

**Open**

# **Overview & Scrutiny Committee**

## **Agenda**

**6.00pm**  
**Thursday, 4th October 2012**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## **Overview & Scrutiny Committee**

### **Members of Committee:**

<b>Chairman: Councillor H E Dyke</b>	
<b>Vice-Chairman: Councillor T Ingham</b>	
<b>Councillor R Bishop</b>	<b>Councillor C Brewer</b>
<b>Councillor L Davies</b>	<b>Councillor N Gale</b>
<b>Councillor J Greener</b>	<b>Councillor P B Harrison</b>
<b>Councillor J A Hart</b>	<b>Councillor P V Hayward</b>
<b>Councillor V Higgs</b>	<b>Councillor H J Martin</b>
<b>Councillor D C H McCann</b>	<b>Councillor B McFarland</b>
<b>Councillor M Rayner</b>	<b>Councillor C Rogers</b>
<b>Councillor A M Sewell</b>	<b>Councillor D R Sheppard</b>
<b>Councillor S J Williams</b>	<b>Councillor G C Yarranton</b>

**Would Members please note that, to ensure continuity in scrutiny, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances.**

### **Information for Members of the Public:**

**Part I** of the Agenda includes items for discussion in public. You have the right to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**Part II** of the Agenda (if applicable) deals with items of “Exempt Information” for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

### **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of this constitution for full details.

### **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### **Co-opted Members**

Scrutiny Committees may wish to appoint Co-Opted Members to sit on their meetings in order to add value to the scrutiny process. To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority). Co-Optees are non voting by default but Committees can decide to appoint voting rights to a Co-Optee. The Co-Option of the Member will last no longer than the remainder of the municipal year.

Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect. Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance. Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

The following will apply:

- i) The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
- ii) The total number of voting Co-opted Members on any Review Panel will not be limited.
- iii) Those Co-opted Members with voting rights will exercise their rights in accordance with the principles of decision making set out in the constitution.

**For Further information:**

**If you have any queries about this Agenda or require any details of background papers, further documents or information, you should contact Sue Saunders, Committee/Scrutiny Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF, Telephone: 01562 732733 or email [susan.saunders@wyreforestdc.gov.uk](mailto:susan.saunders@wyreforestdc.gov.uk)**

Wyre Forest District Council

Overview & Scrutiny Committee

Thursday, 4th October 2012

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Community Assets & Localism, together with the name of the Councillor for whom he/she is acting.	
<b>3.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 6th September 2012.	6
<b>5.</b>	<b>Wyre Forest District Council Tenancy Strategy</b>  To consider a report from the Principal Strategic Housing Officer which outlines the District Councils expectations on how social housing stock in the area should be managed in terms of lettings, rents and disposals and also outlines the District Council's policy on use of the private rented sector for the discharge of homeless duty.	11
<b>6.</b>	<b>Revised Statement of Community Involvement – Consultation Draft</b>  To consider a report from the Senior Forward Planning Officer which asks for Members approval to undertake a six week consultation on the Draft Revised Statement of Community Involvement.	57

<b>7.</b>	<b>Recommendations from the Housing Review Panel</b>  To consider a report from the Principal Strategic Housing Officer which outlines the recommendations from the Housing Review Panel regarding the Disabled Facility Grant (DFG's).	93
<b>8.</b>	<b>Feedback from Cabinet</b>  To note the content of the Cabinet action list, following consideration of the recommendations from the meeting on 18 <sup>th</sup> September 2012.	95
<b>9.</b>	<b>Work Programme</b>  To review the work programme for the current municipal year with regard to the Sustainable Community Strategy Theme, Corporate Plan Priority, Annual Priorities and the Forward Plan.	98
<b>10.</b>	<b>Press Involvement</b>  To consider any future items for scrutiny that might require publicity.	
<b>11.</b>	<b>To consider any other business, details of which have been communicated to the Director of Community Assets &amp; Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
<b>12.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in paragraph 3 of Part 1 of Schedule 12A to the Act".	

## Part 2

Not open to the Press and Public

<b>13.</b>	<b>To consider any other business, details of which have been communicated to the Director of Community Assets &amp; Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
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**WYRE FOREST DISTRICT COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,  
KIDDERMINSTER**

**THURSDAY, 6TH SEPTEMBER 2012 (6.00PM)**

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**Present:**

Councillors: H E Dyke (Chairman), T Ingham (Vice-Chairman), R Bishop, C Brewer, L Davies, N Gale, J Greener, P B Harrison, J A Hart, P V Hayward, V Higgs, M B Kelly, D C H McCann, B McFarland, M Rayner, C Rogers, A M Sewell, D R Sheppard, S J Williams and G C Yarranton.

**Observers**

Councillors: J-P Campion, N J Desmond, I Hardiman and M J Hart.

**OS.30      Apologies for Absence**

Apologies for absence were received from Councillor H J Martin.

**OS.31      Appointment of Substitutes**

Councillor M B Kelly was a substitute for Councillor H J Martin.

**OS.32      Declarations of Interests by Members**

Councillor H E Dyke declared a Disclosable Pecuniary Interest (DPI) in agenda item no. 13 – Funding for Affordable Housing, as her husband works for The Community Housing Group.

Councillor J Greener declared a DPI in agenda item no. 13 – Funding for Affordable Housing, as she is a Board Member of The Community Housing Group.

Councillor N Gale declared a DPI in agenda item no. 13 – Funding for Affordable Housing, as she is a Board Member of The Community Housing Group.

Councillor G C Yarranton declared a DPI in agenda item no. 13 – Funding for Affordable Housing, as he is a Board Member of The Community Housing Group.

**OS.33      Minutes**

**Decision: The minutes of the meetings held on the 5<sup>th</sup> July 2012 and the 8th August 2012 be confirmed as a correct record and signed by the Chairman.**

**OS.34 Recommendations from the Treasury Management Review Panel meeting on 5<sup>th</sup> September 2012.**

**Annual Report on Treasury Management Service, Actual Prudential Indicators 2011/12 and Revision to the Investment Policy and Strategy Statement 2012/13**

The Committee considered the recommendations from the Treasury Management Review Panel which considered a review of the Treasury Management activities for 2011/12, in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

**Decision: Recommend to Cabinet that it recommends to Council:**

- 1. The Actual 2011/12 Prudential and Treasury Indicators in the report to the Treasury Management Review Panel of 5<sup>th</sup> September 2012 be approved.**
- 2. The Annual Treasury Management report for 2011/12 be noted.**
- 3. The revision to the Investment Policy and Strategy Statement 2012/13 be approved, as set out in Appendix 3 to the report to the Treasury Management Review Panel of 5<sup>th</sup> September 2012, to have immediate effect following Council approval.**

**Local Authority Mortgage Scheme**

The Committee considered the recommendations from the Treasury Management Review Panel on the detail in relation to the introduction of the Local Authority Mortgage Scheme (LAMS) as approved by Council on the 29<sup>th</sup> February 2012.

**Recommend to Cabinet:**

- 1. The Council enters the LAMS scheme with Lloyds TSB Plc in accordance with the outline provided within the report to the Treasury Management Review Panel of 5<sup>th</sup> September 2012, and that approval is given for the following scheme detail:**
  - A total indemnity value of £1,000,000**
  - A maximum loan size to an individual borrower of £150,000**
  - The qualifying post codes will be all postcodes falling within the district boundary**
- 2. The Council's Monitoring Officer to provide an Opinion Letter confirming that the Council has the power to enter into, observe and perform the terms and obligations required of it under the Scheme; and for the Council to indemnify the Monitoring Officer in respect of any personal liability that may be incurred by providing the Opinion Letter. Both the Opinion Letter and the Monitoring Officer's Indemnity Deed will be in the prescribed form as set out in Appendices B and C in the report to the Treasury Management Panel of 5<sup>th</sup> September 2012.**

**OS.35 Air Quality in Stourport-on-Severn**

The Committee considered a report from the Director of Economic Prosperity & Place that advised Members of the results of a detailed assessment of air quality in Stourport-on-Severn at the junction of York Street / Bridge Street / New Street / High Street between October 2010 and October 2011.

The Director of Economic Prosperity & Place led Members through the report. A debate ensued and Members asked how the figures compared to the data gathered in other parts of the District, namely Welch Gate, Bewdley and the Horsefair, Kidderminster. The Director confirmed he did not have the information to hand, however, he would obtain it and circulate it to the Committee. Whilst it was noted the DEFRA guidelines relating to air quality were to protect residential areas, a Member asked the Director to furnish the Committee with any information from the Health and Safety Executive in relation to air quality within the workplace.

**Agreed:**

- 1. The consultation process proceeding as the next step and to receive the outcome of that at a future meeting as part of the consideration of declaring the AQMA, be endorsed.**
- 2. The Director of Economic Prosperity & Place to circulate the information requested by Members of the Overview and Scrutiny Committee.**

**OS.36 South Worcestershire Development Plan – Proposed Significant Changes Consultation**

The Committee considered a report from the Senior Forward Planning Officer which provided Members with an update on the preparation of the South Worcestershire Development Plan.

Members were led through the report and attention was drawn to the proposals for Clows Top village, namely the re-assessment from a category 2 to a category 3 settlement as it had a village hall, and the reduction in the number of proposed dwellings from 25 to 17. The Senior Forward Planning Officer assured Members that the consultation had been undertaken with service providers and there were no comments received stating the village would be unable to cope with the proposed developments.

**Agreed: Recommend to the Cabinet Member for Place Shaping:**

**The representations set out at Appendix 1 of the report to Overview and Scrutiny Committee of 6<sup>th</sup> September 2012, be approved for submission in response to the Proposed Significant Changes consultation.**

**OS.37 How Are We Doing? Performance Update**

The Committee considered a report from the Business Improvement Officer which updated Members on the performance of the Council for Quarter 1, from 1st April to 30th June 2012. Members were advised that since April 2012, the Council's performance framework had been revised in order to monitor its Wyre Forest



Forward Programme, which included the delivery of the Council's purposes.

Members were led through the report and advised the principles of Systems Thinking had been used to develop a number of measures to monitor progress in delivering the Council's purposes.

The Director of Community Well-being and Environment provided Members with a brief overview of the Systems Thinking principles and the terminology used. Members were advised the format of the reports attached at appendices 2, 3 and 4 of the report to the Overview & Scrutiny Committee of the 6th September 2012, could be amended if required. Members were asked to contact the Business Improvement Officer with any questions or requests for additional reports.

**Agreed: The change in performance reporting and progress made for Quarter 1 be noted.**

**OS.38 Work Programme**

**Agreed: The work programme be noted.**

**OS.39 Exempt Information**

**Decision: Under Section 100A(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in paragraphs 2, 6 and 7 of Part I of Schedule 12A of the Act.**

Councillors H E Dyke, N Gale, J Greener and G C Yarranton left the meeting at this point, (7.13pm).

**OS.40 Funding for Affordable Housing**

The Committee considered a report from the Principal Strategic Housing Officer which detailed funding for Affordable Housing. Members were led through the report and were asked to agree that the Cabinet Member for Place Shaping be given responsibility to make decisions on the award of financial support for Affordable Housing through the Council's capital following consultation with the Community and Regeneration Scrutiny Committee.

**Agreed: To recommend to the Cabinet Member for Place Shaping to approve the grant for the scheme.**

Councillors H E Dyke, N Gale, J Greener and G C Yarranton came back to the meeting at this point, (7.24pm).

Councillor M Kelly left the meeting at this point, (7.24pm) and came back to the meeting at this point (7.26pm).

**OS.41 Acquisition of a Site for the new Leisure Centre**

The Committee considered a report which outlined the progress on securing a potential site for the new leisure centre to meet the future needs of the District.

The Committee noted that the Council agreed in January 2012 that in order to meet the future needs of the District, as this was the most affordable and sustainable option, a single new leisure centre, including a swimming pool should be progressed.

The decision was carried by thirteen votes to nil, with seven abstentions.

Councillors M B Kelly, V Higgs, A M Sewell, D R Sheppard, L Davies, C Brewer and M Rayner abstained from voting.

**Decision: To recommend to Cabinet:**

- 1. To purchase the site named in the Exempt report to the Overview and Scrutiny Committee of 6<sup>th</sup> September 2012, subject to satisfactory checks on legal title, service enquiries, ground investigations and the grant of outline planning consent and that the site is purchased at the price named in the report.**
- 2. To support the continuation of discussions regarding the future management of Stourport Sports Centre and Bewdley Leisure Centre.**

There being no further business, the meeting ended at 8.01pm.



## Overview & Scrutiny Committee

Agenda Item No. 5

### Briefing Paper

Report of: Sally Horne, Principal Strategic Housing Officer  
Date: Thursday, 4th October 2012  
Open

## Wyre Forest District Council Tenancy Strategy

### 1. Summary

- 1.1 Wyre Forest District Council is required by the Localism Act 2011 to publish a tenancy strategy by January 2013. The strategy outlines the District Council's expectations on how social housing stock in the area should be managed in terms of lettings, rents and disposals and also outlines the District Council's policy on use of the private rented sector for the discharge of homeless duty.

### 2. Background

- 2.1 The Localism Act, which was enacted in November 2011, requires all Local Authorities to publish a Tenancy Strategy by January 2013. Registered Providers must take notice of the strategy in the formulation of their tenancy policies (also a requirement of the Localism Act).
- 2.2 The act makes a number of provisions including:
- Providing local authorities and registered providers with the ability to grant fixed term tenancies (also known as flexible tenancies)
  - Providing for greater social mobility so that tenants can move easily
  - The introduction of affordable rents
  - Providing the ability of Local Authorities to discharge their homeless duty into the private rented sector.
- 2.3 The tenancy strategy has been based upon the Worcestershire tenancy framework. The framework draws upon the common strategies and policies (such as the Worcestershire Housing Strategy, the draft Worcestershire Homelessness Strategy and the Home Choice Plus Allocations Policy) and provides a reasonably consistent approach for landlords working across authority boundaries within Worcestershire whilst recognising that each authority has differences in the issues affecting their local housing markets and therefore differences in the way they want to influence the use of social and private housing to meet the local housing need.

- 2.4 The draft strategy was consulted upon in August 2012. There were 60 responses and these have been taken into consideration in the final draft of the strategy.

### **3. Key Issues**

- 3.1 The Wyre Forest District Council Tenancy Strategy addresses 6 key issues:

- The use of fixed term tenancies by registered providers in the district
- The use of affordable rents by registered providers in the district
- Ensuring tenants can move appropriately within social housing stock
- The disposal of social housing stock in the district
- The use of local lettings plans
- The use of the private rented sector to meet housing need and discharge the homelessness duty.

- 3.2 The Localism Act gives registered providers the power to utilise fixed term tenancies in order to make best use of their stock. The minimum fixed term Registered Provider's can use is 2 years but guidance issued by the Government recommends the minimum be 5 years. Having considered the use of fixed term tenancies we are suggesting that the minimum fixed term used by Registered Providers is 5 years and that these types of tenancies are only used for the larger 4+ bed and adapted properties due to a shortage of these in the district. It is intended that the fixed term tenancy generally be used by Registered Providers as a mechanism for review rather than a tool for eviction. For example, if a household is underoccupying a property then the Registered Provider would be expected to assist the household in finding alternative accommodation within their stock. Where fixed term tenancies are utilised for adapted properties, the prevailing need for the adaption will override other circumstances. So for example where a household is underoccupying a property with adaptations, but the adaptations are still required by a member of that household then the Registered Provider would be expected to renew the tenancy.

- 3.3 Under the Localism Act, Registered Providers have been given the ability to charge affordable rents on their properties. Affordable rents can be set up to 80% of the open market value, in contrast to social rents which are approximately 50% of open market values. The table below shows the difference between the two rent levels:

<b>District</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Wyre Forest	£22	£71	£148	£275

There is an expectation by the Government that Registered Providers will charge affordable rents to facilitate the development of new stock. All of the providers who secured Homes and Communities grant have been expected to charge an affordable rent on grant funded units and some have also had to convert a number of existing units to cross subsidise development. Therefore,

whilst the District Council does not want to stifle new development, units that are converted, need to be affordable. The table below shows that the larger the unit, the more unaffordable, affordable rent becomes for Wyre Forest households:

<b>Authority</b>	<b>% Unable to Afford 80% Market Rent, 1-bed Apartment</b>	<b>% Unable to Afford 80% Market Rent, 2-bed Apartment</b>	<b>% Unable to Afford 80% Market Rent, 3-bed House</b>	<b>% Unable to Afford 80% Market Rent, 4-bed House</b>
Wyre Forest	34%	34%	45%	63%

The Tenancy Strategy states that it expects Registered Providers to give consideration to the affordability of its stock to local people but as a minimum state that they should not let 4+bed houses on affordable rents or family size houses in high value areas on affordable rents. The rent charged should also be below local housing allowance rates. Registered Providers are expected to publish its strategy for determining which units are to be converted to affordable rent and work with tenants that will be affected by affordable rent changes.

- 3.4 The Tenancy Strategy encourages Registered Providers to participate in Tenancy Mobility Schemes as per the Localism Act. The expectation is that whilst it embraces the need for mobility for social housing tenants nationally, any tenancy exchanges must be in line with the Home Choice Plus Allocations Policy which gives precedence to local connection. All Registered Providers are expected to publish the conditions that apply to tenants seeking to move through mutual exchange but are expected to allow some flexibility with exchanges, especially if the exchange is to allow somebody to downsize from a property that they can not afford.
- 3.5 The Tenancy Strategy formalises Wyre Forest's approach to the disposal of social housing stock and local lettings plans. There have been minimal disposals by Registered Providers in the last few years and the tenancy strategy states that it expects disposals to continue to be an exception. There have also been a number of Local Lettings Plans developed and used in Wyre Forest in recent years. The strategy requires Registered Providers to develop the plan in partnership with the District, providing clear evidence to show why a lettings plan is required. Registered Providers must make reference to the plan when advertising properties and also build in a review period to see if the plan has been effective.
- 3.6 One of the key powers that the Localism Act has given local authorities is the ability to discharge homeless duty into the private rented sector, where it is appropriate to do so. Prior to the Localism Act, authorities could only discharge their duty into the private rented sector if the homeless household agreed to it. Wyre Forest District Council currently uses accommodation in the

private rented sector through the rent bond scheme as one of its main homeless prevention tools and it is envisaged that this will continue to be the case. However, in cases where the homeless duty is discharged by using the Private Rented Sector, the Tenancy Strategy states that it will be done in accordance with the code of guidance on suitability of accommodation and the household will also have the right to a review / appeal via the usual process.

**4. Options**

- 4.1 Members are asked to recommend the approval of the Tenancy Strategy to Cabinet.

Or

Members are asked to recommend the approval of the Tenancy Strategy to Cabinet subject to amendments proposed by members of the Overview and Scrutiny Committee.

**5. Consultation**

- 5.1 Members were first consulted upon the draft tenancy strategy at members briefing on the 19<sup>th</sup> July 2012.
- 5.2 Registered providers have been consulted via a briefing and also invitation to comment on the public consultation which ran from the 30<sup>th</sup> July to 20<sup>th</sup> August 2012.
- 5.3 Members of the public, tenants and other interested stakeholders were consulted via an on line questionnaire hosted on the district councils website between the 30<sup>th</sup> July and the 20<sup>th</sup> August 2012 and there were 60 responses received in total. 78% of the total responses were from tenants and housing applicants, 13% from members of the public and 9% from landlords.

**6. Related Decisions**

- 6.1 There are no related decisions.

**7. Relevant Council Policies/Strategies**

- 7.1 The Worcestershire Housing Strategy.
- 7.2 The Worcestershire Homelessness Strategy.

**8. Implications**

- 8.1 Resources: There are no implications.
- 8.2 Equalities: An Equality Impact Assessment has been undertaken and is in appendix three of this report.
- 8.3 Partnership working: The strategy is based upon the Worcestershire Tenancy Strategy, which has been written in partnership with the other Worcestershire

authorities. Registered Providers have been consulted during the development of the strategy as have other interested stakeholders.

8.4 Human Rights: There are no implications.

8.5 E-Government: There are no implications.

8.6 Transformation: There are no implications.

## **9. Equality Impact Needs Assessment**

9.1 An Equality Impact Assessment has been undertaken and there are no adverse or discriminatory issues as a result of the Tenancy Strategy.

## **10. Wards affected**

10.1 All wards.

## **11. Appendices**

11.1 Appendix 1 - Wyre Forest District Council Tenancy Strategy.

11.2 Appendix 2 - Responses to the Tenancy Strategy Consultation.

11.3 Appendix 3 - Equality Impact Needs Assessment Screening form.

## **12. Background Papers**

12.1 A plain English guide to the Localism Act.

12.2 Homelessness (Suitability of Accommodation) (England) Order 2012 Consultation document.

### **Officer Contact Details:**

Name	Sally Horne
Title:	Principal Strategic Housing Officer
Contact Number:	01562 732561

**Wyre Forest District Council  
Tenancy Strategy Framework & Principles  
(DRAFT)**



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## **1. Introduction**

- 1.1 The Localism Act received Royal Assent on the 15<sup>th</sup> November 2011. The Act is designed to shift power and the decision-making process on a range of matters from Whitehall to local councils, communities and individuals. The Act has a number of clauses relevant to housing including local authorities and other social landlords being able to grant fixed term tenancies with limited security of tenure. The Act also contains changes to the allocation of social housing, the law relating to homelessness and the abolition of the housing revenue account subsidy.
- 1.2 The Localism Act also requires local authorities to publish a Tenancy Strategy within 12 months of the enactment of the Act. This strategy must be produced in consultation with social landlords, tenants, and voluntary and community groups.
- 1.3 There is only one local authority within Worcestershire which still owns and manages its own housing stock. Therefore the Tenancy Strategies to be produced in Worcestershire will provide guidance to the Registered Providers (RPs) operating in the county on what the Worcestershire district councils expect them to consider when developing their own tenancy policies.
- 1.4 Building on our strong and established working relationships within the county, this document has been developed collaboratively between the 6 councils in our strategic role and our registered providers and other key stakeholders. The strategy sets out a consistent framework and agreed set of principles across the county; each individual local authority will also provide more detailed guidance setting out their own specific principles according to their local conditions and need.

## **2. Background Policy**

- 2.1 The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking to:
- Achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community
  - Widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need
  - Improve affordability across the housing market, including by increasing the supply of housing and;
  - Create sustainable, inclusive, mixed communities in all areas, both urban and rural.

### Definitions of Affordable Housing

- 2.2 National Planning Policy (June 2011) defines and includes 3 types of affordable housing:
- a) Social housing up until the introduction of affordable rents was the main model provided by Registered Providers and refers to housing that is subject to strict rent controls, which are around 50% of the market rents.
  - b) The new affordable rents which is up to a maximum of 80% of market rent.
  - c) Intermediate housing, which includes shared ownership.

It also states that affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Includes provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be re-cycled for alternative affordable housing provision.

Delivery of New Homes

- 2.3 Alongside the requirements of the Localism Act, the Homes and Communities Agency (HCA) has agreed programmes for the delivery of new affordable housing over the next 4 years with Registered Providers and local authorities.
- 2.4 The level of subsidy provided by the HCA for new affordable homes has significantly reduced and the ability for RP's to deliver with the reduced availability of grant has to be made up in the following ways:
- All new homes built with HCA subsidy are expected to be offered at affordable rents: up to 80% of the market rent.
  - In addition RPs are offering to increase rents on a percentage of re-let properties.
  - They have also been encouraged to take a more pro-active approach to managing their stock, including the disposal of stock where this will bring funds to invest in new homes.

### **3. Aims and Scope of the Strategy**

Aims and Objectives

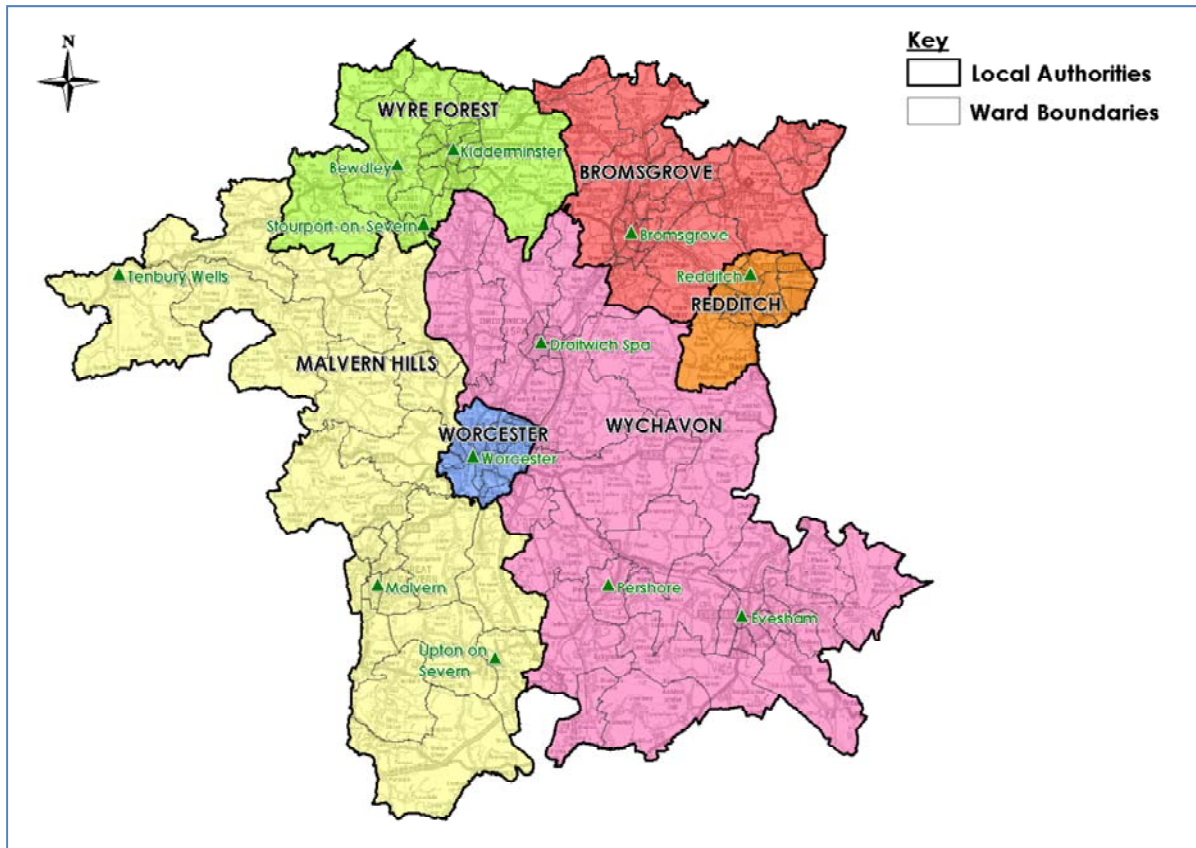
- To ensure that affordable housing meets local housing need
- To provide guidance and direction to RP partners in the development of their tenancy policies
- To provide a framework for up to date knowledge of the housing market in Worcestershire that can then be used to inform policy and practice
- To indicate to tenants and prospective tenants what they can expect from their tenancy

Scope

- 3.1 The strategy will provide guidance to RPs in the following areas:
- The kind of tenancies that they grant,

- The circumstances in which different tenancies should be granted
  - The length of fixed term tenancies
  - The criteria to consider when reviewing tenancies at the end of the fixed term
  - How disposals of stock should be managed
  - How the Worcestershire district councils will give consideration to new government guidance in relation to allocations of social housing.
- 3.2 Although local authorities are not required to include an assessment of affordability in their Tenancy Strategy, the Worcestershire district councils recognise the importance of ensuring that affordable housing continues to be available and accessible to those who need it most and must therefore remain affordable, as defined by locally defined thresholds. The Worcestershire Strategic Housing Market Assessment published in 2012 provides a detailed assessment of income and affordability in each district area and this information will be used to determine each district's guidance to RPs in their area.
- 3.3 The strategy will also set out the local authorities' approach to maximising the use of private rented sector tenancies, particularly in relation to the new power to discharge homelessness through this tenure.
- 3.4 The strategy has been developed as a result of consultation with a range of partners and stakeholders, including RPs, Social Care, local councillors and voluntary and community organisations. Also key to the development of the principles underpinning this strategy was an examination of the nature of the housing market across the county of Worcestershire., looking at detailed information around the issues of need, supply and affordability locally.

## 4. The County of Worcestershire in Context



Source: GVA 2011 (Worcestershire SHMA)

- 4.1 Worcestershire is a large and diverse county, including both urban areas, market towns and rural areas, all of which present different issues in terms of availability, accessibility and affordability of accommodation. The county covers an area of 173,592 hectares with much of this being rural and sparsely populated.
- 4.2 Worcestershire is a two tiered authority area, with a county council and 6 local councils comprising of a district council, a borough council and 4 district councils. The only local authority to have retained its housing stock is Redditch Borough Council; the other 5 local authorities have all transferred their housing stock to housing associations, but continue to have a strategic housing responsibility.
- 4.3 The population of Worcestershire was estimated to stand at 556,000 in 2009. The County has seen growth of just below 9 per cent in its population since 1991, above average for the West Midlands but on a par with the national growth rate. The Worcestershire SHMA 2012 shows that the population will continue to grow over the next 20 years, with a significant growth in the older people population in particular areas.

### Worcestershire Vision

- 4.4 The vision of the Worcestershire Housing Strategy is

***“The right home, at the right time, in the right place”***

4.5 This means that we want every household in Worcestershire to be able to access housing that suits their needs and circumstances when they need it. It is implicit in the vision that we want all housing to reach an appropriate standard, currently the Decent Homes Standard, and that the right home means one that is affordable to the household’s budget. However, we do not mean that changing household circumstances should always result in the need to move home. Our vision embraces a much wider approach which always involves a housing options assessment to ensure household needs are met.

4.6 How our Worcestershire Housing Strategy Goals link to the Tenancy Strategy:

	<b>Worcestershire Housing Strategy Goals</b>	<b>Tenancy Strategy Issues</b>
1	Better use of existing homes	The Tenancy Strategy will set out the local authorities’ approach to using different types of tenancy, enabling mobility and discharging its homelessness duty to maximise the use of the existing housing stock in the county, including both social and privately rented homes
2	Deliver new housing	The Tenancy Strategy will set out the local authorities’ approach to ensuring that the new affordable rent model can be used to maximise new affordable housing delivery whilst ensuring that homes remain affordable for local people in housing need.
3	Improve the condition of existing homes	The Tenancy Strategy is not the appropriate mechanism to facilitate this.
4	Providing housing related support	The tenancy strategy will set out the local authorities’ approach to: <ul style="list-style-type: none"> <li>ensuring that adequate and timely advice and assistance is given to households whose tenancies are not renewed at the end of the fixed term</li> </ul>

		<ul style="list-style-type: none"> <li>• maximising the use of adapted properties through the use of fixed term tenancies</li> <li>• linking the review of tenancies with support and tenancy sustainment not homelessness</li> </ul>
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## **5. Profile of Housing Supply and Need in Worcestershire**

5.1 There are currently just under 250,000 dwellings in Worcestershire. The Census (2001) shows that the largest proportions of dwellings in the County are either detached (37.7%) or semi-detached (36%). Terraced housing only accounts for a significant proportion of the total stock in Redditch and Worcester, in the latter reflecting the urban nature of much of the city. In Redditch the new town development between 1964 and 1985 also involved a significant amount of terrace style properties which served to increase the proportion of this stock type.

5.2 A full breakdown of the housing stock by type across the County is provided in the table below:

Fig. 1 Housing Stock by Type in Worcestershire

<b>Property Type</b>	<b>Bromsgrove</b>	<b>Malvern Hills</b>	<b>Redditch</b>	<b>Worcester</b>	<b>Wychavon</b>	<b>Wyre Forest</b>
Converted flats	0.6%	2.2%	0.8%	1.5%	0.9%	0.9%
Purpose built flats	4.0%	4.3%	6.5%	7.2%	4.2%	4.7%
Terraced	13.5%	10.6%	29.1%	23.8%	17.0%	18.1%
Semi-detached	39.1%	33.1%	31.8%	39.3%	31.1%	41.5%
Detached	41.4%	48.1%	31.2%	27.0%	45.2%	33.3%
Other	1.5%	1.7%	0.4%	1.0%	1.6%	1.6%

Source: Census, 2001



5.3 The tenure breakdown of the stock in each district is shown in the table below:

Fig. 2 Dwelling Stock by Tenure

District	Total Dwelling Stock	LA Dwelling Stock		RP Dwelling Stock		Other Public Sector Dwelling Stock		Owner Occupied and Private Rented Dwelling Stock	
		No.	%	No.	%	No.	%	No.	%
Bromsgrove	39,080	0	0.0	3,886	9.9	6	0.0	35,190	90.0
Malvern Hills	33,410	0	0.0	4,452	13.3	0	0.0	28,950	86.7
Redditch	35,160	6,079	17.3	1,657	4.7	17	0.0	27,410	78.0
Worcester	42,470	8	0.0	6,738	15.9	17	0.0	35,710	84.1
Wychavon	51,190	18	0.0	7,434	14.5	28	0.1	43,710	85.4
Wyre Forest	43,980	0	0.0	6,382	14.5	35	0.1	37,570	85.4
<b>Worcestershire</b>	<b>245,290</b>	<b>6,105</b>	<b>2.5</b>	<b>30,549</b>	<b>12.5</b>	<b>103</b>	<b>0.0</b>	<b>208,540</b>	<b>85.0</b>

Source: Communities and Local Government, 2011

5.4 In terms of social rented stock the 2001 Census showed that this tenure constituted 15.3% of all households across the County, with this varying between 10.6% in Bromsgrove and 22.7% in Redditch.

5.5 Right to buy activity has continued to reduce this proportion with approximately 31,000 properties being sold from 1994 to 2010. New properties have, however, also added to the social housing stock.

Fig. 3 Social Housing Stock by District and Size

5.6 The social housing stock in the county is split by district and size as follows:

District	1 bed		2 bed		3 bed		4+bed		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Bromsgrove	1,364	36.3	1,055.0	28.1%	1,290	34.3	47	1.3	3,756	90.0
Malvern Hills	1,272	29.7	1,582.0	36.9%	1,357	31.7	73	1.7	4,284	86.7
Redditch	2,873	38.3	2,126.0	28.3%	2,281	30.4	222	3.0	7,502	78.0
Worcester	2,025	31.9	1,810.0	28.5%	2,356	37.2	149	2.4	6,340	84.1
Wychavon	2,081	29.3	2,390.0	33.7%	2,487	35.0	141	2.0	7,099	85.4
Wyre Forest	728	16.1	1,515.0	33.6%	2,161	47.9	104	2.3	4,508	85.4
<b>Worcestershire</b>	<b>10,343</b>	<b>30.9%</b>	<b>10,478</b>	<b>31.3%</b>	<b>11,932</b>	<b>35.6%</b>	<b>736</b>	<b>2.2%</b>	<b>33,489</b>	<b>85.0</b>

Source: Communities and Local Government, 2011

- 5.7 Nearly a third of social housing stock is made up of one bedroom properties of which the majority are flats. Of the large proportion of one bedroom properties, 45% are either sheltered bedsits or flats. Redditch has a particularly high proportion of one bedroom properties (37.9%), whereas Wyre Forest has by far the lowest (16.3%).
- 5.8 31% of the social housing stock is made up of two bedroom properties, split between flats (12.6%) and houses and bungalows (18.7%). Three bedroom houses account for over a third of the social housing stock, almost all of which are houses. Nearly half of Wyre Forest's social housing stock is made up of 3 bedroom properties.
- 5.9 Four bedroom and larger houses make up just 2.3% of the overall stock. Redditch has the highest proportion of 4+ bedroom properties and Malvern Hills the lowest.

Fig. 4 Social Housing Lettings 2009/10

<b>Lettings (Bedrooms)</b>	<b>Bromsgrove</b>	<b>Malvern Hills</b>	<b>Redditch</b>	<b>Worcester</b>	<b>Wychavon</b>	<b>Wyre Forest</b>
0/1 Bedroom	48%	46%	57%	51%	49%	48%
2 Bedrooms	36%	37%	27%	32%	35%	35%
3 Bedrooms	14%	17%	14%	16%	16%	16%
4+ Bedrooms	2%	1%	1%	1%	1%	1%
<b>Total Lettings</b>	<b>309</b>	<b>291</b>	<b>574</b>	<b>512</b>	<b>484</b>	<b>526</b>

- 5.10 In total, there were 2,122 social lettings to households on the waiting list across Worcestershire during 2009/10. The majority of lettings were to smaller 1 and 2 bedroom properties, with only an average of 17% of lettings being to 3 and 4+ bedroom properties.

#### Housing Need

- 5.11 There are nearly 24,000 households on waiting lists for social housing in Worcestershire.
- 5.12 The following tables show a breakdown of these households:

Fig. 5 Households on the Waiting List by Household Type

District	Total Households	Couple	Family	Other	Pensioner	Single
Bromsgrove	3,324	8%	42%	5%	15%	30%
Malvern Hills	2,285	11%	37%	3%	15%	33%
Redditch	3,598	N/A	N/A	N/A	N/A	N/A
Worcester	4,501	9%	42%	1%	9%	39%
Wychavon	4,801	10%	35%	3%	16%	36%
Wyre Forest	5,210	9%	38%	0%	22%	31%
<b>Worcestershire</b>	<b>23,719</b>					

Source: Housing Waiting Lists, GVA Analysis 2011

5.13 This data shows that the household type most frequently requiring affordable housing are family households, followed by single person households.

Fig. 6 Households on the Waiting List by Age

Local Authority	18-24	25-34	35-64	65+	Under 18
Bromsgrove	17%	29%	41%	13%	0.0%
Malvern Hills	17%	23%	44%	15%	0.2%
Worcester City	21%	32%	39%	7%	0.4%
Wychavon	19%	28%	41%	12%	0.3%
Wyre Forest	19%	24%	41%	15%	0.4%

Source: Local Authority Waiting Lists

5.14 This data shows that the age group most frequently requiring affordable housing are 35-64 year olds, followed by 25-34 year olds.

Fig. 7 Households on the Waiting List by Household Type

District	Total Households	Owner Occupied	Social Rent	Private Rent	Sharing/Lodging	Other/Not Specified
Bromsgrove	3,324	11%	29%	21%	7%	32%
Malvern Hills	2,285	7%	36%	23%	6%	28%
Redditch	3,598	8%	36%	22%	30%	5%
Worcester	4,501	5%	29%	24%	13%	28%
Wychavon	4,801	7%	23%	16%	6%	48%
Wyre Forest	5,210	12%	26%	22%	6%	33%
<b>Worcestershire</b>	<b>23,719</b>					

5.15 This table illustrates the pressures on households in market tenures, with a relatively high demand from other tenures, in particular the private rented

tenure. There are also significant numbers of households on the waiting list who are seeking to transfer from a social housing tenancy.

Fig. 8 Households on the Waiting List in 'Significant Need'

5.16 Households in 'Significant Need' are defined as those households in bandings of Silver and above on the two choice based lettings schemes in Worcestershire; Home Choice and Home Choice Plus.

District	Households in 'Significant Need'	Proportion of Total Waiting List (Authority)	Proportion of Total Number of Households (Authority)
Bromsgrove	499	15.0%	1.3%
Malvern Hills	479	20.9%	1.5%
Redditch	929	25.8%	2.8%
Worcester	1,061	23.5%	2.6%
Wychavon	1,153	24.0%	2.3%
Wyre Forest	986	18.9%	2.3%
<b>Worcestershire</b>	<b>5,107</b>	<b>21.5%</b>	<b>2.1%</b>

Source: Housing Waiting Lists, GVA Analysis 2011

5.17 There are a total of 5,107 households categorised as having a significant level of need for affordable housing, representing approximately 22% of the total number of households on waiting lists across Worcestershire.

5.18 Of those households in significant need, their estimated property size requirements are as follows:

Fig. 9 Estimated Property Size Requirements

District	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Bromsgrove	45%	33%	14%	7%
Malvern Hills	66%	25%	5%	3%
Redditch	43%	29%	14%	14%
Worcester	52%	34%	9%	4%
Wychavon	44%	37%	14%	4%
Wyre Forest	60%	29%	9%	2%

5.19 There are slight variances in the size of affordable housing required going forward over the next five years within Worcestershire. Overall, however, a relatively consistent trend is evident; there is a predominant requirement for smaller 1 and 2 bedroom dwellings across all authorities within Worcestershire. However, there is still a continued requirement for 3 and 4+ bedroom units in all districts, particularly since these property types do not become available as frequently as smaller units (see fig. 4).

5.20 Taking into account the levels of need and supply of affordable housing in the county, the Worcestershire SHMA published in 2012 has concluded that there is an annual requirement for an additional 1,354 affordable properties in Worcestershire over the next 5 years.

5.21 Figure 10 below shows how this requirement is broken down by district and affordable tenure:

Fig. 10 Annual Affordable Housing Need over next 5 years

	<b>Net Affordable Housing Requirement - by Tenure (Annual - next 5 years)</b>					
	<b>Social Rented</b>			<b>Intermediate</b>		
<b>Authority</b>	<b>Supply</b>	<b>Net Need (Total)</b>	<b>Net Need (%)</b>	<b>Supply</b>	<b>Net Need (Total)</b>	<b>Net Need (%)</b>
Bromsgrove	227	186	85%	26	33	15%
Malvern Hills	220	127	97%	31	4	3%
Redditch	405	100	60%	20	67	40%
Worcester	366	297	83%	15	61	17%
Wychavon	372	221	82%	7	48	18%
Wyre Forest	404	154	73%	8	56	27%
<b>Worcestershire</b>	<b>1,994</b>	<b>1,085</b>	<b>80%</b>	<b>107</b>	<b>269</b>	<b>20%</b>

## 6. Profile of Rents and Affordability in Worcestershire

6.1 This section provides information on the rent levels across Worcestershire for market, affordable and social rents and provides an assessment of each tenure's affordability relative to average household income in each district.

6.2 In assessing the affordability of different tenures, the following principles have been applied:

- Housing is considered to be affordable where the rent payable would constitute no more than 25% of a household's gross income
- Rent payable is defined as the entire rent due, even if it is partially or entirely met by housing benefit
- Annual social housing rents are calculated from an average taken of RSL rental levels (RSR dataset)
- A household income of £30,000 is the benchmark for entry into market housing across the authorities
- Income data has been derived from CACI 2010

Fig. 11 Average Monthly Private Rental Levels & Income Required by Property Size

District	1 bedroom Apartment		2 bedroom		3 bedroom House		4 bedroom House		% of All Households Earning Less than £30,000
	Rent	Income Required	Rent	Income Required	Rent	Income Required	Rent	Income Required	
Bromsgrove	£433	£20,784	£578	£27,744	£690	£33,120	£941	£45,168	43%
Malvern Hills	£485	£23,280	£571	£27,408	£660	£31,680	£675	£32,400	51%
Redditch	£453	£21,744	£577	£27,672	£669	£32,112	£1,173	£56,304	50%
Worcester	£493	£23,664	£608	£29,160	£696	£33,408	£987	£47,376	53%
Wychavon	£466	£22,368	£577	£27,672	£730	£35,040	£929	£44,592	48%
Wyre Forest	£400	£19,200	£500	£24,000	£608	£29,184	£795	£38,160	55%

Source: Rightmove.co.uk, 2011

6.3 There is a relatively strong consistency across authorities in terms of rental levels. Worcester records a strong market for smaller properties, in particular 2

bed properties. Wyre Forest consistently records a lower monthly rental level across all property types.

Figure 12 Average Monthly Social Rental Levels & Income Required by Property Size

District	1 bedroom Apartment		2 bedroom		3 bedroom House		4 bedroom House		% of All Households Earning Less than £30,000
	Rent	Income Required	Rent	Income Required	Rent	Income Required	Rent	Income Required	
Bromsgrove	£275	£13,200	£319	£15,312	£346	£16,608	£379	£18,192	43%
Malvern Hills	£306	£14,688	£342	£16,416	£383	£18,384	£431	£20,688	51%
Redditch	£339	£16,272	£339	£16,272	£369	£17,712	£417	£20,016	50%
Worcester	£282	£13,536	£319	£15,312	£332	£15,936	£381	£18,288	53%
Wychavon	£293	£14,064	£337	£16,176	£369	£17,712	£394	£18,912	48%
Wyre Forest	£298	£14,304	£329	£15,792	£338	£16,224	£361	£17,328	55%

Source: RSR 'Guide to Local Rents Part II', 2011

6.4 As would be expected, there is a high level of consistency in rental levels across the authorities.

Figure 13 Average Affordable Rent Levels (80% market rent) & Income Required by Property Size

District	1 bedroom Apartment		2 bedroom		3 bedroom House		4 bedroom House		% of All Households Earning Less than £30,000
	Rent	Income Required	Rent	Income Required	Rent	Income Required	Rent	Income Required	
Bromsgrove	£346	£16,627	£462	£22,195	£552	£26,496	£753	£36,134	43%
Malvern Hills	£388	£18,624	£457	£21,926	£528	£25,344	£540	£25,920	51%
Redditch	£362	£17,395	£461	£22,138	£535	£25,690	£938	£45,043	50%
Worcester	£394	£18,931	£486	£23,328	£557	£26,726	£790	£37,901	53%
Wychavon	£373	£17,894	£461	£22,138	£584	£28,032	£743	£35,674	48%
Wyre Forest	£320	£15,360	£400	£19,200	£486	£23,347	£636	£30,528	55%

Source: GVA, 2011

- 6.5 Having set out the rent levels for the three rental tenures, the following table shows the difference between the average social and affordable rent levels in each district by property size.

Figure 14 Difference between Monthly Social and Affordable Rent Levels by Property Size

<b>District</b>	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>
Bromsgrove	£71	£143	£206	£374
Malvern Hills	£82	£115	£145	£109
Redditch	£23	£122	£166	£521
Worcester	£112	£167	£225	£409
Wychavon	£80	£124	£215	£349
Wyre Forest	£22	£71	£148	£275

- 6.6 Figure 14 shows that the introduction of affordable rent as a replacement for social rent would generate significantly higher rental returns for RPs than traditional social rents. Worcester City in particular records the greatest average differential. This is likely to pose an affordability challenge to many households within lower income bands.
- 6.7 It is therefore essential that an analysis of affordability is considered in terms of access to affordable rent. The following table sets out the proportion of households in each district who would be unable to afford an affordable rent level:



Figure 15 Proportion of Households Unable to Afford Affordable Rent Housing

<b>Authority</b>	<b>% Unable to Afford 80% Market Rent, 1-bed Apartment</b>	<b>% Unable to Afford 80% Market Rent, 2-bed Apartment</b>	<b>% Unable to Afford 80% Market Rent, 3-bed House</b>	<b>% Unable to Afford 80% Market Rent, 4-bed House</b>
Bromsgrove	25%	35%	43%	59%
Malvern Hills	31%	41%	51%	51%
Redditch	30%	41%	50%	77%
Worcester City	33%	43%	53%	68%
Wychavon	29%	39%	48%	64%
Wyre Forest	34%	34%	45%	63%

Source: CACI 2010, GVA Analysis 2011

6.8 These figures suggest that the effectiveness of affordable rent as a product to meet housing need will vary considerably across districts and property types and there will still be a need to ensure that the traditional, lower cost tenure of social rent continues to be provided to meet the needs of those households on lower incomes who are unable to afford affordable rent. In providing guidance to RPs on how the local authority would prefer to see the affordable rent model utilised, each district will take into consideration the difference between the rent levels for social and affordable rent, the proportion of households unable to afford affordable rent, the Local Housing Allowance levels in the district, the stock profile and the specific demographics and geography of the district.

## **7. Principles for Registered Providers on Tenancy Policy**

- 7.1 Having considered the nature of the housing supply, demand and need in the county, this section will set out the principles that the Worcestershire district councils expect RPs to have regard to when developing their own tenancy policy:

### **Tenancy Types**

#### **Background Information**

- 7.2 The Localism Act enables RPs to let properties to new tenants using fixed term tenancies rather than lifetime assured tenancies. Fixed term tenancies should usually be offered for a minimum of 5 years, unless there is an exceptional reason to reduce the term to 2 years.
- 7.3 Fixed term tenancies can be offered at either social or affordable rent.
- 7.4 RPs are not obliged to offer fixed term tenancies and lifetime tenancies can continue to be offered.
- 7.5 At the end of the fixed term, the RP will have the option to review the tenant's circumstances and the conduct of the tenancy and can either terminate or extend the tenancy. RPs are required to develop and publish a Tenancy Policy and the criteria to be taken into account when deciding whether to extend or terminate a fixed term tenancy should be clearly set out in this policy.
- 7.6 Where a RP chooses to terminate a fixed term tenancy at the end of the period, the RP must give notice of their decision 6 months before the end of the tenancy and must also ensure that the tenant is provided with advice and assistance with finding suitable alternative accommodation.
- 7.7 Existing allocation and nomination arrangements will continue, with properties offered on fixed term tenancies being advertised and let through existing schemes, e.g. choice based lettings schemes.
- 7.8 RPs will continue to be able to offer introductory tenancies.
- 7.9 Existing tenants will retain their security of tenure whether they remain in their current home or not. However, their rent may change if they move to a property which the RP has chosen to let at affordable rent levels.

#### **Worcestershire Principles**

- 7.10 The local authorities in Worcestershire welcome the introduction of fixed term tenancies as a means of ensuring that best possible use is made of the limited social housing stock in the county. However, it is essential that the use of fixed

term tenancies should not undermine the sustainability of communities and neighbourhoods and care must therefore be taken in determining in what circumstances such tenancies will be offered and what review criteria will be applied at the end of the tenancy.

- 7.11 The Worcestershire district councils consider that where flexible tenures are to be used, they should be offered for a minimum of five years in order to provide stability and security.
- 7.12 It is also expected that unless there has been a significant change in circumstances following a review, the tenancy will be renewed for a further period. The circumstances in which a local authority considers a tenancy may not be renewed will be set out by each district according to their local conditions, but all RPs should ensure that they clearly publish the criteria and conditions they intend to apply to the allocation and review of fixed term tenancies and that this information should be provided to tenants prior to their tenancy commencement. RPs should also make clear whether they intend to terminate fixed term tenancies if any or all of the specified conditions are met and in what circumstances they will renew a tenancy even though some or all of the conditions are met.

Overcrowding and Under-occupation

- 7.13 The Worcestershire Local Housing Authorities encourage landlords to take positive action to facilitate a move to more suitable accommodation where tenants' circumstances change and their current home is too large or indeed where the accommodation is too small.
- 7.14 The proposed housing benefit restrictions on bedroom size being applied from April 2013 for working age households will add further pressure to ensure that properties are not under occupied.
- 7.15 The Home Choice Plus Allocations Policy awards bandings to families who are overcrowded and reasonable preference and priority is given to those applicants who are living in severely overcrowded conditions.
- 7.16 It is important that the best possible use is made of existing housing stock and priority will be given where a Local Authority or Housing Association tenant, in the Home Choice Plus area, applies to move to a smaller, or more appropriate type of property.

Properties with Adaptations

- 7.17 It is important that properties with adaptations are used appropriately due to the limited resources available to meet a growing need for adapted properties. Many of the authorities in Worcestershire have a significant number of older people living in their locality and this figure is projected to increase. It is therefore important to ensure that if the circumstances or needs of a tenant with an

adapted property change, meaning that they no longer require a property with an adaptation then the tenant will be moved to a more suitable property. The adapted property should then be allocated to someone requiring such an adaptation.

- 7.18 The Home Choice Plus Allocation Policy awards priority to households occupying an adapted property and wishing to move to a more suitable property.

**Wyre Forest District Council Principles**

- 7.19 Wyre Forest District Council expects RPs to consider the following factors in determining the criteria to be used for allocating and reviewing fixed term tenancies:

- Due to the shortage of larger family housing in the district, the district council supports the use of fixed term tenancies for 4+ bedroom properties in order to ensure that this scarce resource can be used most effectively.
- In order to ensure the best possible use of stock, the district council supports the use of fixed terms tenancies for properties with specialist adaptations. Where there is still a requirement for adaptations, this requirement should over ride other considerations such as household income.
- The district council considers that all fixed term tenancies should be renewed unless the household's circumstances have changed to such an extent that the property is no longer suitable for their needs or has improved to the extent that they are able to meet their needs through market tenure housing. Examples of this include:
  - The adaptations in the property are no longer required
  - The household income or savings exceeds the thresholds specified by the Home Choice Plus allocations policy. This currently stands at income of over £60,000 per annum and/or savings/assets/equity exceeding £50,000 (unless their needs can only be met through housing that is not available as a market tenure)
  - The household is under-occupying their property, particularly in the case of family housing. Under-occupation should be defined by the

bedroom standard specified in the Home Choice Plus allocations policy.

- There have been repeated serious breaches of the tenancy conditions set out at the commencement of the tenancy and appropriate support has been offered to the tenant to address these breaches, but there has been a consistent failure on the part of the tenant to do so. In the case of rent arrears, the RP should take into account where arrears have accrued as a result of the introduction of the new working age bedroom size limit to housing benefit. In these circumstances, the district council expects RPs to be flexible in its approach and to assist tenants to find more affordable accommodation within its own stock.
- Where a tenancy is not renewed at the end of a fixed term, the RP should ensure that adequate and appropriate advice and assistance is provided to the tenant to enable them to secure alternative accommodation. This may include assisting them to move within the RP's own stock (either rented or shared ownership) or moving into a market tenure. The tenant should be given a notice period of at least 6 months and the RP should also notify Wyre Forest District Council's Strategic Housing Team of any intended tenancy terminations as soon as notice is given.
- The district council expects that very few, if any, homeless approaches should be generated by an RP terminating a fixed term tenancy, as appropriate advice should have been provided to the tenant to enable them to meet their own needs, but where a former tenant does approach the district council for homeless assistance, the RP should assist the council with its enquiries where requested.
- In most cases (unless the property conditions would make it unsuitable), the district council expects that RPs should allow the tenant to remain in their property at the end of a tenancy until a suitable alternative has been found.

- RPs should ensure that tenants are provided with clear and adequate information about the reasons why their tenancy has been terminated, and clear guidance should be provided on the way in which they can appeal any tenancy termination decision.
- Where a household is found to be significantly over-crowded at the time of a fixed term tenancy review and the household does not meet any of the other criteria for tenancy termination, the district council expects that the RP should assist the household to find suitable alternative accommodation within its own stock. The district council considers overcrowding to be defined by the bedroom standard specified in the Home Choice Plus allocations policy.

## **Affordable Rent**

### **Background Information**

- 7.20 The new tenure of affordable rent was introduced in 2010 following the Comprehensive Spending Review and enables RPs who have entered into a contract with the Homes and Communities Agency to charge rents of up to 80% of market rent levels on all new build properties funded through the 2011-15 HCA programme. These RPs may also convert a proportion of their existing properties to affordable rent.
- 7.21 RPs not in receipt of HCA development funding must continue to let properties at social rent levels. RPs in receipt of funding will also be able to continue charging social rent on existing properties if they choose to.
- 7.22 Existing tenants remaining in the same home will not be affected by this change. However, they may be affected if they transfer to a new home.
- 7.23 Tenants who are offered properties at affordable rent levels will continue to be eligible for Housing Benefit.
- 7.24 Existing allocation and nomination arrangements will continue, with properties offered at affordable rent being advertised and let through existing schemes, e.g. choice based lettings schemes.

### **Worcestershire Principles**

- 7.25 The Worcestershire district councils expect RPs to take into consideration the affordability calculations included in the Worcestershire Strategic Housing Market Assessment (tables included in section 4 of this document) and the specific demographics of its operating area in determining the rent levels to set and the proportion of its existing stock that it will convert to affordable rent. RPs should

also take into account the availability of affordable and market accommodation in specific areas and the need to ensure sustainable communities in determining rent levels – e.g. some rural areas may have very limited affordable housing stock and introducing affordable rent in these areas may make the stock unaffordable to the majority of local people. Each local authority will specify its preferences for areas for areas which should be excluded from the affordable rent model.

**Wyre Forest District Council Principles**

- 7.26 It is recognised that affordable rent will meet the needs of some of those in housing need in the district. However, it is more likely that this product will assist the wider housing waiting list as opposed to those in significant need, who are likely to have fewer resources available to them. This is because although households in properties charged at affordable rent levels will be eligible for housing benefit, those households on a low income and not in receipt of housing benefit may struggle to afford these rent levels. The government is keen that benefit dependence and worklessness levels should be reduced and it is therefore also vital that rent levels should not act as a barrier or disincentive to entering employment. In addition, when Universal Credit is introduced, there will be caps on the levels of benefit that a household will be entitled to and housing benefit will be included in this. This again may mean that households will struggle to afford the affordable rent levels; in Wyre Forest, this is particularly true of larger family sized accommodation (3 and 4+ bedroom properties).
- 7.27 Although Wyre Forest District Council must consider the whole housing market and ensure the needs of all households are provided for, the conversion of social rent properties to affordable rent which are then let to households not in significant need will not serve to reduce the affordable housing requirement for the district; in fact it will increase it.
- 7.28 The SHMA affordability calculations reproduced in section 4 of this document demonstrates that 55% of households in Wyre Forest would struggle to afford 4+ bed houses at an affordable rent.
- 7.29 The district council therefore expects RPs to carefully consider the affordability of its stock for local people when determining which properties should be converted to affordable rent and, as a minimum, expects that RPs should not let 4+ bedroom properties or family sized properties in high value areas at affordable rent.
- 7.30 The district council expects that RPs should publish its criteria for determining which of its existing stock it intends to let at affordable rent levels and should

also publish the valuation information it uses to determine the affordable rent level.

- 7.31 The district council expects that in all cases the affordable rent level should be lower than the local housing allowance level for the district.
- 7.32 The district council expects that RPs will provide its tenants who are likely to be affected by changes to welfare benefits with appropriate advice regarding how it will impact them and how they can address any resulting affordability issues.
- 7.33 The district council expects that all affordable rent properties should be advertised through the Home Choice Plus choice based lettings scheme and that the rent level should be clearly indicated on the advert. The RP should also ensure at the allocation stage that the tenant understands the difference in the rent level and that it is affordable to them.

Section 106 developments

- 7.34 Due to the issues with affordability in the district, the district council considers that there is still a significant requirement for the delivery of new build properties at social rent. The Worcestershire SHMA has identified that in order to meet the backlog and emerging housing need in the district, new development should deliver 70% social and 30% intermediate housing. The district council will therefore continue to seek social rented housing on sites where affordable housing is secured through a Section 106 agreement.
- 7.35 The district council also expects that all properties subject to existing Section 106 agreements should continue to be offered at social rent levels and not be converted to affordable rent. The district council will monitor allocations of properties subject to a Section 106 agreement to ensure that they are offered at the correct rent levels.

## **Mobility in Social Housing**

### **Background Information**

- 7.36 The Localism Act promotes mobility in social housing. The Secretary of State and the regulator has been given the powers to give directions making it easier for tenants to change homes should their circumstances change. All RPs are obliged to participate in a mutual exchange scheme to allow tenants to move more easily.

### **Worcestershire Principles**

- 7.37 Worcestershire recognises the need for tenants to be able to move to be closer to work, family support within the partnership boundaries etc. and supports the Government's efforts to facilitate easier movement within the sector.



- 7.38 Applicants are able to apply to Home Choice Plus from anywhere within the United Kingdom. However, in order to ensure that Home Choice Plus meets the needs of the local community, reduced priority will be given to those applicants without a Local Connection to the relevant Local Authority.
- 7.39 Local connection will be assessed having regard to the definition of local connection contained in Section 199 Housing Act 1996.
- 7.40 The following factors as set out in s199 Housing Act 1996 will be taken into consideration in determining whether or not an applicant has a local connection with the Local Authority area. An application is awarded a local connection if an applicant or a member of their household included in their application:
- has lived in the relevant Local Authority area by choice for a certain time (usually for six months out of the last 12 months or for three years out of the last five years);
  - has close family living in the relevant Local Authority area, who have been permanently resident for at least the previous five years;
  - has permanent employment in the relevant Local Authority area
  - has special circumstances that give rise to a local connection
- 7.41 In determining permanent employment the policy gives consideration to the Local Government Association guidelines which state that this is employment other than that of a casual nature.
- 7.42 For the purposes of determining Local Connection, living in the Local Authority area will not include the following:
- Occupation of a mobile home, caravan or motor caravan where it is not their only or principal home
  - Occupation of a holiday letting (which includes a permanent building, hotel or bed and breakfast accommodation) for the purposes of a holiday.
  - Resident of a HMP, Bail Hostel or other such accommodation.
  - In-Patient of Hospitals/specialist centres

**Wyre Forest District Council Principles**

- 7.43 The district council expects that all RPs operating in the district should participate in a national mutual exchange scheme to enable tenants to move more easily, e.g. Homeswapper. In order to encourage and facilitate mobility, the district council also expects that existing social tenants should be allowed to retain their security when they move to a new property.

- 7.44 The district council expects that RPs should publish a mutual exchange policy, setting out any conditions it may apply to tenants who wish to exchange.
- 7.45 The district council expects RPs to offer flexibility in allowing exchanges and to clearly explain how tenants' exchange rights will be affected by different tenancy types, including fixed term and introductory tenancies. The district council also expects RPs to offer flexibility to tenants who need to move because they are under-occupying their current home and have faced a reduction in Housing Benefit as a result. This may mean relaxing conditions around the ability to exchange with rent arrears, if this will resolve the household's affordability issues and prevent further arrears from accruing.

## **Disposal of Stock**

### **Worcestershire Principles**

- 7.46 The Worcestershire Local Housing Authorities do not wish to see the disposal of housing stock. However, it is recognised that in certain circumstances this may be justifiable providing it allows for future investment within the individual local authority area in providing more appropriate housing. Agreement would have to be gained from the local authority for any disposal of stock in accordance with legislative requirements and stock transfer agreements. This would include any payment in respect of the disposals claw back agreement.

### **Wyre Forest District Principles**

- 7.47 The district council expects that RPs should have a disposal strategy which clearly sets out their approach to the disposal of stock and how this benefit the organisation and the local authority area(s) in which it operates. The district council also expects that all disposal decisions should be taken at RP Board level. If RPs wish to dispose of stock within the district, the district council will require them to provide the following information to the Strategic Housing Service with any request for support for disposal:
- Address of property
  - Type and size of property
  - Whether the property is currently tenanted and if so, how the current tenant will be assisted to find suitable alternative accommodation
  - The projected income from the disposal
  - How and where this income will be used

## **Local Lettings Plans**

### **Worcestershire Principles**

- 7.48 Local Lettings Plans are currently used across the county in order to facilitate community sustainability and good housing management. Local Lettings Plans may be used by RPs in some areas to set out how and why particular properties will be let at affordable rent levels or offered on a fixed term basis.
- 7.49 Local Lettings Plans should always be developed in partnership with the local housing authority.

### **Wyre Forest District Council Principles**

- 7.50 The district has developed a local lettings plan template and it expects that all plans use this template as a basis.
- 7.51 All local lettings plans should be need based and have clear and robust evidence to support this need. The plan should clearly set out what the RP is aiming to achieve in applying restrictions on allocations and how these restrictions will assist to meet these objectives. The plan should also have a set review date, at which time, the RP should assess whether the objectives have been achieved and whether the plan should be extended or amended.
- 7.52 All local lettings plans should be published by the RP and should also be agreed by the district council before use. The district council will publish all local lettings plans on the Home Choice Plus website and any advert which restricts allocations based on a local lettings plans should clearly reference the title of the plan in order that customers are able to make informed choices about their bidding. No property that restricts allocations without a local lettings plan having been agreed will be advertised on the Home Choice Plus website.

## **8. Social Housing Allocations**

- 8.1 All the Worcestershire district councils operate choice based lettings (CBL) schemes to determine how priority should be awarded in the allocation of social housing. Redditch Borough Council operates its own CBL scheme called Home Choice, while the 5 remaining Worcestershire district councils (along with Stratford on Avon District Council) operate a sub-regional CBL scheme called Home Choice Plus.
- 8.2 The Government is currently consulting on new draft statutory guidance on social housing allocations for local authorities in England. This new

guidance is intended to assist authorities to take advantage of the provisions in the Localism Act 2011 by:

- Giving local authorities the freedom to manage their own waiting lists, including allowing them to restrict access to waiting lists
- Making it easier for existing social tenants to move to more suitable accommodation
- Encouraging local authorities to make use of the existing flexibilities within the allocation legislation to ensure that social homes go to people who need and deserve them the most, e.g. introducing priority for economically active households and those who contribute to their local community
- Ensuring that former Service men and women who have urgent housing needs are given 'additional preference' (i.e. high priority) for social housing

8.3 The 5 Worcestershire district council partners of the Home Choice Plus scheme have recently completed a review of the housing allocations policy, which has already taken advantage of flexibilities in terms of restricting priority. However, once the government guidance has been published, a further review will be undertaken to consider what further changes, if any, are needed. Redditch Borough Council's Home Choice scheme will also be reviewed in line with the new government guidance.

## **9. Use of Private Rented Sector Tenancies**

9.1 Local Authorities will be able to discharge their duty to homeless households with an offer of suitable accommodation in the private rented sector provided the tenancy is for a minimum of one year and is suitable for the household. The government will be developing new guidance on assessing suitability to accompany this new power.

### **Worcestershire Principles**

9.2 The private rented sector in the county is complex and differs in availability and affordability between the districts. Market research undertaken as part of the Worcestershire SHMA 2012 highlighted a countywide trend of a lettings market restricted by the lack of available property due to both the withdrawal of the buy to let investor from the market and the growing trend for people to remain within their rental property for increasing amounts of time. In particular agents have

noted a lack of 2/3 bed houses, which linked to affordability issues and the nature of the households seeking property are the most popular property type.

- 9.3 This market research further identified the following district specific trends:

Wyre Forest District Council

- 9.4 In Wyre Forest there is a high demand for rental properties in Kidderminster in particular but overall rental transactions are relatively low, although demand is considered likely to pick up as a result of pressures not only from would be first time buyers in the authority but those looking to settle in the area and commute to the larger urban areas.

Malvern Hills

- 9.5 In Malvern Hills the rental market in the area was coming under increasing pressure not only from first time buyers priced out of the market in the authority but also from an increasing number of households relocating into the authority. Rental demand for houses is particular strong and is likely to reflect a desire for couples and families to settle in the area but who are waiting until prices re-align themselves and for the sale market to provide greater choice. There is a need throughout the district for more rental properties as demand continues to outstrip supply.

Bromsgrove

- 9.6 Within Bromsgrove the lettings market remains buoyant with 3 bedroom houses with gardens being in particular demand. Flats are less popular and there is a high turnover rate associated with this property type. There is high demand throughout Bromsgrove and areas close to transport hubs are always popular.

Wychavon

- 9.7 The market in Wychavon should be considered in terms of the individual settlements, given the geographical distance between them and the different market links with adjacent areas. The lettings market has slowed down in Droitwich over the last 12 months but rents have remained stable. In Evesham, the supply of rental properties has started to grow as a result of investors purchasing competitively priced properties. Within Pershore the lettings market is performing well, with all property types in demand.

Worcester City

- 9.8 Within Worcester the University of Worcester has changed the private rental market in recent years with increased demand from buy to let landlords which seek to cater for the student market. Overall across Worcester the lettings market is performing well with increasing demand. The absence of available supply was noted as being further compounded by the declining numbers of forced landlords who are beginning to move their property on to the sales market. The market remains very price sensitive and rental levels are a determining factor in whether a property is let.
- 9.9 All the Worcestershire district councils offer some form of private rental sector (PRS) access scheme to facilitate households to enter this tenure and reduce the demand on social housing. There are also various schemes offered by partner and voluntary agencies across Worcestershire, providing PRS access services to specific client groups such as single homeless people and ex-offenders. The district councils are all planning to extend their PRS access schemes in the future and see this sector as offering a suitable alternative tenure for those households who would traditionally have entered social housing. The use of the private rented sector will, however, be determined by the local market.

**Wyre Forest District Council Principles**

- 9.10 Wyre Forest District Council operates a rent bond scheme, works with MLAS to deliver landlord accreditation and works with partners such as St Basils and Whabac to access the private rented sector through their rent bond and local lettings agency schemes.
- 9.11 The Authority regulates the licensing of 3 storey Houses in Multiple Occupation and licenses are granted to properties achieving the required standards.
- 9.12 The current rent bond scheme operated by the district council is to assist all households who approach as homeless either as a prevention or as a possible discharge of the homeless duty.
- 9.13 If the private rented sector is used for discharging the homeless duty, the district council will always undertake a rigorous assessment of the suitability of this option, including an assessment of affordability, and whether the private rented sector represents an appropriate solution to a household's housing need. Any decision to discharge duty in this way will be subject to the usual homeless appeal process. The use of this power will be closely monitored to ensure that private rented sector tenancies can be sustained over a medium to long term and do not result in repeat homelessness.

- 9.14 All properties accessed through the district councils rent bond scheme must be in good repair, warm, secure and free from category one health and safety hazards. The rent charged should also be at or below local housing allowance levels for the district. Where rent charged exceeds local housing allowance, the district council must be satisfied that the property is affordable for the tenant and that any top up is reasonable.

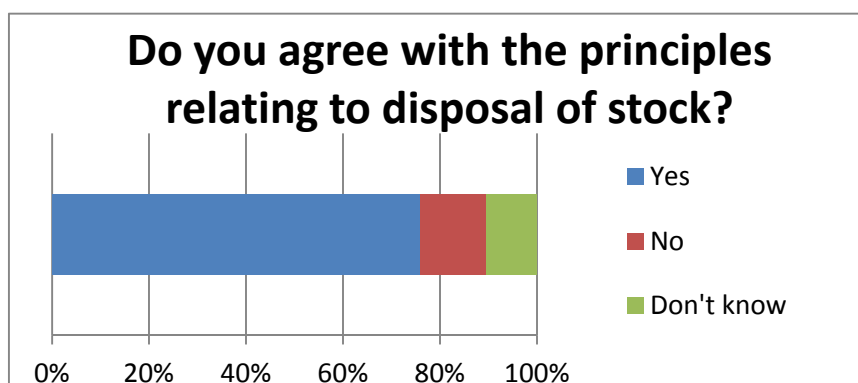
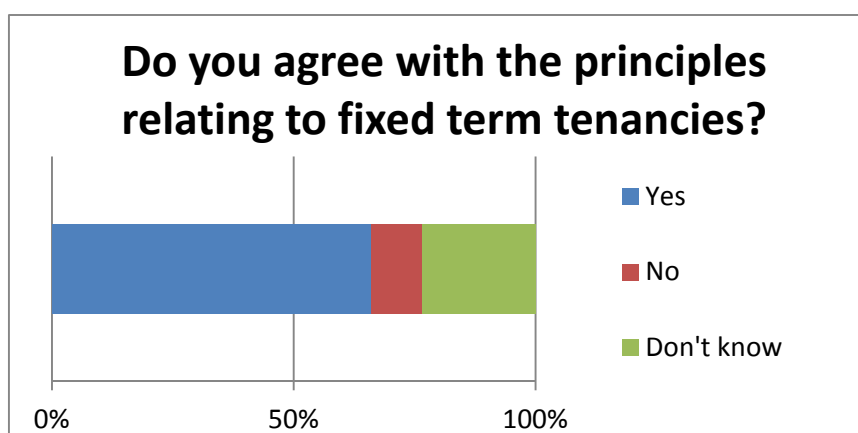
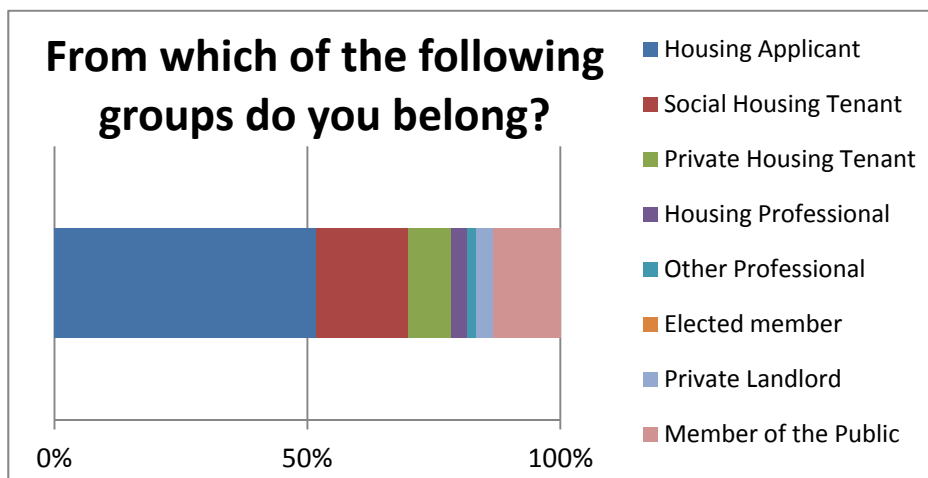
## **10. Governance**

- 10.1 The Worcestershire Strategic Tenancy Framework and principles will be reviewed annually by the Worcestershire Strategic Housing Managers Group to ensure that it remains consistent with the sub regional allocations policy and the Worcestershire Homelessness Strategy.
- 10.2 The individual RP's are responsible for their individual tenancy policies which will be published to provide transparency, enabling local communities to understand clearly how social landlords are responding to local needs and priorities.

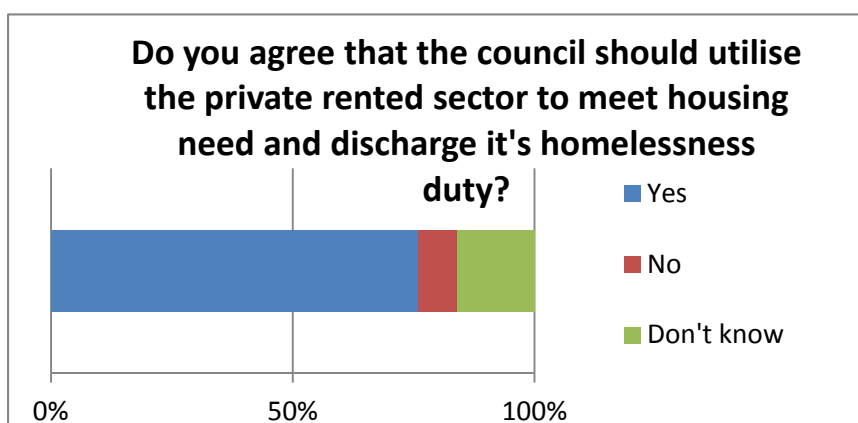
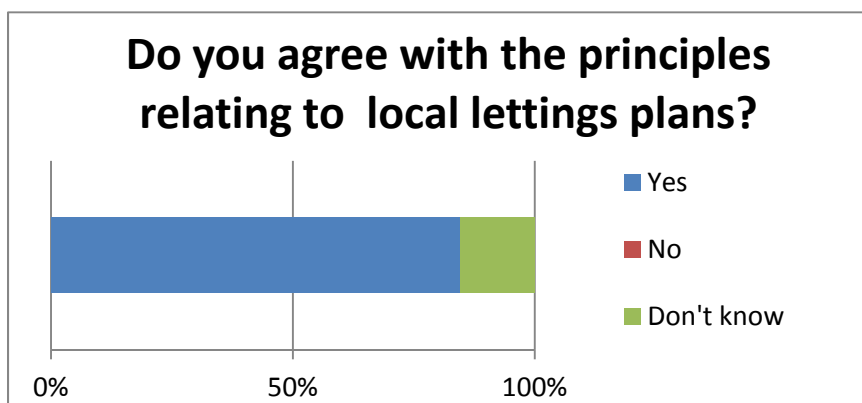
## **11. Consultation**

- 11.1 This draft strategy will be subject to a consultation period running from 31<sup>st</sup> May 2012 to Friday 7<sup>th</sup> July 2012. Relevant partners, stakeholders and housing applicants will be included in this consultation process and their feedback will be used to develop the final strategy.

**Appendix Two: Consultation Responses to Tenancy Strategy Consultation  
August 2012**







## Comments

Use of Fixed Term Tenancies	
Comment	Response from WFDC
If i had have took a 5 year tenencie i would not evren painted the walls i would have treated the house like shit not looked after it nothing under my long term tenencie i have rebult the kitchin bathroom done major updates and made the house a model house all your doing is breaking up the family home as you could never settle i will not except a short team tenencie all you have done is stopped people making a family home and a stable family for the future childern so who ever thought this one through as gone against govement policy on familys shame on you all	It is expected that assured tenancies will continue to be offered on the majority of social rented properties within Wyre Forest. However, fixed term tenancies will be considered appropriate for 4+ bed houses and adapted properties as these are in short supply in Wyre Forest and we need to make best use of existing stock.
Should not be fixed term..	Noted. Please see comment above.
Stop letting people how get pregnant just	Social housing is allocated on housing

to get a home jump the queue. It should be first come first served.	need. Those who are assessed as having the greatest need against the Home Choice Plus allocations policy will be given priority for rehousing.
Stricter on asking people to leave. When individuals no longer have a priority need and a requirement for social housing. Financial requirements are too generous. Dependant on family composition aggregate family income should not exceed £30,000.	Noted. However, the agreed income restriction for people to be eligible for housing under the Home Choice Plus Allocations Policy is £60,000 and this is set in line with Government guidance.
There needs to be protection build in for the old and vulnerable tenants.	Noted. The strategy states that it expects Registered Providers to undertake a full review with all tenants towards the end of a fixed term and if the accommodation is no longer suitable, provide suitable alternative accommodation.

#### Affordable Rent

Comment	WFDC Response
Affordable rent this should always be a minimum charge so people in hard times can setup a family home for the future generation and should not look at it as a money making scheme	Affordable rent is only being supported in schemes where it is required to make new developments financially viable for registered providers. The district council resists the widespread conversion of social rented stock to affordable rent due to affordability issues.

#### Mobility in Social Housing

Comment	WFDC Response
Provided the tenant does not have a need for a 2nd Bedroom due to disability and having a Carer 24/7	Noted. This will be reviewed as part of the Home Choice Plus Allocations review.
This is not for the reason you are giving again the people in charge have no idea let me explain my mum and dad had 3 kids we have all gone i said to them think a bout down sizing the answer all is looking for th problem with that they said is that im to old people who move house at a old age dont last long the tramer of moving kills them around 6 months after thease people that you are targeting have spent years setting up a family home its there life there dreams the big	Pensioners will have their housing benefit protected and if they are in an assured property will not be required to move. The only households who will be affected are those who take on a fixed term tenancy and registered providers are expected to fully explain the terms of the tenancy to the household at the time of letting. The district council will continue to encourage registered providers to assist households who wish to downsize as we need to make best

house is them you are asking them to give it all up for a 2 bedroom house with no gardern and a attitude of i dont give a shit this is not the answer to housing problems in this country by trying to make people live in smaller houses and in a house they dont want to live in you are trying to take way ther life my farther answer to moving he said the only way i will leave this house is feet first	use of the stock.
<b>Disposal of Stock</b>	
<b>Comment</b>	<b>WFDC Response</b>
Make the spare housing available to people of a low income!	Social Housing is available in the district for those in housing need including people suffering financial hardship. There are minimal disposals by Registered Providers. There have been 2 houses disposed of by registered providers in the last 2 years and the reason for these were the Registered Provider did not have any other stock in the area and both properties were not financially viable for them to repair. Money raised from disposals will fund new housing stock.
Selling houses to rebuild new slums that what it is i want a house with a big gardern not a flat in a slum this is what you are offering realy you should call it " Disposal of our future childerns life" ask your self would you want to live in a house with 4 paving slaps for your childern to play on or a flat if you do you need to take a look in the mirror some time	New build housing meets standards that are generally above those built for private sale. New developments include a range of types and tenures in order to meet housing need.
<b>Local Lettings Plan</b>	
<b>Comment</b>	<b>WFDC Response</b>
Seems a goood idea	Noted.

<b>Social Housing Allocations – Issues for the Home Choice Plus Allocations Policy Review</b>	
<b>Comment</b>	<b>WFDC Response</b>
Giveing the authorities more freedom is a good idea and to investigate for more needs and those who contribute to their community yes good idear as long as steps are put in place to stop abuse of the system	Noted. This will be reviewed as part of the Home Choice Plus Allocations review.
Help people who have a job, but due to loans etc struggle to find a private rental property!	A housing options service is available to all those people who present with a housing need at the Hub.
I am looking for a New home	Unfortunately, you have not left any contact details. Please go to the hub and ask to speak to somebody about your housing situation.
If a propey is free why let a current tenant move? let a person on the waiting list have the property	There are current tenants who are in housing need for a number of reasons, for example overcrowding and may need to move too. There is also a clause within the contract that was written at the time of the transfer of housing from the Council to Community that states 25% of lettings will be made available for transfer (existing tenants).
Social Housing priority must be given to ex service men and women and those who are economically active it should depend on their level of income and savings plus other assets.	Noted. This will be reviewed as part of the Home Choice Plus Allocations review.
Yes i agree with the above factors and if you work this shouldn't go against you.	Noted. Working does not preclude somebody from being a social housing tenant.
<b>Use of the Private Rented Sector</b>	
<b>Comment</b>	<b>WFDC Response</b>
Yes and No as soon as the local Authority pays rents to the Private sector it appears landlords charge what ever they like since there is not Rent Control	Agreed but properties that are within the local housing allowance rates will only be used for the discharge of homeless duties.

Yes and No as soon as the local Authority pays rents to the Private sector it appears landlords charge what ever they like since there is not Rent Control	We will only discharge our homeless duty into housing which meets the standards set out in the suitability of accommodation order 2012.
Its all to easy to pass the buck this way private rents are to high as it is and will only push the price up to greed people this is not the answer as private homes are not upto standard or have the freedom to develop a family home for the future children the future children is what its all about what we can give them as parents without proper homes then you just breed poor stock and that applies to all thing like animals to people	Noted, but properties that are within the local housing allowance rates will only be used for the discharge of homeless duties. We will only discharge our homeless duty into housing which meets the standards set out in the suitability of accommodation order 2012.
The private sector should be used more because of the current lack of houses belonging to the housing association. It should also be made easier for people to find accommodation privately.	WFDC is increasing its work with the private rented sector and is increasing its assistance to people who need accommodation and wish to access the private rented sector.
Why can't both be used to help!	It is.
<b>General Comments</b>	
<b>Comment</b>	<b>WFDC Response</b>
I would like to know how many 2,3 and 4 bedroom houses WFCH has stock of and whether when let they go to existing tenants or out of area tenants. We have been cramped in a 2 bed house with 4 kids in past. My oldest son had mental health problems due to overcrowding which made him leave home at 17 and we had to help him with rent. We now have a 13 yr old, 7 yr old and 3 yr old in one room with no way out as every house is 2 bedded on the website and all the tenants of 3 bedded houses on mutual exchange want another 3 bedded house so we are stuck. And I am tired that it seems new lets in Stourport are to people who have never lived here.	There are 1448, 2 bed properties; 2012, 3 bed properties and 93, 4 bed properties in a total stock of 6711 properties owned by Housing Associations in Wyre Forest. Last year there were 515 lettings and only 4, 4 bed properties became available for letting last year. In the same period, 88, 3 bed properties; 185, 2 bed properties and 232, 1 bed properties became available for letting. Of the 515, lettings, 397 properties were let to people on the waiting list and 118 were let to existing tenants. Of the 515 lettings, only 6 were let to people from outside of the District.
Priority should be given to people who work (that are able) and whose family	Noted. This will be reviewed as part of the Home Choice Plus Allocations

have a strong connection to the area. A council house should not been seen as a "house for life", and you should have more powers in changing someone's housing when their needs change.	review.
The data that you collect will be miss leading in away that it will be applied and massaged to make money and not for quality of live	We have taken your comments into account through this consultation and will also utilise them in the review of the home choice allocations policy.
Get rid of the 5 year agreements it will stop a family home and will cause hurt for the retired if you want to save money why pay workmen to do the worst ever repairs on the properties. a diy person could do better i surgest this to help B&Q do some leaflets that explain how to repair oe build things in your home this would help many of the workmen that come out to fixs thing as for me i just wait till they have gone reuse the bits they come out with and re work there work so its right sack them all and give us the money for repairs we could get a better job done	Fixed terms will only be used on adapted stock and 4+ bed houses. The terms of the fixed term tenancy will be fully explained to new tenants and when the tenancy is reviewed it is expected that if the household has to move, they will be assisted into another property within the Housing Associations stock. If the need still exists, it is expected that the tenancy will be renewed. With regards to the repairs, we suggest that you contact your landlord.

## Appendix Three: Equality Impact Assessment

### Appendix Three: Equality Impact Assessment Equality Impact Assessment- Screening

The purpose of an Equality Impact Assessment is to ensure the Council:

- does not discriminate in the way it provides services and employment
- fulfils its duties as set out by the Equality Act 2010
- where possible, it does all it can to promote equality and good relations between different groups

Name of service / policy / project being assessed	Wyre Forest District Council Tenancy Strategy	Is this a new or existing service / policy / project?	New
Directorate	Economic Prosperity and Place		
Officers responsible for: a) Service / policy / project b) Completing EIA	a) Sally Horne b) Sally Horne		
Date	20 <sup>th</sup> September 2012		
What is the purpose and expected outcomes?	The Tenancy Strategy sets out the District Councils expectations around the management of Registered Provider stock in the district and states its policy on use of the Private Rented Sector for the discharge of its statutory homeless duty.		
Will there be any affect on other council procedures or strategies e.g. Corporate Plan or the council's workforce?	The strategy will assist in the delivery of the Worcestershire Housing and Homelessness Strategies.		
Are there any statutory requirements or implications?	It is a statutory requirement to publish a Tenancy Strategy by January 2013.		
Are there any other organisations / bodies involved?	The strategy is based on a framework which has been developed in partnership with the other Worcestershire local authorities. It has also been developed in consultation with registered providers who have housing stock in the district.		
Who are the main customer groups / stakeholders affected?	Existing tenants, applicants on the Home Choice Plus register and homeless households.		
What information / statistics / evidence are you using?	Information has been used from the Worcestershire Strategic Housing Market Assessment.		

What impact does the service / policy / project have on the nine protected characteristics as defined by the Equality Act 2010 – for definitions, please see overleaf	
1. Age	Positive/Negative Evidence: There is no impact
2. Disability	Positive Evidence: The strategy promotes the best use of adapted social rented stock by encouraging registered providers to use fixed term tenancies on adapted properties to free up more adapted stock for disabled people.
3. Gender Reassignment	Positive/Negative Evidence: There is no impact
4. Marriage and Civil Partnership	Positive/Negative Evidence: There is no impact
5. Pregnancy and Maternity	Positive/Negative Evidence: There is no impact
6. Race	Positive/Negative Evidence: There is no impact
7. Religion or belief	Positive/Negative Evidence: There is no impact
8. Sex	Positive/Negative Evidence: There is no impact
9. Sexual orientation	Positive/Negative Evidence: There is no impact
Other e.g. Deprivation, health inequalities, urban/rural divide, community safety.	Community Safety and Urban/Rural divide: Positive: The strategy supports the use of local lettings plans, which can be used to address community safety/sustainability concerns
Conclusion	Is a full assessment required? NO
Signed	Date
Agreed	Date
A full EIA is required if the initial screening has identified the service / policy / project is going to have the potential to cause adverse impact or discriminate against different groups in the community or the council's workforce.	

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single equality duty covering the following protected characteristics:





## Overview and Scrutiny Committee

Agenda Item No. 6

### Briefing Paper

Report of: Maria Dunn  
Senior Forward Planning Officer  
Date: Thursday 4<sup>th</sup> October 2012  
Open

### Revised Statement of Community Involvement – Consultation Draft

#### 1. Summary

- 1.1 This report seeks Members approval to undertake a six week consultation on the Draft Revised Statement of Community Involvement.

#### 2. Background

- 2.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for all planning authorities to prepare a Statement of Community Involvement setting out how they would consult communities on the preparation of planning policy and the determination of planning applications. Wyre Forest District adopted its Statement of Community Involvement in May 2006.
- 2.2 Since this time a number of changes have been made to the planning system through the revision of regulation governing the development of planning policy and the determination of planning applications. The Localism Act 2011 and the introduction of neighbourhood planning are also significant. As a result of these changes, the 2006 Statement of Community Involvement is now dated and does not reflect the current legal requirements for consultation.
- 2.3 Whilst the legislation requiring planning authorities to prepare a Statement of Community Involvement is still in place, there are now no regulations governing how local planning authorities do this. The requirement for the Statement of Community Involvement to undergo an Examination in Public has also been removed.

#### 3. Key Issues

- 3.1 The District Council's current Statement of Community Involvement was adopted in May 2006 and reflects the legal requirements of that time. The Town and Country Planning (Local Planning) Regulations 2012 set out the current legal requirements for consultation on plan preparation. There are now fewer stages of consultation required and

the requirements at each stage have been amended. The key changes relate to the use of electronic communication and electronic copies of documents as well as removing the requirement for an advert to be placed in a local newspaper at the beginning of each consultation period.

- 3.2 The Draft Revised Statement of Community Involvement reflects these changes and places a stronger emphasis on the use of electronic communication and media which presents cost savings. The Revised Statement is also more flexible in terms of the approach to consultation so that different consultation methods and techniques can be used depending on the nature of the consultation and the target audience.
- 3.3 The introduction of Neighbourhood Planning will result in an additional optional tier of planning policy in some areas of the District. Members will be aware that Chaddesley Corbett Parish Council are currently in the early stages of progressing a Neighbourhood Development Plan for their Parish. The Neighbourhood Planning (General) Regulations 2012 set out the requirements for undertaking consultation on the various elements of neighbourhood plan preparation. Whilst some of these responsibilities lie with the body preparing the plan, the District Council is required to consult on designations of Neighbourhood Forums and Neighbourhood Areas as well as undertaking a publication consultation on any Neighbourhood Development Plan which is submitted. The Draft Revised Statement of Community Involvement includes information on how the District Council will meet its consultation responsibilities and provides advice to bodies preparing Neighbourhood Plans on meeting the requirements of the regulations.
- 3.4 Whilst there are no regulations setting out how to prepare a Statement of Community Involvement and no legal requirement to consult on a draft, it is considered best practice to undertake a six week consultation to give stakeholders and local residents the opportunity to seek changes to the document.
- 3.5 It is proposed that a six week consultation will be held between Thursday 1<sup>st</sup> November and Friday 14<sup>th</sup> December. The following measures will be taken to publicise the consultation:
  - Displaying information on the District Council's web-site.
  - Writing to all of those people registered on the Local Development Framework consultation database.
  - Press release.
  - Providing electronic or hard copies of the consultation document in the Worcestershire Hubs and Libraries throughout the District.
  - Making a representation form available in hard copy and electronically.
  - Providing the opportunity for consultation responses to be registered using the Local Development Framework consultation portal.

- 3.6 All responses received will be reported to this committee in due course alongside the final version of the Revised Statement of Community Involvement. It is anticipated that the Revised Statement of Community Involvement will be adopted at February Council.

**4. Options**

- 4.1 The Committee may wish to:
- Recommend to the Cabinet Member for Place-Shaping that the Draft Statement of Community Involvement as set out at Appendix 1 to this report is approved for a six week Consultation.
  - Put forward amendments to the Draft Revised Statement of Community Involvement set out at Appendix 1 to this report.

**5. Consultation**

- 5.1 Director of Community Assets and Localism.

**6. Related Decisions**

- 6.1 None.

**7. Relevant Council Policies/Strategies**

- 7.1 Local Development Framework.

**8. Implications**

- 8.1 Updating the Statement of Community Involvement to reflect the requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Neighbourhood Planning (General) Regulations 2012 will ensure that consultation is carried out in accordance with the latest requirements.

**9. Wards affected**

- 9.1 All.

**10. Appendices**

- 10.1 Appendix 1 – Draft Revised Statement of Community Involvement.

**11. Background Papers**

11.1 The Town and Country Planning (Local Planning) (England) Regulations 2012.

11.2 The Neighbourhood Planning (General) Regulations 2012.

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## 1 Introduction

**1.1** This Statement of Community Involvement (SCI) sets out how the District Council will consult on planning policy documents and planning application decisions. Paragraph 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to produce an SCI. Wyre Forest District Council adopted its first SCI in April 2006 under regulations which have since been replaced. This review has become necessary due to changes in the legislation which governs the preparation of planning policy and the determination of planning applications, as well as the introduction of Neighbourhood Planning. This revision has been written to reflect the current legislative requirements as set out by The Planning Act 2008, The Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012, The Neighbourhood Planning (General) Regulations 2012 and the National Planning Policy Framework (NPPF). The District Council is legally required to comply with its SCI once it is adopted.

**1.2** The Localism Act 2011 places a strong emphasis on involving local communities in shaping the places where they live. As well as involving local communities in the preparation of planning policies at the District level, the Localism Act introduces Neighbourhood Planning, allowing communities to develop their own plans for their local areas. Following on from the Localism Act, the NPPF, published in March 2012, reinforces the importance of community involvement through the first of its 12 Core Planning Principles:

*"planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area."*<sup>(1)</sup>

**1.3** In April 2012 the regulations governing the preparation of local planning policy were updated and new regulations governing the preparation of Neighbourhood Development Plans were published. These regulations set out the minimum requirements for community involvement in plan-making and have informed the proposals for consultation set out within this Revised Statement of Community Involvement.

**1.4** This document sets out how the District Council will involve the local community and other key stakeholders in the development of planning policy and in determining planning applications. It describes how consultation will be carried out and when, what methods of consultation will be used and how the representations received will be dealt with. The statement clearly sets out:

- How people will have the chance to contribute their ideas and the process for considering and responding to these views.
- How people will get the chance to participate in developing proposals and options.
- How people can submit representations on formal planning proposals.
- How the District Council will seek to provide feedback to keep the community informed on progress and outcomes.

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1 NPPF, (2012) p.5, para. 17

**1.5** The National Planning Policy Framework (NPPF) was published in April 2012 to replace the existing series of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). The document retains a strong focus on community involvement within the planning process. The first of 12 core planning principles states that planning should *"be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area"*<sup>(2)</sup>. The Town and Country Planning (Local Planning) (England) Regulations 2012 and The Neighbourhood Planning (General) Regulations 2012 set out the minimum level of community engagement for Local Plans and Neighbourhood Development Plans respectively.

**1.6** Wyre Forest District Council is responsible for preparing planning policies for the District. The District Council adopted its Local Plan in 2004 and a number of the policies set out within this remain extant. In December 2012 the District Council adopted its Core Strategy which sets out the strategic policy for the development of the District until 2026 and this replaced a number of the policies within the Adopted Local Plan. The District Council are now in the latter stages of preparing a Site Allocations and Policies Development Plan Document and a Kidderminster Central Area Action Plan DPD which will together guide new development and allocate specific sites for specific uses across the District. It is anticipated that these documents will be adopted in 2013, at which stage the remaining Adopted Local Plan policies will lapse. Section 3 sets out how the community will be involved within the local planning process.

#### **Adopted Core Strategy**



**1.7** In addition to the Local Plan, the District Council can also prepare Supplementary Planning Documents (SPDs) to provide a detailed interpretation of policies relating to a specific subject or a specific site. SPDs are quicker and simpler to prepare but they can not introduce new policies, they can only provide guidance on interpreting existing policies. Section 4 sets out how stakeholders and the wider community will be involved in the preparation of SPDs.

**1.8** The District Council is also responsible for assisting Neighbourhood Forums and Parish and Town Councils with the preparation of Neighbourhood Development Plans should they wish to develop one. These plans must be in general conformity with the planning policies already adopted within the District. This document will set out how the community will be involved with both the local and neighbourhood planning processes in order to meet the requirements of the regulations. Section 5 sets out how the community will be involved in the neighbourhood planning process.

**1.9** The District Council is also responsible for determining the majority of planning applications within its boundary. Community involvement is a key part of the development management process and has been strengthened by the provisions in the Localism Act. Section 6 sets out the procedures for involving the community in the development management process.

**1.10** The arrangements for monitoring the implementation of the SCI and reviewing it are set out at section 7.

## Preparing the Statement of Community Involvement

**1.11** Whilst the 2004 Act requires Local Planning Authorities to prepare an SCI, the Government no longer provide guidance on how to do this, therefore, it is up to individual Local Planning Authorities to decide how they will prepare their SCI. This draft SCI has been prepared for consultation which will take place for a period of six weeks between Thursday 1<sup>st</sup> November and Friday 14<sup>th</sup> December 2012. Feedback from the consultation will be used to develop the final version of the SCI which is expected to be adopted by Full Council at their February 2013 meeting.

**1.12** We want to know whether you are happy with our proposals for community engagement. Are we employing the right consultation techniques or are there any methods of consultation which would make it easier for you to engage in the planning process. You can submit your comments to us in the following ways:

- On-line: <http://wyreforesdc-consult.limehouse.co.uk>
- Write to: Planning Policy, Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
- E-mail: [Planning.Policy@wyreforestdc.gov.uk](mailto:Planning.Policy@wyreforestdc.gov.uk)
- Fax: 01562 73



## 2 Community Engagement

### The Benefits of Community Engagement

**2.1** The District Council places great emphasis on involving the community in planning issues and believes the following benefits can be achieved:

- It will help strengthen the evidence base for Local Plans and Neighbourhood Development Plans.
- It will help to inform decisions on planning applications.
- It will help to foster community commitment to the future development of the area.
- It promotes a sense of ownership and and strengthens the delivery of projects. The involvement of communities at an early stage helps to resolve issues.

**2.2** It should be noted however that whilst the District Council will seek a general consensus when engaging communities, in reality it will not always be possible to achieve this.

### Principles of Engagement

**2.3** The key aims of the SCI are:

- To offer the widest range of opportunities to stakeholders and the community to participate in the plan-making process with the resources available.
- To comply with, and where appropriate exceed, the minimum legal requirements for stakeholder and community consultation in the planning process.

**2.4** The following key principles will apply to all planning consultations:

- Information will be presented in a clear and concise format using Plain English and avoiding the use of technical jargon where possible.
- The opinions of stakeholders, community groups and individuals will be valued. Where possible changes will be made to reflect comments received and where this is not possible the reasons will be clearly explained.
- Consultation techniques which are appropriate to the subject matter and the particular consultees involved will be used.
- The value of diversity will be recognised with equal and fair treatment of all of those involved in the consultation process.
- The District Council will make every effort to ensure it engages with those groups not traditionally involved with the planning process.
- The public will always be involved at an early stage in the planning process.
- All consultation responses will be analysed and the outcomes reported in a clear and understandable way within a reasonable timeframe.

### The Role of Elected Councillors

**2.5** Elected Councillors play a key role in the planning process. Their role in planning policy includes approving development plans for consultation and submission for Examination. There are a number of different panels and committees with different powers to scrutinise plans and make decisions. Any plan which forms part of the Local Development Framework or which is

a Supplementary Planning Document must be approved by Full Council before it is submitted for an examination or adopted. Elected Members also play a key role in the development management process. The District Council's Planning Committee determine planning applications, however, smaller applications can be determined by officers using delegated powers.

### **Duty to Co-operate**

**2.6** Section 110 of the Localism Act 2011 introduced the Duty to Co-operate. This is a legal requirement for local planning authorities, national park authorities, county councils and a number of other public organisations, such as infrastructure providers, to work together and consider joint approaches to plan-making. Wyre Forest District Council will continue to work closely with neighbouring authorities and key stakeholders to deliver positive planning within the area and fulfil the requirements of the Duty to Co-operate.

### 3 Who Will be Involved in Consultation

#### Wyre Forest District Community Profile

**3.1** Wyre Forest District is situated in North Worcestershire and lies to the South of the West Midlands conurbation. It covers an area of 75 square miles and has a population of 98,000 (2011 Census) with around 55,000 people living in the main town of Kidderminster. The three towns of Kidderminster, Stourport-on-Severn and Bewdley form a triangle surrounded by a number of outlying villages and hamlets.

**3.2** The District has an aging population and the number of residents aged over 45 increased by 8,350 between 2001 and 2011 (2011 Census). Almost 30 of the District's population is over 60. The ethnic make-up of the District is predominantly white (98.2% (2001 census)). The largest ethnic minority group is Bangladeshi (0.5%), who live mainly within Broadwaters ward.

**3.3** Wyre Forest District is relatively prosperous, however, there are pockets of deprivation, particularly within the Oldington and Foley Park and Broadwaters wards of Kidderminster. The largest contributors to deprivation in Wyre Forest District are income, health and education, however, in the rural west there are some deprivation issues which arise from poor access to services and facilities.

**3.4** The SCI sets out how all sections of the community will be involved in plan preparation and development control decision making. It is important to recognise that some sectors of the community will find it difficult to engage and this is addressed through the processes set out within the SCI.

#### Engaging Stakeholders and the Community

**3.5** This SCI sets out how the District Council will actively seek to engage all community groups within the Wyre Forest District in preparing planning policy and making decisions on planning applications. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out a list of specific and general consultation bodies. Local Planning Authorities are required to consult specific consultation bodies which they consider may have an interest in the subject of the proposed planning policy document and the general consultation bodies which it considers are appropriate.

**3.6** The District Council will maintain a database with the contact details of the organisations and individuals which are specific or general consultees. A range of interests are represented by those people and organisations within the database. A list of the specific consultees for Wyre Forest District is set out at Appendix 1 to this report. The general consultees are not listed because of the frequency with which organisations are added to or removed from the list. However, the following categories can be used to give an indication of the range of interests represented:

- Local Strategic Partnership Members
- Local Enterprise Partnerships
- Local Transport Providers
- Community Service Providers
- Voluntary Bodies

- Ethnic Minority Groups
- Religious Groups
- Disabled Persons/Mobility Impaired/Local Disability Groups
- Business Representatives and Developers
- Landowners
- Older Persons' Groups
- Countryside and Conservation Groups
- Public Sector Housing Interest Groups
- Youth Groups, Schools and Colleges
- Residents Groups
- Local Residents

**3.7** The District Council is also keen to ensure that it involves as many local residents and businesses as possible and the consultation measures set out within the following sections set out how the various stages of consultation will be advertised to as wide an audience as possible. Anyone who submits representations to a consultation will automatically be added to the database and notified of subsequent consultations unless they request that their details are removed from the database.

### **Involving 'Hard to Reach' Groups**

**3.8** Within the District there are groups which have traditionally been 'hard to reach' through consultations and this is particularly apparent in relation to planning matters. These include ethnic minorities, older people, single mothers, those with special needs, isolated rural residents, younger people, Gypsies and Travellers, and those residing in more socially deprived wards such as Oldington and Foley Park and Broadwaters. The general consultees listed on the consultation database include a number of 'hard to reach' groups. It is recognised that these groups in particular have different levels of access to information and therefore find it harder to get involved in the decision making process. This has often resulted in certain community groups not being able to successfully put their views across to the LPA.

**3.9** The District Council recognises that it will need to employ a variety of methods to present information and promote discussion if it is to successfully involve the local community and meet the requirements of relevant anti-discriminatory legislation including the Race Relations Act 2000 and the Disability Discrimination Act 1995. Different methods of consultation will be appropriate at different stages of the plan-making process and these are set out within the appropriate sections of this SCI.

### **Accessing Information**

**3.10** The District Council will ensure that all consultation material on the LDF is available for the public to access at 'deposit locations'. Unless otherwise stated, the 'deposit locations' will be the Worcestershire Hubs and libraries within the District which are located within Kidderminster, Stourport-on-Severn and Bewdley. Where appropriate, this information will be made available in hard copy, however, sometimes it may be more appropriate to make the information available electronically. A document loan scheme is operated by the Planning Policy Team, whereby consultation documents can be loaned free of charge. Additionally, all consultation material will be placed on the District Council's web-site where it can be viewed

and where comments can be submitted electronically. Where required by the relevant regulations, statutory notices will be published on the District Council's web-site setting out consultation periods and the times and places where documents can be viewed.

**3.11** Where the SCI states that people will be notified or that copies of documents will be sent, electronic communication will be used where e-mail addresses have been provided unless consultees specifically request to receive a hard copy notification letter or a hard copy of the relevant documents.

## 4 The Local Planning Process

**4.1** The 2004 Planning and Compulsory Purchase Act introduced the Local Development Framework (LDF). This system replaced the single Local Plan with a suite of planning policy documents. Wyre Forest District has the following planning policies in place:

- **Adopted Core Strategy (December 2010)** - this document establishes the Vision and Development Objectives for the District and sets out the Development Strategy for the District including the level of housing, employment, retail and office development the District will need to deliver up until 2026. It also sets out strategic planning policies to achieve the vision.
- **Emerging Site Allocations and Policies Development Plan Document (DPD)** - this document allocates specific sites for specific uses for the District excluding the Kidderminster Central Area and provides detailed planning policies which apply across the District.
- **Emerging Kidderminster Central Area Action Plan DPD** - this document allocates specific sites for specific uses within the central area of Kidderminster and provides detailed planning policies to guide its regeneration.
- **Supplementary Planning Guidance and Supplementary Planning Documents** relating to a number of policy areas and specific development sites.

**4.2** The Localism Act 2011 reverts back to a single Local Plan setting out both strategic and detailed policies as well as allocating sites for development. The District Council will continue under the 2004 LDF system until the current emerging DPDs are adopted, however, the subsequent review of planning policy will lead to the production of a Local Plan.

**4.3** The District Council is required to produce a Local Development Scheme (LDS). The LDS is a three-year work programme which sets out any planning policy documents which will be produced and the anticipated dates of the consultation stages for these documents. The District Council are required to publish the most up-to-date LDS on their website.

**4.4** In order for the District Council to develop 'sound' local planning policies it is important that an evidence base is established. This will provide a thorough understanding of the issues within the District as well as opportunities for addressing these issues and the constraints. Sustainability Appraisal is a legal requirement which tests the social, economic and environmental sustainability of the policies prepared and sites suggested and informs the District Council's policy choices. Sustainability Appraisal forms a key part of the evidence base, helping to demonstrate that the most appropriate policy options and sites are selected from the alternatives considered. The Sustainability Appraisal process provides a number of opportunities for community involvement and these will be highlighted in the following sections.

**4.5** In addition to the Sustainability Appraisal the Evidence Base also includes a number of technical studies looking at flood risk, open space, housing requirements, employment land requirements, retail and commercial leisure provision, green infrastructure and the water cycle. The involvement of key stakeholders in particular will help to ensure that when such studies are undertaken they are robust and provide the basis for 'sound' policy making.

**4.6** The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the process which must be followed when producing a Local Plan, including the stages at which consultation must take place. The Regulations also set out minimum standards for undertaking such consultation. This chapter will explain the requirements of the Regulations and how the District Council will meet those requirements.

## Early Engagement

### Regulation 18

Regulation 18 sets out the requirements for early engagement and it requires the District Council to:

- Notify both the specific and general consultation bodies of the subject of the Local Plan which they propose to prepare.
- Invite those people notified to make representations to the local authority about what a local plan with that subject should contain.
- Take into account any representations received when preparing the Draft Local Plan.

**4.7** In order to meet the requirements of Regulation 18 the District Council will notify all of those people registered on the database, which it feels are appropriate, that the document will be prepared. Representations will be invited at this stage relating to the topic areas which the plan should cover.

**4.8** In order to publicise the proposals to residents and businesses in the area, a leaflet will be produced which will be distributed to all households within the District. Where households receive the local free newspaper the leaflet will usually be distributed with this, where households do not receive the local free newspaper alternative arrangements will be made to deliver leaflets. An interactive version of the consultation document will be made available to enable electronic representations to be made. Representations will also be accepted by e-mail, post or fax. It may be possible to accept late submissions as part of continuous community engagement.

**4.9** In addition to meeting the requirements of regulation 18, the District Council will also at this stage make available all of the relevant consultation material on its website and in the appropriate deposit locations within the District. Documents will also be available to loan.

**4.10** In order to increase levels of engagement, it may be considered appropriate and necessary to hold exhibitions within accessible locations to publicise proposals to a wider audience. Exhibitions will be held in the three main towns of Kidderminster, Stourport-on-Severn and Bewdley as a minimum. Exhibitions will only be held in the rural areas where there are specific proposals relating to that area. When organising the exhibition schedule and venues, consideration will be given to selecting venues and tailoring opening hours to attract the widest audience. This will mean that where exhibitions take place during the working week they will be open into the evening and where appropriate exhibitions will take place on Saturdays. The District Council will also prepare a press release to be circulated to local newspapers and radio stations which may lead to media coverage of the consultation. The press release will include details of any planned exhibitions.



**4.11** All representations received at this stage will be acknowledged within five working days of their receipt and will be entered into a database and summarised. District Council officers will report the representations and suggested District Council responses to the appropriate committee meetings. Once approved by the appropriate committee, the representations and District Council responses will be published on the District Council's web-site and will be used to inform the preparation of the Draft Local Plan. The tables setting out the summary of representations and the District Council's responses to these will also be made available in the deposit locations.

## **Publication**

### **Regulation 19**

Regulation 19 sets out the requirements for the Publication stage and it requires the District Council to:

- Make copies of each of the proposed submission documents and a statement of representations procedure available in accordance with regulation 35.
- Ensure that the statement of representation procedure and the statement of the fact that the proposed submission documents are available for inspection is sent to each of the specific and general consultation bodies invited to make representations under regulation 18.

**4.12** In order to comply with regulations 19 and 35 the District Council will publish the Draft Local Plan for a minimum of six weeks before it is submitted to the Secretary of State. This allows interested parties to make representations on the soundness and legal compliance of the plan. At this stage, the District Council will publish on its website a Statement of Representation Procedure and a statement that the documents are available to view and where, along with the proposed submission documents as set out within Regulation 17. These documents will be placed in the deposit locations. The District Council will also prepare a press release to be circulated to local newspapers and radio stations which may lead to media coverage of the consultation. An interactive version of the Draft Local Plan will be made available on-line to enable electronic representations to be made. Representations will also be accepted via e-mail, post and fax. At the Publication stage late responses will not be accepted.

**4.13** Representations submitted at the Publication stage will be acknowledged by the District Council within five working days of their receipt. All representations received at the Publication stage will be submitted to the Secretary of State, alongside the Draft Local Plan, for consideration by an independent inspector as part of the Examination in Public process. It should be noted that only those who make a representation seeking a change to the DPD within the advertised publication period will have the right to appear at the Examination.



## Examination in Public

**4.14** Following the Publication period the Draft Local Plan will be submitted to the Secretary of State to undergo an Examination in Public by an independent inspector. The Examination will check that the plan has been prepared in accordance with The Duty to Cooperate, meets all legal and procedural requirements and is 'sound'. To be sound a Local Plan must be:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

### Regulations 24 to 26

Regulations 24 to 26 set out the requirements for community engagement during and following the examination process. The specific requirements at each stage are as follows:

- Regulation 24 (Independent Examination):
  - Make the time, date and place where the hearings are to be held available in accordance with regulation 35 at least 6 weeks before the hearings start and notify any person who made a representation at Publication stage of this information.
- Regulation 25 (Inspector's Report):
  - The Local Authority must publish the Inspector's Report as soon as practicable after its receipt, this requires it to be made available in accordance with regulation 35 and notification that it is available to be sent to those people notified of the publication period.
  - If the Secretary of State gives a direction or the appointed inspector makes a recommendation in relation to the Plan this must be published as soon as practicable, this requires it to be made available in accordance with regulation 35 and notification that it is available to be sent to those people notified of the publication period.
- Regulation 26 (Adoption):
  - As soon as practicable after a Local Authority adopts a plan it must publish in accordance with regulation 35:
    - The Local Plan
    - An adoption statement
    - The Sustainability Appraisal report
    - Details of where and when the Local Plan can be inspected.
  - Send a copy of the adoption statement to the Secretary of State and any to person who has requested to be notified of the adoption of the Local Plan.

**4.15** In accordance with Regulation 24, the District Council will publish details of the date, time and location of any hearing sessions and the name of the person appointed to carry out the Examination at least six weeks before the hearings are to be held. The information will be made available in the deposit locations as well as on the District Council's website. Any person who made a representation during the Publication period will also be notified on this information in writing.

**4.16** In accordance with Regulation 25, the District Council will notify in writing any person who has requested to be notified of the publication of the inspector's report, or where made, any Direction from the Secretary of State or recommendations from the inspector.

**4.17** Following the adoption of a Local Plan the Adopted Local Plan, the Adoption Statement and the Sustainability Appraisal Report will be made available in the deposit locations as well as on the District Council's website. The District Council will also publish on its website details of where and when the plan is available for inspection as well as sending a copy of the adoption statement to any person who has requested to be notified of the plan's adoption and to the Secretary of State.

## 5 Supplementary Planning Documents

**5.1** Supplementary Planning Documents (SPDs) can provide additional policy guidance on specific issues such as design, or specific sites allocated for development within the Local Plan. SPDs have fewer stages in their preparation than the Local Plan and they are not subject to an Examination in Public. This means they can be prepared more quickly. Despite this, community consultation is an important part of the process of preparing SPDs.

### Early Engagement

#### **Regulation 12(a)**

Regulations 12(a) sets out the requirements for consultation on SPDs and it requires the following:

- The Local Authority must prepare a statement setting out who was consulted, the main issues raised and how these issues have been addressed in the SPD.

**5.2** When preparing an SPD, the District Council will publish on its website details of the SPD which is being prepared. A scoping paper will be prepared setting out the likely areas which the SPD will cover and any relevant options for consideration. The District Council will hold a consultation period of no less than four weeks in duration to give the opportunity for representations to be made on the scoping paper. At the start of the consultation period copies of the scoping paper will be made available on the District Council's website and at the deposit locations.

**5.3** Additional consultation techniques will be tailored to the nature of the SPD. For example, it may be appropriate to hold a community planning event for a site specific SPD or to arrange exhibitions within close proximity to the site. Where an SPD is site specific and it falls within a Parish or Town Council area, the relevant Parish or Town Council will be offered a presentation and discussion session. Site notices will also be used to publicise site specific SPDs. For topic-based SPDs it may be appropriate to hold exhibitions within Kidderminster, Stouport-on-Severn and Bewdley. Where SPDs cover more technical topics it may be more appropriate to hold a key stakeholder workshop. A press release will also be prepared which may lead to media coverage relating to the SPD.

**5.4** All representations will be acknowledged within five working days, summarised and report to elected members along with suggested District Council responses. Once approved by Cabinet the representations will be made available on the District Council's website and in the deposit locations. The representations will inform the development of the Draft SPD.

**5.5** Sustainability Appraisal is not always required for an SPD. Where it is not required a screening report will be produced setting out the reasons why a full Sustainability Appraisal is not necessary. Where a Sustainability Appraisal is necessary, a scoping report will be published for consultation at the early engagement stage.

**Draft SPD****Regulations 12(b) and 13**

Regulation 12(b) and 13 set out the requirements for seeking representations on a Draft SPD. The District Council are required to:

- Make copies of the statement prepared in accordance with Regulation 12(a) and the Draft SPD available in accordance with Regulation 35 together with details of the deadline for representations to be received and details of how to make representations.

**5.6** In order to satisfy the requirements of regulation 12(b), the District Council will prepare a consultation statement setting out the details of the consultation that has taken place during the preparation of the SPD, a summary of the issues raised within the comments and details of how these issues have been addressed within the SPD. The Draft SPD together with the consultation statement will be made available at the deposit locations well as on the District Council's website for a period of no less than four weeks to enable representations to be made. The District Council will also provide details of the time and date by which representations are to be received and how to make such representations. In addition to meeting the requirements of the regulations, the District Council will also notify in writing any statutory or general consultee who has previously made representation on the SPD that the consultation statement and Draft SPD are available for inspection. Where appropriate, other statutory and general consultees will be notified also.

**5.7** It may be considered appropriate at this stage to use any of the consultation techniques explained within the early engagement section at paragraph 4.2. All representations received at this stage will be acknowledged within five working days. They will be used to inform the final SPD. All representations will be entered into a database, summarised and responded to indicating how the representation has informed the final SPD and if it has not then why not. This information will be reported to elected members alongside the final SPD.

**5.8** Where Sustainability Appraisal is required a Draft Sustainability Appraisal Report will be published for consultation alongside the Draft SPD. Representations received will be reported in the same way as those received on the SPD and will be used to refine the Sustainability Appraisal report before the SPD is adopted.

**Adoption****Regulation 14**

Regulation 14 sets out the requirements in relation to the adoption of an SPD. The District Council are required to:

- Make the SPD and adoption statement available in accordance with Regulation 35 as soon as possible after adoption and send a copy of the adoption statement to anyone who has asked to be notified of the adoption of the SPD.

**5.9** Upon Council resolving to adopt an SPD an adoption statement will be prepared. The adopted SPD and adoption statement will be made available at the deposit locations and on the District Council's website. A copy of the adoption statement will be sent to anyone who has asked to be notified of the adoption of the SPD.

## 6 Neighbourhood Planning

**6.1** The Localism Act 2011 also introduced Neighbourhood Development Plans. These are prepared by Parish and Town Councils where they exist and by Neighbourhood Forums in unparished areas. Whilst the preparation of Neighbourhood Development Plans is optional, where they are prepared the District Council has a duty to support the process. The District Council will need to ensure that any body preparing a Neighbourhood Development Plan meets the requirements of the regulations and this chapter provides guidance for doing so. The District Council will also need to publish any Draft Neighbourhood Development Plan which is submitted and the steps the District Council will take to meet the legal requirements for doing so are also set out within this chapter. The procedures set out within this chapter are the minimum consultation requirements, different qualifying bodies may wish to use additional consultation techniques as appropriate.

### Establishing Neighbourhood Forums and Neighbourhood Areas

#### Regulations 6 and 7: Designating a Neighbourhood Area

Regulation 6 sets out the requirements for the District Council to publicise a neighbourhood area application and it requires that:

- As soon as possible after receiving an area application, the District Council must publicise it on their web-site and in any other manner considered appropriate to bring it to the attention of people living, working or carrying out business in the area. The authority must publish a copy of the area application, details of how to make representations and the date by which representations should be made. A period of at least six weeks must be allowed for representations to be made.

Regulation 7 sets out the requirements following the determination of a neighbourhood area application. Where a neighbourhood area application is approved the District Council must publicise the name of the area, a map of the area and the name of the body who applied for the area to be designated on their web-site and in any other manner considered appropriate to bring it to the attention of people living, working or carrying out business in the area.

If the application for the neighbourhood area is refused the District Council must publish the 'decision statement' which must set out the reasons for refusing the application, together with details of where the decision statement can be inspected, on their website and in any other manner considered appropriate to bring it to the attention of people living, working or carrying out business in the area.

**6.2** Before a neighbourhood development plan can be prepared the area which it will relate to must be designated as a neighbourhood area. Only a Parish or Town Council, neighbourhood forum or group wishing to become a neighbourhood forum, known as the qualifying body, can make an application for an area to be designated as a neighbourhood area. The qualifying body must make an application to the District Council and the District Council must then publicise the application for a minimum of six weeks and invite representations. Neighbourhood area

applications will be published on the District Council's website as a minimum but may also be advertised on the qualifying bodies website where possible. Additionally, where possible notices will be placed within the area for example on parish notice boards.

**6.3** The District Council will consider all representations when deciding whether to make the neighbourhood area designation. The outcome of the neighbourhood area application will be publicised in the same ways as the application was originally publicised. Full details will be placed on the District Council's website, including a table of representations and details of how these were considered. Where an application is refused, the 'decision statement' will be placed in the Worcestershire Hub in Kidderminster, as well as in any appropriate public buildings within the area covered by the application.

### **Regulations 9 and 10: Designating a Neighbourhood Forum**

Regulation 9 sets out the requirements which the District Council must meet when consulting on a neighbourhood forum application. The regulations require that:

- As soon as possible after receiving a neighbourhood forum application, the District Council must publicise the following on their web-site and in any other manner considered appropriate to bring it to the attention of people living, working or carrying out business in the area:
  - A copy of the application
  - A statement that if the designation is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn
  - Details of how to make representations and the date by which they must be received, being no less than six weeks from when the application was first publicised.

Regulation 10 sets out the requirements for publicising a decision on a neighbourhood forum application. The Regulations require that:

- As soon as possible after designating a neighbourhood forum the District Council must publicise the following on their web-site and in any other manner considered appropriate to bring it to the attention of people living, working or carrying out business in the area:
  - The name of the neighbourhood forum
  - A copy of the written constitution of the neighbourhood forum
  - The name of the neighbourhood area to which the designation relates
  - Contact details for at least one member of the neighbourhood forum.
- Where an application for a neighbourhood forum is refused the District Council must publicise the following on their web-site and in any other manner considered appropriate to bring it to the attention of people living and working in the area:



- A copy of the 'refusal statement' setting out the decision and the reasons for making that decision
- Details of when and where the refusal statement can be inspected.

**6.4** Where a Parish or Town Council exists any neighbourhood development plan which covers their area must be prepared by them. In unparished areas, a Neighbourhood Forum must be established to prepare a neighbourhood development plan. Any group of people wishing to become a neighbourhood forum must make an application to the District Council, however, areas can only be covered by one neighbourhood forum. Under regulation 9, the District Council must then consult on the application for a minimum of six weeks. The Council will publish the application on its web-site as a minimum. In addition, a press release will be issued which may lead to media coverage.

**6.5** The District Council will consider all representations in deciding whether or not to designate the neighbourhood forum. Should the neighbourhood forum be designated then the designation will be placed on the District Council's website and will also be advertised in any other way in which the original application was advertised.

**6.6** Where an application for a neighbourhood forum is refused the 'refusal statement' will be made available in the Kidderminster Hub and appropriate public buildings within the neighbourhood area.

**6.7** Where applications need to be made to designate both the neighbourhood area and the neighbourhood forum then the applications for both the neighbourhood area and neighbourhood forum will be considered alongside each other allowing for a joint consultation to take place. However, should the neighbourhood area which is approved be different from the area submitted then a further six week consultation will be held in order to allow people to comment on whether the proposed neighbourhood forum is still representative of the area designated.

## Pre-Submission Consultation and Publicity

### Regulation 14: Pre-Submission Consultation and Publicity

Regulation 14 sets out the requirements for the consultation which the qualifying body must undertake on a neighbourhood development plan before it is submitted to the District Council. The Regulations require:

- That the qualifying body publicise, in a manner that is likely to bring the attention of people who live, work or carry out business in the area:
  - Details of the proposals for a neighbourhood development plan
  - Details of where and when the proposals for a neighbourhood development plan may be inspected
  - Details of how to make representations and the date by which they must be made which must be at least six weeks from when the proposals were first publicised.



- That the qualifying body consult any of the consultation bodies listed in the regulations whose interests may be affected by the neighbourhood development plan
- That the qualifying body send the Local Planning Authority a copy of the neighbourhood development plan.

**6.8** Regulation 14 requires the qualifying body to undertake consultation before submitting the Neighbourhood Development Plan to the Local Authority. At this stage, the qualifying body is required to publicise the proposals, details of where the draft plan can be inspected, details of how to make representations and the date by which representations must be made which must be at least six weeks from when the documents are made available, within the neighbourhood area. Whilst the regulations do not set out exactly how this should be done the following techniques could be used to do this:

- Leaflet drop to all households within the neighbourhood area
- Posters within the neighbourhood area
- Exhibitions
- Public meetings
- Workshop events
- Information on the qualifying body's website
- Information on District Council's website
- Press release via the District Council

**6.9** Regulation 14 also requires that the qualifying body consult any statutory or general consultee whose interests may be affected by the Neighbourhood Development Plan. The District Council will use its database to advise the qualifying body on the people who should be consulted. The qualifying body is also required to send a copy of the Neighbourhood Development Plan to the District Council who will undertake a formal check for conformity with higher level policies.

**6.10** Following the consultation the qualifying body should use the representations received to refine the plan. The qualifying body will need to produce a consultation statement setting out how representations have been addressed and where requested changes have not been made the reasons for this will need to be explained.

## Publicising a Plan Proposal

### Regulation 16: Plan Proposals

Regulation 16 sets out the action that the District Council must take once a neighbourhood development plan is submitted by a qualifying body. Regulation 16 requires that the District Council:

- Publicise on their website and in a manner that is likely to bring the attention of people who live, work or carry out business in the area:
  - Details of the plan proposals

- Details of where and when the plan can be inspected
- Details of how to make representations
- A statement that any representations may include a request to be notified of the District Council's decision as to whether or not to adopt the neighbourhood development plan
- The date by which representations must be received being no less than 6 weeks from the date the proposal is first publicised.
- Notify any consultation body referred to in the consultation statement submitted alongside the neighbourhood development plan that the plan has been submitted.

**6.11** The qualifying body is required, under regulation 15, to submit the neighbourhood development plan to the District Council. Once the District Council receives the neighbourhood development plan it is required, under regulation 16, to publish the proposals for a minimum of six weeks. At this stage, the following consultation techniques will be used:

- Preparation and publication of a statement setting out when and where documents can be inspected, details of how to make representations and when they must be made by, and that they may include a request to be notified of the Local Authority's decision on how to progress with the neighbourhood development plan.
- Written notification to all of those bodies who were consulted by the qualifying body during the plan's preparation.
- Publication of the neighbourhood development plan on District Council's website.
- Publication of the neighbourhood development plan on qualifying bodies website where appropriate.
- Displaying of posters within the neighbourhood area.
- Making copies of the documents available to view at the Worcestershire Hubs in Kidderminster, Stourport-on-Severn and Bewdley and at any locations within the neighbourhood area where documents were made available under regulation 14.
- Preparing a press release.

**6.12** Following the close of the consultation period the District Council will appoint an independent inspector and all representations received will be forwarded to the inspector to be addressed through the examination process.

## **Examination and Inspector's Report**

### **Regulation 18: Inspector's Report**

Once the Inspector's Report has been received by the District Council and a decision has been made regarding how to proceed, regulation 18 requires that the District Council publish on their website and in a manner that is likely to bring the attention of people who live, work or carry out business in the area:

- The 'decision statement' which should set out their decision and the reasons for it

- Details of where the decision statement can be inspected
- The inspector's report

**6.13** Once the inspector's report is received the District Council will decide how to proceed with the Neighbourhood Development Plan and publish their decision in a 'decision statement' which will be made available on the District Council's website and in those places where the plan was made available during the regulation 16 consultation period. A copy of the 'decision statement' will be sent to the qualifying body and to any person who requested to be notified. The District Council will also ask the qualifying body to publish the 'decision statement' on their website where possible and will use posters in the neighbourhood area to advertise the fact the 'decision statement' is available.

### Publicising the Neighbourhood Development Plan

#### Regulation 20: Neighbourhood Development Plan

Once the District Council has adopted a neighbourhood development plan regulation 20 requires that they:

- Publish on their website and a manner that is likely to bring the attention of people who live, work or carry out business in the area:
  - The neighbourhood development plan
  - Details of where and when the neighbourhood development plan can be inspected.
- Notify any person who has asked to be notified of the making of the neighbourhood development plan and where and when it can be inspected.

**6.14** The Neighbourhood Development Plan will be adopted by the District Council if it passes a local referendum. The measures set out in relation to publicising the 'decision statement' above will be repeated to publicise the fact the neighbourhood development plan has been adopted in accordance with the requirements of regulation 20.

## 7 Community Involvement in Planning Application Decisions

**7.1** This section sets out details of how the District Council will involve the community in determining planning applications. The District Council has an adopted set of procedures for publicising planning applications and inviting comments from the community and these procedures vary depending on the type of application.

**7.2** The District Council sits within a two-tier administrative system with Worcestershire County Council overseeing a much larger area. The County Council is responsible for determining applications in relation to the working of minerals (together with the processing of minerals and other related activities) and the deposit of waste materials (including treatment, storage, processing and other related activities). However, Wyre Forest District Council is responsible for all other development control functions within the District.

**7.3** The District Council deals with a number of different types of planning applications, the three main types which are covered by the SCI being:

- **Outline** - to establish the principle of development. Outline applications can only be made for the erection of buildings and are usually used for larger sites and developments.
- **Full** - all details need to be submitted when the application is made.
- **Reserved Matters** - following an outline planning approval, reserved matters applications finalise the details of the development and relate to matters including design, access and layout.

### Major Planning Applications

**7.4** Major planning applications are those which fall under the Government's definition of 'major developments', that is residential developments comprising of 10 or more dwellings; or a site of 0.5 hectares or more where the number of dwellings is not given in the application; and for other uses where the floorspace to be built is 1000m<sup>2</sup> or greater; or the site is 1 hectare or more. The Council receives a number of 'major' planning applications per annum, the majority of which are not controversial.

### Pre-Application Discussions and Early Community Involvement

**7.5** The District Council encourages developers to enter into early dialogue through the use of the Development Team Approach. Representatives of the following District Council sections and external organisations may be involved in the development team:

- **Wyre Forest District Council:**
  - Development Control
  - Planning Policy
  - Legal
  - Parks and Greenspaces
  - North Worcestershire Economic Development and Regeneration
- **External Organisations:**

- Worcestershire Regulatory Services
- North Worcestershire Building Control
- Worcestershire County Council Highways Partnership Unit
- Environment Agency
- West Mercia Police
- Fire Safety Unit
- Canal and River Trust
- English Heritage

**7.6** Pre-application discussions are confidential between the District Council and the applicant. Pre-application discussions have the following benefits:

- They help to achieve better quality applications with more chance of a successful outcome;
- They help to identify at an early stage whether specialist input is required;
- They ensure all the necessary drawings and information is provided to enable the application to be registered as valid; and
- They highlight any key considerations at the beginning of the process, including whether there are any major issues with the proposal or what contributions may be required to make the proposal acceptable in policy terms. Where it is indicated that a proposal is completely unacceptable, this could save considerable costs in pursuing a formal application.

**7.7** It is not just major planning applications which can be controversial. At the pre-application stage planning officers can advise applicants as to whether or not their proposal may be sensitive and therefore require a more detailed level of community involvement. The Localism Act 2011 amended the Town and Country Planning Act 1990 so that it now requires that developers undertake pre-application public consultation on most planning applications. It also includes a duty to take account of representations received. Applicants will always be encouraged to consider the benefits of involving the community in developing their proposals whether it is legally required or not. The following methodologies could be adopted to involve the community:

- Public exhibitions
- Public meetings
- Development briefs
- Use of websites
- Questionnaires and surveys
- Site Notices

**7.8** Applicants should discuss community involvement with District Council officers and agree the groups which should be involved, how they should be involved and the timetable for engagement.

## Community Involvement in Planning Application Decisions

**7.9** Statutory consultation requirements for planning applications are set out in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 as amended. The District Council has a number of procedures currently in place to involve the community in planning application decisions and these are:

- Site notices
- Neighbour notification letters
- Weekly list of planning applications (circulated to specific consultees and available on the District Council's website)
- Consultation with specific bodies (e.g. Parish Councils)
- Existing protocols with particular organisations (e.g. Environment Agency, Highways Authority).

**7.10** Further information can be found within Development Control Practice Note 3: Publicity and Consultation on Planning Applications. Development Control Practice Note 13: Public Speaking at Planning (Development Control) Committee sets out the procedures and opportunities for enabling people to address the Council's Planning Committee. Development Control Practice Note 10: Protocol on Parish Representations at Planning (Development Control) Committee sets out the procedures for involving Parish Councils that have signed up to the Protocol in Planning (Development Control) meetings to speak on applications which interest them. The District Council sees these Practice Notes as a way of increasing public representation in the open and democratic process by which planning applications are determined. Copies of these Practice Notes can be viewed on the District Council's website or at the Worcestershire Hub.

**7.11** Where early discussions with applicants identify potentially sensitive applications, additional consultation methodologies such as exhibitions will be considered. In order for the District Council to maintain its impartiality when determining planning applications, it will be the responsibility of the applicant to take the lead role in community engagement and to cover any costs resulting from the process. The District Council will expect applicants to provide evidence of pre-application consultation in accordance with the requirements of The Localism Act 2011. Such evidence should be set out within a Consultation Statement outlining what consultation has been carried out and how the results of the exercise have been incorporated into the submitted proposals. Inadequate pre-application consultation may lead to delays in processing applications as new issues emerge late in the process.

**7.12** Comments can be submitted on any planning application within 21 days of it being registered. Comments can be submitted on-line, by e-mail or in writing to the Development Management Team. You must supply your name and address for your comments to be considered.

## Member Involvement

**7.13** Local Councillors will be encouraged to participate in the planning process at pre-application stage by attending public meetings and exhibitions in line with the Member's Code of Good Practice. However, Councillors should keep an open mind and not give an opinion at this stage as pre-determination of a planning application may prejudice their position in any future decision making on that matter at Planning (Development Control) Committee.

## Appeals

**7.14** When a planning application is refused, or not determined by the Authority within the statutory period, the applicant may appeal to the Planning Inspectorate. It is not possible to submit further comments on the planning application at the appeals stage, all of the original

comments received on the application will be forwarded to the Planning Inspectorate. Interested parties can attend the hearing sessions and listen to the discussion and those people who have submitted comments on the original application may be able to speak at the discretion of the inspector. The District Council will consult on appeals in the following ways:

- All of those people who were consulted on the original application and those who commented on the application will be re-notified.
- If the appeal is to be heard by informal hearing or public inquiry, all of those people who were consulted on the original application will be re-notified, with information about the date, time and venue of the hearing. If it is a significant hearing/inquiry a site notice detailing the date, time and location of the hearing/inquiry will be posted on or near the site.
- If the appeal is for a householder application, all of those people who were consulted on the original application and those who commented on the application will be re-notified. However, further comments can not be submitted. Any comments received on the original application will be forwarded to the Planning Inspectorate.



## **8 Reviewing the SCI**

**8.1** The SCI will be kept under review and community engagement in planning will be monitored through the production of the District Council's Annual Monitoring Report. A review of the SCI would only be considered necessary following significant changes in the legislation governing the production of planning policy, the determining of planning applications or community involvement in planning, or where the AMR identifies consistently low or declining levels of public participation in planning.

**8.2** Should a review of the SCI become necessary the District Council will consult on a draft and take those comments into consideration when finalising the SCI. The SCI will need to be adopted at a meeting of Full Council in accordance with the District Council's constitution.



## A List of Specific Consultees

**A.1** The Statutory consultees fall into a number of groups:

- **Environmental Bodies:**
  - Environment Agency
  - English Heritage
  - Natural England
- **Neighbouring Authorities:**
  - Bromsgrove District Council
  - Dudley Metropolitan Borough Council
  - Malvern Hills District Council
  - Wychavon District Council
  - Shropshire Council
  - South Staffordshire District Council
  - Staffordshire County Council
- **Service and Infrastructure Providers:**
  - British Telecom
  - Central Works
  - Highways Agency
  - Network Rail
  - Office of Rail Regulation
  - Severn Trent Water Limited
  - South Staffordshire Water Plc
  - Staffordshire Police Authority
  - The Coal Authority
  - Transco West Midlands Local Distribution Zone
  - West Mercia Constabulary Police HQ
  - West Midlands Strategic Health Authority
  - Worcestershire Primary Care Trust
- **Parish Councils:**
  - Bewdley Town Council
  - Broome Parish Council
  - Chaddeley Corbett Parish Council
  - Churchill and Blakedown Parish Council
  - Kidderminster Charter Trustees
  - Kidderminster Foreign Parish Council
  - Rock Parish Council
  - Rushock Parish Council
  - Stone Parish Council

- Stourport-on-Severn Town Council
- Upper Arley Parish Council
- Wolverley and Cookley Parish Council
- **Adjoining Parish Councils:**
  - Abberley Parish Council
  - Astley and Dunley Parish Council
  - Bayton Parish Council
  - Belbroughton Parish Council
  - Clent Parish Council
  - Cleobury Mortimer Parish Council
  - Dodford with Grafton Parish Council
  - Elmbridge Parish Council
  - Elmley Lovett Parish Council
  - Hagley Parish Council
  - Hartlebury Parish Council
  - Highley Parish Council
  - Kinlet Parish Council
  - Kinver Parish Council
  - Milson and Neen Sollars Parish Council
  - Pensax Parish Council
  - Upton Warren Parish Council
- **Key Stakeholders:**
  - Greater Birmingham and North Solihull Local Enterprise Partnership
  - Homes and Communities Agency
  - The Planning Inspectorate
  - Worcestershire County Council
  - Worcestershire Local Nature Partnership
  - Worcestershire Local Enterprise Partnership
  - Worcestershire Partnership

## **B Jargon Guide**

**Adopted Core Strategy (2010)** - this sets out the broad locations for delivering housing and other major development needs in the District such as employment, retail and transport. It does not deal with site-specific issues.

**Adopted Local Plan (2004)** - the existing planning policy document for the Wyre Forest District, this was adopted in 2004 to guide future development within the District until 2011. Along with the Worcestershire County Structure Plan 1996-2011 and the Hereford and Worcester County Minerals Local Plan (1997) it constituted the Development Plan for the Wyre Forest District and has been replaced by the Core Strategy, the Site Allocations and Policies DPD and the Kidderminster Central Area Action Plan DPD.

**Annual Monitoring Report (AMR)** - an annually produced document which sets out the progress made in achieving the timetable set out in the Local Development Scheme as well as measuring the effectiveness of the development plan policies.

**Development Plan Documents (DPDs)** - the collective term given to all statutory documents that form the LDF for the District. These comprise of the Core Strategy, Site Allocations and Policies, Kidderminster Central Area Action Plan and a Proposals Map.

**Evidence Base** - the information and data gathered by local authorities to justify the 'soundness' of the policy approach set out in Local Development Documents, including the physical, economic and social characteristics of an area.

**General Consultation Bodies** - organisations with an interest in the social, economic and environmental development of an area and which may be consulted on the development of planning policies for the area.

**Infrastructure** - basic services necessary for development to take place; for example, roads, electricity, sewerage, water, education and health facilities.

**Kidderminster Central Area Action Plan DPD (KCAAP)** - a DPD targeted specifically to regenerating the central area of Kidderminster.

**Local Development Framework (LDF)** - this will provide the framework for delivering the planning strategy and policies for Wyre Forest District.

**Local Development Scheme (LDS)** - a three year timetable setting out the type of DPDs to be produced under the LDF and the key milestones for their development.

**Local Strategic Partnerships:** Partnerships of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood and how services are provided. They are often single, non-statutory, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.

**Major Developments** - major developments include;

- Residential development compromising at least 10 dwellings or a site area of at least 1 hectare if the number of dwellings is not specified.
- Other uses where the floor space to be built is greater than 1,000 square metres or the site area is at least 1 hectare in size.

**National Planning Policy Framework (NPPF)**- the document which sets out the Governments planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in decisions on planning applications.

**Natural England** - Natural England works for people, places and nature to conserve and enhance biodiversity, landscapes and wildlife in rural, urban, coastal and marine areas.

**Neighbourhood Development Plan** - A Neighbourhood Development Plan

**Soundness:** The ‘soundness’ of a submission Development Plan Document or Local Plan, and objections to it, must be considered by an independent inspector at Examination. ‘Soundness’ includes assessing whether it has been prepared in the right way using the right procedures, and if it broadly conforms with other planning policies in place including those set out within the national Planning Policy Framework.

**Specific Consultation Bodies** - are the bodies defined in the Local Planning Regulations which must be consulted when a Local Plan is produced. They are set out at Appendix A.

**Supplementary Planning Documents (SPDs)** - provide additional information to guide and support DPDs.

**Sustainable Community Strategy** - the Sustainable Community Strategy 2008-2014 brings together the concerns of Wyre Forest communities under six main themes which the Council and its partners need to focus their efforts on in order to improve the social, economic and environmental wellbeing of the District. These are:- Communities that are safe and feel safe; A Better Environment for Today And Tomorrow; Economic Success Shared By All; Improving Health & Wellbeing; Meeting the Needs of Children and Young People and Stronger Communities. These themes will be addressed through the Adopted Core Strategy.

**Sustainability Appraisal (SA)** - the purpose of SA is to ensure that all DPDs and Supplementary Planning Documents (SPDs) conform to the Government principles of Sustainable Development which are:

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly.

**The Planning Inspectorate** - The Planning Inspectorate is responsible for processing planning and enforcement appeals and conducts examinations into local plans.

**WYRE FOREST DISTRICT COUNCIL**

**Overview and Scrutiny Committee**

**4<sup>th</sup> October 2012**

**Recommendations from the Housing Review Panel**

**28<sup>th</sup> August 2012**

**Housing Review Panel**

The Panel worked with Officers and Partners involved in the Disabled Facility Grant (DFG) process with regard to the future level and method of funding DFG's, to inform the Council's budget setting for 2013/14.

**Recommend to Overview and Scrutiny Committee to recommend to Cabinet:**

- 1. That provision is made in the budget for the 2013/14 financial year and beyond to continue to provide a financial top up above the current minimum government grant of £444k to support DFG provision in order to meet the needs of the Wyre Forest District residents.**
- 2. That Cabinet aims to continue to provide the current level of top up funding from 2013/14 , thus enabling an overall fund of £800k to be maintained to support the funding of DFG's.**
- 3. That a 2 tier element be introduced into the budget allocation to ensure that a proportion of the DFG budget be set aside exclusively for Category 3 needs cases.**
- 4. That Cabinet explores alternative funding mechanisms to support the top up, including, but not limited to:**
  - Prudential Borrowing.**
  - A first priority for Right to Buy monies.**
  - Any unallocated funding from the Regional Housing Pot.**
  - Any alternative sources of funding available to the Council, e.g. New Homes Bonus.**
  - External Partnership funding from social care partners, e.g. County Council and the NHS.**
- 5. That Cabinet agree the provision of an alternative adaptation grant/loan mechanism that can be achieved as quickly as possible for simple cases of level access showers and/or stairlifts for example and that such an alternative is used to incentivise self funding or alternative funding sources. Such Adaptation assistance to be developed with partner agencies to minimise processes and the number of steps necessary under the full DFG system and to be used as an alternative but not replacement for DFG's.**

- 6. That any necessary amendments to the Housing Assistance Policy be made in support of any of the above alternative funding options.**
- 7. That a review of the process of dealing with DFG's be undertaken on a Systems Thinking basis.**
- 8. The Cabinet provides funding or supports funding from external sources for the post of an Occupational Therapist additional to the current District provision, subject to investigation and confirmation of likely costs and benefits.**

**WYRE FOREST DISTRICT COUNCIL  
FEEDBACK FROM CABINET  
MEETING HELD ON TUESDAY 18<sup>TH</sup> SEPTEMBER 2012**

**Agenda  
Item  
No.**

**DECISION**

**8.1      Local Authority Mortgage Scheme (LAMS)**

**Decision:**

- 1.      The Council enters the LAMS scheme with Lloyds TSB Plc in accordance with the outline provided within the report to Cabinet, and approval be given for the following scheme detail:**
  - A total indemnity value of £1,000,000;**
  - A maximum loan size to an individual borrower of £150,000;**
  - The qualifying post codes will be all postcodes falling within the district boundary.**
- 2.      The Council's Monitoring Officer to provide an Opinion Letter confirming that the Council has the power to enter into, observe and perform the terms and obligations required of it under the Scheme; and for the Council to indemnify the Monitoring Officer in respect of any personal liability that may be incurred by providing the Opinion Letter. Both the Opinion Letter and the Monitoring Officer's Indemnity Deed will be in the prescribed form as set out in Appendices B and C of the report to Cabinet.**

**8.3      Annual Report on Treasury Management Service, Actual Prudential Indicators 2011/12 and Revision to the Investment Policy and Strategy Statement 2012/13**

**Recommended to Council:**

- 1.      The actual 2011/12 prudential and treasury indicators in the report to Cabinet be approved.**
- 2.      The annual treasury management report for 2011/12 be noted.**
- 3.      The revision to the Investment Policy and Strategy Statement 2012/13, set out in Appendix 3 of the report to Cabinet be approved and to have immediate effect following Council approval.**

**9.1 Recommendations from Overview and Scrutiny Committee, 5<sup>th</sup> July 2012**

**a. Wyre Forest Affordable Warmth Action Plan**

**Decision:** The Affordable Warmth Action Plan 2012/13, as attached at Appendix 2 of the report of the Overview and Scrutiny Committee on 5<sup>th</sup> July 2012, be approved.

**b. Wyre Forest Climate Change Action Plan.**

**Decision:** The Climate Change Action Plan 2012/13, as attached at Appendix 2 of the report of the Overview and Scrutiny Committee on 5<sup>th</sup> July 2012, be approved.

**9.2 Recommendations from Overview and Scrutiny Committee, 8<sup>th</sup> August 2012**

**a. Recommendations from the Housing Review Panel (31<sup>st</sup> July 2012)**

**Decision:**

- 1. The five existing Tenant Board Members act in an interim capacity between September 2012 and September 2013 to represent the tenants on the Tenant Services Committee in the new governance structure, during which time a democratically held election be held for the nine positions to ultimately form the Tenant Services Committee from September 2013, where all Community Housing Group Tenants would be given the opportunity to stand and vote at the election. Such election in the first instance to require all tenants to be canvassed for proposed nominations for election, to be followed by an election that gives every tenant the opportunity to cast a vote(s) for their preferred candidate(s).**
- 2. Those persons nominated to stand for election will be subject to normal background checks to ascertain their eligibility to stand for election; the background checks will cover areas such as rent arrears, criminal records and bankruptcy.**
- 3. Community Housing Group to make available a Job Description and Person Specification together with eligibility criteria (as set out at 2 above) to any tenant wishing to consider nomination for election to the Tenant Services Committee.**
- 4. Community Housing group be requested to ensure that there is a uniformed geographic representation of tenants on the Tenant Services Committee from across the Wyre Forest District.**
- 5. A representative from both the Tenants Federation and Central Tenant Forum be involved to oversee the election and appointment process and to act as a scrutiny role throughout the proceedings.**
- 6. Prior to the elections taking place, the Community Housing Group to**



**run 'taster' sessions for any Tenants considering nomination to enable them to gain an understanding of the role and what would be expected of them on the Tenant Services Committee. The sessions could also involve shadowing existing Tenant Board Members if appropriate.**

- 7. Following the election the successful appointees to the Tenant Services Committee to receive training from the Community Housing Group prior to them first taking up their Board role, to enable them to effectively take up their role from September 2013.**

#### **12.1 Leisure Centre Site Acquisition**

**Decision: The site named in the Exempt report to Cabinet be purchased as a suitable site subject to satisfactory checks on legal title, service enquiries, ground investigations and the grant of outline planning consent and that this site is purchased at the price named in the report.**

**Overview & Scrutiny Committee 2012/2013  
Work Programme**

**June 2012 (Special)**

LDF Development Plan Documents

**July 2012**

Qtr 4 (2011/12) exception reporting incorporate directorate business plans

Set up Treasury Management Review Panel

Set up Housing Review Panel

Affordable Warmth Action Plan

Climate Change Action Plan

**August 2012 (Special)**

Recommendations from Housing Review Panel

Planning for Infrastructure in Worcestershire

**September 2012**

Recommendations from Treasury Management Panel:

- Local Authority Mortgage Scheme
- Treasury Management Strategy Backward Look 2011-12
- Annual Report on TM Service, Actual Prudential Indicators 2011/12 and review of Counterparty Criteria

Recommendations from Sports & Leisure Centre Review Panel

Air Quality Monitoring – Stourport

South Worcestershire Development Plan

Performance Management Quarter 1 Update

Affordable Housing Funding

**October 2012**

WFDC Tenancy Strategy

Recommendations from Housing Review Panel

Statement of Community Involvement Consultation Draft

**November 2012**

WFDC Housing Assistance Policy (Inc. Recs from Housing Review Panel)

Recs from Housing Review Panel

Council Tax Benefit Reform (Rec from Cabinet following consultation period)

Recommendations from Treasury Management Panel (Treasury Management Strategy

Statement & Annual Investment Strategy Mid Year Review Report)

Performance Management Quarter 2 Update (including September and six monthly lagging measures)

**December 2012**

Budget Review Panel – Terms of Reference

Annual Crime & Disorder Review

Wyre Forest Health and Ageing Well Action Plan

Recommendations from Treasury Management Strategy Statement & Annual

Investment Strategy Mid Year Review Report 2012/13

Financial Strategy 2013-2016

**January 2013**

Consultation of Financial Strategy 2013-16

**February 2013**

Designation of Conservation Area – New Road / Marlborough Street (RM)

Recommendations from Treasury Management Panel (Treasury Management Strategy Statement)

Consultation of Financial Strategy 2013-16 (Recs from Budget Review Panel)

Performance Management Quarter 3 Update

**March 2013**

Potential adoption of LDF Documents (RM - TBC)

Potential Parish Neighbourhood Plan (RM - TBC)

Carbon Management Plan

**April 2013**

**May 2013**

**June 2012**

Performance Management Quarter 4 Update (including March and annual lagging measures)

**Items for Members Forum**

North Worcestershire Community Safety Partnership update – Kathryn Washington (January 2013)

Police and Crime Commissioner – Kathryn Washington (January 2013)

Local Development Framework Documents – Rebecca Mayman (date TBA)

Carbon Management Plan (date TBA)

**Review Panels**

Housing Review – 11<sup>th</sup> July 2012, 31<sup>st</sup> July 2012, 9<sup>th</sup> August 2012, 22<sup>nd</sup> August 2012, 29<sup>th</sup> August 2012, 13<sup>th</sup> September 2012, 27<sup>th</sup> September 2012, 25<sup>th</sup> October 2012

Sports & Leisure Centre – 4<sup>th</sup> September 2012

Treasury Management – 5<sup>th</sup> September 2012, 6<sup>th</sup> November 2012

AOHN – 12<sup>th</sup> September 2012

Flooding – Date to be arranged following conclusion of Housing Review Panel