
24 February 2012	NY CHOG	Recommendation to develop a NY Tenancy

		Strategy
12 th March 2012	LG Y & NY Housing Board	Recommendation to undertake a consultation on the scope of a NY Tenancy Strategy
Mid April 2012- Mid June 2012		8 week sub regional consultation
1 st May 2012	NY Housing Forum	Consultation session with partners
18 th June 2012	LG Y&NY Housing Board	Board approve Strategy
4 th October 2012	Executive	Selby sign off
8 th October 2012	LG Y&NY Housing Board	Confirmation of LA sign offs and implementation

Tenancy Policy

Date	Event	Action
Feb - March	Tenancy Policies Steering Group	Consider options for a local Tenancy policy
5 April 2012	Executive	Recommendation to develop a NY Tenancy Strategy and local Tenancy Policy
June 2012 – 4 October 2012	Tenancy Policies Steering Group	Selby District Council develops own detailed Landlord Tenancy Policy
4 th October 2012	Executive	Draft Tenancy Policy and consultation plan
October – November 2012		6 week local consultation
7 th February 2013	Executive	Policy Adopted.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

Under the Localism Act there is a statutory duty to prepare and publish a Tenancy Strategy within twelve months of the enactment of the Localism Act, but this will need to be completed by summer 2012 in order for us to meet the regulatory requirement to develop our Tenancy Policy by January 2013. In addition there will be a requirement to produce an Equalities Impact Assessment (EIA) prior to consultation.

3.2 Financial Issues

There are no financial issues arising from the preparation or consultation on the Tenancy Strategy and Tenancy Policy; these can be covered by existing resources. However, there will be resource

implications relating to the options chosen for progressing the Policy, particularly in terms of additional staff resources, and these will be considered more fully by the Selby Officer Group.

4. Conclusion

The issues raised in paragraph 2.5 are complex and could have far reaching implications for new tenants. Officers require a steer on the approach, set out in paragraph 2.7, prior to considering the options available to us under Localism and drafting the Tenancy Policy consultation document.

5. Background Documents

Localism Act 2011

Allocation of Accommodation: Guidance for Local Housing Authorities in England. Consultation Jan 2012, ends 30 March 2012

Contact Details

Julia Jennison – Policy Officer

Selby District Council

Report

Reference: E/11/61

Public – Item 7



To: The Executive
Date: 5 April 2012
Status: Non Key- Decision
Report Published: 28 March 2012
Author: Sarah Smith, Business Manager
Executive Member: Cllr Cliff Lunn
Lead Officer: Karen Iveson, Executive Director

Title: Year 3 Leisure Planned Maintenance Programme – Revised Landlord Costs 2012/13

Summary:

In October 2011 the Executive were presented with outline proposals for the Year 3 maintenance programme for Abbey and Tadcaster Leisure Centre and Selby Park which were indicative costs based on those in the 10 Year Plan. This cost was estimated at £136,725

Since the report to the Executive in October 2011, the Abbey Leisure Centre has experienced significant damage as a result of a fire on the 28th February, therefore any works required at the Leisure Centre will now be considered as part of the wider recovery plan for the Centre and will not now be considered within the Year 3 maintenance programme for the Leisure Contract. The improvements to the Crazy Golf in Selby Park has also been removed from the Year 3 proposals as this is not considered essential at the moment.

The Year 3 programme will now be a reduced programme and focus on the repairs to the car park and drainage at Tadcaster Leisure Centre.

The estimated costs of these items, taken from the 10 Year Maintenance Plans was a total of £5,850. A more detailed tender exercise has now been undertaken and the costs are now estimated to be £12,350.

This means an excess of £6,500 above that previously reported for these items. The indicative costs were based on a condition survey carried out in

2007, which formed the basis of the 10 Year Maintenance Plan for the Contract with WLCT. Further deterioration of these items since the condition survey was carried out is the main contributing factor to these increased costs.

Recommendations:

- i. To agree the revised Year Three Landlord Planned Maintenance Programme for Tadcaster Leisure Centre.**
- ii. To include £12,350 from the Building Repairs Reserve within the budget proposals for 2012/13.**
- iii. A refresh of the 10 Year Planned Maintenance Programme**

Reason for Recommendation

This will enable all the essential maintenance of these facilities to take place therefore minimising any future increase in expenditure on these items through further deterioration. A refresh of the 10 Year Planned Maintenance Programme and associated condition survey will help the Council better manage future maintenance plans and capital budget.

1.0 Introduction and Background

In the contract with WLCT the Council holds landlord responsibility for Abbey Leisure and Tadcaster Leisure Centres and Selby Park. An indicative 10 year planned maintenance programme was agreed during the tender period, which is reviewed each year when the Council refreshes its Medium Term Financial Plan and rolling Capital Programme.

2.0 The Report

2.1 In October 2012, the Executive was presented with proposals for the Year 3 Landlord Planned Maintenance Programme for Abbey & Tadcaster Leisure Centres and Selby Park. This included:

Abbey Leisure Centre

Renewal of roof
Renewal/Refurbishment of Calorifier

Tadcaster Leisure Centre

Drainage Repairs
Car park repairs & relining

Selby Park

Renew crazy golf surface

2.2 The total indicative cost of these proposals was £136,725 and was based on the best known costs at the time the 10 Year Plan was agreed during the procurement of the contract. This was based on a Condition Survey carried out by the Council in 2007.

2.3 Since the report was presented to the Executive in October 2011, the Abbey Leisure Centre has experienced significant damage following a fire on the 28th February 2012, the extent of which is yet to be determined. It is therefore not intended to consider the original proposals for the Abbey Leisure Centre as part of the Year 3 Year Maintenance Programme as this will need to be considered in the wider recovery plan for the Centre.

Also, following the original report in October, WLCT have suggested that the Crazy Golf at Selby Park has some remaining life and therefore advise that this item should be deferred to later in the Maintenance Programme. This is therefore not now being considered as part of the Year 3 Maintenance Plan.

This report therefore only considers the proposals for Tadcaster Leisure Car Park and Drainage.

2.4 Following the Executive's recommendation to include the Year 3 Maintenance Programme in the 2012/13 capital programme, Wigan Leisure & Culture Trust (WLCT) have worked up detailed specifications and sought competitive tenders for this work. This tender process has highlighted that the current costs of carrying out the work at Tadcaster Leisure Centre exceed the indicative costs presented in the 10 Year Plan for each item of work.

The original estimates and revised estimates for the work are;

Tadcaster Leisure Centre (Drainage and Car Park)

= £5,850 (original)

= £12,350 (revised)

2.5 The reason for the increase in cost at these sites is largely due to the increased deterioration of the car park and drainage since the original condition survey was carried out in 2007 when the original costs were estimated.

2.6 Refresh of the 10 Year Maintenance Plan

The 10 Year Maintenance Programme was drafted as part of the procurement of the contract with WLCT in 2009. This was based on a condition survey the Council undertook in 2007 for the Abbey Leisure Centre, Tadcaster Leisure Centre and Selby Park. At the time, this was a good indication of future maintenance requirements and provided indicative costs, however, this recent exercise has highlighted that this information may now be out of date and we are now seeing increased costs for Year 3 and some maintenance being

brought forward. (Prior to the fire at the Abbey Leisure Centre, tenders had been sought for the proposed work to the Roof and Calorifier and the costs for these items also exceeded original forecast)

In order for the Council to be able to accurately plan and manage the maintenance programme and capital budget it is advised that the 10 year maintenance plan is refreshed and this will involve a re-look at the condition survey. This is particularly pertinent in determining which items should now be considered 'essential' and 'desirable' items and to manage the financial risk of those items current viewed as 'desirable' becoming 'essential' to avoid escalating costs we have recently seen if this is not adequately planned.

3.0 Legal/Financial Controls & other Policy Matters

3.1 Legal Issues

The Council, as Landlord, is required under the terms of the contract to ensure that essential maintenance work is carried out at the facilities leased by WLCT.

3.2 Financial Issues

The original cost estimate for all maintenance issues at Tadcaster Leisure Centre was £5,850. The revised costs are now estimated to be £12,350. This means an increase of £6,500 on the original estimate. There are sufficient funds within the capital budget to cover this increase.

4.0 Conclusion

In October 2011 the Executive were presented with outline proposals for the Year 3 maintenance programme for Abbey and Tadcaster Leisure Centres and Selby Park which were indicative costs based on those in the 10 Year Plan. This cost was estimated at £136,725

Following the fire at the Abbey Leisure Centre on 28th February, the maintenance items relating to the Centre have been removed from the Year 3 Plan as they will need to be considered as part of the wider recovery plan for the Centre which is yet to be determined. The improvements to the Crazy Golf in Selby Park has also been removed as this is not considered essential at the moment.

The remaining items to be considered in the Year 3 Maintenance Plan are those relating to repairs to the car park and drainage at Tadcaster Leisure Centre. The indicative costs for these items were £5,850 however a more detailed tender exercise has now been undertaken and the costs are now estimated to be £12,350.

This means an excess of £6,500 above that previously reported.

The original indicative costs were based on a condition survey carried out in 2007 which was the basis of the 10 Year Maintenance Programme for the contract and these items have experienced further deterioration since the survey and indicative costs were first established.

5.0 Background Documents

Executive report 6th October 2011

Contact Details

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