

# Selby District Council



## Agenda

Meeting: **Executive**  
Date: **7 March 2013**  
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 7 February 2013. Pages 3 to 10.

### 3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

#### **4. Income Management Software Upgrade**

Report E/12/63 asks the Executive to approve the PARIS Bureau Service and subsequent upgrade to replace the Council's existing Income Management software. Pages 11 to 15.

#### **5. North Yorkshire Choice Based Lettings (Allocations Policy) Review – Key Decision**

Report E/12/64 provides the Executive with an overview of the key findings of the review and proposes a number of policy changes in response. Pages 16 to 98.

#### **6. Community Right to Challenge**

Report E/12/65 asks the Executive to approve the Council's approach for implementing the Community Right to Challenge. Pages 99 to 106.

#### **7. Gambling Policy**

Report E/12/66 asks the Executive to consider the Gambling Policy for submission to Council. Pages 107 to 141.

#### **8. Overview and Scrutiny Work Programmes 2013/14**

Report E/12/67 asks the Executive to comment on the Overview and Scrutiny Committee Work Programmes for the 2013/14 municipal year. Pages 142 to 151.

**M Connor**  
**Chief Executive**

<b>Dates of next meetings</b>
<b>21 March 2013 Executive Briefing</b>
<b>4 April 2013 Executive</b>

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

Tel: 01757 292007

Fax: 01757 292020

Email: [gshelley@selby.gov.uk](mailto:gshelley@selby.gov.uk)

# Selby District Council



## Minutes

### Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	7 February 2013
Present:	Councillor M Crane (Chair), Councillor Mrs G Ivey, C Lunn, J Mackman and C Metcalfe
Officers present:	Chief Executive, Deputy Chief Executive, Executive Director (S151), Director of Community Services, Business Manger (ES), Lead Officer Finance and Democratic Services Manager.
Also Present:	
Public:	0
Press:	0

NOTE: Only minute numbers 87, 88, 90, 91, 92 and 94 are subject to call-in arrangements. The deadline for call-in is 5pm on 19 February 2013. Decisions not called in may be implemented on 20 February 2013.

#### **83. Apologies for Absence**

No apologies were received.

#### **84. Minutes**

The minutes of the meeting on 3 January 2013 were submitted and agreed as a correct record and signed by the Chair.

#### **85. Disclosure of Interest**

None received.

## **86. Medium Term Financial Plan – Key Decision**

Councillor Lunn presented the report on the Executive's proposed budget and capital programme for 2013/14 to 2015/16. The report identified a number of budget pressures and presented savings proposals. The savings proposals included the introduction of a charge for green waste collections. Comments from Policy Review Committee had been included within the report.

Councillor Lunn outlined that the final settlement had now been released. The key issues for the Executive to consider were the level of Council Tax for 2013/14 and charging for the garden waste collection service.

Councillor Lunn stated that the figures in the report assumed a 2% Council Tax increase in line with the draft budget. However, the recent central government offer of a Council Tax Freeze Grant for the next two years meant that a zero increase could be accommodated within the Council's spending plans. This would allow the Council to support residents in tough financial times.

The Executive approved the below amendment to the recommendation within the report:

- ii) It is recommended to Council that Council Tax be frozen at £158.88 for a Band D property for 2013/14;**

The Executive discussed the proposed charges for green waste collection. This option had been considered as a result of the increasing difficulty in delivering efficiencies on a reducing cost base.

However, based on the final Local Government Finance Settlement, the Council was able to set a balanced budget for the year on the assumption that Access Selby achieves the savings target set. As a result, the Executive approved an amendment to the recommendation within the report as below:

- iii) To defer the implementation of charging for green waste pending more detailed investigation into the options for making savings in the service and that a report be brought back to the Executive.**

**Resolved:**

**To recommend to Council:**

- i) To submit for approval the draft budget, bids and savings, subject to comments from the Policy Review Committee;**
- ii) To freeze Council Tax at £158.88 for a Band D property for 2013/14;**

- iii) **To defer the implementation of charging for green waste pending more detailed investigation into the options for making savings in the service and that a report be brought back to the Executive.**

Reason for decision:

To ensure the Executive's budget proposals are fully funded.

### **87. 3<sup>rd</sup> Interim Budget Exceptions report – Key Decision**

Councillor Lunn presented the third quarter budget exceptions report. The report provided details of the Core, Access Selby and Communities Selby General Fund and Housing Revenue Account expenditure and income variations for the financial year 2012/13.

Councillor Lunn outlined that there was a forecast General Fund surplus of £433k and a HRA deficit of £17k. The General Fund surplus included items such as the receipt of a long-standing dividend from BCCI and the saving on the leisure contract. Savings targets for the year were expected to be achieved and there had been good progress on the capital programme. The Executive Director (s151) responded to questions in respect of the use of the General Fund surplus and the Access Selby Reserve.

The report also recommended the drawdown of £250k from the Access Selby Reserve for a contract variation to cover the shortfall in income as a result of the Government's withdrawal of localised planning fees.

#### **Resolved:**

- i) **To endorse the action of officers and note the contents of the report;**
- ii) **To adjust budgets to reflect the expected savings that have been identified in appendix C of the report;**
- iii) **To release £250k from the Access Selby Reserve to cover the expected shortfall in Planning Fee Income from the withdrawal of proposed localised fees.**

Reason for the decision:

To ensure that budget exceptions are brought to the attention of the Executive with explanations from officers; in order to approve remedial action as necessary.

## **88. 3<sup>rd</sup> Interim Treasury Management Report – Key Decision**

Councillor Lunn presented the report which reviewed the Council's borrowing and investment activity for the first nine months of 2012/13 and presented performance against the Prudential Indicators.

Councillor Lunn was pleased to report that treasury management returns continued to grow despite the low interest rates. He confirmed that the Council's prudential borrowing limits had not been breached during the last quarter.

### **Resolved:**

**To endorse the actions of officers on the Council's treasury activities for the period ending 31 December 2012 and approve the report.**

Reason for the decision:

The Executive is required to receive and review regular treasury management monitoring reports, to comply with the Treasury Management Code of Practice.

## **89. Treasury Management Strategy – Key Decision**

Councillor Lunn presented the report on the proposed Treasury Management Strategy along with the Minimum Reserve Provision Policy Statement, Annual Investment Strategy for 2013/14 and Prudential Indicators 2013/14 as required by the Department of Communities and Local Government and CIPFA.

Councillor Lunn outlined that at this stage there were no plans to take out additional prudential borrowing although this may change as work on the programme for growth develops. Interest rates were expected to remain low for the foreseeable future and, as a result, the Executive heard that the Council's longer term forecasts for investment returns had been revised downwards.

### **Resolved:**

**To recommend to Council:**

- i) To set the Operational Borrowing Limit for 2013/14 at £71m;**
- ii) To set the Authorised Borrowing Limit for 2013/14 at £75m;**
- iii) To delegate authority to the Executive Director (s151) to effect movement within the agreed authorised boundary limits for long-term borrowing for 2013/14 onwards;**
- iv) To delegate authority to the Executive Director (s151) to effect movement within the agreed operational boundary limits for long term borrowing for 2013/14 onwards;**

- v) **To approve the treasury management strategy statement 2013/14;**
- vi) **To approve the minimum revenue provision policy statement for 2013/14;**
- vii) **To approve the treasury management investment strategy for 2013/14;**
- viii) **To approve the prudential indicators for 2013/14 these reflect the capital expenditure plans, which are affordable, prudent and sustainable.**

Reason for the decision:

To ensure the Treasury Management Strategy and associated policies are prudent and affordable.

## **90. Homeless Prevention**

Councillor Lunn presented the report on the proposed commissioning of Access Selby to deliver homeless prevention work using additional funding provided by Department for Communities and Local Government.

Councillor Lunn summarised the proposals which included the provision of financial advice, additional capacity within Access Selby's Housing Options Team and the creation of a 'homeless prevention fund'.

**Resolved:**

- i) **To commission Access Selby to deliver homeless prevention work using additional one-off DCLG funding, in the sum of £53,000.00 in accordance with the delivery plan commencing 1<sup>st</sup> April 2013;**
- ii) **To adjust the Access Selby cost envelope accordingly;**
- iii) **To establish a homeless prevention fund for 2013/14 and subsequent years and an eligibility criteria and operating procedures.**

Reason for the decision:

DCLG has provided additional one-off funding of £53,000.00 to Selby District Council for homeless prevention work coinciding with the introduction of national welfare reforms.

## **91. Implementation of a Mobile Working Solution – Key Decision**

Councillor Lunn introduced the report which considered the business case for the implementation of a new mobile working solution to mobilise the community officers' team and future development into other business areas.

The Executive heard that the proposed new solution allowed workloads to be organised and prioritised, and would be fully integrated into back office systems. This would reduce the amount of time spent on administration and maximise time spent assisting customers.

Councillor Lunn stated that as part of the implementation of the project the Council would work with North Yorkshire County Council, to maximise the potential and benefits such a system could bring when working with a shared customer base.

**Resolved:**

- i) To procure a mobile working solution to mobilise the community officers' team in the first phase with the scope to mobilise other business areas in future phases;**
- ii) To release resources of up to £211k from the Spend to Save Reserve to finance the purchase and implementation costs of the system.**

Reason for the decision:

To ensure that the original concept of the Access Selby structure is delivered by providing outside officers with the necessary tools to do their job right first time while ensuring that the customer receives the highest possible level of service and delivering value for money.

**92. 3<sup>rd</sup> Interim Corporate Plan Progress Report**

Councillor Crane presented the report which provided details of Access Selby's key performance indicators following the third quarter of reporting for 2012/13. The report recommended appropriate action where required. It also provided an update on the development plan included within the Service Level Agreement between the Core and Access Selby.

Councillor Crane felt that the report demonstrated the excellent work being undertaken within Access Selby. He provided an overview of the two areas where improvements were required.

The Executive were pleased to see the progress made by Access Selby in reducing the average time taken to re-let a council property.

**Resolved:**

**To approve the report.**

Reason for the decision:

The ongoing management of performance and improvement data assists Access Selby in achieving its priorities for 2012/13.



### **93. Programme for Growth – Housing Trust – Key Decision**

Councillor Mackman presented the report on one of the 'Programme for Growth' projects. The project had been established to consider the feasibility of a 'Housing Trust'. The Trust would aim to deliver new build affordable housing and in appropriate circumstances to transfer existing empty Council dwellings.

Councillor Mackman outlined some of the additional economic and social benefits of the scheme. The Executive approved an amendment to the recommendation within the report in line with the views of the project team. It was agreed that up to three councillors would be appointed as Directors on the Board.

#### **Resolved:**

#### **To recommend Council:**

- i) To approve the establishment of a charitable company limited by guarantee;**
- ii) To approve the Council as a member of that company and appoint up to three Selby District Council members as Directors on the Board;**
- iii) To delegate authority to the Executive to approve the governance documents of the company.**

Reason for the decision:

To enable the charity to be established.

### **94. Programme for Growth – Community Access to Sports Leisure Services – Key Decision**

Councillor Ivey introduced the report which gave consideration as to how best to expand access to sport and recreational activities and to take leisure provision out into the wider community at a time when Abbey Leisure Centre was out of action.

Councillor Ivey outlined a set of proposals that had been developed for implementation between 2013 and the planned opening of the new leisure centre at the end of 2014. The proposals included a midnight soccer league and healthy active adults programme.

#### **Resolved:**

- i) To note the implications of the fire at Abbey Leisure Centre on the existing contract between Selby District Council and WLCT;**
- ii) To approve the proposals for new activities to improve community access to sports and leisure activities;**

- iii) **To authorise a variation to the existing Leisure Services Contract to reflect these changes and safeguard the Council's position.**

Reason for the decision:

To expand community access to sports, leisure and recreation activities across Selby District as a consequence of the loss of facilities at Abbey Leisure Centre and to ensure that the new arrangements are properly reflected in the Council's contract with WLCT.

## **95. Review of the Constitution**

Councillor Crane presented the report on the review of the Constitution and proposed minor amendments to improve its operation and correct any anomalies, oversights or errors.

**Resolved:**

**To recommend Council to amend the Constitution, with effect from the 1 March 2013, as set out in the report.**

Reason for the decision:

In pursuance of the Council's obligations under Article 15 of its Constitution – to review and revise the Constitution – the recommendations are proposed to address issues which have arisen since the last review of the Constitution in December 2011.

The meeting closed at 5.36 pm.

# Selby District Council

## REPORT

Reference: E/12/63

Item 4 - Public



**To:** The Executive  
**Date:** 7 March 2013  
**Status:** Non – Key Decision  
**Report Published:** 27 February 2013  
**Author:** Chris Smith – Lead Officer Data and Systems  
**Executive Member:** Cllr Lunn  
**Lead Director:** Karen Iveson – Executive Director (151 Officer)

### **Title: Income Management Software Upgrade**

**Summary:** This report proposes to upgrade the Council's existing income management system and to procure an associated bureau service to ensure the Council meets its legal obligations in relation to debit and credit card payments.

The cost of the upgrade and annual service charges total £23k over the initial 3 year period.

There is £9.5k for an upgrade to the Income Management system in the ICT replacement programme for 2013/14. This would be used to offset the initial outlay of £14k for the purchase and implementation of the software. The remainder of the set up costs will be covered by savings within the ICT Programme.

The additional running costs will be met from within Access Selby's cost envelope.

### **Recommendations:**

**To recommend the purchase of the PARIS Bureau Service and subsequent upgrade to replace our existing Income Management software.**

### **Reasons for recommendation**

To ensure the authority meets the current legislation for debit/credit card compliance.

## 1. Introduction and background

- 1.1 Following legislative changes to taking debit/credit card details in 2012 we must put in place the necessary systems and procedures to securely store and transmit debit and credit card payment details in accordance with the Payment Card Industry Data Security Standard (PCI DSS). The Council has until July 2013 to make the necessary change and failure to act means that we could be fined up to £100k as an organisation and this facility removed.
- 1.2 At present a total of £5.5 million is collected through the current customer payment channels such as the 'Scancoin' kiosk at the Customer Contact Centre, the automated telephone payment line and the dedicated webpage on the Council website.
- 1.3 The Council's existing income management system is provided by PARIS although the current system is not capable of incorporating the necessary changes and an upgrade would be required.
- 1.4 The cost of implementing an internal solution is prohibitive and is therefore not considered as an option within this report.

## 2. The Report

In this process we have considered two options:

### 2.1 Option 1 – Upgrade and purchase the PARIS Bureau Service

This option will allow Access Selby to store debit/credit card payments securely off-site and ensure compliance with the recent government legislative changes. The upgrade will ensure that we have a fully supported system that enhances the payment options for our customers.

#### ***Advantages:***

- The PARIS software is already in use as an Income Management solution within Access Selby;
- Increased automated telephone lines for customer payments;
- Compliance with card payments held securely off-site;
- No requirement for procurement so implementation time considerably reduced;
- Relatively low cost.

#### ***Disadvantages:***

- Previous software support has been poor and has suffered a declining customer base although a full re-structure at the software company has since taken place and the necessary investment in the product has been secured;

- Additional IT training required although this has been factored into the overall cost.

## 2.2 **Option 2 – Replace our current software supplier**

This option will provide a completely new software system to Access Selby and would replace our current Income Management software. The software provides a fully integrated solution that is hosted off-site to ensure compliance. For indicative purposes the Civica system has been assessed an alternative.

### ***Advantages:***

- Removal of all card data off-site;
- Opportunity to change internal processes to align to new software;
- Strong customer base.

### ***Disadvantages:***

- Increased upfront charges due to hosted environment for all e-payment applications;
- Time taken to convert existing data into a new solution;
- Resource implication required to implement a new system;
- Initial investment costs and annual costs are high.

2.3 Taking into account the advantages and disadvantages of both options the preference would be to purchase the PARIS Bureau Service alongside an upgrade to our existing income management system.

## 3. **Legal/Financial Controls and other Policy matters**

3.1 Following changes to taking debit/credit card details in 2012 we must comply with the Payment Card Industry Data Security Standard (PCI DSS), if we wish to continue to take payments by debit and credit card. This standard applies to anyone storing, processing or transmitting debit and credit card details on the network.

3.2 Failure to act on the PCI DSS means that we could be fined up to £100k as an organisation and this process removed. Furthermore, no debit/credit card payments could be taken within the authority.

3.3 The three year costs to implement the **Option1** - PARIS Bureau solution and upgrade are £23k as illustrated in Appendix 1, against £106k for **Option 2** - alternative indicative solution.

3.4 The £23k includes an initial investment of £14k plus annual service charges and covers ongoing support and maintenance, consultancy and required training elements needed during the software implementation period.

- 3.5 There is £9.5k for an upgrade to the Income Management system in the ICT replacement programme for 2013/14. This would be used to offset the initial outlay of £14k for the purchase and implementation of the software. The remainder of the set up costs will be covered by savings within the ICT Programme.

	2013/14 £	2014/15 £	2015/16 £
Set up	14,240	0	0
Running Costs	4,565	4,565	4,565
Savings	-1,830	-1,830	-1,830
Total Cost	16,975	2,735	2,735

- 3.6 Some cost savings relating to the existing software are expected, which will help to off-set the additional running costs of the new system. The additional running costs will be met from within Access Selby's cost envelope and further cost savings from increasing automated payments will be sought.

#### 4. Conclusion

- 4.1 Whilst there are some concerns over the previous history with our current supplier, the proposed solution provides the functionality needed to comply with legislation and support our desire to further automate payments; it provides significant cost savings over the alternative solution; and it can be implemented relatively quickly, ensuring the risk of a fine is mitigated without further delay.
- 4.2 The initial outlay is so low that should the supplier provide a service which falls below our requirements then we could go out to tender for an alternative at a later date.
- 4.3 However discussions with PARIS have been encouraging and on-going closer working relationships will be developed.

#### Contact Details

For further information contact:

Chris Smith – Lead Officer – Data & Systems

#### Appendices:

**Appendix A –** Cost comparisons for options 1 and 2

## Appendix A

### Cost comparisons for Options 1 and 2

#### Option 1 – Upgrade and purchase the PARIS Bureau Service

<b>PARIS</b>	<b>2013/14 £</b>	<b>2014/15 £</b>	<b>2015/16 £</b>
Implementation and Licence	14,240	-	-
Hosting, 50,000 Transactions and Annual Maintenance	2,665	2,665	2,665
Debit Card costs	-	-	-
Credit Card costs	-	-	-
Other Charges	1,900	1,900	1,900
Savings	-1,830	-1,830	-1,830
<b>Annual Total</b>	<b>16,975</b>	<b>2,735</b>	<b>2,735</b>
<b>Total</b>			<b>22,445</b>

#### Option 2 – Replace our current software supplier

<b>CIVICA (indicative)</b>	<b>2013/14 £</b>	<b>2014/15 £</b>	<b>2015/16 £</b>
Implementation and Licence	55,085	-	-
Hosting, 50,000 Transactions and Annual Maintenance	12,453	12,453	12,453
Debit Card costs	5,438	5,710	5,995
Credit Card costs	11,837	12,429	13,051
Savings from Current Software	-12,950	-13,800	-14,700.
Other Charges	-	-	-
<b>Annual Total</b>	<b>71,863</b>	<b>16,792</b>	<b>16,799</b>
<b>Total</b>			<b>105,454</b>

# Selby District Council

## REPORT

Reference: E/12/64

Item 5 - Public



**To:** The Executive  
**Date:** 7 March 2013  
**Status:** Key Decision  
**Report Published:** 27 February 2013  
**Author:** Julia Jennison – Policy Officer  
**Executive Member:** Councillor G. Ivey  
**Lead Officer:** Janette Barlow - Director

### **Title: North Yorkshire Choice Based Lettings (Allocations Policy) Review**

**Summary:** Selby District Council, with other authorities in North Yorkshire (excluding Harrogate), introduced a joint choice based allocations policy, North Yorkshire Home Choice, in June 2011.

It was agreed that once the scheme had been up and running for 12 months a review would be implemented into how the policy was working and what the impact was on applicants. This process has involved consideration of policy and practice, a review of Joseph Rowntree Foundation reports, and consideration of recent changes to the law regarding both housing allocations and the way that housing benefit is paid to social housing tenants.

### **Recommendations:**

- i. Note the proposed changes to the Councils Housing Allocation Policy and the reasons why these changes are being considered prior to North Yorkshire wide consultation**
- ii. Instruct officers to bring a further report back to Executive on completion of the consultation exercise along with the North Yorkshire Partnership's recommendations for policy change.**

### **Reasons for recommendation**

An initial consultation on the issues arising from the operation of the first year of the Choice Based Lettings scheme, and those raised by legislative changes and freedoms arising from the Localism Act 2012 was completed last year.



In Selby, discussion at the Tenancy Policy Group, with input from Cllr Ivey and Cllr Crane, fed into this initial review of the policy. The North Yorkshire Project Group, made up of Officers representing each partner landlord, which has met regularly since a joint allocations scheme was originally considered, has discussed the proposed changes over the past few months in the light of individual partner Member or Board steer.

This has resulted in the development of the draft policy attached which is proposed to go out for further consultation following consideration of the draft by each partner.

## **1. Introduction and background**

- 1.1 In 2011, Selby District Council adopted a new housing allocations policy and scheme called 'Home Choice'. This allocations scheme is shared between all the North Yorkshire Authorities (except Harrogate), City of York Council and all the main Registered Providers (or Housing Associations) operating in the area.
- 1.2 An evaluation of the impact of Home Choice has recently been undertaken by the Joseph Rowntree Foundation. This report provides an overview of the key findings of that evaluation and proposes a number of policy changes in response.
- 1.3 In addition, since Home Choice was first introduced, the Government has made a number of changes to the law regarding both housing allocations and the way that housing benefit is paid to social housing tenants. Further amendments to the North Yorkshire Home Choice policy are thus proposed in response to these wider national policy changes.
- 1.4 The report to Executive on the Selby Tenancy Policy on 4<sup>th</sup> October 2012 included advice that proposed new freedoms relating to allocations were to be considered by the North Yorkshire Choice Based Lettings Project Group, and consultation on the options would run from September to November 2012.
- 1.5 A link to the consultation paper was provided for individual feedback, and the Selby response was made following discussion at the Tenancy Policy Group which included Executive input through Cllr Ivey and Cllr Crane. Consideration of these local Selby responses has been included in the drafting of this revised policy.
- 1.6 A link was also provided to Policy Review, and in the Daily Despatches to enable Members to respond on an individual basis.
- 1.7 This report provides an overview of the policy changes being recommended prior to a further public consultation to inform next steps. It is proposed that a report is brought back to Executive on completion

of this consultation along with final policy change recommendations from the North Yorkshire Partnership.

## **2. The Report**

- 2.1 In its role as a Local Housing Authority the Council has a legal duty to have an allocation policy that determines how lettings of social housing within the district are undertaken.
- 2.2 This policy must be compatible with legislative obligations in respect of race, disability, equalities as well as Housing Act 1996 and allocation guidance.
- 2.3 It is a requirement under s167(2) of the Housing Act 1996 and the Homelessness Act 2002 that reasonable preference is given to certain categories of applicants. These are:
  - 2.3a People who are homeless.
  - 2.3b People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - 2.3c People who need to move on medical or welfare grounds, including grounds relating to disability.
  - 2.3d People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).
- 2.4 The Councils shared scheme, called Home Choice, operates through the use of a system called Choice Based Lettings (CBL). Choice Based Lettings works by the public advertisement of all available social housing vacancies, allowing applicants to select the home they are interested in through a bidding process.
- 2.5 Key elements of the existing allocations scheme are:
  - 2.5a A single unified 'housing register' that covers the whole partnership area.
  - 2.5b A single policy for determining eligibility to the register and/or determining the level of priority of applicants.
  - 2.5c Prioritisation of bids for advertised properties on the basis of priority banding (e.g. Gold Band = High Need, Silver Band = Medium Need and Bronze Band = No identified need).
- 2.6 Under the Home Choice scheme, bids for properties are ranked in order of Housing Need (e.g. priority banding); local connection to the partnership area; household size and time waiting on the register.

- 2.7 The scheme includes a number of checks and balances. Applicants with a local connection to the partnership area receive priority over those without, but cross boundary mobility within North Yorkshire is allowed but monitored to ensure that no one area experiences unacceptable levels of net inward migration. In addition, the policy includes a number of provisions to ensure that the needs of vulnerable groups are met, such as support with applications and bidding, or automated bidding where required.
- 2.8 The Joseph Rowntree Foundation (JRF) was invited by partners to undertake an evaluation of the impact of this new policy during its first year of operation. This evaluation, funded by JRF and undertaken by the University of Birmingham has been completed. A published copy of the draft report can be seen at <http://www.birmingham.ac.uk/schools/social-policy/research/projects/2012/evaluation-north-yorkshire-cbl.aspx>
- 2.9 The JRF evaluation is extremely comprehensive and has used statistical information, customer surveys, focus groups and in depth interviews. Five detailed evidence papers have been produced. This evaluation has highlighted a number of key issues that require a policy change response.
- 2.10 In addition, since Home Choice was first adopted, the law concerning allocations policies has changed. The Localism Act 2012 has given Councils greater freedom and flexibility to adapt local policy to meet local needs.
- 2.11 In June 2012, the Government published a new 'Allocation Code of Guidance'. Local Authorities must have due regard to this guidance when framing their policies. The guidance replaces all previous guidance on social housing allocation.
- 2.12 The new Code of Guidance enables Housing Authorities to allocate particular accommodation to people whether or not they fall into reasonable preference category, provided the authority is able to demonstrate compliance with duty of reasonable preference. The following groups of people can now be considered for additional preference under a local lettings policy. These are
- 2.12a Households affected by under occupation
  - 2.12b Members of armed forces
  - 2.12c Households in work or seeking work
  - 2.12d Carers
  - 2.12e Prospective adopters and fosterers
- 2.13 In response to the new Code of Guidance and the Localism Act, further policy changes are being recommended.

- 2.14 Welfare reform changes mean that the way that housing benefit is paid for social housing tenants changes from April 2013. A further policy change is thus being recommended in response to this issue concerning the size of properties that applicants can bid for.
- 2.15 All these, along with areas for potential change that have been considered but are not being recommended at this time, are highlighted in Appendix A of this report.
- 2.16 A draft copy of the amended allocation scheme is included as Appendix B.

### **Assessment**

- 2.17 Overall, the findings of the JRF evaluation are very positive. The research shows that:
  - 2.17a There is a favourable perception amongst both applicants and partners to the North Yorkshire scheme
  - 2.17b Applicants welcome the increased choice offered by the scheme
  - 2.17c Applicants feel the option to move across local authority boundaries within North Yorkshire and York is advantageous
  - 2.17d Applicants who were successfully housed found the new allocations system easy to understand and fair
  - 2.17e Applicants find the new system more open and transparent than old 'points based' systems
  - 2.17f Applicants find the system provides more information about properties and lettings and this is useful for helping the process
  - 2.17g There is no real evidence that any particular groups are disadvantaged by the system, including the elderly or other potentially vulnerable groups
  - 2.17h The web-based system is easy to use
  - 2.17i Some groups have benefited from the new system, in particular those needing to move on and out of supported housing schemes (the existing policy gives additional priority to those needing to move on from supported housing as they are placed in Gold Band).
- 2.18 However the evaluation also highlights a number of key issues that are likely to have occurred as a consequence of the new system. These include:

- 2.18a A rapid expansion of applicants seeking social housing since Home Choice was introduced. This is having a significant impact in terms of the administration of the scheme
  - 2.18b A significant imbalance between the needs of most applicants and their prospects of being allocated housing (although in Selby, bronze band applicants are more likely to be successful than elsewhere in the county).
  - 2.18c An increase in cross boundary mobility (both into the partnership area) and between partner authorities. This impacts on some areas more than others, see 2.26-2.28.
- 2.19 A key theme highlighted by the research is that the demand for social housing far outstrips the available supply. Much of this demand comes from households with no recognised need, e.g. those in Bronze Band. The vast majority of these applicants have in reality little or no chance of receiving a successful allocation of housing. The research shows that:
- 2.19a Demand for properties varies widely between the districts. From an average of just 18 bids per property in Craven to 85 bids per property in York. Within Selby district, on average, 36 applicants have bid for each available property; local demand is particularly high in Selby East with on average 66 households bidding for every property.
  - 2.19b When first introduced there were approximately 11,000 applicants on the register across the whole partnership area (1,288, or 11.7% of these were registered with SDC). However as of January 2013, there are over 15,000 'active' applicants on the register (1,089 or 7% of these are registered with Selby District Council).
  - 2.19c Whilst the number of applicants for housing is growing (and continues to grow) around 60% of these applicants are in Bronze Band with no recognised housing need (e.g. do not fall into any of the reasonable preference categories of need).
  - 2.19d In Selby district, 569 applicants (52%) are in Bronze Band.

Table A: Total applicants by banding

	Emergency	Gold	Silver	Bronze	Totals
Craven	1	57	313	742	1113
Hambleton	2	124	505	879	1510
Richmondshire	1	59	352	775	1187
Ryedale	3	80	426	534	1043
Scarborough	3	321	1163	3536	5023
Selby	1	70	448	569	1089
York	1	330	1959	2438	4728
<b>Totals</b>	12	1041	5166	9473	15693

- 2.19e Whilst the number of applicants within Bronze Band is significant, the number of applicants within that band who successfully receive an allocation is low.
- 2.19f Of the 3376 housing allocations that were made across North Yorkshire during the first 12 months after Home Choice was introduced, only 381 (around 11%) of these were to households registered in Bronze Band.
- 2.19g Of the 372 lettings undertaken within the Selby district during the same period, 53 (around 14%) were to applicants from the Bronze Band.

Table B: Housing Allocations by banding

	Emergency	Gold	Silver	Bronze	Totals
Craven	2	92	131	76	301
Hambleton	5	274	220	51	550
Richmondshire	0	104	85	20	209
Ryedale	9	251	158	74	492
Scarborough	13	417	141	54	625
Selby	7	128	184	53	372
York	12	615	147	53	827
<b>Totals</b>	48	1881	1066	381	3376

- 2.20 The split in terms of allocations does suggest that the scheme is operating as it is intended to and that the vast majority of homes are being allocated to those applicants in most need of them.
- 2.21 However, the growing number of applicants across the partnership in Bronze Band, who have no recognised need and thus little chance of achieving a successful allocation, is creating a significant administrative burden for some of the partners who administer the scheme. It is also arguable that the expectations of applicants are

being unfairly raised through the more transparent and accessible system that has been introduced.

- 2.22 Nationally, some Councils, using the new flexibilities created by the Localism Act, are choosing to limit access to their housing registers to any household with no recognised need. In essence they are scrapping their Bronze Banding (or equivalent). Within the North Yorkshire context this approach is not being recommended; the Bronze Band does offer landlords the opportunity to let lower demand stock
- 2.23 However, given the significant increase in the number of applicants seeking accommodation it is recommended that new restrictions are placed on certain categories of household including homeowners (with no recognised housing need) and households with a joint household income or assets in excess of £50,000 (See Appendix A, no 3). It is also recommended that some additional measures are introduced to ensure that only households who are genuinely seeking accommodation are registered on the scheme.
- 2.24 Whilst it is accepted that many homeowners will historically have placed their names on the local housing register in order to access social housing at a later date when they may need it (for example on retirement), given the massive pressures on the local housing stock this approach is no longer a realistic option. It is also anticipated and expected that both home owners and higher earners generally have the financial means to resolve their own housing needs without recourse to social rented housing.
- 2.25 Homeowners with a proven housing need, for example those at risk of homelessness due to mortgage debt, or households who may need to move for medical reasons will not be affected by these changes.
- 2.26 Another key issue highlighted by the JRF research is that overall, the level of cross boundary movement into the partnership area and between partner authorities has increased since CBL was introduced. The research shows that:
- 2.26a In 2011/12, 10% of all lettings were to households who had moved from within the partnership area (e.g. between partner authorities) as compared to 6% in 2010/11.
- 2.26b In 2011/12, 6% of all lettings were to households with an existing postal address outside of the partnership area (as compared to 2%, 2010/11). *NB. this figure does not take into account whether they had a local connection to the partnership area).*
- 2.26c There is also inequitable cross boundary movement between partner authority areas. With the highest demand areas being net exporters of applicants and the lower demand areas being net 'importers' from these areas.

- 2.26d For example the research shows that York has experienced a net 'loss' in terms of migration and cross boundary movement, ie the number of applicants who already live in the city who have chosen to improve their chances of being housed by bidding for, and being allocated, a home elsewhere in the partnership area, is greater than the number of applicants who live elsewhere in the partnership area and that have successfully bid for and been allocated homes within the city
- 2.26e The JRF research attempted to explore this in detail, and the Partnership has also carried out its own review. However, despite a lack of agreement on the numbers involved, due to the way that applications are recorded on the system, both concluded that in-migration for Selby was below the agreed trigger point.
- 2.27 However, this whole issue of cross boundary migration is a highly sensitive issue for the partner Councils, with a common fear being expressed that the Home Choice policy has enabled applicants with no local connection to an area to take homes from 'local people'. Whilst the JRF research does show that cross boundary movement within and into the partnership area remains low overall, there is a strong push from a number of partners to build additional safeguards into the policy to restrict cross boundary movement.
- 2.28 In response to this issue a number of changes are proposed, including a restriction on eligibility to join the register to households without any local connection to the partnership area and the use of section 106 type local connection rules to restrict lettings for rural settlements (See Appendix A no 5).
- 2.29 In addition to these changes, further change is being recommended in response to national Welfare Reform changes.
- 2.30 Members will be aware of the impact of a variety of welfare reform changes that will change the way that housing benefit will be paid in future years. These changes, in particular the 'bedroom tax' have big implications for social landlords and working age social housing tenants. The changes mean that tenants will only be paid a level of housing benefit for the size of property they are deemed to need. Historically social housing tenants have been able to claim benefit for homes bigger than their household requirements. A restriction is thus being recommended to ensure that the allocation policy rules are aligned with housing benefit eligibility and those applicants are only allocated the size of home they actually need.
- 2.31 In Selby, this change aligns with our emerging Tenancy Policy, currently out for consultation, which looks to make best use of stock by



allocating according to need, in particular by looking at household size at the review of a fixed term tenancy.

- 2.32 A number of other fairly minor changes are proposed to the policy, including a tightening of the rules regarding applicants who deliberately worsen their own circumstances and applicants who falsify their applications. A further change is recommended to the 'Good Neighbour' scheme.

### **3 Legal/Financial Controls and other Policy matters**

#### **Legal Issues**

Housing allocations are governed by Part 6 of the Housing Act 1996, and statutory guidance which relates local authorities and registered providers.

#### **Financial Issues**

There will be a financial impact from these proposed changes in terms of the way the IT system is set up, and meetings are planned to explore this further with the provider, Abritas. The Partnership does have funds set aside, and is looking to meet the cost of these adjustments within current resources. The position will be clarified in the Executive report following consultation, once a final draft policy has been drawn up.

Changes to policy will have training implications for key front line staff (Housing Options Officers/Community Officers) who as part of their roles will require an understanding of how CBL operates and may on occasion be required to help vulnerable people to access the system.

If agreement on a revised policy cannot be reached, should the Partnership break up, there would be a cost related to setting up a new lettings scheme locally. See Appendix C item 2.

### **4 Conclusion**

- 4.1 The policy change proposals set out in this report have been worked up by officers on the North Yorkshire Home Choice Partnership. This is a grouping of all the Local Authorities in North Yorkshire (except Harrogate) as well as City of York Council. The partnership includes several key Registered Providers.
- 4.2 It is important to note that the changes being proposed have been agreed as an outcome of a process of detailed negotiation between partners, many of whom have differing priorities and local issues. A compromise solution has inevitably been agreed in respect of certain issues. A risk assessment is provided at Appendix C.

**4.3** This report sets out a range of proposed changes for consultation with a view to a further report being brought back to Executive in June. A detailed consultation plan is being worked up by the Partnership; as part of this exercise in Selby it is proposed to take a report to Policy Review.

**4.4** The timetable for this piece of work is set out below –

<b>Date</b>	<b>Event</b>	<b>Action</b>
December 2011	Selby Tenancy Group set up with Executive input	Regular meetings to review policy and consider Localism
4 <sup>th</sup> October 2012	Executive	Review and Consultation highlighted to Members
10/9/12 – 2/11/12	On-line Consultation	Feeds into draft policy
December – January	Redraft	Officers redraft policy
7 March 2013	Executive	Draft policy considered and approved for consultation
7/3/13 – 3/5/13	Further consultation including	Feeds into final draft
16 April 2013	Policy Review	Part of consultation
May	Redraft	Final draft prepared
6 June 2013	Executive	Revised Policy Approved for adoption
25 June 2013	Full Council	Adoption

## **5. Background Documents**

Joseph Rowntree Reports

<http://www.birmingham.ac.uk/schools/social-policy/research/projects/2012/evaluation-north-yorkshire-cbl.aspx>

Allocations Code of Guidance June 2012

North Yorkshire HomeChoice Policy

[http://www.selby.gov.uk/upload/North\\_Yorkshire\\_Housing\\_Allocation\\_Policy\\_2011.pdf](http://www.selby.gov.uk/upload/North_Yorkshire_Housing_Allocation_Policy_2011.pdf)

### **Contact Details**

**Julia Jennison, Policy Officer**

### **Appendices:**

- A Review of proposed policy changes**
- B Draft Home Choice Policy Jan 2013**
- C Risk Assessment**
- D Homes and Communities Agency Gazeteer extract re Selby district**

## AN OVERVIEW OF PROPOSED POLICY CHANGES

Proposed Change	Why needed	Likely Impact	Who it affects
<p><b>1. Applicants shall only be entitled to bid for properties of a size they need.</b></p> <p>Current policy, though it <u>prioritises</u> on the basis of best use of stock via a bedroom size tie-breaker, allows applicants to bid for properties larger than they may actually need (e.g. a family with 1 child bidding for and being allocated a 3 bed house).</p> <p><i>NB. Whilst this shall be the norm landlords reserve the right to introduce local lettings agreements to vary from this position where needed. In these instances the adverts shall specify that this can be done.</i></p>	<p>Change needs to be introduced in response to Welfare Reform.</p> <p>The introduction of the 'bed-room tax' means that tenants will only be paid housing benefit for the size property they need.</p> <p>The purpose of this change is to ensure that the available housing stock best meets local need and is affordable to applicants.</p> <p>This proposal aligns allocations policy to the new benefit entitlement rules for social housing tenants.</p>	<p>High – this change has a significant impact for all applicants.</p>	<p>All applicants are currently entitled to bid for properties bigger than they need.</p> <p>This change is being recommended to align the allocation policy to welfare reform changes.</p> <p>There are currently 1629 applicants registered to Selby district who are affected by this change (e.g. the current flexibility they have to bid for a property bigger than their actual need is being taken away).</p> <p>Households with a demonstrable need for an extra room (e.g. those with carers or prospective fosterer cares) shall not be affected by this change.</p>

Proposed Change	Why needed	Likely Impact	Who it affects
<p><b>2. Home Owners, unless they have a proven need (e.g. fall into the Gold or Silver Bandings within the policy) should no longer be eligible to go onto the scheme.</b></p> <p>Current policy allows all homeowners to register regardless of whether they have a recognised housing need. Changes via Localism Act now give LAs flexibility to restrict access to register.</p>	<p>Being proposed in response to findings of JRF evaluation.</p> <p>Purpose is to reduce the number of applicants in Bronze Band (with no immediate housing need and who have little prospect of being re-housed).</p>	<p>High in terms of numbers affected on the register though low in terms of actual numbers receiving an allocation of allocation</p>	<p>Home Owners with no need shall be affected by this change.</p> <p>It is estimated that there are 90 homeowners in Bronze band within the district. These households shall no longer be entitled to be registered on the scheme.</p>
<p><b>3. An income level cap is adopted. Applicants with a joint household of income in excess of £50,000 or with savings or capital assets greater than £50,000 are no-longer eligible to join the scheme (this does not apply to ex service personnel).</b></p> <p>Current policy allows anyone to register on scheme regardless of their income.</p>	<p>Purpose is to deter those who have the financial means to find their own solution from applying for social housing. Also intended to reduce the number of applicants on Bronze Band (with no immediate housing need).</p> <p>Change also brings allocation policy into line with charitable status rules for Registered Provider partners.</p>	<p>Low</p>	<p>Households with a joint household income in excess of £50,000.</p> <p>We currently have no data on the numbers of households this affects, however it is anticipated that the number will be low.</p>

Proposed Change	Why needed	Likely Impact	Who it affects
<p><b>4. That people with no “local connection” to the partnership area should not be able to register on the waiting list with the exception of Military Personnel and those owed a duty under homelessness legislation (e.g. those fleeing domestic violence).</b></p>	<p>The JRF evaluation has shown that, whilst cross boundary movement is low, there has been a growth in the number of households with no connection to the partnership area being allocated social housing since Home Choice was introduced</p>	<p>High in terms of numbers affected on the register though Low in terms of actual numbers receiving an allocation of allocation</p>	<p>Recent figures appear to show there are 2565 applicants with no local connection to the partnership area registered on the scheme.</p> <p>This change means that these applicants shall no longer be eligible.</p>
<p>Current policy allows for applicants with no local connection to the partnership area to register on Home Choice but gives them lesser priority.</p>	<p>The purpose of this change is to target accommodation towards those with a local connection and to reduce administration time associated with maintaining the register.</p>		
<p>For the definition of Local Connection see Clause 2.5 in the draft policy document.</p>			

Proposed Change	Why needed	Likely Impact	Who it affects
<p><b>5. To restrict bids for rural settlements in line with section 106 planning criteria.</b></p> <p>NB. This flexibility can be used at the discretion of the landlord. If this proposed change remains, Executive will be requested to consider how this discretion will work in Selby.</p> <p>Current policy allows for households with no local connection to a rural parish to bid for property in certain circumstances (e.g. where no 106 agreement is in place).</p> <p>Rural communities are defined as settlements with a population under 3000 and are listed by name in the Homes and Communities Gazetteer. See Appendix D</p>	<p>The JRF evaluation has shown that the rural areas (e.g. smaller rural authorities) are experiencing a disproportionate level of inward migration from the more urban areas.</p> <p>The purpose of this change is to ensure that the housing need of those in isolated rural areas can be met in order to retain rural communities and viability.</p>	<p>Medium.</p>	<p>Applicants seeking accommodation in rural areas.</p> <p>It is proposed to allow partner landlords to use this change at their discretion. Meeting local need has to be balanced against the need to effectively manage their stock (e.g. they cannot incur voids or delays in the lettings process). Some of the older persons stock for example in some rural areas would be extremely difficult to let if strict local connection rules were imposed.</p> <p>Decisions on whether to enforce 'local connection' criteria in rural areas will thus need to be based on the level of local housing need/demand in that area.</p>

Proposed Change	Why needed	Likely Impact	Who it affects
<b>6. That there should be a disqualification (exclusion) from the waiting list of 12 months for those who deliberately worsen their circumstances.</b>	Current policy does not adequately address this issue. Applicants who deliberately worsen their own circumstances, under current policy are entitled to register (but are given lower priority).	Low – administrative change that will impact on a very small number of applicants.	Households who deliberately worsen their own circumstances to increase the level of priority given on the register.
<b>7. That where an applicant has significantly falsified their application they should be disqualified (excluded) for 12 months.</b>	At present applicants who provide false information are removed from the register) but can re-apply immediately which does not discourage blatant deception.  NB. They can be prosecuted if they have been awarded a tenancy.	Low – administrative change that will impact on a very small number of applicants	Applicants who deliberately falsify their applications.
<b>8. Anyone who does not bid for a property within a 12 month period should be removed from the register and disqualified for 12 months. This would be administered via a rolling 12 month review process.</b>	To support the better administration of the register and to ensure that only those with an immediate need and who are seeking housing are registered with the scheme.  We can also target non bidders who need assistance to access the scheme	Low- This is an administrative change.	Households who have registered with Home Choice and are not actively bidding for available properties.  The JRF report found that 57% of applicants had not made a bid for a property.

Proposed Change	Why needed	Likely Impact	Who it affects
<p><b>9. That ‘Good Neighbour’ should be re-branded ‘Good Tenant’. It is proposed that these tenants are not automatically awarded Gold Band priority but awarded one band above their actual need (maximum gold band).</b></p> <p>Current policy gives existing tenants seeking a transfer who are classed as being ‘Good Neighbours’, Gold Banding under the scheme.</p>	<p>Currently social housing tenants seeking a transfer and who are deemed to be ‘good neighbours’ are Gold Band status.</p> <p>Whilst it is good practice to assist ‘good tenants’ to move there were some concerns that some of those that did so had no housing need, leaving less desirable areas creating voids and polarised communities. The proposal is therefore to give ‘good tenants’ one band above their actual need.</p>	Medium	<p>Existing tenants seeking a transfer who are classed as being ‘Good Neighbours’ under the scheme.</p> <p>38% of Gold Band applicants in Selby have been awarded ‘Good Neighbour’ status and may be affected by this change.</p>
<p><b>10. Adopters and fosterers are be given additional preference.</b></p> <p>Where a household is approved by the social services department as being a Foster Carer and thus needs larger accommodation as a result, they shall be awarded Silver Band Priority</p>	<p>This is being proposed in accordance with Localism Act as is intended to ensure that those people wishing to foster or adopt children are not prevented from doing so because of inadequate accommodation.</p>	Low - No accurate figures are available but anecdotally this change is expected to have a minor impact.	Households wishing to adopt or foster children but who are restricted from doing so due to the size of their homes.



Potential Change	Why Not Being Proposed	Impact	Who it Affects
<p><b>11. There should be <u>no</u> additional preference given to service personnel but banding awarded on housing need.</b></p>	<p>Whilst the introduction of this change would have little impact locally it is a significant issue for some of the other N Yorks Councils. Areas of North Yorkshire have significant military presence due to the Catterick Garrison.</p>	<p>It is not proposed to introduce this change.</p>	<p>Service Personnel</p>
<p>The Localism Act allows Councils to give additional priority to service personnel.</p>	<p>To give paid serving members of forces with no housing need preference over locals with housing need would have a negative impact on the ability of local people to access social housing.</p>	<p>It is important to note that legally service personnel are exempt from certain eligibility restrictions (e.g. the lump sum they receive on retirement is not taken into account when eligibility to join the Home Choice Scheme is considered.</p>	
<p>Current policy assesses service personnel on the basis of housing need.</p>	<p>It is important to note that service personnel within the partnership are treated the same as all other applicants and not disadvantaged in any way. Where there is a housing need they are eligible for accommodation along with other applicants</p>	<p>In addition, local connection rules that restrict access to join the register do not apply to service personnel.</p>	
<p>In Richmondshire 40% of social housing vacancies are already allocated to service personnel.</p>			
<p>Similarly high proportions of lettings are awarded to forces personnel in Hambleton.</p>			

Potential Change	Why Not Being Proposed	Impact	Who it Affects
<p data-bbox="188 344 629 475"><b>12. There should be <u>no</u> additional preference given to households either in or seeking work.</b></p> <p data-bbox="188 547 629 746">The Localism Act allows Councils to give additional priority to those in employment or seeking work (e.g. a shift away from a system that allocates on the basis of need)</p> <p data-bbox="188 818 629 981">Some Local Authorities are giving additional priority for hard working families as a means to reward employment and discourage welfare dependency.</p>	<p data-bbox="663 344 1093 611">Given the massive levels of demand for social housing across the partnership areas there is no appetite amongst partner Councils or Registered Providers to vary from a 'needs based' approach to the allocation of social housing.</p> <p data-bbox="663 683 1093 981">Councils and RPs do however have the ability to try and create 'mixed' or 'sustainable' communities through the use of Local Lettings Agreements, typically used on new developments or in areas where the demographic profile is imbalanced.</p>	N/a	N/a

North Yorkshire  
Choice Based Lettings Partnership

**Draft**  
**North Yorkshire  
Common Allocation  
Policy**

*‘To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live.’*



## Contents

<b>Glossary of Terms .....</b>	<b>24</b>
<b>Section 1 – Introduction and background .....</b>	<b>28</b>
1.1 The North Yorkshire sub-regional Choice Based Lettings Partnership.....	28
1.2 Our vision for the service.....	29
1.3 Aims and objectives .....	29
1.4 Statement on choice.....	30
1.5 Meeting our obligations .....	30
1.6 Information sharing, confidentiality and data protection .....	31
1.7 Equality and fairness .....	31
<b>Section 2 – Joining the Common Housing Register .....</b>	<b>32</b>
2.1 The North Yorkshire Common Housing Register .....	32
2.2 Who can apply?.....	32
2.3 Who will be accepted onto the North Yorkshire Home Choice register.....	15
2.4 Applications not accepted due to unacceptable behaviour & rent arrears...15	
2.5 No local connection.....	15
2.6 Homeowners/sufficient financial resources.....	16
2.7 Joint applications.....	16
2.8 Multiple applications.....	17
2.9 Existing tenants and their households .....	17
2.10 Applications from employees/members and their close relatives.....	17
2.11 Armed Forces.....	18
2.12 How to apply.....	18
2.13 Verifying information.....	19
2.14 Confirming registration.....	19
2.15 Changes in circumstances.....	19
2.16 Keeping the register upto date .....	19
2.17 Cancelling applications.....	20
2.18 Giving false information/deliberately withholding information.....	20
2.19 Deliberate worsening of circumstances.....	21
2.20 Notification about decisions and the right to a statutory review.....	22

<b>Section 3 – Assessing housing need .....</b>	<b>41</b>
3.1 Legal background.....	41
Reasonable preference.....	41
3.2 Assessing housing need .....	41
Emergency band.....	42
Gold band .....	42
Silver band.....	43
Bronze band .....	43
<b>Section 4 – The choice based lettings scheme.....</b>	<b>45</b>
4.1 Advertising properties on the choice based lettings scheme.....	45
4.2 Adapted properties for people with disabilities .....	45
4.3 Housing with support schemes, including extra care schemes .....	46
4.4 The bidding cycle .....	46
4.5 Bidding from prison .....	47
4.6 Short-listing and selection – Tie breakers - 1 Housing need .....	47
4.7 Tie breaker 2 - Occupation.....	29
4.8 Tie breaker 3 – Debt.....	47
4.9 Tie breaker 4 – Time .....	30
4.10 Exceptions to the tie-breaker order .....	30
Section 106.....	30
Planning or legal condition.....	30
Local lettings initiatives (LLIs) .....	30
Access for lower bands.....	30
Adapted properties .....	31
4.11 Overlooking bids.....	31
4.12 Direct offers .....	31
4.13 Viewing properties and receiving offers.....	50
4.14 Time allowed for accepting an offer.....	51
4.15 Monitoring .....	51
4.16 Publishing feedback on lettings .....	52
4.17 Future development of the scheme.....	52

<b>Section 5 – Other housing options .....</b>	<b>53</b>
5.1 Private landlords.....	35
5.2 Housing associations.....	35
5.3 Low cost home ownership.....	35
5.4 Mutual Exchange.....	35
<b>Appendix 1: Partner landlord contacts.....</b>	<b>55</b>
<b>Appendix 2: Participating landlords .....</b>	<b>57</b>
<b>Appendix 3: Qualification Criteria ( serious unacceptable behaviour).....</b>	<b>38</b>
<b>Appendix 4: Homeless applicants .....</b>	<b>66</b>
<b>Appendix 5: Definition of at risk of homelessness.....</b>	<b>66</b>
<b>Appendix 6: Defining overcrowding and housing height .....</b>	<b>67</b>
<b>Appendix 7: The Good tenant Scheme .....</b>	<b>46</b>
<b>Appendix 8: The offender Initiative.....</b>	<b>47</b>
<b>Appendix 9: Property Need.....</b>	<b>48</b>
<b>Appendix 10: Overlookin a Sucessfull Bid.....</b>	<b>48</b>
<b>Appendix 11: Monitoring Mobility .....</b>	<b>50</b>
<b>Appendix 12: Management Transfer.....</b>	<b>54</b>
<b>Appendix13: Resettlement.....</b>	<b>55</b>
<b>Appendix 14: Young People Support and Trustees.....</b>	<b>56</b>
<b>Appendix 15: Armed Forces.....</b>	<b>58</b>
<b>Appendix 16: Medical.....</b>	<b>59</b>
<b>Appendix 17: Sensitive Lets.....</b>	<b>60</b>
<b>Appendix 18: Senior Management Decisions.....</b>	<b>61</b>

## Glossary of Terms

### **Adapted properties**

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities, for example major changes to bathing facilities and/or access into or within the property.

### **Advocate**

A responsible person who has been given approval to 'act' on behalf of an applicant such as a support worker or a family member.

### **Applicant**

A person who applies to register on the choice based lettings scheme, including tenants of a local authority or a housing association.

### **Assisted bidding**

Where an appropriate person, with the consent of the applicant, submits bids on their behalf.

### **Automated bidding**

Where the computer system automatically submits a bid for an applicant.

### **Bands**

The system for setting out the different priorities of housing need.

### **Bidding**

The way in which registered applicants express an interest in an advertised vacancy. In this context bidding has nothing to do with money.

### **CBL - Choice Based Lettings**

A system for letting affordable housing, supported by the government and the Homes and Communities Agency, which allows housing applicants more choice by advertising vacancies and inviting applicants to express interest in being the tenant.

### **CBL Partnership Board**

A board made up of a representative from each of the original partner organisations listed on page 10, a representative from an independent housing association with properties across the partnership area and any new partner invited to join the board.

### **Common allocation policy**

A shared set of rules on how properties will be advertised and let providing consistency between all partner landlords.

**Common Housing Register**

The single shared list of applicants eligible to use the Choice Based Lettings scheme. In order to bid for a property, the applicant must be on the Common Housing Register.

**Direct offer**

Where a property is offered to an applicant, under exceptional circumstances, which will not require an applicant to bid.

**Emergency Prohibition Order**

These are statutory notices served under the Housing Act 2004 where a local authority is satisfied a Category 1 hazard exists and that hazard involves an imminent risk of serious harm to the health and safety of the occupier/s.

**Essential Need (support)** – where a person is required (needs) to live close to a family member to provide / receive fundamental support regularly without which the person requiring support would need residential care or an enhanced package of support from social care which they could otherwise not receive.

**Good Tenant Scheme**

Incentive Scheme for tenants of partner agencies (landlords) who meet the criteria specified in (Appendix 7)

**Housing Related Debt** Monies owed to a landlord, such as a local authority, housing association, arms length management company or temporary housing accommodation provided under homeless duties, hostels or supported housing projects, in respect of current or former tenancies. It can also include other debts such as re-chargeable repairs, court costs and support charges, prevention fund monies (eg bonds, rent in advance), Debts written off as part of bankruptcy will be disregarded.

DEBT means TRUE debt and does not include arrears where the housing provider is in receipt of regular HB payment or direct debit / standing order which clear the rent account. Housing related debt does not include Council Tax debts.

**Local connection**

Connection to a particular area because of residency, employment, family or a main source of support.

**Locality.**

Local Authority area in which the applicant currently lives

**Local lettings initiative (LLI)**

A time limited policy, which is introduced to take account of local circumstances. Examples of this may be where a new housing development becomes available or where there is severe anti-social behaviour concentrated in a particular area. This means that these properties will be let outside of the policy. Each scheme will establish the criteria that will be used. These criteria will vary dependant upon the circumstances that has led to the LLI. Each new LLI must be signed off by the CBL Partnership Board and published by the relevant partner landlord.



**Low cost home ownership**

Options enabling home seekers that are unable to afford to buy a property on the open market to get on the property ladder. Schemes include part rent and part buy or buying a percentage of the equity at a discounted price.

**LSVT – Large Scale Voluntary Transfer**

Former council housing which has been transferred to a housing association or housing com

**MAPPA (Multi Agency Public Protection Arrangements)**

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Common Housing Register for applicants subject to MAPPA can only happen when a senior officer has given authorisation based on a risk assessment.

**Mutual exchange**

Where two or more tenants swap their homes. Each tenant agrees to move into the others home on an 'as seen' basis.

**Nomination agreement**

An agreement which sets out the way in which local authorities and housing associations work in partnership to help those in housing need. They usually state a percentage of properties that the housing association will make available to applicants nominated by the local authority.

**Partner landlord**

A landlord who was an original signatory to the North Yorkshire common allocation policy and will let their vacancies in the North Yorkshire sub region through the choice based lettings scheme.

**Participating landlord**

A landlord who allocates 100% of their properties through the North Yorkshire common allocations policy.

**Associate landlord**

A landlord who allocates some of their properties through this policy (formal nominations via a local authority) but have their own allocations policy for their own lettings.

**Priority band date**

The date when the application changed bands, which maybe a later date than the date on which the application was originally made – this date may be used as a tie-breaker to decide who receives an offer of accommodation.

**Reasonable preference category**

The phrase used in the Housing Act 1996, Localism Act 2012 & Homelessness Act 2002 to describe those types of housing need that should be given priority in a local authority's allocations policy.

**Registration date**

The date a complete application, with all required supporting information, is received by one of the partner landlords – this date may be used as a tie- breaker to decide who receives an offer of accommodation.

**Resettlement programme**

A structured programme for rough sleepers and young people to develop independent living skills.

**Sub-regional partnership**

A group of local authority areas working together; in this case the North Yorkshire area.

**Supported housing**

Specific accommodation schemes for particular groups of people, for example people with learning disabilities or mental health issues, whereby support is provided. Some schemes are short term (up to 2 years) with the aim of people moving on to live more independently.

**Support package**

Some applicants must have a support package in place, if they are to be eligible for the Common Housing Register. A support package enables a vulnerable tenant to live independently. The receiving landlord must be satisfied that the support package is sufficient to meet the applicant's needs and includes with it a strategy for non-engagement by the applicant.

**Tie-breaker**

The method used to decide between two or more applicants who have the same level of housing need.

## Section 1 – Introduction and background

### **1.1 The North Yorkshire sub-regional Choice Based Lettings Partnership**

This document sets out the new housing allocation policy for the North Yorkshire Choice Based Lettings (CBL) Partnership, known as North Yorkshire Home Choice. This policy updates the existing allocation policies introduced in July 2011.

CBL is based on the public advertising of available properties, with applicants being able to express an interest (bid) for properties for which they qualify.

The policy, updated by the partner landlords, continues to give applicants an active role in choosing their potential new home. The partners (hereafter 'the partnership') are:

- City of York Council
- Craven District Council
- Hambleton District Council
- Richmondshire District Council
- Ryedale District Council
- Scarborough Borough Council
- Selby District Council
- Broadacres Housing Association (Large Scale Voluntary Transfer Landlord for Hambleton)
- Yorkshire Coast Homes (Large Scale Voluntary Transfer Landlord for Scarborough)
- Yorkshire Housing Group (Large Scale Voluntary Transfer Landlord for Ryedale and Craven)

The contact details for all of these organisations are listed in Appendix 1.

Other housing association operating in the partnership's area, will be encouraged to advertise their vacant properties through the new lettings scheme in line with their current agreements. Should any Housing association advertise all of their vacancies in accordance with the scheme, they will be viewed as a participating landlord<sup>1</sup> for the purposes of operating this policy.

The partnership will work with these housing associations to improve and develop the policy so as to maximise the number of properties that are advertised to applicants in the future.

---

<sup>1</sup> A list of participating landlords -see appendix 2

## **1.2 Our vision for the service**

***'To provide increased choice in housing to residents in North Yorkshire and help to create sustainable, mixed communities where people choose to live.'***

**The partnership aims to ensure that new applicants, and existing tenants applying to transfer to a new home, are provided with a first class housing service, which gives them an active role in choosing a home which best suits their long-term housing needs and aspirations.**

We will achieve this by working together to provide a comprehensive housing advice service, covering a whole range of housing options across North Yorkshire. Local authorities and housing providers will work in partnership to widen the housing choice that they are able to offer and to support all applicants, including those who are vulnerable, to choose where they want to live.

The partnership is committed to tackling homelessness across North Yorkshire. We believe this policy will have a positive impact in the creation of thriving, mixed, safe and sustainable communities across North Yorkshire, through a consistent, coordinated and joined-up approach to delivering a high quality lettings service.

## **1.3 Aims and objectives**

This policy is a Choice Based Lettings policy.

The shared aims and objectives of this policy are:

- to meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) and Homelessness Act (2002) and Localism Act (2012) ensuring that those with the greatest housing needs have those needs met more quickly;
- to empower applicants to make their own choices about where they want to live;
- to encourage and support, balanced and sustainable communities;
- to make the process simple, transparent, fair and easy to use;
- to provide information about the availability of homes to enable applicants to make realistic choices about their housing options;
- to prevent homelessness and reduce placement in temporary accommodation;
- to ensure accessibility for all those in housing need, particularly the more vulnerable; and

- to make effective use of the affordable housing stock, extending choice and mobility across local authority boundaries.

Section 2 sets out who is eligible to join the Common Housing Register.

#### **1.4 Statement on choice**

The policy has been drawn up to offer a choice of housing options to the widest number of housing applicants, including those with specialist needs.

Applicants will be given the opportunity to express their choice of accommodation and in time this choice will be maximised to cover a wide range of housing options.

The policy meets the statutory requirements for the allocation of social housing by ensuring that reasonable preference is given to those with the most urgent housing needs, while at the same time balancing the needs of the community.

The partnership will advertise the vast majority of their vacant stock through the choice based letting scheme and advice and assistance will be given to applicants to allow them to make informed choices about the type of accommodation which best meets their housing needs and aspirations.

Applicants will also be able to access information on bidding patterns and supply and demand; this will enable applicants to make informed decisions about which accommodation they want to be offered. The information on the website will also include links to other useful websites.

#### **1.5 Meeting our obligations**

This policy has been developed with regard to the codes of guidance issued to local housing authorities in England, in exercising the functions under 167(1A) and 167(2) of the Housing Act 1996.

The partnership will ensure that the policy is compatible with obligations imposed by other existing legislation, in addition to Part 6 of the Housing Act 1996 as detailed below; this list is not exhaustive.

- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2010

This policy also takes into consideration the following guidance:

- Equality and Human Rights Commission (Code of Practice on Racial Equality in Housing – September 2006)
- Allocation of accommodation: guidance for local authorities in England 2012

In addition, the partnership will ensure that the policy is compatible with local, sub-regional and regional housing and tenancy strategies, together with the North Yorkshire housing strategy.

### **1.6 Information sharing, confidentiality and data protection**

All information received relating to an applicant's housing application will be treated as confidential in accordance with the Data Protection Act 1998. Information will only be shared in accordance with each partner's Data Protection registration and the consent given by applicants as part of the application process. Information will not be given to third parties unless consent has been given by the applicant; however consent will not be required where there is a public safety interest or to prevent fraud.

### **1.7 Equality and fairness**

The partnership will ensure its policies and practices are non-discriminatory and will aim to promote equal opportunity by preventing and eliminating discrimination on the grounds of gender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation or marital status. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals. The partnership will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

A sub group of the Partnership Board, the Equalities Monitoring Group (EMG) has been and will continue, to review the impact CBL will have on the above client groups and others. The EMG will oversee and develop the equality impact assessment for the scheme and will strive to ensure that all relevant equality legislation is considered by the scheme and the partnership Board.

Choice based lettings as an approach, strives to maximise information and support to applicants.

## Section 2 – Joining the Common Housing Register

### 2.1 *The North Yorkshire Common Housing Register*

The Common Housing Register (referred to as ‘the Register’ throughout this document) is a key part of the CBL scheme. The Register is a single list of all the applicants who have applied for and been accepted on to the CBL scheme. People who apply to join the Register will have the benefit of applying to all the partner landlords. In order to bid, an applicant must be on the register.

### 2.2 *Who can apply?*

Anyone aged 16<sup>2</sup> or over, may apply to join the register, subject to the following restrictions:

- Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions
    - o they are Looked after children under section 20 Children’s Act 1989 or are Care Leavers with a relevant support package and Trustee and are ready for independent living as agreed with Social Services

OR

  - o They must have an appropriate support package in the area they wish to live to enable them to sustain their residency.
  - o And they must have an identified trustee who can hold any tenancy on their behalf until the age of 18. Trustees can be a person or an organisation, and will not have a financial liability.
- 
- Applicants subject to some aspects of immigration control , who do not have recourse to public funds or who can not prove they have recourse to public funds , or not habitually resident may not join the register<sup>3</sup>

Applicants subject to MAPPA arrangements can only join the register with the approval of a senior manager of the relevant local authority (see also 4.13).

---

<sup>2</sup> Applications from 16 & 17 years olds who are not known to the relevant social services authority, will result in a referral to said authority if in housing need.

<sup>3</sup> In accordance with relevant legislation, Allocation of Accommodation Code of Guidance and case law (See point 1.5)

## **2.3 Who will qualify for the North Yorkshire Home Choice register?**

Certain applicants will not qualify for the NYHC register and these include

- anti social behaviour including rent arrears
- no local connection, exceptions being MAPPA from out of area with agreed accommodation pathway. National Witness protection scheme via a senior manager.
- Homeowners
- those with no housing need
- deliberate worsening of circumstances
- providing false information / deliberately withholding information
- no bid within a twelve month period
- refusal of property
- MAPPA if no approval of senior officer

## **2.4 Applications not qualifying due to unacceptable behaviour including rent arrears.**

Section 160A(8) of the Housing Act 1996 provides that persons can be excluded from the register where (a) the behaviour of the person concerned which would (if he/she were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c.68) on any ground mentioned in part 1 of Schedule 2 to that Act (other than ground 8). (b) behaviour of a member of his/her household which would (if he/she were a person residing with a secure tenant of the authority) entitles the authority to such a possession order. Applicants will be excluded where these grounds apply. This includes nuisance and rent arrears in all tenancies including the private sector. In the private sector a financial assessment may be necessary to establish if the property rent was deemed affordable and the applicant made every reasonable effort to pay. In the armed forces a dishonourable discharge may result in exclusion.

The full policy for dealing with applicants who have a history of unacceptable behaviour is attached as Appendix 3.

## **2.5 No local Connection.**

The partnership has agreed to restrict access to the register to those people who have a recognized connection to the partnership area. Applicants will need to meet one of the following criteria.

- currently live in the partnership area and have been resident for at least 6 out of 12 months; or
- have lived within the partnership area for at least 3 years out of the last 5 years; or



- are employed in the partnership area. Employment is defined as meaningful permanent full or part time. Not casual or seasonal.
- have an essential need to live close to another person who currently lives in the partnership area, who has been resident for the last 5 years, so that support can be given or received. In this case the applicant can only bid to a Local Authority area within or adjacent to which the family member lives.
- is a close family member residing in the partnership area who has done so for the last 5 years. (mother, father, adult son, adult daughter): or
- One of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 part 7.

Applicants who do not have a local connection will not qualify for access to the housing register.

The only exception to this being members of the serving armed forces, bereaved spouses or civil partners of those serving in the regular forces. (see appendix 15)

## **2.6 Homeowners/sufficient financial resources.**

*The partnership recognises that there is a shortage of available housing in the sub regional area and those people who already own their own home with no recognized housing need (either freehold, leasehold, under mortgage or shared ownership) will not qualify to join the housing register.*

Applicants with a household income, capital or assets of £50,000<sup>4</sup> or over will not normally qualify to join the housing register. Such people will be offered advice on alternative housing options.

Where older people, aged 60 plus, cannot stay in their own home and need to move into specialist accommodation eg sheltered or extra care housing or their current home cannot be adapted to meet their needs they will be assessed as to whether they have sufficient resources to meet their housing needs elsewhere.

## **2.7 Joint applications**

Joint applications will be accepted, provided all applicants are eligible, aged 16 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need. Any person aged 16 or 17 needs a trustee and support package

---

<sup>4</sup> Excludes any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active duty.

## **2.8 Multiple applications**

Multiple applications are not allowed. If an application is already registered, the applicant must decide which application they want to keep. The other application will be cancelled. This will also apply to people who are registered as a joint applicant on more than one application.

## **2.9 Existing tenants and their households**

Existing council housing and housing association tenants (excluding those in temporary accommodation), can apply to move and will have their priority assessed in the same way as other applicants. Tenants will, however, not normally be allowed to move if:

- they owe rent to their landlord or any other housing debts;
- they are currently in breach of other tenancy conditions and their landlord has started formal action in respect of these breaches;
- their property has been adapted to their needs; unless someone in the household no longer requires the adaptation or the property they are moving to also includes all the adaptations that they require;
- they are introductory / starter / demoted tenants
- they are within the first year of a new tenancy unless there is a key change in circumstances which is assessed, supported and approved by a senior manager.

Existing tenants are encouraged use Home swapper and Mutual Exchange.

The partners want to give an incentive to existing longer standing tenants of the partner landlords that would enable them to move home if they want to. This is the 'Good Tenant' scheme which is explained in Appendix 7.

Some lettings of secure tenancies are exempt from the requirements of part 6 of the Housing Act 1996 and this allocations policy will not apply to:

- succession on the death of a tenant;
- assignment by way of exchange (a mutual exchange);
- assignment to a person who would be qualified to succeed if the tenant had died immediately before the assignment; or
- transfers of tenancy under the provisions of matrimonial and related domestic legislation.

The partner housing associations who issue assured tenancies may also have additional policies outside the provisions of this allocation policy, which allow people residing in the property to take over the tenancy.

Applicants from temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears or are in breach of temporary accommodation / licence / tenancy conditions where court action / eviction is imminent.

## ***2.10 Applications from employees / members and their close relatives***

Applications can be accepted from employees, elected local authority members, housing association board members and their close relatives, provided they are eligible to apply. Applicants must disclose any such status or relationship at the time of applying.

## ***2.11 Armed Forces***

Applications can be accepted from members of the armed forces if they have a recognized housing need and they fall within one or more of the categories detailed in appendix 15.

## ***2.12 How to apply***

Applicants can apply to join the Register by completing an on-line form. This can be done by accessing the website [www.northyorkshirehomechoice.org.uk](http://www.northyorkshirehomechoice.org.uk). Alternatively an application form is available from any of the partner organisations. Advice and support in completing the form can be provided, on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy.

The purpose of the application form is to correctly identify the priority band and establish whether the applicant has any needs that require additional support and help in applying for housing.

## ***2.13 Verifying information***

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This will include:

- 2 x copies of identification for the main applicant and joint applicant, one of which must include confirmation of the National Insurance Number and proof of address
- Where appropriate (persons from abroad) proof of work permits / documentation
- Proof of child benefit / residency of child where appropriate

Additional information and documentation must be provided if requested

The application must be complete and applicants will be required to send copies of the above to the partner dealing with the application within 28 days.

This may be supplemented by the partner landlords:

- seeking references from former landlords or other persons;
- obtaining supporting information from other organisations; and
- carrying out a home visit.

A failure to respond to a request for information as part of the initial verification process within 28 days will generally lead to cancellation of the application. The applicant will be notified in writing. Further verification may be required during the application / allocation process. Applicants will be advised of shorter timescales to provide additional information / documentation at point of offer.

It is the responsibility of the applicant to provide the information / documentation

## **2.14 Confirming registration**

Applicants will receive confirmation that their application has been registered together with:

- their registration date<sup>5</sup>
- the band they have been awarded;
- a priority band date if different from the registration date;
- confirmation of which type and size of properties they are eligible to bid for; and
- their username, unique reference number and password for the website

Applicants must check the accuracy of this information as it will be used to decide their priority for receiving an offer of housing.

## **2.15 Changes in circumstances**

It is the responsibility of the applicant or their advocate to notify the partnership of any change in circumstances that could affect their application. The application will be re-assessed on the basis of their changed circumstances and placed in the band that reflects their current housing need.

If an application is moved to a higher band as a result of changed circumstances then the priority band date will be the date that the change was notified. This will be relevant for assessing any tie-break (see 4.6 – 4.10)

If an application is moved down a band, the priority band date will be the date the applicant entered the higher band or, if they had previously been in the new band, the date they originally entered that band.

---

<sup>5</sup> Date application received with **all** required supporting information.

An offer of a property may be withdrawn if it is evidenced that an applicant's circumstances have changed and would have resulted in a reduction of priority within the banding scheme. The applicant's new circumstances will be assessed and appropriate revised banding awarded. The applicant will be notified in writing.

### ***2.16 Keeping the Register up to date***

All applicants who have not bid for any properties within a 12 month period will be contacted and asked if they want to remain on the Register. A failure to respond within 28 days will result in the application being cancelled. Applicants in the Emergency and Gold bands will be reviewed on a more regular basis to ensure they are not having difficulties with the scheme and to check that they are bidding for suitable properties when advertised.

### ***2.17 Cancelling applications***

Applications will be cancelled in the following circumstances:

- A failure to provide verification information in the given time period
- A request has been made by the applicant (or their named advocate) to cancel the application
- No reply to the review letter in the given time period
- Applicant has been rehoused by one of the partners or completed mutual exchange
- Lost contact with applicant as they have moved address
- A sole applicant has died.
- Applicant has been denied entry to the scheme on the grounds of their serious unacceptable behaviour
- When it is clear and evidenced that an applicant has provided false information (the applicant must be notified of their right of appeal)
- Verification: If it comes to light an applicant is no longer eligible to register with North Yorkshire Home choice the application will be cancelled with immediate effect
- The applicant has declined three offers of suitable accommodation

### ***2.18 Giving false information / deliberately withholding information***

It is a criminal offence for anyone applying for housing from a housing authority to knowingly or recklessly give false information or knowingly withhold information which is relevant to their housing application (Section 171 of the Housing Act 1996).

Anyone found guilty of such an offence may be fined up to £5,000 and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information.

Applicants who are found to have made fraudulent claims will be removed from the Register for a minimum of 12 months. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing. Applicants can reapply after this time period has expired. The new application will be re-assessed on current information. Banding date will be from the date of the new assessment.

The partnership will consider taking action against a professional organisation that knowingly or recklessly provides false information or deliberately withholds information on behalf of an applicant they are representing.

## **2.19 Deliberate worsening of circumstances**

Whilst the policy is intended to make sure that those with urgent housing needs are rehoused more quickly, it does not want to reward applicants who deliberately worsen their housing circumstances in order to get into a higher band; each case will be assessed individually.

Any applicant who deliberately worsens their circumstances will have their application removed from the register for a minimum of 12 months. Applicants can seek review as per 2.19 Applicants can reapply after this time period has expired.

## **2.20 Notifications about decisions and the right to a statutory review**

Applicants have the following rights concerning decisions about their housing application:

- The right to be notified in writing of any decision not to be registered on the register because of immigration control.
- The right to be notified in writing of any decision not to qualify to be on the North Yorkshire Home Choice register because of unacceptable behavior serious enough to make them unsuitable to be a tenant.
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation.
- Removal from the register for refusing offers, deliberately worsening circumstances or falsifying information
- The right to request a review of a decision in respect of any of the above. The applicant will also be informed of the decision in respect of the review and the grounds for that decision.

Any request for a review must be made and information provided within 21 days of the notification of the decision. The review will be carried out in the first instance by the partner organisation that made the decision. The person carrying out the review will be

of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will, subject to the next paragraph, be heard by an Application Review Panel, who will make recommendations to the relevant partner landlord and local authority. Further rights of appeal will be outlined to the applicant in their decision letter. (See Appendix 3 for more details).

This further right of appeal in respect of decisions made in application of the rules pertaining to a housing association's charitable status will not be heard by an Application Review Panel but will be dealt with under the housing association's complaints process.

## Section 3 – Assessing housing need

### **3.1 Legal background**

In framing this policy and to ensure that those in greatest housing need are given preference for an allocation of accommodation, the partnership has considered the categories of people that must be given reasonable preference by local authorities, as set out in s167(2) of the Housing Act 1996, the Homelessness Act 2002 and the Localism Act 2011. These are:

#### **Reasonable preference**

- People who are homeless including people who are intentionally homeless and those who are not in priority need.
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including people who need to move because of their disability or access needs, and this includes people with a learning disability as well as those with a physical disability.
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).
- Approved foster carers who need a larger home to accommodate a looked after child or a child who was previously looked after by a local authority.

The partnership will ensure that monitoring arrangements are in place in order to monitor lettings outcomes and will review the policy in order to ensure that it meets our key aims and our legal duties.

### **3.2 Assessing housing need**

Applicants will be assessed and given a priority band in accordance with the following categories of housing need:



## Emergency band

This band is intended to meet the needs of applicants in extreme circumstances only; it will only contain a tiny number of applicants at any one time and is subject to a time limit.

Applicants unable to return to their home from hospital because their current home is permanently unsuitable<sup>6</sup>.

- Applicants unable to access key facilities in their home without **major** adaptation works<sup>7</sup>

**Note:** Only applicants with a connection to the partnership area will be considered for the Emergency Band. Applicants will only be considered for accommodation in their local authority area.

Any applicant in the Emergency band will have their case reviewed by the relevant partner organisation every four weeks, who will have discretion to re-band the applicant.

## Gold band

- Care leavers at point of leaving care or supported housing.<sup>8</sup> with an agreed support package relevant to offer.
- Applicants who need to move on from an approved accommodation based supported housing programme and the agency supporting them has provided evidence that their programme of support is complete and that they are able to live independently, either with or without support. (Resettlement category) (see Appendix 13)
- Applicants presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. They are willing to move to a property with at least two fewer bedrooms.
- Applicants who are a statutory homeless household under part 7 of the 1996 Housing Act who is owed the 'full duty'. (Applicants can be subject to a direct offer if, after a minimum of four weeks of registration in this band, they have not secured an offer of accommodation – see Appendix 4) . Applicants will only be able to bid for a property in the Local Authority area which has accepted the duty to house<sup>9</sup>.

Applicants who are overcrowded and require two more bedrooms to relieve the overcrowding. (See Appendix 6)<sup>10</sup>

---

<sup>6</sup> Written confirmation from the relevant Social Services Authority Chief Officer or nominated person will be required, setting out the reasons as to why the applicant can not return to their home.

<sup>7</sup> Joint assessment between the Social Services Authority and the LA / Partner Landlord will be required, signed off by the relevant officer.

<sup>8</sup> This is not applicable to Care Leavers in secure or assured non shorthold tenancies,

<sup>9</sup> CBL Board decision July 2011

<sup>10</sup> Excludes applicants placed in temporary accommodation

- Applicants who are at risk of homelessness and in priority need (see Appendix 5).
- Applicants with a serious and enduring illness whose health and/or well being is significantly compromised by their home or its environment, as assessed by the relevant trained Housing Officer. (Bids made on this basis must secure a direct health gain as a result of a move).
- Applicants with local connection who need to move to a specific locality so that proven hardship can be prevented. Applicants can only bid to a local authority area with close proximity/accessible to a family member or employment.

### **Silver band**

- Applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant, trained Housing Officer. (Bids made on this basis of priority must secure a health gain).
- Applicants who are homeless under part 7 of the 1996 Housing Act or are at risk of homelessness and meet potentially homeless criteria, but are not in priority need (see Appendix 4 and 5).
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding. (See Appendix 6).
- Applicants whose home permanently lacks basic amenities, not due to the failure of the applicant.
- Applicants who share bathroom and /or kitchen facilities with separate households of people who will not be moving with them.
- Applicants who are presently under-occupying a home owned by a local authority or housing association that is situated within the partnership area. They are willing to move to a property with at least one less bedroom.
- Applicants who are intentionally homeless under Part 7 1996 Housing Act.
- Applicants placed in temporary accommodation under Housing Act 1996 and pending a decision.
- Applications from prospective foster carers or adopters who would require an extra bedroom to accommodate a foster or adoptive child.<sup>11</sup>

### **Bronze band**

- All other applicants.

### **Additional information**

---

<sup>11</sup> Legal documentation from relevant social service authority required. Applicants can only bid in the area the local authority operates. Tenancies may be subject to a flexible or fixed term.

Applicants of No Fixed Abode must give a contact address and following appropriate housing options advice and verification will be banded according to current situation.

Applicants who are classified as Good Tenants (see appendix 7) will be given one band higher than their assessed need subject to a maximum of Gold band.

## Section 4 – The choice based lettings scheme

### **4.1 Advertising properties on the choice based lettings scheme**

Choice Based Lettings works by allowing applicants to express interest in available properties, which are advertised each week. From those applicants expressing an interest (bidding), the successful applicant will be decided in line with this policy.

The partnership will advertise the majority of their vacant properties as part of the scheme, including properties that have been designed or adapted to meet the needs of disabled or older people.

Each of the partner landlords will have responsibility for preparing the property description and advertising their vacancies on the scheme. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of household that can bid for it. A photograph will usually be included with the advert (this will illustrate the type of property being offered but may not be the actual property). If there is more than one property of the same type in the same location, for example a new development, only one property will be advertised. The advert will show how many of the same properties are available.

Properties may be advertised during the previous tenant's four week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

Applicants will be informed at registration what types and size of property they will be able to bid for. There will sometimes be other restrictions in the advert, for example where a property is designated for people over a certain age or for people with a particular assessed need for that type of accommodation or a sensitive let<sup>12</sup> where additional checks will be carried out. Bids from applicants will only count if they can match the requirements in the advert.

### **4.2 Adapted properties for people with disabilities**

Adapted properties are homes, which have been designed or significantly adapted to meet the needs of people with physical or sensory disabilities. Adapted homes will be advertised as part of the scheme to ensure that applicants assessed as needing this type of accommodation are given the widest possible choice. This is consistent with the duty to promote disability equality.

---

<sup>12</sup> Sensitive let; where there has been considerable nuisance and/or considerable problems in a block or area and it is necessary to prevent further detrimental issues. A standard policy operates see appendix 17.

Adverts will make clear if the property is adapted and will encourage bids from people who need an adapted home. Applicants with disabilities who wish to bid for an un-adapted home are free to do so. However, the partner landlords reserve the right to overlook any successful bid if it is not practicable to adapt the property for the applicant or there is no funding to enable them to do so.

In selecting an applicant for an adapted property from the short-list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

### **4.3 Housing with support schemes, including extra care schemes**

Properties that provide accommodation based support services under the Supporting People programme (other than sheltered housing) will not be advertised as part of the scheme. Vacant properties will be directly matched to qualifying applicants who meet the eligibility criteria following a detailed assessment into their housing needs by their service providers.

### **4.4 The bidding cycle**

Available properties will be advertised weekly on the scheme's interactive website. A weekly property sheet, which provides details of the advertised properties, will be made available for collection from the partner organisations' reception points or to download from the website. In some cases applicants will personally receive a suitably edited 'hard copy' of the adverts, on grounds of vulnerability or isolation.

Applicants (or their advocates) wanting to bid can:

- use the website;
- use the automated telephone bidding line;
- send a text message;
- return a coupon by post; or
- Contact a partner organisation in person.

Applicants can bid for up to three properties per week. Depending on the method of bidding, applicants can find out their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

#### **4.5 Bidding from prison**

Applications can be accepted from people in prison, but would normally not be made live as the applicant is clearly unable to take up a tenancy. When the applicant is within four weeks of release, the application will be updated to take account of the anticipated housing circumstances post release and the applicant placed in the appropriate band. The registration date for the application will be the date placed in the band.

The expectation of the partner organisations is that Offender Managers or prison resettlement services will work with clients prior to and after their release to assist in addressing any barriers to registering. The presumption is that the use of the statutory homeless route will be avoided and that the Prison Service or Contractor will have in place a re-settlement plan prior to release, which will be jointly developed with Housing Options staff. The details of prisoner release are covered by the 'York Offender Housing Protocol' and the 'North Yorkshire Offender Housing Protocol'.

Under certain circumstances, a tenant of one of the partner landlords, sentenced to more than 13 weeks imprisonment, can receive a 'Direct offer' on release from prison from the landlord who originally housed them. (see Appendix 8)

#### **4.6 Short-listing and selection – Tie breakers - 1 Housing need**

At the end of the advertising period, a short-list of eligible applicants who have bid will be produced.

Bids will be placed in band order. Applicants in Emergency band will be ranked first, followed by those in Gold, Silver and Bronze bands.

Bids received will first of all be prioritised according to priority band. This is the measure of an applicant's housing need; this scheme is therefore driven primarily by housing need.

There are four 'tie breakers' in total used to help determine priority between bids. They are; **housing need - occupation - debt - time** in that order.

The 'tie-breakers' are only used as necessary, for example if only two applicants bid for a property, one in Gold, the other in Silver, then the offer goes to the (higher) Gold applicant. If both applicants are in Gold then the process moves to the next 'tie-breaker' and so on.

#### **4.7 Tie breaker 2 – Occupation**

The principles of bidding allow applicants to generally bid for properties according to housing need. Criteria and exceptions are set out in Appendix 6 and 9. In certain circumstances affordability will also be taken into account.

#### **4.8 Tie breaker 3 – Debt**

Where bidders are 'equal' in terms of their need and local connection etc, previous financial conduct will be taken into account. The applicant with no housing related debt will be successful.

#### **4.9 Tie breaker 4 – Time**

If there is still more than one applicant 'tying' after band-local connection-occupation – debt have been considered then the offer will be made to the applicant with the earliest registration or priority band date<sup>13</sup>.

#### **4.10 Exceptions to the tie-breaker order**

There may be restrictions on who can be allocated a property. When this is the case, applicants will be advised in the property advert of the specific conditions. These are the likely circumstances of the specific conditions:

##### **Section 106**

When a property has been secured using the provisions of Section 106 of the Town and Country Planning Act 1990 there is usually a legal obligation that the successful applicant must have a clear connection to the specific neighbourhood in which the property is situated. This connection may be defined in different ways and will be clearly stated on the advert.

##### **Planning or legal condition**

There may be a planning or legal condition on the site which restricts who can live there and will be clearly stated on the advert.

##### **Local lettings initiatives (LLIs)**

Where a partner landlord has established a local lettings initiative.

##### **Rural areas**

A partner landlord may restrict applications for rural properties (settlements of less than 3,000 population) to applicants with a connection to the parish<sup>14</sup> and this will be clearly stated on the advert.

##### **Access for lower bands**

---

<sup>13</sup> Where the application relates to an applicant who has completed an accommodation based support programme, their time on the register will be backdated to the date they entered the support programme.

<sup>14</sup> Those listed in The Housing (Right to Enfranchise)(Designated Protected Areas)(England) Order 2009

The two lower bands (Silver and Bronze) will be monitored to identify what percentage of allocations they are receiving. The partnership Board can consider setting a quota for these bands within its annual review process, should customers in these bands be achieving little success in securing housing.

## **Proven hardship**

## **Adapted properties**

In selecting an applicant for an adapted property from the short list of qualifying applicants, the full circumstances of each case will be considered when deciding who will be offered the property. In some circumstances, priority for the offer may be given outside the tie-break order, if the vacancy is particularly suitable for the needs of an applicant.

### **4.11 Overlooking bids**

In certain, clearly defined circumstances the top bidder for a property may not receive an offer, and their bid will be overlooked. There are clear monitoring and reporting requirements for this – details are at Appendix 10.

### **4.12 Direct offers**

In general applicants will bid for properties but in exceptional circumstances a property will not be advertised but will be offered directly to an applicant<sup>15</sup>. Such circumstances include:

- Statutory homelessness cases (full duty) in accordance with this policy (See Appendix 4).
- MAPPA cases where deemed necessary by a senior manager to manage risk to the public and/or enable a move on from a high support unit if not appropriate for resettlement.
- The offender initiative described in Appendix 8.
- Management transfers in accordance with Appendix 12.
- Causes of flood or fire to the partner landlord's own properties, resulting in the tenant needing to be re-housed.
- Where, under the partner landlord's policy, a person can succeed to the tenancy but the property is inappropriate.

---

<sup>15</sup> Direct offers will be approved by the relevant senior manager of each partner. Each partner landlord will provide details to the Partnership Board on a quarterly basis of all properties let under a direct offer including the reasons for the direct offer.



- Applicants whose home is subject to demolition or refurbishment by one of the partner landlords.
- Applicants who have fully completed a programme of re-settlement, with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process.
- Applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976.
- National witness scheme.
- Any other management case where the issue is specialist or an emergency.

Direct offers will be appropriate and suitable to the applicants needs<sup>16</sup> and should be in the local authority area unless agreed by partner landlords. Partners and participating landlords with accommodation in the local authority area can be approached for a direct let.

Direct offers will be reported in lettings feedback (see 4.17).

### **4.13 Viewing properties and receiving offers**

When an applicant has been short-listed, the relevant landlord will arrange an opportunity to view the property. In some circumstances, more than one applicant may be invited to view.

Further verification of circumstances will be undertaken to ensure the applicant is still eligible for the property prior to an offer being made. Applicants will be required to provide the information or documents within a specified time frame.

If applicants are successful for multiple properties on the same week they will be asked to express a preference prior to viewing. An applicant cannot accept 2 properties subject to viewing

Generally applicants will not be penalised if they refuse an offer of accommodation; however where more than 3 offers of accommodation have been refused, the application will be removed from the register for a minimum of 12 months. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing. Applicants can re-apply after this period of time has expired. The new application will be re-assessed on current information. Banding will be from the date of the new assessment.

In order to meet urgent housing need, accepted statutory homeless, potentially homeless, resettlement category are expected to bid for all suitable properties each week. The application will be reviewed after 28 days and failure to secure a property will

---

<sup>16</sup> In respect of management transfers this will be a like for like offer.

result in one suitable direct offer, which can be either in the local authority or private rented sector, being made.

**Note:** Statutory homeless applicants who are owed the main homeless duty will be offered accommodation in accordance with sections 193(7) and 202 of the Housing Act 1996. The statutory duty owed will be discharged where a suitable offer is refused in these circumstances.

#### ***4.14 Time allowed for accepting an offer***

Applicants will be allowed 2 days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time, for example if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move. Once an offer has been matched and accepted an applicant cannot make any further bids without withdrawing current offer.

#### ***4.15 Monitoring***

The partnership will monitor the scheme on an on going basis to ensure:

- the scheme is meeting its aims and objectives;
- the policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing;
- the scheme is providing equality of opportunity;
- applicants are satisfied with the scheme, and
- that partner organisations are not subject to disproportionate levels of net inward migration – See Appendix 11.

In addition:

- The partner organisations will routinely undertake specific monitoring of bid patterns, with a view to providing the best possible housing options service. Applicants in the Emergency and Gold bands, or who are inactive or consistently unsuccessful will receive targeted advice and support (see also Section 5).

The outcomes of the monitoring will be used to assess whether any changes need to be made and to continually develop and improve the scheme. Monitoring of the policy will be on going including formal regular review by the partnership.

#### **4.16 Publishing feedback on lettings**

Applicants will only be contacted if they are invited to view a property.

Lettings results will be published on the website and in the property sheet and will include the following information:

- The property type and neighbourhood.
- The total number of bids made for the property.
- The successful applicant's registration date and/or priority band date.
- Properties where a direct offer was made and the vacancy was not advertised.

Individuals can view the outcome of their personal bids on the website.

#### **4.17 Future development of the scheme**

The partnership is committed to continually reviewing its practices and procedures associated with this policy and the scheme, to ensure a consistent and joined up approach in the delivery of a first class lettings service for North Yorkshire. In doing so, the partnership will take account of best practice and feedback from applicants.

The partnership will strive to integrate the lettings process with access to emerging education, training and employment opportunities.

The partnership will strive to collect and publish data on general patterns of supply and demand to help applicants make informed decisions.

## **Section 5 – Other housing options**

The partnership is committed to offering other affordable housing solutions to those in housing need and to those who may have to wait a considerable time before being successful in receiving an offer of accommodation.

As social housing is in such short supply, the partnership will work with other housing providers to maximise the amount of vacancies advertised through the scheme.

### **5.1 Private landlords**

We will also encourage the advertisement of properties which are owned by responsible private landlords. The adverts will make clear that the partnership is not acting as an agent for private landlords; that the properties advertised will be offered as assured shorthold tenancies; and the basis on which successful bids will be considered if it differs from the way tenants for the partner landlords' are selected. Alternatively each local authority will provide advice on the private rented sector.

### **5.2 Housing associations**

Housing associations (apart from the partner housing associations) will be encouraged to increase the number of vacant properties they advertise on the scheme. Housing association vacancies that are advertised for nomination will be clearly labelled to say which local authority is the nominating authority.

### **5.3 Low cost home ownership**

Properties for low cost sale will be advertised. Applicants will need to meet certain criteria.

### **5.4 Mutual exchanges**

Mutual exchanges can be advertised throughout the sub-region in order to give opportunities for tenants to move outside of the CBL scheme. Applicants for mutual exchanges may only exchange with their landlord's permission.

## **5.5 Sheltered Housing Extra care**

Each local authority will provide information about sheltered housing with extra care and maintain relevant waiting lists for individual schemes.

## Appendix 1: Partner |Landlord Contacts

### **City of York Council**

The Guildhall  
YORK  
YO1 9QN

Phone: 01904 551550  
E mail: [housing.registrations@york.gov.uk](mailto:housing.registrations@york.gov.uk)

### **Scarborough Borough Council**

Town Hall  
St Nicholas Street  
SCARBOROUGH  
YO11 2HG

Phone: 01723 232323  
E mail: [housingoptions@scarborough.gov.uk](mailto:housingoptions@scarborough.gov.uk)

### **Selby District Council**

Civic Centre  
Doncaster Road  
SELBY  
YO8 9FT

Phone: 01757 705101  
E mail: [lettingsteam@selby.gov.uk](mailto:lettingsteam@selby.gov.uk)

### **Hambleton District Council**

Civic Centre  
Stone Cross  
NORTHALLERTON  
DL6 2UU

Phone: 0845 1211555  
E mail: [housing@hambleton.gov.uk](mailto:housing@hambleton.gov.uk)

### **Craven District Council**

1 Belle Vue Square,  
Broughton Road  
SKIPTON  
BD23 1FJ

Phone: 01756 700600  
E mail: [housing@cravendale.gov.uk](mailto:housing@cravendale.gov.uk)

### **Richmondshire District Council**

Swale House  
Frenchgate  
RICHMOND  
DL10 4JE

Tel 01748 829100  
Email: [sara.smith@richmondshire.gov.uk](mailto:sara.smith@richmondshire.gov.uk)

### **Ryedale District Council**

Ryedale House  
MALTON  
YO17 7HH

Phone: 01653 600666  
E mail: [lorraine.gould@ryedale.gov.uk](mailto:lorraine.gould@ryedale.gov.uk)

### **Yorkshire Coast Homes**

Brook House  
4 Gladstone Road  
SCARBOROUGH

Phone: 0845 065 56 56  
E mail: [info@ych.org.uk](mailto:info@ych.org.uk)

### **Broadacres Housing Association**

Broadacres House  
Mount View  
Standard Way  
NORTHALLERTON  
DL6 2YD

Phone: 01609 767900  
E mail: [info@broadacres.org.uk](mailto:info@broadacres.org.uk)

### **Yorkshire Housing**

(Correspondence address only)  
Unit 8/9 Osbaldwick Ind Est  
Osbaldwick  
YORK

YO19 5UX  
Phone: 01904 436373  
E mail [enquiries@yorkshirehousing.co.uk](mailto:enquiries@yorkshirehousing.co.uk)

## **Appendix 2: Participating Landlords**

**Details to follow**

## Appendix 3: Qualification Criteria (serious unacceptable behaviour)

### 1. Introduction

- 1.1 The partnership recognises the Government's commitment to encouraging inclusion and social stability and will use this policy to encourage access for all applicants in housing need, including those that are socially disadvantaged. This will be achieved by ensuring that each application is treated on its individual merits and by making available mutually agreed programmes of support to vulnerable applicants in conjunction with other statutory and/or voluntary organisations.

### 2. Statutory and regulatory guidance

- 2.1 The Code of Guidance (Allocation of Accommodation-November 2002) and Localism Act 2012 explains in detail how local housing authorities should apply the 'unacceptable behaviour test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to an outright possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 Officers dealing with the assessment of housing applications will be fully trained and aware of relevant legislation and codes of guidance in the application of the statutory unacceptable behaviour test.

### 3. Assessing qualification

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. The partnership recognises there is excessive demand on social housing and as such has certain categories of applicants that will not qualify for North Yorkshire Home Choice. Therefore, applicants will not automatically be disqualified if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.

For the purpose of this document, disqualification means that an applicant has been denied access to the Common Housing Register and is unable to participate in the choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour or personal/housing circumstances.



- 3.2 The partnership will consider an application to join the Register where a history of unacceptable behaviour is proved, if the applicant is attempting to modify that behaviour with the help of a recognised support agency and that agency will continue the support if/when the applicant is housed.
- 3.3 The partnership will ensure that the process for assessing qualification is both fair and effective in the management of the housing stock. In reaching a decision on whether or not an applicant disqualified on the grounds of unacceptable behaviour, all relevant information will be taken into account, including whether the behaviour could have been due to a physical or learning disability or mental health problems.
- 3.4 Where an applicant's behaviour is not serious enough to disqualify them, it will still be considered in deciding the level of priority received within the priority band. For example, where there are low or moderate rent arrears the applicant would be overlooked for offers of accommodation where there are other competing applicants with the same level of need who do not owe any money.
- 3.5 This policy applies to existing tenants applying to transfer and to new applicants joining the Register.

#### **4. Examples of serious unacceptable behaviour**

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic violence, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions, for example serious rent arrears, which would make the applicant unsuitable to be a tenant.
- 4.2 Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation, prison service or any other relevant support agency in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.
- 4.3 Where an applicant (or a member of the household) has a history of antisocial behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made (as per section 2 above) regarding their eligibility to join the Register. Where antisocial behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies, such as social services and health services, to try to resolve an applicant's disqualification.
- 4.4 Where a Local Authority accepts a duty to house under 1996 Housing Act (Part 7) but an applicant is excluded from the register then applicant should be offered an alternative housing option (eg private rented sector, alternative Housing Association , supported housing) or can show that they have engaged to resolve the disqualification.

4.5 Significant rent arrears where the local authority would gain a possession order. An affordability assessment would be made.

## **5. Grounds for lifting disqualification status**

5.1 The basic principle for lifting the disqualification status will be evidenced material change in the applicant's circumstances. For example:

- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour.
- The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme.
- The relevant conviction has become spent.
- Addressing arrears and debts.

5.2 A fresh application will need to be made by the applicant where they have been previously disqualified and feel that their behaviour should no longer be held against them as a result of changed circumstances.

## **6. Notifying the applicant of the decision and the right to review**

6.1 All applicants will be notified if they are disqualified, the reasons for it, the period of disqualification and their right to request a review of the decision. Applicants will also be notified of what actions they can take to remedy their disqualification and a signposting/referral service to other support or independent advice agencies will be offered, if applicable.

All applicants have the right to have a review of any disqualification for the register. Any request for a review must be made within 21 days of the notification of the decision.

The review will be carried out in the first instance by the partner organisation that received the original application. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will be heard by an Application Review Panel.

Each of the ten partners who established the scheme shall provide a representative to the panel, who will consider whether any applicant can have their ineligibility for the register lifted. The panel could be facilitated by one nominated officer, acting for all the partners; a local authority could be represented by its housing association partner and vice versa.

The panel will have regard to the Allocation of accommodation guidance for local authorities in England 2012 and will consider each case as to its individual merits. If the matter is a statutory one, the Panel will advise the relevant local authority, who will have to make a final determination taking the panel's view into account.

Human Rights legislation means there is a requirement for review processes to be independent. This can be satisfied by the withdrawal of any representative from the organisation that applied the decision under review.

The Application Review Panel can also consider non-statutory matters such as disputes on banding, worsening of circumstances, priority band etc, where these have not been resolved locally. Again, the panel will provide the relevant body with a recommendation.

## Appendix 4: Homeless applicants

A key objective of the partnership is to assist the local authorities in preventing and reducing homelessness by providing a range of housing options through CBL.

Where an applicant presents as literally homeless or threatened with homelessness, robust advice and information will be provided and every effort will be made to resolve their housing situation.

If an applicant is assessed as being homeless **within 28 days** and they are eligible for assistance, in priority need, locally connected to the partnership area and not intentionally homeless, they will be found to be statutorily homeless and will be entitled to one reasonable offer of accommodation, which will be made in accordance with sections 193(7) and 202 of the Housing Act 1996, meaning that the offer will be made in writing and will be subject to the right of appeal. Applicants who are statutorily homeless will be placed in Gold band and will be expected to bid for all suitable properties within the locality that have been advertised.

Applicants who are statutorily homeless will be frequently reviewed to ensure they are bidding for suitable properties. If applicants have not been bidding, their officer will contact them at a suitable period of time to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to make one direct offer<sup>17</sup> to a statutorily homeless household after a minimum of 28 days if they have not been successful in securing a property through the scheme.** In accordance with the Localism Act 2012 the offer may be on social or private rented accommodation the homeless duty will be discharged if an offer is made as a result of a successful bid on a suitable property or the decline of a suitable direct offer.

Applicants who have a statutory homeless decision that they made themselves intentionally homeless or who have been assessed as non priority homeless will be entitled to reasonable preference; the same will apply to those who are no longer owed the main homeless duty as a result of turning down a reasonable offer of accommodation that was made in writing and subject to the right of appeal; applicants in these categories will be placed in Silver band.

**Potentially homeless:** If an applicant is assessed as meeting all the relevant criteria for being statutorily homeless, but **within a 90 day period**, the partner organisation in the locality will explore a number of options to prevent homelessness from occurring. Applicants in these circumstances will be placed in Gold band as a homeless prevention category and will be frequently reviewed to ensure they are bidding for all suitable properties. If the applicant has not been bidding, the officer will contact them to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to withdraw this band if the applicant is not bidding for all suitable properties after 28 days where appropriate.** The review will also highlight any

<sup>17</sup> To a landlord in the area of the local authority accepting homeless duty.

changes in circumstances as a result of homeless prevention activity, which could alter their homelessness assessment and priority band. A homeless application could be completed at a later stage if the applicant's housing need is not resolved.

## Appendix 5: Definition of at risk of homelessness

### Risk of homelessness

The following are examples of when an applicant living in the partnership area is at risk of homelessness; evidence and engagement with the Housing Options/Housing Advice services in their locality are required before an applicant can be seen as 'at risk'. Applicants who have negligently or deliberately placed themselves at risk of losing their home will be subject to the provisions in this policy for deliberate worsening of circumstances (2.18).

- They live in tied accommodation linked to their employment and that employment is coming to an end.
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options/Housing Advice Service. The Officer must be satisfied that the landlord intends to implement the notice.
- One party to a joint secure, introductory, assured or assured shorthold tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation.
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy.
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order.
- The applicant's home is due to be demolished.
- The applicant has lost their home due to their landlord having the property re-possessed.
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976.
- The applicant has been asked to leave by family or friends with whom they live.

All potentially homeless cases awarded gold or silver band should be managed to case work level in accordance with DCLG criteria (prevention statistics)

## Appendix 6: Defining overcrowding and housing at height

The following assumptions are made on overcrowding<sup>18</sup>:

The bedroom standard allocates a separate bedroom to each;

- Married or cohabiting couple
- Adult aged 21 years or more
- Pair of adolescents aged 10-20 years of the same sex
- Pair of children aged under 10 years regardless of sex

A room intended as a bedroom but used for another purpose will still be classified as a bedroom

Discretion can be exercised by staff to adjust the number of bedrooms required if: -

- The bedrooms in the property are particularly large or small
- A child requires their own bedroom due to disability.
- An applicant needs a bedroom for a carer or to facilitate specialist medical treatment.
- An applicant needs a bedroom for a fostered/adopted child.

In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another home to live with the other parent.

In cases where any child has a home elsewhere but chooses to live with another adult (eg sibling) this will be discounted when considering overcrowding

If an applicant with children wishes to apply for a property with the living accommodation at first floor or above, this is acceptable and is seen as a legitimate applicant choice.

---

<sup>18</sup> Overcrowding: As directed by the Allocation of Accommodation: guidance for housing authorities in England



## **Appendix 7: The Good Tenant Scheme**

This is an incentive scheme for secure and assured tenants of the partner landlords and participating landlords<sup>19</sup> living in the North Yorkshire Home Choice partnership area who are accepted on to the Housing Register and who have not, in the past three years, breached their tenancy conditions (including having a clear rent account for that period). Such tenants can apply to be “Good Tenant Standard” applicants. Good Tenant Standard applicants will be placed one band above the allocated band subject to a maximum of gold band status.

To qualify for this standard the applicant must have lived in the same property for a minimum of 3 years, the applicants’ home must be in a good state of repair & decoration and suitable for re-letting without additional work (over and above the relevant safety checks). Tenants must agree to allow their landlord to show other applicants around the property prior to them moving out.

Applicants do not have to have a housing need to be granted good tenant status

## **Appendix 8: The offender initiative**

A tenant of one of the partner landlords, sent to prison for a duration longer than 13 weeks can receive a ‘direct offer’ on release from prison, provided they meet the criteria below.

- That the tenancy was given up promptly on their imprisonment.
- There were no rent arrears or damage to the property.
- There was no anti-social behaviour related to the conduct of their tenancy.
- That the individual satisfies the acceptable behaviour test on their release.

---

<sup>19</sup> See appendix 2 for details

## Appendix 9: Property need

The table shows the size of properties that applicants are eligible for based on their household composition.

Some flats and bungalows are classed as sheltered accommodation. This type of accommodation is generally intended for people who are aged 60 or over and/or need support to help them maintain their independence. Applicants will be assessed as to whether they need this type of accommodation.

The following table shows the household composition and property eligibility.

	Bedsit / Studio	1 bedroom flat / maisonette / house	1 bedroom bungalow	2 bedroom flat / maisonette / house	2 bedroom bungalow	3 bedroom flat / maisonette / house	4 bedroom house	5+ bedroom house
One adult.	✓	✓	✓					
Two adults.		✓	✓					
Three adults.				✓	✓			
One / Two adults with one child.				✓	✓			
One / Two adults with 2 children, both the same sex or both aged <b>under 10</b> .				✓	✓			
One / Two adults with 2 children of different sexes, one <b>aged 10 years</b> or over.						✓		
One / Two adults with 3 children						✓		
One / Two adults with 4 children						✓	✓	
One / Two adults with 5+ children							✓	✓

Where partners have different housing stock profiles they may individually determine size criteria which will be shown on the advert. Generally this means that applicants will match the size criteria but in certain areas/ for certain properties they will be allowed to bid for larger. An affordability assessment may also be required to confirm affordability.

## Appendix 10: Overlooking a successful bid

There will be circumstances where allocations staff will need to, or will have discretion to, overlook a successful bidder. Allocations staff will be provided with procedural guidance on this.

1. The **mandatory grounds** for overlooking a bid are:

### 1.2 Debt

This includes housing related debts

- debts to other social landlords, temporary accommodation, hostel or supported housing (excluding council tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

A successful bid must be overlooked if the applicant has housing related debt. An exception to this can only be made if:

- the applicant has a re-payment agreement in place and that agreement has been maintained successfully for thirteen weeks prior to the successful bid being made, and
- the re-payment agreement is current

The guiding principle therefore is that applicants with debt must have a current re-payment agreement that has been sustained for at least 13 weeks, every time they bid.

Where debt is owed to a private landlord the applicant must evidence a willingness to repay.

Exceptions to the above being individual specialist cases with senior manager authority.

### 1.3 MAPPA

Such applicants can be overlooked if the property is not suitable on advice of North Yorkshire Police Public Protection Unit or North Yorkshire Probation Services and should then be dealt with by a direct offer as per 4.13. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff can overlook the offer.

### 1.4 Health and safety or Illegality

A successful bid that creates a risk to life, serious health and safety risk, or creates a situation that is illegal such as statutory overcrowding.

## 1.5. Charitable Status

Some housing associations have charitable status which place restrictions on who can be housed. A successful bid will be overlooked if the applicant does not meet the charitable criteria of the housing association

## 1.6. Essential Need

Where a person has an essential need to live close to another person who currently lives in the partnership area, the property must near to where the family member lives

## 1.7 Support

Where there is no relevant support package in place if required.

## 2. The discretionary grounds for overlooking a bid will include:

### 2.1 Existing tenants of social landlords

Existing tenants will normally be overlooked if they are in breach of their tenancy conditions (and would generally include owing rent or any other debts to their landlord) or their property has been specifically adapted as outlined in Section 2.9

An exception can be made to rent arrears if the tenant is under-occupying the property and is affected by a reduction in Housing Benefit because of their under occupation and the landlord considers a move to a smaller property to be the best option.

Also those in temporary accommodation, hostels and supported housing will not normally be allowed to move if they have current arrears.

### 2.2 Disability

Where a household with disabilities; are potentially being let a property which can not reasonably be adapted for them. It may not be reasonable to adapt properties where a major structural alteration is required such as:

- an extension;
- a through floor lift; or
- door widening.

The need for minor adaptations such as stair lifts, adjustments to baths or showers, grab rail etc should generally not exclude the successful applicant from receiving the offer, however staff will exercise their discretion if funding is not available for these adaptations.

### 2.3 Adapted properties

Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for a one further cycle in this instance.

## **2.4 Terms of the advert**

Where the successful bid does not comply with the terms of the advert.

Partners must record any instance when a successful bidder has been overlooked, and report regularly to the partnership Board.

If there is no bidder that meets the terms of the advert the property can be re-advertised.

## **2.5 Affordability**

Where, following an assessment, it is determined that the applicant will not be able to afford to sustain the tenancy.

## **2.6 Adopters/foster carers**

If not a suitable location for social services

## Appendix 11: Monitoring mobility

**Applicants connected to the partnership area are permitted to bid for properties in all seven local authority areas; no other level of local connection is taken into account (other than that outlined below).**

This permits social and economic mobility improves choice and is integral to a sub regional scheme.

Mobility is framed here with some checks and balances:

- The Partnership Board will monitor the impact of mobility, linked to baseline data on the level of letting cross boundary in other sub regional schemes and the current level of cross boundary letting in North Yorkshire.
- Section 106 agreements and other conditions as outlined in 4.11.
- The discretion to transparently establish Local Lettings Initiatives.

The Partnership Board reserves the right to limit or restrict cross boundary mobility should a particular local authority area exceed a certain level of **net** inward migration. The Board will consider the impact of any net inward migration that exceeds the net level in 2009/10. by more than 5 percentage points, imposing a temporary restriction if it sees fit.

## Appendix 12: Management Transfer

### Management transfer (emergency move)

A management transfer can be agreed for persons in imminent danger and is subject to the discretion of the designated or senior manager within each partner organisation.

A management transfer will be considered for a tenant of the partner landlords if there is evidence to show that they are experiencing harassment of a serious, targeted and persistent nature (as defined in the table below) which the tenant could not reasonably have prevented or avoided through their own actions and where there are no other appropriate ways of resolving the problem without resulting in a serious risk of harm.

serious	<ul style="list-style-type: none"><li>• violence used; or</li><li>• threats of violence which is evidenced and likely to be enacted; or</li><li>• extensive property damage, making the property uninhabitable; or</li><li>• harassment based on race, sexuality or disability.</li></ul>
<b>and</b> targeted	<ul style="list-style-type: none"><li>• specifically aimed at the individual or household; or</li><li>• related exclusively to the property; or</li><li>• not experienced by others in the immediate neighbourhood.</li></ul>
<b>and</b> persistent	<ul style="list-style-type: none"><li>• a series of repeated and recent incidents over a defined period of time and / or a likelihood of repetition assessed by police / other agency.</li></ul>

The aim of a management transfer will be to move the household to a place of safety. If the request is accepted the applicant will be made one direct offer. The offer can be for any area within the current partner landlords stock.

The offer will usually be to a “like for like” property. Any further housing needs (usually overcrowding) will be addressed through the allocation policy and prioritisation in accordance with 3.2. If the tenant is already registered for a transfer on the basis of other housing needs they will retain their existing registration/priority band date.



## Appendix 13: Resettlement

### Definition

The resettlement criteria is defined as: *Where the applicants have completed an intensive/ approved resettlement programme (as determined by the nominated officer). This will usually be for 12 months, but in any case be for a minimum of 6 months.*

Re-settlement Projects in the partnership area are identified in the staff guidance notes and may on occasions change due to decommissioning / change of contracts.

Re-settlement activity is seen by this scheme as a distinct area of activity from accommodation based supported housing. Applicant who can evidence a **completed** programme of accommodation based supported housing attract a Gold Band status under this scheme as noted above.

The minimum standard required before a programme of re-settlement can be considered complete will include evidence of support around the following areas:

- Health and related issues
- Money Management
- Engagement , training and social inclusion
- Practical Skills,
- Personal Skills,
- Tenancies Work
- Making Safe

### Ongoing Support

If the applicant does not need long term support but would benefit from some support, in particular when they first move into independent accommodation they should be referred to the appropriate organisation and this should be noted in the request for resettlement criteria.

### Joint Applications

In the case of joint applications both applicants will need to meet the resettlement criteria.

## Appendix 14: Young People Support and Trustees

### Minimum Required Standard for Support Packages and Trusteeships (Young People 16 and 17 years old)

The housing support package must have been set up as a condition of access to the register, with the applicant attending regular support sessions prior commencement of tenancy and be provided until applicants 18<sup>th</sup> birthday or minimum 6 months whichever is longer. Support can be continued after this if necessary. Support must be available in the Local Authority area in which they live or where they are moving to.

#### Relevant Trustees:

Minors – including 16 and 17-year-olds - cannot legally be bound by contracts or hold a legal estate in land. The exception to this rule is that minors can be bound by a “contract for necessities” and a minor can be legally bound to pay rent. Therefore a minor can hold an *equitable* tenancy providing a trustee must be appointed to hold the legal estate. The Trustee is merely holding a legal estate on trust until the minor reaches 18 and is legally permitted to hold an estate in land.

All new applicants under 18 can only be offered an Equitable Tenancy provisional on a suitable Trustee and support package.

Trustees do not have a financial responsibility. Each locality is free to exercise discretion on the organisations or individuals able to exercise this function, provided the Trustee is

- A responsible adult
- An organisation, that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned
- A named individual within an organisation, that organisation has as part of its remit, the provision of support to young people providing that organisation is not also the landlord of the property concerned

Wherever possible a Trustee who is a responsible adult should:

- Be a friend or relative
- Have a stable 5 year housing history
- Have no debts to LA (Council Tax or rent) / Housing Association
- Be able to attend the tenancy sign up
- Will hold the legal estate on trust. This will expire on their 18<sup>th</sup> birthday.

An individual accepted as a Trustee must attend the sign-up stage of tenancies, along with the landlord and support worker and, obviously, the Tenant. An agency who is accepted as an individual should attend the sign-up stage of tenancies wherever

possible, along with the landlord and support worker and, obviously, the Tenant. If the Trustee is unable to sign they should complete the necessary paper work immediately following the sign up.

There is no obligation on the Trustee to attend any future events relating to the tenancy

The Trustee and tenant would be jointly served with any court proceedings and paperwork and invited to attend court, but they are not required to appear at court.

The trust would automatically end on a young persons 18<sup>th</sup> birthday, when the young person would sign for an appropriate tenancy, in accordance with the landlord's policy.

In case of Equitable tenants where both under 18: an individual Trustee is required for each equitable tenant until each tenant becomes 18.

## Appendix 15 Armed Forces

ARMED FORCES: DEFINED AS;

- (a) is serving in the regular forces or who has served in the regular armed forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
- (b) has recently ceased, or will cease to be entitled to reside in accommodation provided by the ministry of defence following the death of that person's spouse or civil partner where –
  - The spouse or civil partner has served in the regular forces; and
  - Their death was attributable (wholly or partly) to that service; or
- (c) is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

For this purpose “the regular forces” and “the reserve forces” have the meanings given by section 374 of the Armed Forces Act 2006(2).”.

## **Appendix 16 Medical**

Further information to follow

## **Appendix 17 Sensitive Lets**

Where a senior officer feels that an individual property should be let outside the normal allocations policy. Sensitive lets relate to a property where the previous tenant has caused significant neighbour nuisance for a variety of reasons and where it has taken considerable time to resolve the problems. In this instance residents need assurance that to a reasonable degree that the next tenant will be unlikely to cause a similar nuisance.

Other examples would be where there are already high levels of problems such as drug related nuisance or noise nuisance with current tenants in a block or the immediate neighbourhood and where adding to those issues could be prevented.

Sensitive lets will be advertised and the advertisement clearly annotated that the applicants will be subject to further checks.

## **Appendix 18 Senior Management Decisions**

Any decisions using management discretion should be recorded on a standard proforma and retained in the customer file.

Additional information to be added.

Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>
1	Feb 2013	The Councils within the N Yorks partnership do not change their allocations policy.	Homes are not allocated to those in most need of them.  Councils open to legal challenge	The recommendations within this report are agreed.
2	Feb 2013	The Council does not agree with any particular element of the proposed changes/ a consensus view cannot be agreed between the partners.	This could result in the potential break up of the N Yorks scheme.  It would be impractical to operate a sub-regional allocations scheme with major differences in approach between partners. The approach in one area has a knock on impact to the rest of the partnership.  The original benefits re joint working were to ensure economies of scale to share cost and efforts.  Should the N Yorks partnership break up there would be a significant cost associated with this (estimated cost of operating a similar local scheme = £100K a year).	The proposals being recommended within this report were formed on the basis of negotiation and compromise between partners.  They have also been informed by an initial 'scoping' consultation exercise.



## Homes and Communities Agency Rural Gazeteer – settlements in Selby district under 3000 population

<b>Place</b>	<b>LAD</b>	<b>Population</b>
Acaster Selby	Selby	54
Appleton		
Roebuck	Selby	664
Babthorpe	Selby	27
Balne	Selby	178
Barkston Ash	Selby	426
Barlby	Selby	2722
Barlow	Selby	555
Beal	Selby	632
Biggin	Selby	116
Bilbrough	Selby	305
Birkin	Selby	122
Bolton Percy	Selby	312
Brackenholme	Selby	21
Brotherton	Selby	928
Burn	Selby	483
Burton Salmon	Selby	424
Byram	Selby	1150
Camblesforth	Selby	1528
Carlton	Selby	1919
Catterton	Selby	58
Cawood	Selby	1423
Cawood		
Common	Selby	27
Chapel		
Haddlesey	Selby	204
Church Fenton	Selby	1086
Cliffe	Selby	769
Cliffe Common	Selby	81
Cliffe Cum Lund	Selby	37
Colton	Selby	150
Cridling Stubbs	Selby	159
Drax	Selby	377
Eggborough	Selby	1556
Escrick	Selby	974
Fairburn	Selby	798
Gateforth	Selby	193
Great Heck	Selby	175
Grimston	Selby	60
Hambleton	Selby	1709
Hazlewood	Selby	48
Healaugh	Selby	119
Hemingbrough	Selby	1674
Hensall	Selby	761

High Eggborough	Selby	21
Hillam	Selby	677
Hirst Courtney	Selby	178
Islington	Selby	16
Kelfield	Selby	424
Kellington	Selby	967
Kirk Smeaton	Selby	351
Kirkby Wharfe	Selby	61
Little Heck	Selby	26
Little Smeaton	Selby	264
Long Drax	Selby	108
Menthorpe	Selby	8
Monk Fryston	Selby	864
Newland	Selby	176
Newton Kyme	Selby	279
North Duffield	Selby	1197
Nun Appleton	Selby	10
Osgodby	Selby	669
Oxton	Selby	20
Ozendyke	Selby	30
Riccall	Selby	2310
Roall	Selby	16
Ryther	Selby	174
Saxton	Selby	353
Selby Common	Selby	50
Skipwith	Selby	221
South Duffield	Selby	221
South Milford	Selby	2336
Stapleton	Selby	29
Steeton	Selby	22
Stillingfleet	Selby	294
Stutton	Selby	412
Temple Hirst	Selby	133
Thorganby	Selby	330
Thorpe		
Willoughby	Selby	2837
Thorpe Wood	Selby	24
Toulston	Selby	63
Towton	Selby	239
Ulleskelf	Selby	541
Walden Stubbs	Selby	53
West Haddlesey	Selby	178
Whitley	Selby	608
Wistow	Selby	1099
Wistow Common	Selby	42
Wistow Lordship	Selby	66
Womersley	Selby	329
Woodhall	Selby	11

# Selby District Council

## REPORT

Reference: E/12/65

Item 6 - Public



**To:** The Executive  
**Date:** 7 March 2013  
**Status:** Non – Key Decision  
**Report Published:** 27 February 2013  
**Author:** Rose Norris  
**Executive Member:** Cllr Chris Metcalfe  
**Lead Director:** Rose Norris

**Title:** Community Right to Challenge

**Summary:** The report proposes the council's approach for implementing the Community Right to Challenge.

### Recommendations:

- i. To adopt an annual period when expression of interest submissions can be submitted to the council using a standard form available on the council's website.
- ii. To delegate decision making on expressions of interest to the Chief Executive in consultation with an Executive Member and amend the Constitution accordingly at the earliest opportunity.

### Reasons for recommendations

The council has a statutory duty to consider all expressions of interest received under the Community Right to Challenge. The recommendations ensure that this process fits in with the council's commissioning timetable and that the council has a decision making process in place for considering any submissions received.

### 1.0 Introduction and background

- 1.1 The Community Right to Challenge (CRC) was introduced under the Localism Act 2011 and gives relevant bodies the right to submit an

expression of interest (EOI) in running specified local authority services, where they believe they can do so differently and better. Relevant bodies are voluntary or community organisations, charities, parish councils, and two or more employees of the authority.

- 1.2 Where an expression of interest is accepted, with or without modifications, authorities must carry out a procurement exercise for the service. The body that triggers the exercise may not eventually be the provider of the service.

## **2.0 The Report**

- 2.1 The CRC was introduced under the Localism Act 2011 and gives relevant bodies the right to submit an expression of interest (EOI) in running specified local authority services, where they believe they can do so differently and better. Relevant bodies are voluntary or community organisations, charities, parish councils, and two or more employees of the authority.

- 2.2 Where an expression of interest is accepted, with or without modifications, authorities must carry out a procurement exercise for the service. The body that triggers the exercise may not eventually be the provider of the service. The CRC applies to all local authority services, with a number of exceptions including services for a named person with complex individual health or social care needs and (until 1 April 2014) those commissioned in conjunction with the NHS.

- 2.3 The CRC came into effect on 27 June 2012. Statutory guidance was published on the same day. A summary is provided at Appendix 1. The Department for Communities and Local Government (DCLG) is funding a programme of support to help communities to take advantage of the CRC.

- 2.4 Authorities can choose to set periods, or windows, during which EOIs may be submitted, which may be different for different services. Specifying a period can help align consideration of EOIs with the council's commissioning cycles and enable the most effective use of resources when EOIs are being evaluated. In the absence of a specified period, EOIs can be submitted at any time. For Selby District Council, given that many services are already contracted out, it will be necessary to ensure that EOIs are considered at the appropriate time in the relevant commissioning cycle. As many contracts are for longer than a year, the appropriate time in the commissioning cycle may be one or more years away.

- 2.5 North Yorkshire County Council (NYCC) implemented its arrangements on CRC in July 2012. The key features are as follows:
- The process effectively has three periods: the period available to submit expressions of interest to the council; the time allowed for the council to determine how long it will take to decide on whether it

accepts the expression of interest; and the time the council needs to make its decision about the expression of interest.

- NYCC specifies a period during which it will accept EOIs and this is the period from 18<sup>th</sup> February to 31<sup>st</sup> March each year, i.e. a six week period.
- An EOI form has been developed for interested bodies to complete and submit.
- NYCC lets interested bodies know by 30 April of the same year the maximum period that the council will take to let them know whether the EOI has been accepted or rejected.
- This decision is delegated to the Chief Executive (in consultation with a relevant Executive member).
- For services that are not currently contracted out, the maximum period that it will take to notify the relevant body of its decision and to publish details of the specification will be individually determined, but normally 30th September in the year that the EOI was submitted.
- For services that are currently contracted out, the maximum period will be individually determined so as to fit best with the relevant commissioning cycle, i.e. when the council starts to plan what will happen when the current contract ends.
- The procurement process arising from the acceptance of any EOI will start no sooner than two months and no later than six months after acceptance.
- NYCC encourages interested parties to approach the council for an informal discussion as far as possible in advance and stresses that CRC is a last resort for communities when all other avenues have been exhausted.

2.7 The council is working closely with NYCC to look at new opportunities for better joint working between the two organisations. NYCC, like Selby, has contracted out many of its services and manages complex commissioning cycles. There is merit in adopting a similar approach to NYCC and exploring how the two organisations can work together to manage the process, using the arrangements which have been put in place at a county level.

2.8 It is proposed that an annual period for EOI submissions is adopted by Selby District Council and that from 2014 it matches the six week period set by NYCC, i.e. 18 February to 31 March. For 2013 it is proposed that a slightly later period is adopted – 1 April to 12 May 2013, with the council letting interested bodies know by 12 June the maximum period that the council will take to let them know whether the EOI has been accepted or rejected. For services that are not currently contracted out, the maximum period the council will take to notify the relevant body of the decision and to publish details of the specification will be individually determined, but is likely to be by 30 September 2013.

- 2.9 It is proposed that the council adopts a standard form, available on the website, for bodies wishing to submit an EOI.
- 2.10 It is proposed that the evaluation of EOIs and discussions regarding any potential modifications with the relevant body, are undertaken by an officer panel (bringing in legal and procurement expertise), before making a recommendation at the appropriate time. Decision making will be delegated to the Chief Executive in consultation with an Executive Member.

### **3.0 Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

The council has a statutory duty to consider all EOIs received under the CRC.

#### **3.2 Financial Issues**

The financial consequences of managing the CRC, including publicising the process and evaluating EOIs, will have to be met primarily from within existing staff resources, although DCLG has paid a small additional grant of £8,547 in respect of the new burdens associated with CRC; any additional resource requirements would be met through operational contingency. This will be reviewed after one year of running the CRC process to establish the likely future impact on the council's resources.

If an EOI is accepted, there will be additional costs associated with running a procurement exercise. These will vary according to the nature and complexity of the service, but could be considerable.

### **4.0 Conclusion**

There are clear budget planning and commissioning cycle benefits for the council to adopt a set period every year when EOIs can be submitted.

There is merit in adopting a similar process to that agreed by NYCC, with set periods, or windows, during which EOIs may be submitted.

### **5.0 Background Documents**

None

#### **Contact Details:**

Rose Norris, Executive Director, 01757 292056

#### **Appendices:**

##### **1. Community right to challenge: summary of statutory guidance**

## **COMMUNITY RIGHT TO CHALLENGE: SUMMARY OF STATUTORY GUIDANCE**

### **1. Periods for submitting Expressions of Interest (EOIs)**

Authorities can choose to set periods during which EOIs may be submitted, which may be different for different services. If periods are set, they must be published, including on the authority website. The intention is to help authorities align consideration of EOIs with their commissioning cycles.

If authorities choose to specify a window of opportunity, they must have regard to the time needed for relevant bodies to prepare submissions of interest, the scale, nature and complexity of the service in question, and timescales for any existing commissioning cycle relevant to the service, or other relevant authority process for making decisions or setting budgets. If an authority does not choose to specify a period for submitting expressions of interest then they can be submitted at any time.

### **2. Information required in EOIs**

Authorities can refuse to consider an expression of interest that either doesn't include all the required information, or is outside of the time period they specified. EOIs must be in writing, and must include certain pieces of information:

- a. Information about the financial resources of the relevant body submitting the expression of interest.
- b. Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the service.
- c. Where the relevant body proposes to deliver the service as part of a consortium or to use a sub-contractor for delivery of any part of the service, the above must be given in respect of each member of the consortium and each sub-contractor as appropriate.
- d. Information about the service sufficient to identify it and the geographical area to which the expression of interest relates.
- e. Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the service, in particular:
  - How the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and
  - How it will meet the needs of the users of the service.

f. Where the relevant body consists of employees of the authority, details of how the relevant body proposes to engage other employees who are affected by the EOI.

### **3. Notifying decisions on EOIs**

Authorities must specify the maximum period that it will take to notify the relevant body of its decision on an EOI and publish details of the specification. However, this only has to be done once an EOI has been received. Authorities may specify different periods for different cases. This is in recognition of the varying nature, size and complexity of services and/or EOIs; the likely need to agree modifications to EOIs in order to accept them; and the timescales of any existing relevant commissioning cycles.

The authority must notify the relevant body of the timescale within which the authority will notify the body of its decision. This must be done within 30 days after the close of any period specified by the authority for submitting EOIs or, if no such period has been specified, within 30 days of the authority receiving the EOI.

The authority must notify the relevant body of its decision and, if the decision is to modify or reject the EOI, give reasons for the decision. The authority must also publish the notification in such manner as it thinks fit, which must include publication on the authority's website.

### **4. Grounds for rejecting an EOI**

Authorities can only reject an EOI on one or more of the following grounds:

- a. The expression of interest does not comply with any of the requirements specified in the Act or in regulations.
- b. The relevant body provides information in the expression of interest which in the opinion of the authority, is in a material particular inadequate or inaccurate.
- c. The authority considers, based on the information in the expression of interest, that the relevant body or, where applicable:
  - any member of the consortium of which it is a part, or
  - any sub-contractor referred to in the expression of interest, or
  - is not suitable to provide or assist in providing the service.
- d. The expression of interest relates to a service where a decision, evidenced in writing, has been taken by the authority to stop providing that service.
- e. The expression of interest relates to a service:
  - provided, in whole or in part, by or on behalf of the authority to persons who are also in receipt of a service provided or arranged by an NHS body which is integrated with the service; and



- the continued integration of such services is, in the opinion of the authority, critical to the well-being of those persons.
- f. The service is already the subject of a procurement exercise.
  - g. The authority and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.
  - h. The authority has published its intention to consider the provision of the service by a body that two or more specified employees of that authority propose to establish.
  - i. The authority considers that the expression of interest is frivolous or vexatious.
  - j. The authority considers that acceptance of the expression of interest is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.

The regulations do not allow authorities to reject an EOI simply because there is already a contract already in place.

## **5. Appeals process**

The Department for Communities and Local Government has said that it has no immediate plans for an appeals process in the event of an authority rejecting an EOI, but this will be kept under review as the right is implemented.

## **6. Modifying an EOI**

If the authority believes it would otherwise reject an EOI, it may seek instead to agree to it being modified. Any modification must be agreed with the relevant body. If an agreement cannot be reached, the authority may reject the EOI.

## **7. Period between an EOI being accepted and a procurement exercise starting**

Authorities must specify minimum and maximum periods between an EOI being accepted and a procurement exercise starting. In specifying these periods, authorities should have regard to relevant bodies and employees of the authority being given a fair, reasonable and realisable opportunity to bid in the procurement exercise for the service; the nature, scale and complexity of the service being procured; the timescales for any existing commissioning cycle relevant to the service being procured, or any other relevant authority processes.

If the service is already contracted out, the authority can delay consideration of the expression of interest until it starts to plan what will happen when the current contract ends.

## **8. Procurement exercise**

Where an authority accepts one or more EOI for a service it must carry out a procurement exercise for the service. This includes situations where the relevant body subsequently withdraws its EOI.

Authorities will need to comply with existing procurement law, including threshold values and consider how both EOIs and procurement exercises triggered by one or more EOIs being accepted would promote or improve the economic, social or environmental well-being of the authority's area.

# Selby District Council

## REPORT

Reference: E/12/66

Item 7 - Public



**To:** The Executive  
**Date:** 7 March 2013  
**Status:** Non-Key Decision  
**Report Published:** 27 February 2013  
**Author:** Tim Grogan, Senior Enforcement Officer  
**Executive Member:** Councillor Chris Metcalfe  
**Lead Director:** Rose Norris, Executive Director

**Title:** Gambling Policy

### Summary:

In line with the policy of the Government Selby District Council is required to provide a policy with regard to the Gambling Act 2005. A policy was approved in 2006 and the Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act. This was undertaken in 2009 and a revised Statement of Principles has since been drafted. This was sent out for consultation from 1 November 2012 until 1 February 2013 and no responses had been received.

### Recommendations:

**That the Gambling Policy prepared under the authority of the Gambling Act 2005 be recommended for approval to Full Council.**

### Reasons for recommendation

**This is a statutory requirement.**

#### 1. Introduction and background

- 1.1 To bring to the attention of the Executive details of a revised Statement of Principles in connection with the Gambling Act 2005 in order that a Gambling Policy can be approved.

## **2. The Report**

- 2.1 The Gambling Policy was originally drafted in May 2006. Consultation was wide and varied and involved all statutory bodies in addition to other interested parties. The Policy was approved, however, the Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act.
- 2.2 This exercise was undertaken in 2009 and in 2012 a revised Statement of Principles has since been drafted. This was sent out for consultation from 1 November 2012 until 1 February 2013 and up until 23 January 2013 no responses have so far been received.
- 2.3 The Gambling Policy will have an impact on the manner in which the Council conducts its approach to gambling.
- 2.4 The aim is to consider how the Gambling Policy could impact on persons who may be vulnerable to gambling and how to maximise positive impacts and minimise potentially negative impacts.
- 2.5 The final decision for approving the policy must be made by Full Council.

## **3. Legal/Financial Controls and other Policy matters**

### **3.1 Legal Issues**

There are no legal issues.

### **3.2 Financial Issues**

There are no financial implications in connection with this report.

## **4. Conclusion**

That the Executive recommend the Gambling Policy for approval.

## **5. Background Documents**

### **Contact Details:**

**Tim Grogan**  
**Senior Enforcement Officer**  
**x2027**  
[tgrogan@selby.gov.uk](mailto:tgrogan@selby.gov.uk)

### **Appendices:**

1. The Gambling Policy is attached for consideration.
2. The Gambling Policy letter introducing the revised Statement of Principles.

# **GAMBLING POLICY**

## **GAMBLING ACT 2005**

### **DRAFT STATEMENT OF PRINCIPLES**

**JANURY 2013**

# CONTENTS

Item	Page
<b>Part A</b>	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	3
4. Responsible Authorities	3
5. Interested parties	4
6. Exchange of information	4
7. Enforcement	5
8. Licensing authority functions	5
<b>Part B - Premises licences</b>	
1. General Principles	6
2. Adult Gaming Centres	12
3. (Licensed) Family Entertainment Centres	12
4. Casinos	13
5. Bingo	13
6. Betting premises	13
7. Tracks	14
8. Travelling fairs	15
9. Provisional Statements	15
10. Reviews	16
<b>Part C – Permits / Temporary and Occasional Use Notices</b>	
1. Unlicensed Family Entertainment Centre gaming machine permits	17
2. (Alcohol) Licensed premises gaming machine permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	19
5. Temporary Use Notices	20
6. Occasional Use Notices	21

## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

It should be noted that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Principles

### **2. Introduction**

Selby District Council is situated in the County of North Yorkshire. It covers an area of 227 square miles and is situated to the south of the city of York. The district's population is 76,500 and the principal towns are Selby, Tadcaster and Sherburn-in-Elmet. The council area is mainly rural in character and aspect with a dispersed settlement plan. There are 59 Parish Councils as well as various Parish and Community meetings. Selby in particular is of historical importance built as it is around Selby Abbey. As a consequence tourism and leisure are important industries. Detail of the district is shown in map below.





Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and that any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

List of persons this authority intends to consult:

- Local Councillors/responsible authorities (including Police)
- Gambling businesses/related businesses
- Residents associations/Parish Councils
- North Yorkshire County Council Review & Quality Section

Our consultation will take place between **1 November 2012 and 1 February 2013** and we will follow the HM Government Code of Practice on Consultation (published July 2008) which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments will be available by request to: **The Licensing Team, Selby District Council, Civic Centre, Doncaster Road, Selby YO8 9FT, Tel 01757 292027, [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk).**

It is intended that this statement of Principles will be approved at a meeting of the Full Council in March 2013 and will be published via our website. Copies will be placed in the public libraries of the area as well as being available in the Council Offices.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

**Name:-Licensing Team, Selby District Council**

**Address:-Civic Centre, Doncaster Road, Selby YO8 9FT**

**E-mail:-[licensing@selby.gov.uk](mailto:licensing@selby.gov.uk)**

It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing this Statement of Principles, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the Statement of Principles.

### **4. Responsible Authorities**

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the Gambling Commission's Guidance for local authorities this authority designates Cynthia Welburn, North Yorkshire County Council, Room 122 County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8DD for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via the Council's website at : [www.selby.gov.uk](http://www.selby.gov.uk).

## **5. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.11 to 8.19. Note though that decisions on premises and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team (see details on page 4).

## **6. Exchange of Information**

Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **7. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principals set out in this Statement of Licensing Principals

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement policy when finalised, will be available upon request from the licensing team (see details on page 4).

## **8. Licensing Authority functions**

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*

- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

## **PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

### **1. General Principles**

Premises Licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### **(i) Decision-making**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.

#### **(ii) Definition of "premises"**

In the Act "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate

safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: “in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

This licensing authority takes particular note of the Gambling Commission’s Guidance to Local Authorities which states that: should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from being in close proximity to gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

**7.25:**

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

### **Betting Shops**

- Access must be from a street (as defined at 7.23 of the Guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### **Bingo Premises**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### **(iii) Premises "ready for gambling"**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be

used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

#### **(iv) Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Local Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

#### **(v) Planning:**

The Gambling Commission Guidance to Licensing Authorities states:

**7.59** – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant would be the likelihood of the applicant obtaining planning permission or building regulations approval for their purpose.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

**7.66** – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.



**(vi) Duplication with other regulatory regimes:**

This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning controls, buildings and other regulations and must not form part of the consideration for the premises licence.

**Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

**Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **2. Adult Gaming Centres**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **3. (Licensed) Family Entertainment Centres:**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published

#### **4. Casinos**

*No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

*Licence considerations / conditions* - The licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed at paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

*Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **5. Bingo premises**

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted, and in particular that it is not permissible to locate all category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

#### **6. Betting premises**

*Betting machines* - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

*Gaming machines* – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

*Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

**Applications and plans** – The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an

entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities 20.31).

In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundaries do not need to be defined (See Guidance to Licensing Authorities, paragraphs 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33).

## **8. Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. Provisional Statements**

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered; or
- expects to acquire a right to occupy

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a

track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matter:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

#### **10. Reviews:**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 para 7)**

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for Local Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues.(24.6)

Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application" Licensing Authorities might wish to consider asking applications to demonstrate:



- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

**Statement of Principles:** This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

Further, applicants will have to provide:- a) a scaled plan of the premises and its location, b) Criminal Records Check (CRB) for staff working on such premises who would specifically come into contact with children, c) evidence that staff have received relevant training to deal with children/children's issues and d) evidence of public liability insurance when making this type of application.

## **2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. This licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

**Permit: 3 or more machines-** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff, who will monitor that the machines are not being used by those under 18.

Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 [3])**

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8[3]).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club

Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance for licensing authorities states: "Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include; working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years have been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for temporary Use Notices, according to the gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no 3157; The Gambling Act 2005 [Temporary Use Notices] Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal

chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of this Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

#### **6. Occasional Use Notices:**

This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## ANNEX A

### List of Consultees

Chief Executive  
The Gambling Commission  
Berkshire House  
168 – 173 High Holborn  
LONDON  
WC1V 7AA

North Yorkshire Police  
Headquarters  
Newby Wiske  
Northallerton  
North Yorkshire  
DL7 9HA

Chief Inspector Iveson  
Selby Police Office  
Selby  
YO 8 4QQ

P.C. M Wilkinson  
Licensing Officer  
Selby Police Office  
Selby  
YO8 4QQ

Station Manager  
Selby Fire Station  
Canal Road  
Selby

Wayne Palmer  
Environmental Health  
Selby District Council  
Selby

Eggborough Social Club  
Eggborough  
DN14 0UZ

Mr Simon Parkinson  
Pollution Section  
Dept of Environmental Health

Thorpe Willoughby  
Sports Ass  
Field Lane  
Thorpe Willoughby  
YO8 9FL

Operations Manager  
Health & Safety Executive  
Marshall Mill  
Marshall Street  
Leeds  
LS11 9YJ

Mrs L Carr  
North Yorkshire County Council  
Review & Quality  
St James Lodge  
Masonic Lane  
Thirsk  
YO7 1PS

HMRC  
Written Enquiries  
Dobson House  
Regent Centre  
Gosforth  
Newcastle  
NE3 3PS

Gamblers Anonymous  
PO Box 88  
London  
SW10 0EU

Gamcare  
2/3 Baden Place  
Crosby Row  
London  
SE1 1YN

Mrs L MacLeod-Miller  
C/o BACTA  
Kings Cross House  
211 Kings Cross Road  
London  
Wc1X 9DN

Chief Executive  
The British Gambling Association  
38 Grosvenor Gardens  
London  
SW1W 0OB

The Chairman  
British Greyhound Racing Board  
32 Old Burlington Street  
London  
W15 3AT

The Chief Executive  
The Jockey Club  
151 Shaftesbury  
Avenue  
London  
WC2H 8AL

York Coin Leisure  
Units 4 and 9  
Roland Court  
Huntington  
York  
YO3 9PW

Gamestec Ltd  
Low Lane  
Horsforth  
Leeds  
LS18 4ER

Leisure Link  
3 The Maltings  
Wetmore Road  
Burton on Trent  
Staffs  
DE14 1SE

William Hill Bookmakers  
58, Gowthorpe  
Selby  
YO8 0ET

William Hill, Bookmakers  
35, Micklegate  
Selby  
YO8 0EA

Betfred  
65, Micklegate  
Selby

Betfred  
Low Street,  
Sherburn-in-Elmet  
Leeds  
LS25

William Hill Bookmakers  
12, Beidge Street,  
Tadcaster

Leisurama Gaming  
Centres  
18, Gowthorpe  
Selby  
YO8

Federation of Licensed Victuallers  
Associations  
126 Bradford Road  
Brighouse  
West Yorkshire  
HD6 4AU

Leisurama Entertainments  
42, Gowthorpe  
Selby  
YO8 0HE

Aristomatics  
Unit 9  
South Baileygate  
Industrial Estate  
Pontefract  
WF8 2LN

Sceptre Leisure  
9, Brumhead Road  
Chorley  
PR 6 7BX

Sovereign Games  
9, Brown Place,  
Leeds 11  
LS11 0EF

Tate and Lyle Sports  
Club  
Dennison Road  
Selby  
YO8 8EF

Abbey Leisure Centre  
Scott Road,  
Selby  
YO8 4BL

Barlow Village Club,  
Park Lane,  
Barlow  
YO8 8ES

Selby Golf Club  
Mill Lane,  
Brayton  
YO8 9LD

North Yorkshire Trading  
Standards  
Standards House  
48 High Street  
Northallerton  
North Yorks  
DL7 8EQ

Manor Field Social Club,  
Station Road,  
Tadcaster  
LS 24

Mr N Adams, MP  
17 High Street  
Tadcaster  
LS24 9AP

Mr E J Mayne  
Northcroft  
Highfield Lane  
Nawton  
York  
YO62 7XU

William Hill (North Eastern) Limited  
Greenside House  
50 Station Road  
Wood Green  
London  
N22 7TP

Dawcar Limited  
Bridge Road  
47/55 Bridge Street  
Walsall  
WS1 1JQ

Scalm Park Leisure  
Scalm Lane,  
Wistow  
YO8 3RD

Selby Railway Club  
Station Road,  
Selby  
YO8 4AA

Mr Martin Connor  
Chief Executive  
Selby District Council

Tadcaster Magnets Club  
The Pavillion  
Queens Garth  
Tadcaster  
LS 24 9HD

Association of British Bookmakers  
Ltd  
Regency House  
1-4 Warwick Street  
London  
W1B 5LT

The Bingo Association  
Lexham House  
75 High Street North  
Dunstable  
Beds  
LU6 1JF

Premier Snooker Club  
The Maltings  
Selby  
YO8 4BG

Scarthingwell Golf Club  
Tadcaster  
LS 24 9PF

Tadcaster Leisure  
Centre  
Station Road,  
Tadcaster  
LS 24 9JE

Selby RUFC  
Sandhill Lane,  
Selby  
YO8 4JP

Tadcaster Albion FC  
The Park Ings Lane,  
Tadcaster  
LS 24 9AY

Escrick and Deighton  
Club  
Main Street,  
Escrick  
YO19 6LQ

De Lacy Sports and Social Club  
Rally House  
Old Great North Road,  
Brotherton  
WF 11 9EF

Tadcaster Social Club  
49, Chapel Street  
Tadcaster  
LS 24 9AR

Drax Power Station  
Social Club  
PO Box 3  
Drax  
YO8 8PQ

Elmete Social Club  
12, Low Street  
Sherburn-in-Elmet  
LS 25 6BG

Byram Park Social Club  
Byram  
LS 25

Sherburn Aero Club  
New Lennerton Lane  
Selby LS 25 6AG

Sherburn White Rose Club  
Recreation Ground  
Sherburn  
LDS25 6EL

Selby Town FC  
Richard Street,  
Selby  
YO8 0BS

Selby Masonic Club  
25-27, Church Hill,  
Selby  
YO8 4PL

Sherburn Library  
Finkle Street,  
Sherburn-in-Elmet  
LS25 6AE

Tadcaster Library  
Station Road,  
Tadcaster  
LS24 9JG

Barlby Library  
Howden Road,  
Barlby  
YO8 5JE

Selby Library,  
52, Micklegate,  
Selby  
YO8 4EQ

Stan James  
15 Market Place  
Selby  
YO8 4PB

Ladbrokes  
4 Market Cross  
Selby  
YO8 4JS



## ANNEX B

Table of delegation of licensing functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING SUB-COMMITTEE</b>	<b>OFFICERS</b>	<b>COUNCIL SOLICITOR</b>
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee setting-when appropriate		X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		X		
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club		X		

machine permits				
Application for other permits			X	
Cancellation of licensed premises gaming machine permits			X	
Consideration of Temporary Use Notices			X	
Decision to give a counter Notice to a Temporary Use Notice		X		
Determination as to whether a person is an interested party				X
Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				X
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				X
Responsibility for attaching to premises			X	

licences Mandatory, Default and Specific Conditions				
Representative of Licensing Authority who can initiate a Licence review				X
Representative of Licensing Authority who can reject an application for a Licence review				X

X indicates the lowest level to which decisions can be delegated.

**NB The Council reserves the right to amend this table of delegation**

Appendix 2

**Please ask for:** Mr. T. Grogan  
**Dial Direct No.:** 01757 292027  
**Fax No.:** 01757 292229

**Your Ref:**  
**Our Ref:** TG/GP  
**E-mail:** tgrogan@selby.gov.uk

31 October 2012

Dear Sir/Madam

Dear Sir/Madam

***Consultation on this Licensing Authority's Review of its Statement of Principles under the Gambling Act 2005***  
***Consultation Period:- 1 November 2012 – 1 February 2013***

The Gambling Act 2005 received Royal Assent on the 7<sup>th</sup> April 2005 and repealed the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. The Act introduced a unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling. The Act transferred the responsibility for the licensing of gambling premises from the Magistrates to Licensing Authorities (Selby District Council). The Licensing Authority is required to prepare and publish every 3 years a Statement of Principles, which it proposes to apply when exercising its functions under the Act.

It is now 6 years since the first Statement of Principles was published and this Licensing Authority is legally required to review, approve and publish a new Statement of Principles.

Consultees should note that there has been no significant changes to either regulations issued by the Secretary of State or guidance issued by the Gambling Commission in the intervening 3 year period that materially affects the current Statement of Principles and for that reason the Statement of Principles will remain unchanged for the years 2013 – 2016.

The Statement, like its predecessors is based on the nationally accepted template produced by the Local Authorities Co-ordinators of Regulatory Services (LACORS). This is the local government central body responsible for overseeing local authority regulatory and related services in the UK. The number of premises in this district which currently require licensing is seven.

I now have the pleasure to inform you that draft copies of the revised Statement of Principles 2013 – 2016 are available either on the Council's website at [www.selby.gov.uk](http://www.selby.gov.uk), by request to the Licensing Section (see address below) or by e-mail for your consideration. Feedback on the draft Statement of Principles must reach this Licensing Authority no later than the **1 February 2013**, indicating clearly the paragraph(s) your response refers to.

Also, when responding please state whether you are responding; as an individual, representing a business that may be affected or representing the views of an organisation. If responding on behalf of an organisation please make it clear who that organisation represents. If responding as an individual please mention your own interest.

Please note responses may be made public or published in a summary or responses to the consultation unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of comments received. If you are replying by e-mail unless you specifically include a request to the contrary in the main text of your submission to us, we will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system. Please note all responses to be included must be named responses and not anonymous. We will not consider any anonymous responses in this consultation.

All responses should be returned to:-  
Business Support (Licensing Section)  
Selby District Council  
Doncaster Road  
Selby  
YO8 9FT

Further information and copies of the draft Statement of Principles are available from [licensing@selby.gov.uk](mailto:licensing@selby.gov.uk), telephone 01757 292027 or Selby District Council website ([www.selby.gov.uk](http://www.selby.gov.uk)).

Thank you in advance

Yours faithfully

Tim Grogan  
Senior Enforcement Officer

# Selby District Council

## REPORT

Reference: E/12/67

Item 8 - Public



**To:** The Executive  
**Date:** 7 March 2013  
**Status:** Non-Key Decision  
**Report Published:** 27 February 2013  
**Author:** Glenn Shelley  
**Executive Member:** Councillor Crane  
**Lead Director:** Karen Iveson, Executive Director (S151)

**Title:** Overview and Scrutiny Committee Work Programmes

**Summary:** This report presents the Overview and Scrutiny Committee Work Programmes to the Executive for comments.

**Recommendations:**

**That the Executive provided comments on the Work Programmes prior to submission to Council for approval.**

**Reasons for recommendation**

That the Council ensures the contribution of Scrutiny is effective in supporting service improvement and delivery against district wide and Council priorities.

### **1. Introduction and background**

- 1.1** The adoption of a revised constitution and an Executive system from May 2011 has placed an increased emphasis on the role of Overview and Scrutiny within Selby District Council.
- 1.2** The Constitution identifies that the two statutory Overview and Scrutiny Committees of the Council are Policy Review and Scrutiny. Audit Committee also undertakes work that contributes to effective scrutiny.
- 1.3** The Constitution states that 'Each year all Overview and Scrutiny Committees will formulate a work programme setting out their planned

work for the year ahead.' It also states that Overview and Scrutiny Committees will take into account the views of the Executive before presenting their Work Programme to Council.

- 1.4 The Work Programmes will be discussed at the Executive meeting on 7 March 2013 and will then be presented to Council for approval.

## **2. The Report**

- 2.1 The Work Programmes (attached at appendices A, B and C) have now been discussed at length by each Committee and have received significant input from councillors.
- 2.2 It is acknowledged that Scrutiny is resource intensive for both councillors and officers. The Scrutiny Committee Chairs have liaised to ensure that there is no duplication of effort and that each area of work is both coordinated and timely.
- 2.3 The Constitution does allow for amendments to be made to the Work Programmes once they have received Council approval. Adjustments can be made by the individual Committees to allow for the scrutiny of topics which may arise later in the year.

## **3. Legal/Financial Controls and other Policy matters**

### **3.1 Legal Issues**

Any legal issues arising will be identified in the relevant report at the time of consideration by the Committee.

### **3.2 Financial Issues**

There is a 2.5k budget available for the ad hoc costs associated with the support of any Task and Finish Groups. A budget has been allocated for officer time in supporting each committee and this will be closely monitored.

## **4. Conclusion**

- 4.1 That the Executive considers the appended Work Programmes for 2013/14 and provide any comments before their submission to Council.

### **Contact Officer:**

**Glenn Shelley, Democratic Service Manager**

**(01757) 292007**

**E-mail: [gshelley@selby.gov.uk](mailto:gshelley@selby.gov.uk)**

**Appendices: A – Scrutiny Work Programme**

**B – Policy Review Work Programme**

**C – Audit Work Programme**



**Scrutiny Committee Work Programme 2013/14 - App A**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
<b>18 June 2013</b>	Time of Meetings	To consider and agree a start time for future meetings
	Year End Performance	To receive the Year End Performance Report
	Access Selby Service Provision – Benefits and Taxation	To scrutinise performance of the Benefits and Taxation service
	Minor Injuries Unit at Selby War Memorial Hospital	To receive the latest update concerning the hospital.
	National Non-Domestic Rates Task Group Update	Task Group update
	Call In	Provisional Item on the agenda
<b>24 September 2013</b>	1 <sup>st</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Waste Collection and Recycling Yearly Review – <b>INFORMATION PAPER ONLY</b>	To receive a written update on the 2 <sup>nd</sup> year Waste Collection Review of Service from Enterprise.
	Abbey Leisure Centre	To receive an update concerning the latest developments on Abbey Leisure Centre.
	Health	To scrutinise Health provision across the District.
	Access Selby Service Provision - Assets	To scrutinise performance of the Assets service
	Police and Crime Panel Update	To receive an update from the Police and Crime Panel on their work scrutinising the work of the Police and Crime Commissioner.
	Call In	Provisional Item on the agenda
<b>21 January 2014</b>	2 <sup>nd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Transport Provision	To scrutinise the provision of transport across the District.



	Access Selby Service Provision - Enforcement	To scrutinise performance of the Enforcement service
	Call In	Provisional Item on the agenda
	Crime and Disorder Update	To review the levels of crime and disorder across Selby District – NYP and CSP representatives in attendance.
<b>Feb/March 2014</b>	Nigel Adams MP	To ask questions of the Selby and Ainsty MP regarding issues of concern for Councillors and local residents.
<b>22 April 2014</b>	3 <sup>rd</sup> Quarter Corporate Plan Report	To review performance against the Corporate Plan – Leader of the Council in attendance.
	Scrutiny Committee Work Programme 2014/15	To agree the Scrutiny Work Programme for 2014/15
	Scrutiny Annual Report 2013/14	To discuss the Scrutiny Annual Report for 2013/14
	Access Selby Service Provision – Customer Services	To scrutinise performance of the Customer Services.
	Police and Crime Commissioner (PCC) – North Yorkshire	To invite the PCC to give an update on their role and responsibilities
	Call In	Provisional Item on the agenda

- Please note that any items ‘called in’ will be considered at the next available meeting.
- Councillor Call for Action will also be considered at the next available meeting.

**Policy Review Committee Work Programme 2013/14 - App B**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
4 June 2013	Time of Meetings	To agree a start time for meetings for 2012/13
	Work Programme	To agree the Committee's Work Programme for 2012/13
	<b><u>Executive Requested items</u></b> Affordable Housing SPD including Section 106 Policy	To consider the Executive's policy decision from May and offer amendments to the Executive
16 July 2013	<b><u>Committee Requested items</u></b> Renewable Energy Strategy	To consider the Council's existing policy and offer amendments to the Executive
	<b><u>Constitutional Requirement</u></b> The State of Area Address received at Council in June	To consider the Leader's State of the Area Address.
15 October 2013	<b><u>Budget and Policy Framework</u></b> Financial Strategy	To consider the Executive's proposals for the Council's long term (10 year), resource and spending framework in which the budget strategy and three year financial plan will be developed.

14 January 2014	<u><b>Budget and Policy Framework</b></u> Draft Budget and Medium Term Financial Plan	To consider the Executive's proposals for revenue budgets and the capital programme for 2014/2015.
15 April 2014	<u><b>Constitutional Requirement</b></u> Policy Review Annual Report 2013/14 and Work Programme 2014/15	To review the Policy Review Annual Report and approve the Draft Work Programme for 2014/15

**Audit Committee Work Programme 2013/14 - App C**

<b>Date of Meeting</b>	<b>Topic</b>	<b>Action Required</b>
26 June 2013	<b><u>Committee Requested Item</u></b> Introduction to the Audit Committee	
	<b><u>Committee Requested Item</u></b> Time of Meetings	To agree start time of Audit Committee meetings for 2013/14
	<b><u>Committee Requested Item</u></b> Audit Committee work programme 2013/14	To consider the Committee's Work Programme for the year ahead.
	<b><u>Committee Requested Item</u></b> Internal Audit Annual Report 2012/13	To consider the Internal Audit Annual Report for 2012/13.
	<b><u>Committee Requested Item</u></b> Localised Business Rates	To consider the new funding regime in respect of localised Business Rates
	<b><u>Committee Requested Item</u></b> Risk Management Annual Report	To consider the Risk Management Annual Report for 2012/13
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register

	<p><b><u>Committee Requested Item</u></b></p> <p>Review of the Access Selby Risk Register</p>	To review the latest Access Selby Risk Register
25 September 2013	<p><b><u>Committee Requested Item</u></b></p> <p>Statement of Accounts (post audit)</p>	To approve the Statement of Accounts
	<p><b><u>Committee Requested Item</u></b></p> <p>Annual Governance Statement</p>	To approve the Annual Governance Statement
	<p><b><u>Committee Requested Item</u></b></p> <p>Audit Commission's Annual Governance Report and Opinion on the Financial Statements</p>	To receive the Audit Commission's Annual Governance Report and opinion on Financial Statements
	<p><b><u>Committee Requested Item</u></b></p> <p>Counter Fraud Annual Report</p>	To review the Counter Fraud Annual Report
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Audit Quarter 1+Report 2013/14</p>	To review progress against the Internal Audit Plan

15 January 2014	<b><u>Committee Requested Item</u></b> Annual Governance Statement – Action Plan Review	To review progress against the AGS Action Plan
	<b><u>Committee Requested Item</u></b> Internal Audit Quarter 2+ Report 2013/14	To review progress against the Internal Audit Plan
	<b><u>Committee Requested Item</u></b> Annual Audit Letter	To receive the Audit Commission’s report on the 2012/13 Audit and Value for Money conclusion
	<b><u>Committee Requested Item</u></b> Review of Risk Management Strategy	To review the Risk Management Strategy
	<b><u>Committee Requested Item</u></b> Review of the Corporate Risk Register	To review the latest Corporate Risk Register
	<b><u>Committee Requested Item</u></b> Review of the Access Selby Risk Register	To review the latest Access Selby Risk Register
16 April 2014	<b><u>Committee Requested Item</u></b> Audit of Grant Claims & Returns 2012/13	To receive the Audit report

	<p><b><u>Committee Requested Item</u></b></p> <p>Annual Governance Statement – Action Plan Review</p>	<p>To review progress against the AGS Action Plan</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Audit Quarter 3+ Report 2013/14</p>	<p>To review progress against the Internal Audit Plan for 2013/14</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Internal Charter, Terms of Reference and Audit Plan 2014/15</p>	<p>To approve the Internal Audit Plan 2014/15</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>External Audit Work programme</p>	<p>To receive the Audit Commissions proposals for auditing the financial statements and value for money conclusions for 2013/14</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Accounts and Audit Regulation 6 Review</p>	<p>To review the Council's Regulation 6 procedures</p>
	<p><b><u>Committee Requested Item</u></b></p> <p>Audit Committee Annual Report 2013/14 and Work Programme 2014/15</p>	<p>To approve the 2013/14 Annual Report and the 2014/15 Work Programme for the committee</p>