



**GREAT YARMOUTH**  
BOROUGH COUNCIL

# Housing and Neighbourhoods Committee

**Date:** Thursday, 28 July 2016

**Time:** 18:30

**Venue:** Supper Room

**Address:** Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

## **AGENDA**

**Open to Public and Press**

### **1 APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **2 DECLARATIONS OF INTEREST**

You have a Disclosable Pecuniary Interest in a matter to be discussed if it relates to something on your Register of Interests form. You must declare the interest and leave the room while the matter is dealt with.

You have a Personal Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

You must declare a personal interest but can speak and vote on the matter.

Whenever you declare an interest you must say why the interest

arises, so that it can be included in the minutes.

**3      MINUTES      4 - 8**

To confirm the minutes of the meeting held on 16 June 2016.

**4      MATTERS ARISING**

To consider any matters arising from the above minutes.

**5      ASSETS OF COMMUNITY VALUE      9 - 67**

Report attached.

**6      HOUSING REVENUE ACCOUNT OUTTURN REPORT 2015-16      68 - 76**

Report attached.

**7      COMMUNITY SAFETY**

A presentation will be given at the meeting by the Group Manager Housing & Neighbourhoods and Norfolk Police.

**8      BETTER CARE FUND - DISABLED FACILITIES GRANT      77 - 89**

Report attached.

**9      SHRUBLANDS COMMUNITY HUB      90 - 95**

Report attached.

**10      ESTATES REGENERATION PROGRAMME      96 - 99**

Report attached.

**11      QUARTER 1 PERFORMANCE REPORT      100 - 106**

Report attached.

**12     FORWARD PLAN**

**107 -  
108**

Report attached.

**13     ANY OTHER BUSINESS**

To consider any other business as may be determined by the Chairman of the meeting as being of sufficient urgency to warrant consideration.

**14     EXCLUSION OF PUBLIC**

In the event of the Committee wishing to exclude the public from the meeting, the following resolution will be moved:-

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

# Housing and Neighbourhoods Committee

## Minutes

Thursday, 16 June 2016 at 18:30

### PRESENT:

Councillor Carpenter (in the Chair); Councillors Borg, M Coleman, Flaxman-Taylor, Hacon, Mavroudis, Robinson-Payne, Walch, Waters-Bunn, and Williamson.

Councillor Bensly attended as a substitute for Councillor Grant.

Councillor Annison attended as a substitute for Councillor K Grey.

Mr R Read (Director of Housing & Neighbourhoods), Mr T Chaplin (Group Manager Housing Services), Mrs V George (Group Manager Housing Health & Wellbeing), Miss H Notcutt (Community Development Manager) and Mrs C Webb (Member Services Officer)

### **1 WELCOME FROM THE CHAIR**

The Chair welcomed those present to the meeting and set the scene as to how

the Housing & Neighbourhoods Committee meetings would function in the forthcoming municipal year.

## **2 DECLARATIONS OF INTEREST**

It was noted that no Declarations of Interest were declared at the meeting.

## **3 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K Grey & Grant.

## **4 SMOKE AND CO2 ALARMS REPORT**

The Committee received and considered the report from the Community Protection Manager with regard to the impact on the Council of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

The Community protection Manager reported that the legislation placed a requirement on Local Authorities to implement an enforcement structure in respect of its duty to require private sector housing landlords to address inadequate fire detection within their properties. Where enforcement action is taken, the Regulations also allow the Local Authority to impose a penalty charge of up to £5000.

RESOLVED:

That the Committee agree the Statement of Principles and associated penalty charge of £5000.

## **5 OVERVIEW OF HOUSING & NEIGHBOURHOODS**

The Director of Housing & Neighbourhoods gave a presentation on the remit of the Housing & Neighbourhoods Committee.

The Chair thanked the Director of Housing & Neighbourhoods for his presentation.

## **6 HOUSING - CURRENT SERVICES AND ISSUES**

The Director of Housing & Neighbourhoods, the Housing Services Group Manager and the Group Manager Housing, Health & Wellbeing gave presentations regarding Council House Management, Housing Strategy, Housing Options & Homelessness and Private Sector Housing and Disabled Facilities grants.

Councillor Williamson reported that he welcomed the introduction of the new Housing Management Asset/Stock database.

Councillor Waters-Bunn requested a copy of Community Housing's Empty Property list for information purposes. The Housing Services Group Manager agreed to circulate the list to the Committee.

Councillor Williamson suggested that the presentation should be made available as an Information Booklet for the Committee, as it would be most useful for new Members. Councillor Williamson raised concerns regarding fixed term tenancies for tenants who had specific disabled adaptations carried out to their properties. Unless they were legally protected, as they could not be classed as exempt, this could lead them to be in a vulnerable position. The Housing Services Group manager agreed to look into this issue.

The Chair thanked the officers for their informative presentations.

## **7 HOUSING PERFORMANCE REPORT**

The Committee received and considered the Housing Services Group Manager's report on the performance data from the Housing & Neighbourhoods Directorate for Quarter 4, of 2015/16.

RESOLVED:

That the Committee note the report.

## **8 HOUSING REVIEW APPEALS REPORT**

The Committee received and considered the report from the Housing Services Group Manager which detailed the procedures for tenants and residents to review or appeal housing decisions. The Housing Services Group Manager reported that a consistent approach was adopted to enable timely and appropriate decisions and this process had the advantage of being flexible and reasonably quick to administer. This allowed applicants to be informed of revised decision as soon as possible so that they may consider all options available to them.

The Housing Services Group Manager reported that decisions made on housing matters were subject to the right of judicial review which would remain as an option should a person wish to continue the appeal process.

A Member was concerned that the Housing Appeals Committee had not been included in the new Committee structure and was unaware that this decision had been made. Councillor Robinson-Payne felt that the proposed scheme would lead to an officer reviewing another officer decision, which in the eyes of the appellant, could be seen as non-transparent decision making and she felt that the public would prefer to have their appeal considered by Members.

The Housing Services Group Manager reported that Members could still support residents in the appeal process and that the need for the Housing Appeals Committee could be considered at the Governance Committee review in six months time.

Councillor Williamson reported that he agreed with Councillor Robinson-Payne as tenants were often vulnerable or had complex housing needs and needed help and support which Members could offer through the review process. Councillor Williamson proposed an amendment to the recommendation that the Housing Appeals Committee be reinstated after six months if required.

RESOLVED:

- (i) That the procedure for reviews and appeals detailed in paragraph 2.4 of the Group Manager Housing Services's report be adopted for housing decisions;
- (ii) That the Housing Appeals Committee will be reinstated after 6 months, if required.

## **9 COMMUNITY DEVELOPMENT**

The Community Development Manager gave a presentation regarding Neighbourhoods That Work. She invited the Committee to attend the Annual Study Visit on 21 October 2016 at St. Georges Theatre.

The Chair thanked the Community Development Manager for her presentation.

## **10 NEIGHBOURHOODS THAT WORK OUTCOME REPORT**

The Committee received and considered the report from the Community Development Manager.

RESOLVED:

That the Committee note the report.

## **11 FORWARD PLAN**

The Committee received and considered the Forward Plan.

The Chairman reported that if any Member wished to add an agenda item that they should contact the Director of Housing & Neighbourhoods in the first instance.

RESOLVED:

That the Forward Plan be noted.

## **12 ANY OTHER BUSINESS**

The Chair reported that there was no other business as was determined as being of sufficient urgency to warrant consideration.

## **13 EXCLUSION OF PUBLIC**

The meeting ended at: 20:40



Subject: Assets of Community Value – Nomination of Kings Head, Filby

Report to: Housing & Neighbourhoods Committee – 28 July 2016

Report by: Corporate Policy and Performance Officer

#### **SUBJECT MATTER/RECOMMENDATIONS**

Housing & Neighbourhoods Committee is asked to consider the attached nomination for the Kings Head Public House, Filby.

A nomination has been received by a 'community group' asking the Council to list the property as an Asset of Community Value.

#### **Recommendation**

Housing & Neighbourhoods Committee is asked to consider the nomination for the Kings Head Public House, Filby and decide whether the property should be listed as an Asset of Community Value.

### **1. INTRODUCTION/BACKGROUND**

- 1.1 The Community Right to Bid was introduced on 21 September 2012 as part of the Localism Act 2011.
- 1.2 Under the Act local groups have the opportunity to nominate a building or other land for listing by the council as an asset of community value. The council must consider any nomination and, where it accepts them, place the property/land on a list of assets of community value. When listed assets come up for sale, the act then give local groups the time to prepare and make a bid for the asset.
- 1.3 The Council set up a procedure to be followed in dealing with nominations received, which was included in a guidance document for Members and Officers.
- 1.4 Once a nomination has been received the Council has eight weeks to make a decision. During that time interested parties to the asset are consulted and checks and research is undertaken to provide information so an informed decision can be made.
- 1.5 Regulation 7 states that "The responsible authority must decide whether land nominated by a community nomination should be included in the list within eight weeks of receiving the nomination."
- 1.6 Prior to the Committee form of Governance it was agreed that the Cabinet Member for Communities would make the decision (to include on the list of successful nomination or unsuccessful list) regarding the nomination after

being provided with relevant information from officers supporting the process. Under the new constitution this decision comes under the remit of Housing & Neighborhoods Committee.

- 1.7 The officer support is provided by the Group Manager Planning and the Corporate Policy & Performance Officer.
- 1.8 The only other officer involved in the process is the Director of Customer Services, who will conduct a listing review. If an asset has been included on the Successful List, an owner has the right to request the council to review its decision, under section 92 of the Act. The Director of Customer Services is not involved in the decision to list process.
- 1.9 Between March 2013 and December 2015 the Council received 11 nominations; five were successful and listed; four were unsuccessful (one after review listing) as they did not meet the criteria set out in the act; and two were withdrawn by nomination party before a decision was made.

## **2. NOMINATION OF THE KINGS HEAD PUBLIC HOUSE, FILBY**

- 2.1 The nomination was received on 6 July 2016 and the Council has eight weeks to make a decision. The Council wrote to interested parties on 7 July 2016 and informed the owner and leaseholder they have a two week period to notify the Council if they have any objections to the nomination.
- 2.2 The nomination was received from an 'Unincorporated body' which requires the body to provide a signed list of its members, at least 21 of whom must be registered to vote locally or in a neighbouring authority. This list has been checked against the electoral roll and the required number has been met, so the nomination meets that particular part of the legislation.
- 2.3 Research shows that there has been a public house on the land prior to 1800, with one family having an interest in the public house for over 100 years going back to 1841. By 2008 the Kings Head had become a Freehouse, but prior to that it had its beer and spirits provided by the Watney Mann brewery. This is the only public house in Filby. The village previously had two public houses, at separate ends of the village, but the Fox and Hounds closed and was later developed into housing.
- 2.4 The Housing & Neighbourhoods Committee must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Localism Act.
  - is at least partly within the local authority's area
  - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
  - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

The Right does not generally apply to residential property or operational land as defined in the Town and Country Planning Act 1990 Part 2. However, the exception to the general exclusion of residential property from listing is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

- 2.5 A copy of procedural guidance for Members and Officers is attached, this also includes legislative guidance on the process for dealing with assets of community value. This guidance has not been updated since the Committee form of Governance came into place in May, so there is still some references to the single Member decision, but this can be replaced with Housing & Neighbourhoods Committee. Also attached is a leaflet produced by the Council when legislation came into force and DCLG guidance notes.
- 2.6 If the Housing & Neighbourhoods Committee determines that the asset is to be listed it will appear on the Council's list of successful assets of community value and remain on the list for five years, if the determination is not to list the asset it will go onto an unsuccessful list of assets of community value, both lists appear on the Council's website.

### 3. **FINANCIAL IMPLICATIONS**

None

### 4. **RISK IMPLICATIONS**

None

### 5. **CONCLUSIONS**

- 5.1 Legislation states the Council must make a decision within eight weeks of receiving the nomination whether the property should be included on the list as an asset of community value.
- 5.2 The Committee System does not allow for a single Member decision to be taken, so whilst taking this report to Housing & Neighbourhoods Committee is only three weeks into the eight week timescale for the Council to make a decision the committee cycle does not allow for prolonged research and correspondence with interested parties. So in this instance the decision will have to be made in a small window of time.

### 6. **RECOMMENDATIONS**

- 6.1 Housing & Neighbourhoods Committee is asked to consider the nomination for the Kings Head Public House, Filby and decide whether the property should be listed as an Asset of Community Value.

## 7. **BACKGROUND PAPERS**

Leaflet created by Council when legislation came in.

Community Right to Bid (Assets of Community Value): Guidance for Members and Officers

DCLG guidance

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	N/A
Existing Council Policies:	None
Financial Implications:	None
Legal Implications (including human rights):	None
Risk Implications:	No
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	None
Every Child Matters:	None

## Assets of Community Value – Nomination Form and Guidance Notes

### Introduction

These guidance notes should be read before completing the attached nomination form and in conjunction with the Department for Communities and Local Government's Community Right to Bid: Non-statutory advice note for local authorities.

### Section 1 – Nominating Organisation Details

<b>Q1.1</b>	<b>Title of nominating organisation</b> Please provide the formal name of the nominating organisation
<b>Q1.2</b>	<b>Contact name</b> Please provide the name of the person who is responsible for managing the nomination, including position. All Council correspondence will be addressed to this contact.
<b>Q1.3</b>	<b>Contact information</b> Please provide organisation address, telephone number(s) and email address(es) of the contact person to which formal notifications under the legislation will be sent. It is the responsibility of the nominating organisation to notify the Council immediately in writing of any changes in the name of the representative or contact details.
<b>Q1.4</b>	<b>Type of nominating organisation</b> Please tick the organisation type(s) that apply from the list provided. Registration numbers for charities and companies are required, if applicable, in the space provided. Please note for unincorporated body, at least 21 of its individual members must be registered to vote locally or a neighbouring authority.
<b>Q1.5</b>	<b>Local connection</b> Please describe the nature of your organisation's local connection to the asset you are nominating, or the area in which it is located.

### Section 2 – Nominated Asset Details

<b>Q2.1</b>	<b>Name of asset</b> Provide name of land or building (eg. Royal Oak/Village Cricket Club)
<b>Q2.2</b>	<b>Address</b> This needs to be accurate and cover the full land title address of the entire asset to be considered, including post code. You should be aware that some assets will cover several addresses, sometimes across different road frontages.

<b>Q2.3</b>	<b>Current/last use</b> This question will help the Council in determining the importance of the asset to the local community.
<b>Q2.4</b>	<b>Description of land/property</b> Please provide information which helps to clarify the exact location and extent of the asset being nominated. This could include: <ul style="list-style-type: none"> <li>• Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked.</li> <li>• Written description with ordinance survey location, and explaining where the boundaries lie, approximate size and location of any buildings on the land and details of any roads bordering the site</li> <li>• A drawing or sketch map with boundaries clearly marked</li> </ul>
<b>Q2.5</b>	<b>Name of occupiers/owners</b> Please provide information which helps to clarify the current ownership and occupiers of the asset, including address(es), if known. Owners and occupiers have an interest in the asset and as such are part of the process.

### Section 3 - Supporting Information for Nomination

<b>Q3.1</b>	<b>Why is asset of community value</b> Please set out the reasons for nominating the asset. Why is your organisation making the nomination; what sections of the community use or have used the asset; and in what way will they lose out if it was sold.
<b>Q3.2</b>	<b>Social well-being or social interest of the community</b> Please explain how the current use or recent use of the asset furthers the social well-being or social interest of the local community. Social interest could be cultural, recreational and/or sporting interest, so please say which one(s) apply.
<b>Q3.3</b>	<b>Proposed future use of asset</b> Please set out the reasons why you believe that the asset will continue to be, or its future use will be, of community value. Areas you may wish to include: <ul style="list-style-type: none"> <li>• Types of activities</li> <li>• Evidence of community support</li> <li>• Proposed involvement of community in running/managing it</li> <li>• Local community groups support</li> </ul>
<b>Q3.4</b>	<b>How could assets be acquired</b> If the asset is listed, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the asset and how they could run it for the benefit of the community.
<b>Q3.5</b>	<b>Further information to support your nomination</b> Please provide any further information to support why you feel that Great Yarmouth Borough Council should decide that the nominated land and/or building is of 'community value'.

## Great Yarmouth Borough Council

### Assets of Community Value – Nomination Form

(Complete in conjunction with guidance notes)

#### 1. Nominating Organisation Details

1.1 Title of nominating organisation:	Save the Kings Head Filby	
1.2 Contact name of organisation representative and position:	John Stroud	
1.3 Contact details of nominating organisation and representative:	<div>██████████</div> <div>██████████████████</div> <div>██████████████</div>	
Correspondence address:	<div>██████████</div>	
Telephone number:	<div>██████████</div>	
Mobile number:	<div>██████████</div>	
Email address:	<div>██████████</div>	
1.4 Type of nominating organisation:	Tick all that apply	Registration number of Charity/Company
Neighbourhood forum	<input type="checkbox"/>	██████████
Parish Council	<input type="checkbox"/>	██████████
Charity	<input type="checkbox"/>	██████████
Community interest company	<input type="checkbox"/>	██████████
Unincorporated body	<input checked="" type="checkbox"/>	██████████
Company limited by guarantee	<input type="checkbox"/>	██████████
Industrial and Provident Society	<input type="checkbox"/>	██████████

1.5 Please explain what your organisation's local connection is to the Asset you are nominating, or the area in which it is located:

An unincorporated local community group that would simply like to see the pub open and trading again.

<b>2 Nominated Asset</b>	
2.1 Name of the land or building:	The Kings Head Filby
2.2 Address:	Main Rd, Filby Great Yarmouth
Postcode:	NR29 3HY
2.3 Current/last known use(s):	
Public House	
2.4 Please provide a description of the land and/or building and its proposed boundaries (please provide a site plan if possible):	
See Title Plan attached to email.	
Freehold KingsHead RegisterPlanNK74955.pdf	



<p>2.5 Name(s) and address(es) of the current occupants/users/owners of building/land (if known)</p>	<p>The owners are: MARBLE ACQUISITIONS LTD</p> <p>PETERBOROUGH COURT 133 FLEET STREET LONDON EC4A 2BB</p> <p>A number of the group have had several email conversations with Jim Garman (<a href="mailto:jim.garman@gs.com">jim.garman@gs.com</a>) the CEO of Marble Acquisitions Limited but the company seem to have little interest in the public house's operation or empathy for the community's wishes to have it operational and supported as valued meeting and social hub of the village.</p>
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### 3. Supporting Information for Nomination

3.1 Why do you think the land or building you are nominating is an asset of community value:

Our group which is made up of several members of the local community (growing in number every day) would like to nominate the Kings Head Public House, Main Rd, Filby, Great Yarmouth NR29 3HY to be listed as an Asset of Community Value.

The pub has been closed for over 6 months now and despite several community members efforts to make reasonable offers to purchase the building, or lease and operate pub from the owners, they seem content to simply close it and have it non-operational regardless of the community's wish to have their beloved pub available to them on an on-going basis.

It is the community's fear that they may simply, de-licence, demolish or redevelop the site for housing which would leave Filby without a pub at all.

3.2 How does the current (or recent) use of the land or building further the social well-being or social interest of the local community:

The Fox and Hound Public House closed around 2 years ago; consequently the Kings Head became the ONLY PUB in the village until its closure in January 2016. Prior to this it was supported many local and visiting community groups, charity organisations, sporting clubs, musicians and artists. It was frequented by local darts teams, pool teams and quiz groups. It was also a welcome stop for many of the areas visitors and tourists for a good pub meal or a refreshing drink.

It's a very historic and valued part of the community. As we understand the building and pub has been there in some capacity for almost 300 years and we believe if it remains closed it would a great loss to the local community.

3.3 What is your proposed future use of the asset if your nomination is successful:

The group would like to see it restored to an operable and compliant state and reopened as a licenced public house.

3.4 How could the asset be acquired and used in the future:

Either by private purchase or a combination of private and community purchase.

The group are also looking into several other funding sources such as crowd funding and community share options to raise the required funds should the property be made available for purchase.

3.5 Please provide any further information to support why you feel that the Council should decide that the nominated land or building is of 'community value':

We have discussed the nomination with several members of the Parish Council who said they would support the nomination if required but it has not been put forward at a Parish Council meeting at this stage.

**Please send the completed form to:**

**Email:** [crtb@great-yarmouth.gov.uk](mailto:crtb@great-yarmouth.gov.uk)

**Post:** Group Manager Planning  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth  
Norfolk  
NR30 2QF

# **Community Right to Bid (Assets of Community Value)**

## **Guidance for Members and Officers**

### **Introduction**

The Community Right to Bid was introduced on 21<sup>st</sup> September 2012 as part of the Localism Act 2011. Under the Act local groups have the opportunity to nominate a building or other land for listing by the council as an asset of community value. The council must consider any nomination and, where it accepts them, place the property/land on a list of assets of community value. When listed assets come up for sale, the act then give local groups the time to prepare and make a bid for the asset.

In summary, this guidance explains:

- What is an asset of Community Value
- Who can nominate an asset
- What must be included in a nomination
- How and when the Council will deal with a nomination
- What happens if the 'owner' wants the listing reviewed
- How does the moratorium work
- Compensation claims
- Enforcement

Reference should also be made to the [Community Right to Bid: Non-statutory advice note for local authorities](#)

### **1. What is an asset of Community Value?**

If the Council receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Localism Act.

- is at least partly within the local authority's area
- an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

The Right does not generally apply to residential property or operational land as defined in the Town and Country Planning Act 1990 Part 2. However, the exception to the general exclusion of residential property from listing is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

## **2. Who can nominate an asset of Community Value?**

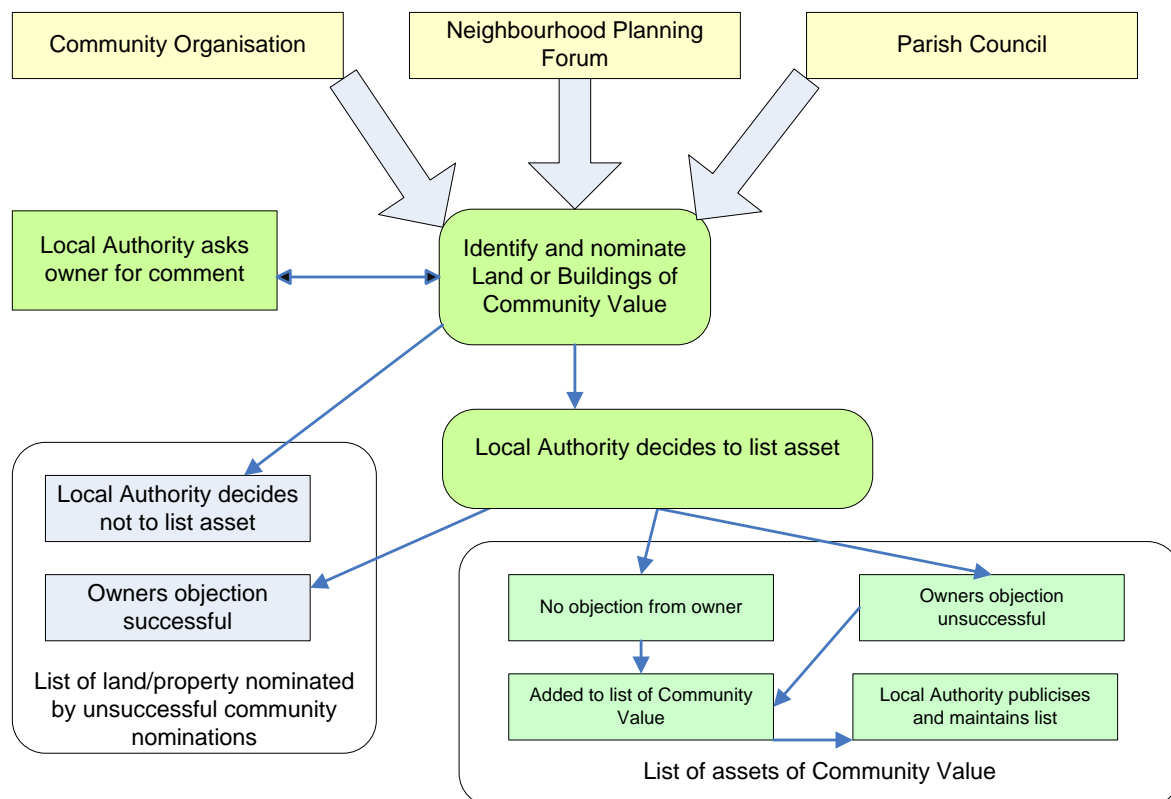
Local authorities cannot list land on their own initiative, it must be nominated. For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located). The voluntary or community bodies which may make community nominations are set out below:

- **Parish Councils.** This may be for an asset in its own area, or in the neighbouring parish council.
- **Neighbouring Parish Councils.** If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.
- **Unincorporated groups.** Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.
- **Neighbourhood forums.** The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

- **Community interest groups with a local connection.** These must have one or more of the following structures:
  - a) A charity
  - b) A community interest company
  - c) A company limited by guarantee that is non profit distributing
  - d) An industrial and provident society that is non- profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force).

In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

The key elements of the process are captured in the diagram below.



### **3. What must be included in a nomination?**

A nomination must include the following information for the council to consider:

- A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
- Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- The nominator's eligibility to make the nomination.

Community groups must send their nominations to:

Group Manager Planning  
Great Yarmouth Borough Council  
Town Hall  
Hall Plain  
Great Yarmouth NR30 2QF

Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination, it is only listing which brings the statutory provisions into play.

### **4. How and when the Council will deal with a nomination?**

The council is required to make a decision in response to a nomination within 8 weeks of receiving the nomination. The Council will undertake a land registry search in the first instance, unless it is confident that they know who the owner is of the nominated land/building. This process will be led by the Group Manager Planning, with the decision regarding the nomination to be made by the Cabinet Member for Communities.

- The council must take all practicable steps to inform the following if an asset has been nominated:
  - a) a parish council (if any) in which the land lies (or partly lies),
  - b) the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.

- c) all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
- d) any lawful occupant (which could include a licensee).
- When an asset is added to or removed from the list, the council must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Act.
- The council must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- If the council is not able to give notice to any of these people in the usual way, for instance due to lack of names or addresses, it will take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act.

The council will list all successful and unsuccessful bids (including explanation for why a bid was unsuccessful).

## **5. What happens if the 'owner' wants the listing reviewed?**

If an asset has been included on the List, an owner has the right to request the council to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.

Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It will be conducted by the Director of Customer Services, who will not be involved in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.

The owner and/or their representative may make representations to the reviewer orally and/or in writing. The council must complete their review within 8 weeks, unless a longer period has been agreed in writing.

The owner and authority will bear their own costs of the review.

If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the council's review decision. The written response following the internal review should inform the owner of their

right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or, if the property has been sold in the meantime, the new owner.

An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.

Owners should send the appeal in writing to the First-Tier Tribunal at:  
Tribunal Clerk,  
Community Right to Bid Appeals  
HM Courts & Tribunals  
First-tier Tribunal (General Regulatory Chamber)  
P.O. Box 9300  
Leicester, LE1 8DJ

## **6. Moratorium**

It is the responsibility of the asset owner to contact the Council to notify them of an intention to make a 'relevant disposal'. This terminology is used because not all sales are covered by the Right, there are a number of exclusions specified in the Regulations, these are:

- Transfers made other than for value i.e. a gift
- Transfers between members of the same family i.e. made as a sale as well as a gift
- Transfers due to the inheritance of the asset
- Sales by personal representatives in order to pay estate debts or cash legacies
- Transfers occasioned by resignation or death of partners in a firm or trustees of a trust
- Transfers between trustees, between a trust and settler, and between a trust and a beneficiary
- Business to business transactions of a going concern, where the intention is to continue the existing use of the asset
- Transfers where the listed asset forms part of a larger estate
- Disposals made as a result of pre-existing arrangements
- Transfers between connected companies
- Disposals of land made under existing statutory provisions that clash with the Assets of Community Value moratorium rules
- Provision of on-going public service delivery



Receipt of notification of a relevant disposal will trigger a 6 week **interim moratorium period** in which community interest groups should decide whether they wish to prepare a bid to purchase an asset. At this stage community interest groups only need to express an interest in bidding, they do not need to provide any details of their bid.

This will trigger a **full moratorium period** of 6 months in total from notification of the relevant disposal during which time a sale is barred and they are able to prepare a bid for the asset. The owner is under no obligation to accept this bid and is free to dispose of their asset as they wish.

If a bid is not received during the moratorium period then the landowner is free to dispose of their asset as they wish and no further moratorium period can be triggered for a protected period of 18 months from the date that the council receives notification of a relevant disposal. This provides the owner with 12 months in which to dispose of the asset freely.

## **7. Compensation claims?**

Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.

The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.

Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner. The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.

Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.

The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

An owner may appeal to a Tribunal (Independent Appeal) against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules (28 days from receiving the local authority's decision on the compensation review). Only the owner or former owner, who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).

As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.

As with other costs incurred by local authorities in meeting the requirements placed on them, the Government has reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year. In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.

Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:

Albert Joyce,  
Community Assets Team,  
5/A4 Eland House,  
Bressenden Place  
London  
SW1E 5DU

or by email at: [righttobid@communities.gsi.gov.uk](mailto:righttobid@communities.gsi.gov.uk)

New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. The Government will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

## **8. Enforcement**

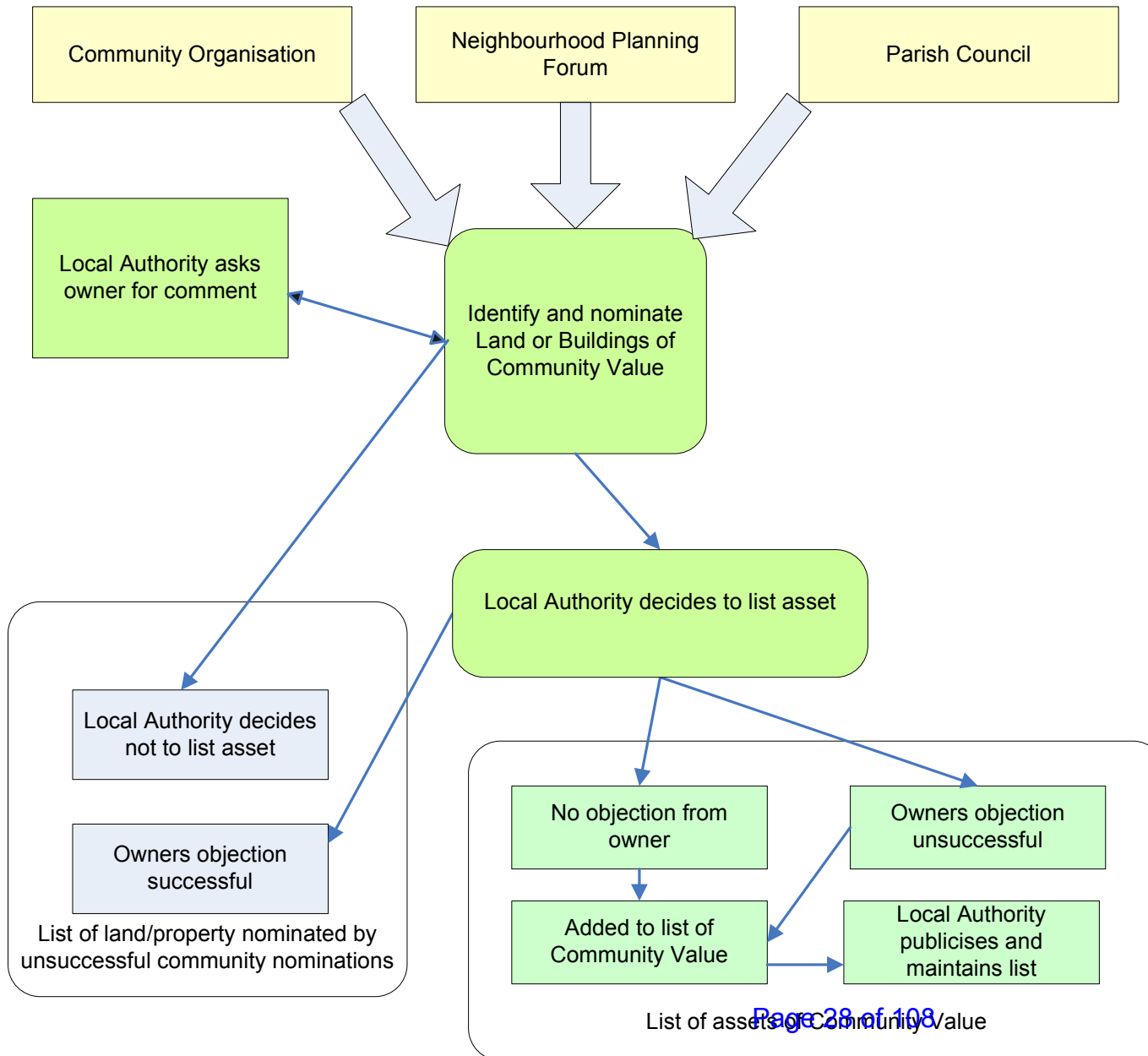
The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.

The council is required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.

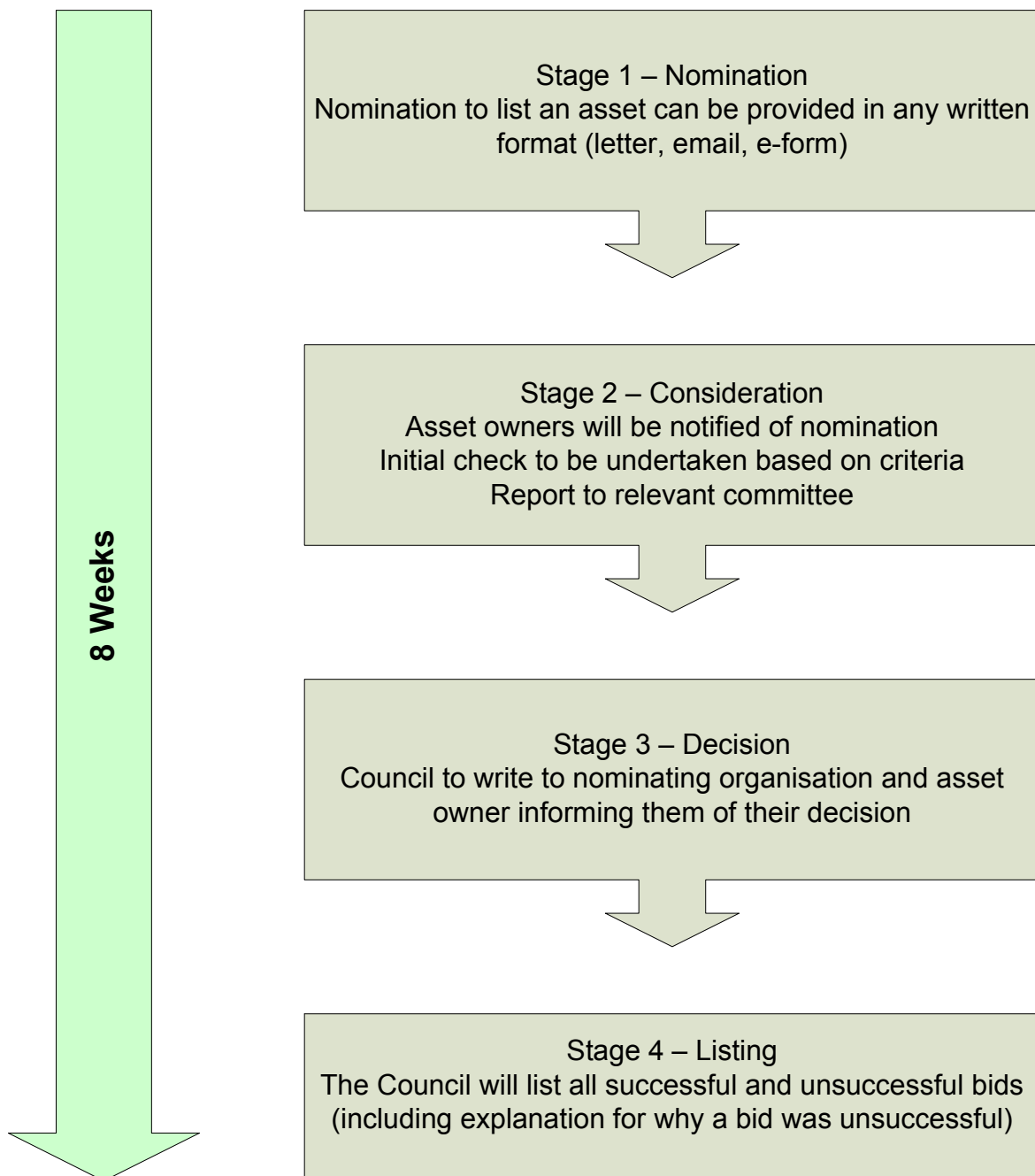
The council is required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details).

When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

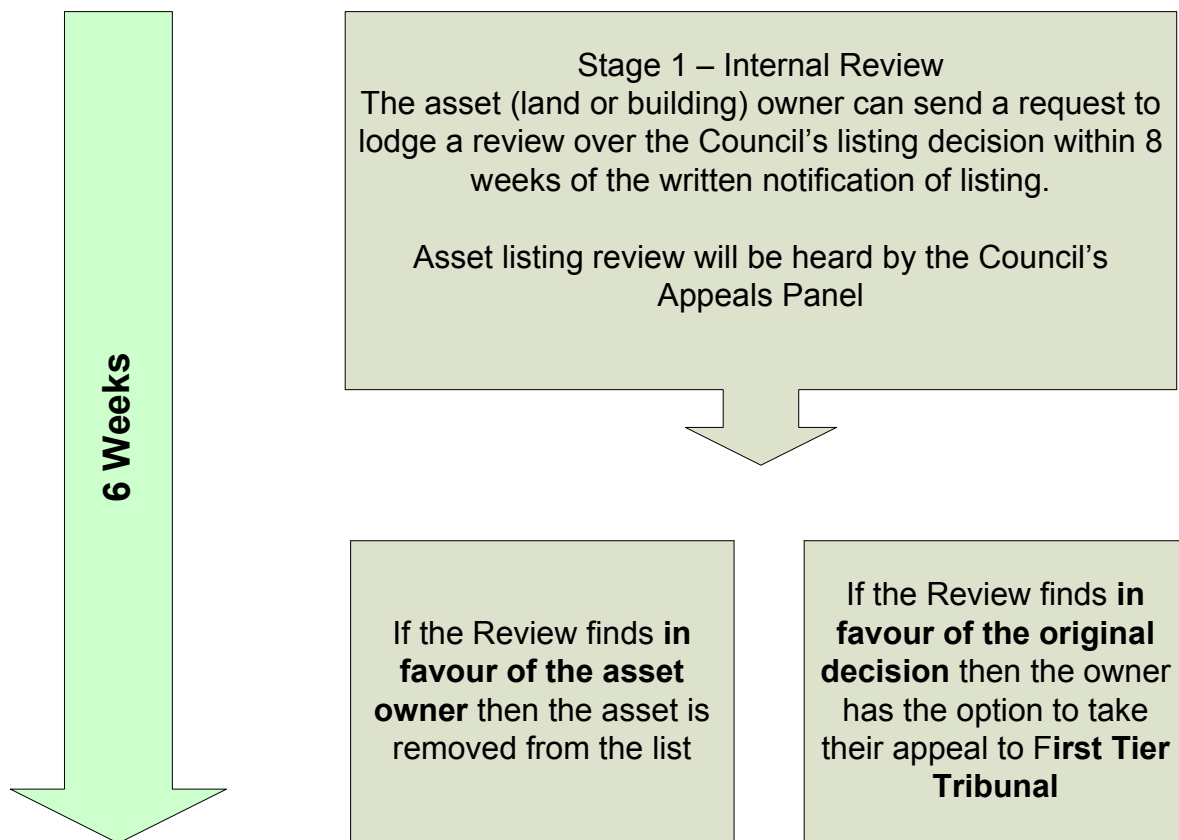
## Community Right to Bid - Flowchart



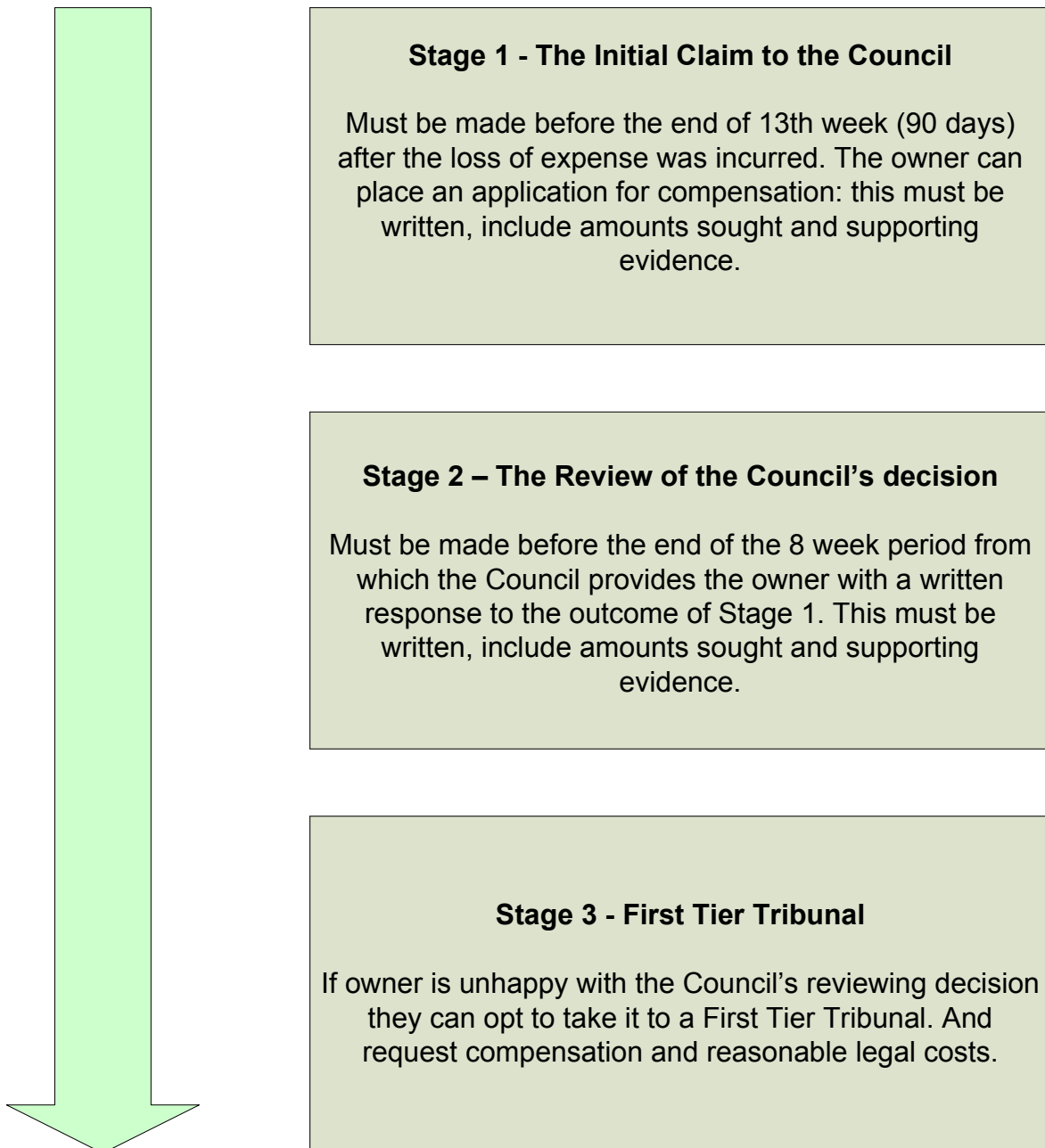
## Community Right to Bid - Process Diagram: Listing Assets



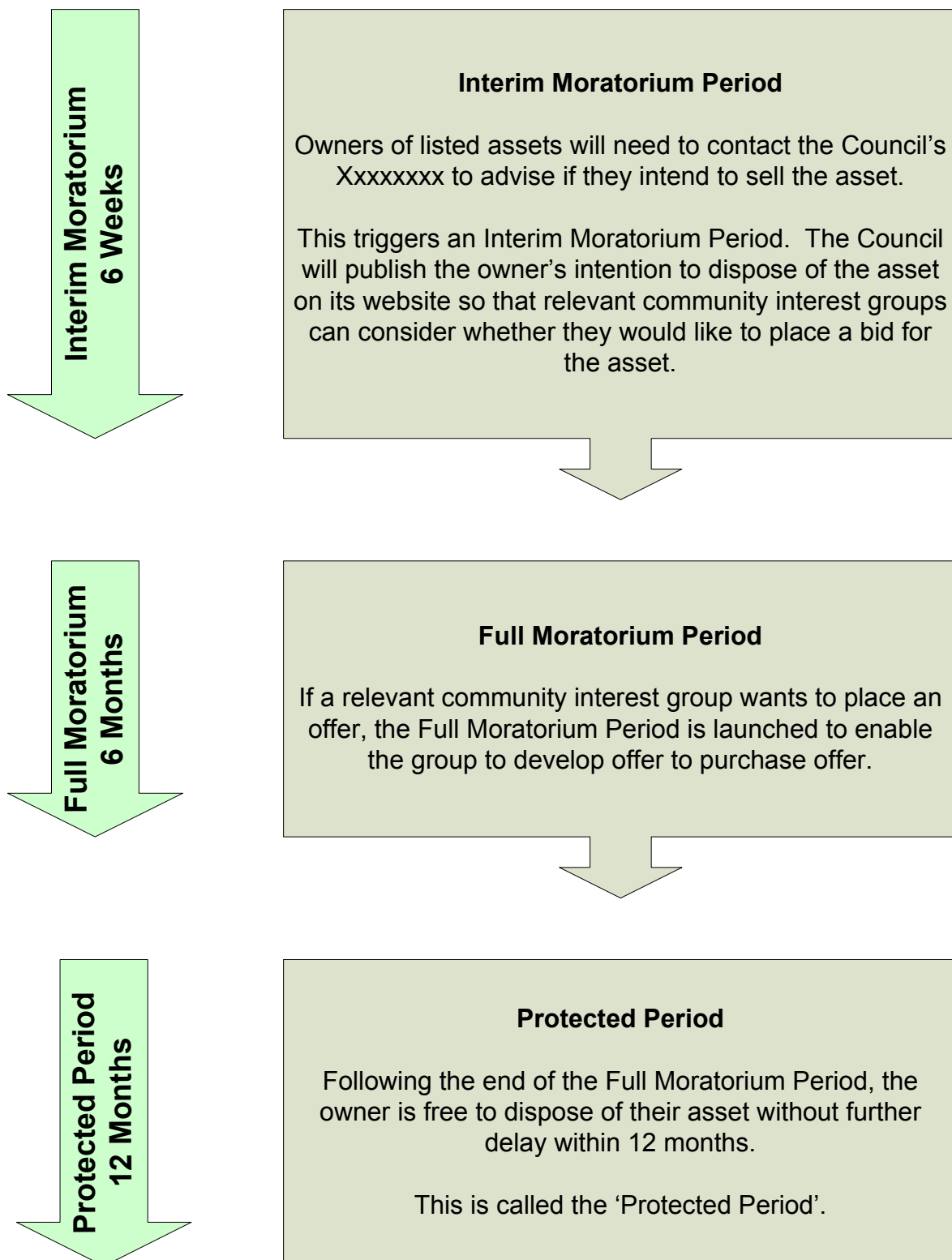
# Community Right to Bid - Process Diagram: Review & Appeals



# Community Right to Bid - Process Diagram: Compensation



# Community Right to Bid - Process Diagram: Sale







Department for  
Communities and  
Local Government

## Community Right to Bid: Non-statutory advice note for local authorities

Part 5 Chapter 3 of the Localism Act 2011 and the Assets of  
Community Regulations 2012

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# Ministerial foreword



From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them. As a result they find themselves bereft of the assets that can help to contribute to the development of vibrant and active communities. However on a more positive note, the past decade has also seen a significant rise in communities becoming more active and joining together to save and take over assets which are significant for them.

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

This scheme requires an excellent understanding of the needs of the local community. As such local authorities will have a pivotal role in implementing the Community Right to Bid, working with local communities to decide on asset listing, ensuring asset owners understand the consequences of listing, enforcing the Moratorium period and in taking decisions as part of any appeals process

This advice note, which has non-statutory status, is aimed at helping local authorities to implement the scheme so that they can work with their communities to protect the buildings and amenities which are of great local significance to the places where people live and work.

A handwritten signature in black ink, appearing to read 'Don Foster', with a horizontal line underneath.

**The Rt Hon Don Foster MP**

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# Section1

## Introduction and scope of advice

- 1.1 The Localism Act (“the Act”) was enacted on 15 November 2011<sup>1</sup>, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 1.2 The status of this advice note is non-statutory and applies only to England.
- 1.3 A glossary of terms is at Annex A at the end of this guidance.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

# Section 2

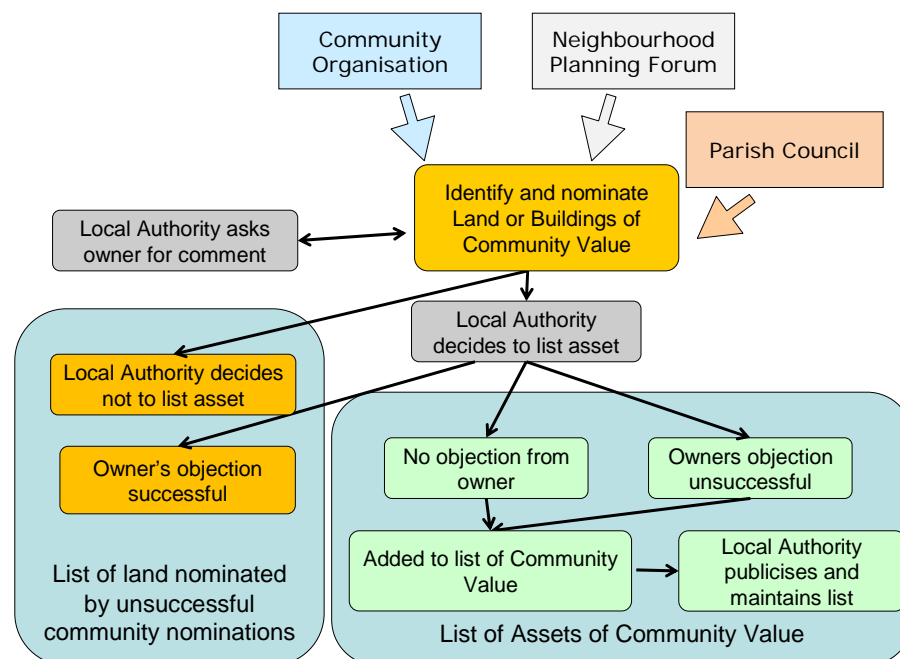
## Outline of how the scheme works

- 2.1 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.
- 2.2 The Assets of Community Value legislation places requirements on the following local authorities in England:
- (a) a district council,
  - (b) a county council for an area for which there are no district councils,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, or
  - (e) the Council of the Isles of Scilly.
- 2.3 The scheme has two main parts: nominating and listing assets and the moratorium.

## Nominating an asset

- 2.4 It is open to parishes and community organisations, including neighbourhood forums (as constituted under section 61F of the Town and Country Planning Act 1990, added to that Act by the Localism Act) to nominate local assets to their local authority, to be included on the list of assets of community value. Nominated assets may be owned by anybody, including the local authority and the Crown.
- 2.5 A neighbouring parish council can nominate an asset. Where the land is in a parish area, this means a parish which shares a border with it; or if an asset is in an unparished local authority area, so that there is no immediately adjoining parish council within the same local authority area, a parish council that borders the local authority could nominate an asset.

- 2.6 The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in section 88 of the Act or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 to the Regulations.
- 2.7 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all specified parties (including the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register in Form QQ (for details see below under Enforcement).
- 2.8 If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. The details of this process are set out below. If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.
- 2.9 If the local authority do not agree that the asset nominated meets the section 88 definition, or it is in one of the excluded categories, they must place it on a list of assets nominated but not listed. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations. It is for the local authority to decide how long they hold unsuccessful nominations on this list. The intention of this is to ensure transparency and to avoid multiple nomination of an asset that does not meet the definition.



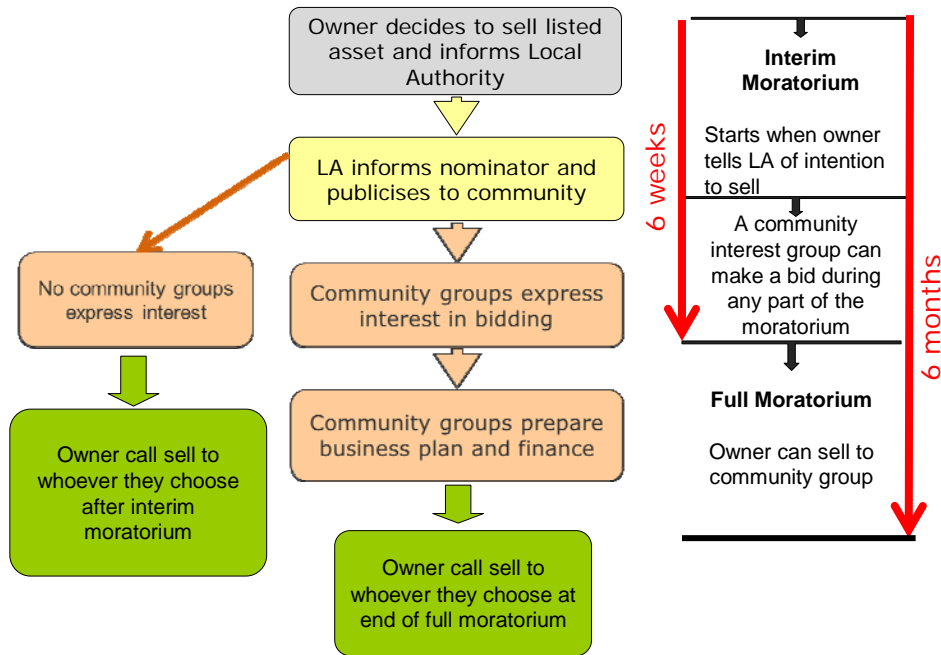
## Moratorium

- 2.10 Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
- 2.11 Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 2.12 The first part of this window is a 6 week interim period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- 2.13 If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then the full 6 month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
- 2.14 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to **whomever they choose and at whatever price**, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act<sup>2</sup>.

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<sup>2</sup> <http://www.legislation.gov.uk/ukpga/2011/20/section/95/enacted>





- 2.15 Not all proposed sales have to be notified to the local authority however. A range of disposals will be exempted from the provisions. A number are set out in section 95(5) of the Act, and others are in the Regulations. The full list of exemptions is given in Annex A.

## Compensation

- 2.16 The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. The local authority will be responsible for administering the compensation scheme, including assessing and determining compensation awards. Owners and former owners will have rights of review and appeal regarding the authority's compensation decisions (see Section 10).

## Enforcement

- 2.17 The scheme provides for various mechanisms to encourage compliance by requiring local authorities to:
- Inform owners and other interested parties that an asset has been listed
  - enter on the local land charges register the fact that an asset has been listed; and

- in the case of registered land, apply for a restriction on the Land register.

2.18 Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered on the Land Register - which would have to be rectified once the fact that the sale was void was discovered). However this penalty will not apply if the owner was unaware through no fault of their own that the land was listed when it was sold.

## What the provisions do not do

- 2.19 These provisions do **not** restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do **not** confer a right of first refusal to community interest groups (unlike the Scottish scheme).<sup>3</sup>
- 2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

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<sup>3</sup> <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/Community>

# Section 3

## List of assets of community value

- 3.1 In addition to the list of assets, local authorities are required to maintain a list of assets nominated unsuccessfully by community nomination. The local authority may remove land from this second list whenever it considers would be appropriate. Local authorities must publish both lists; it is up to them to decide how they publish them, but they must make them available for free inspection by any person and must provide a free copy of either to anyone who asks for it (but are not required to provide more than one free copy of each). The two lists may be combined into one document if the local authority wishes. The list of unsuccessful nominations must include reasons for the land not being listed.
- 3.2 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them, except for the following requirements.
- 3.3 Local authorities are required to add to the list of assets, as soon as practicable:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date this was received
  - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
  - c) where relevant, that the full moratorium has been triggered
  - d) where (c) applies, the identity of the community interest group that triggered the full moratorium
- 3.4 Local authorities are required to remove an asset from the List, as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal)
  - b) when an appeal against a listing has been successful
  - c) when they form the opinion that the land or building is no longer of community value
  - d) or no later than 5 years from the date of entry on the list.

## Land which may, and may not, be listed as an asset of community value

3.5 If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or other land in a local authority's area is land of community value if in the opinion of the authority —

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

3.6 There are some categories of assets that are excluded from listing. The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence. Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Regulations. "The same ownership" includes ownership by different trusts of land settled by the same settlor, as well as literally the same individual owner.

3.7 There is an exception to this general exclusion of residential property from listing. This is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

3.8 There are two further categories of assets excluded from listing:

- (a) Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1 to the Regulations.

(b) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 to the Regulations.

# Section 4

## Who may nominate

4.1 Local authorities cannot list land on their own initiative - it must be nominated. For a local group to be able to nominate land it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority (an authority which shares a boundary with the authority in which the asset is located).

4.2 The voluntary or community bodies which may make community nominations are set out below:

**Parish Councils.** This may be for an asset in its own area, or in the neighbouring parish council.

**Neighbouring Parish Councils.** If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

**Unincorporated groups.** Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

**Neighbourhood forums.** The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

**Community interest groups with a local connection.** These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing

d) An industrial and provident society that is non- profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

- 4.3 In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

# Section 5

## Contents of a nomination

- 5.1 A nomination must include the following information for the local authority to consider:
- I. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
  - II. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
  - III. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
  - IV. The nominator's eligibility to make the nomination.
- 5.2 Local authorities may wish to consider having a named point of contact for community groups to send their nominations to.
- 5.3 Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.



# Section 6

## Procedure when considering listing

- 6.1 The local authority is required to make a decision in response to a nomination within 8 weeks of receiving the nomination.
- 6.2 The local authority must take all practicable steps to inform the following if an asset has been nominated:
- a parish council (if any) in which the land lies (or partly lies),
  - the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.
  - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
  - any lawful occupant (which could include a licensee).
- 6.3 When an asset is added to or removed from the list, the local authority must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Localism Act.<sup>4</sup>
- 6.4 Local authorities must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- 6.5 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act)

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<sup>4</sup> <http://www.legislation.gov.uk/ukpga/2011/20/section/91/enacted>

# Section 7

## Procedure to be followed for listing review

- 7.1 If an asset has been included on the List, an owner has the right to request the local authority to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.
- 7.2 Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It must be conducted by an officer of appropriate seniority, who did not take part in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.
- 7.3 The owner and/or their representative may make representations to the reviewer orally and/or in writing. The authority must complete their review within 8 weeks, unless a longer period has been agreed in writing.
- 7.4 The owner and authority will bear their own costs of the review.
- 7.5 If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or - if the property has been sold in the meantime - the new owner.

# Section 8

## Appeal against a listing review

- 8.1 An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.
- 8.2 Owners should send the appeal in writing to the First-Tier Tribunal at:
- Tribunal Clerk,  
Community Right to Bid Appeals  
HM Courts & Tribunals  
First-tier Tribunal (General Regulatory Chamber)  
P.O. Box 9300  
Leicester, LE1 8DJ
- 8.3 Owners may also send an appeal to the First-Tier Tribunal by email at:  
[GRC.CommunityRights@hmcts.gsi.gov.uk](mailto:GRC.CommunityRights@hmcts.gsi.gov.uk)

# Section 9

## Moratorium

- 9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. “Relevant disposal” is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.
- 9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset
- 9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner’s intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.
- 9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:
- (a) A charity
  - (b) A community interest company
  - (c) A company limited by guarantee that is non profit distributing
  - (d) An industrial and provident society that is non profit distributing
- (these groups will be renamed as community benefit societies by the

Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

- 9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).
- 9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium.
- 9.7 There are a number of types of disposals which are exempt from the moratorium requirements, as set out in section 95(5) of the Act and in Schedule 3 to the Regulations. The full list of exemptions is set out in Annex A.

# Section 10

## Compensation

- 10.1 Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 10.2 The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 10.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 10.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.
- 10.5 The compensation scheme does not extend to public authorities and bodies. These are defined as:
- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
  - bodies which receive the majority of their funding from public sources which may be examined by the Comptroller and Auditor General under section 7 of the National Audit Act 1983; and,
  - local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998

- 10.6 As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.
- 10.7 In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.
- 10.8 Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:
- Albert Joyce,  
Community Assets Team,  
5/A4 Eland House,  
Bressenden Place  
London  
SW1E 5DU
- or by email at: [righttobid@communities.gsi.gov.uk](mailto:righttobid@communities.gsi.gov.uk)
- 10.9 New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. We will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

# Section 11

## Internal review of compensation decision

- 11.1 The Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.
- 11.2 The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

## Independent Appeal

- 11.3 An owner may appeal to a Tribunal against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules – 28 days from receiving the local authority's decision on the compensation review. Only the owner – or former owner – who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).
- 11.4 As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.



# Section 12

## Enforcement

- 12.1 The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.
- 12.2 Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.
- 12.3 Local authorities are required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details) .
- 12.4 Amendments to the Land Registration Rules 2003 have been made to add further safeguards against non-compliance. Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the listed asset has changed. This restriction will be in a form of wording newly added to Schedule 4 to the Rules, as Form QQ. This is “No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011“. An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 12.5 When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

# Annex A

## Exemptions

With regard to the following exemptions (with the exception of the first), the local authority will usually not know that the disposal is taking place, because an owner who is confident that the transfer they contemplate will be exempt will not need to notify the authority of intention to sell under section 95(2) of the Act. In some cases an owner may not be sure whether they are going to succeed in making an exempt disposal or not – for instance if they wish to sell the land together with a business sold as a going concern – and may notify the authority as a precaution. In that situation, if they were successful in arranging an exempt disposal, they could enter into a binding contract during the moratorium period. There is no requirement in the legislation that in such circumstances the owner has to explain to the local authority that the disposal is exempt. However it would be helpful for them to do so, and authorities might want to include advice to this effect in any explanation they send to owners about how the moratorium rules work.

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium. Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. disposals between family members (“family member” is defined in section 95(7) of the Act as the owner’s spouse or partner and descendants of grandparents – which includes the owner’s own parents, but not the grandparents)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)

- g. sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. transfers (not in pursuance of a court order) as part of a separation agreement between spouses or civil partners (or ex ditto) including agreements for care of dependent children
- m. a transfer (not in pursuance of a court order) for the purposes of any enactment relating to incapacity, with "incapacity" being widely defined to include physical and mental impairment and any interference with capacity to deal with financial and property matters
- n. a disposal made in pursuance of a legally enforceable requirement that it should be made to a specific person, including disposals required under planning obligation agreements; and in the case of an option to buy, nomination right, pre-emption right or right of first refusal only if the agreement was entered into before the land was listed (and in this context it should be noted that an option etc entered into *after* the land is listed would count as a relevant disposal under section 96(4) of the Act)
- o. disposals of a description which brings them within the Crichton Down rules (where the land was acquired by compulsory purchase but is no longer needed, and the disposal is by way of return to the original owner or their descendants) – see DCLG Circular 06/04 "Compulsory Purchase and the Crichton Down Rules":  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. disposal of land under bankruptcy or other insolvency proceedings – the wording is "insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986", which gives a very wide definition of insolvency proceedings
- r. compulsory purchase disposals (see the wide definition of "statutory compulsory purchase" in regulation 1, which includes disposals by a purchaser deemed to acquire the land compulsorily under a statutory blight notice, and also disposals by agreement where a compulsory power could be used)

- s. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t. transfers between connected companies in a group of companies (using the definition of “group undertaking” in section 1161(5) of the Companies Act 2006, modified to restrict “undertaking” to a body corporate)
- u. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)<sup>5</sup>. See final paragraph below for details.
- v. disposals of closed Church of England churches under Part 6 of the Mission and Pastoral Measure 2011: the lengthy process in Part 6 of the Measure involves public consultation, and at the end of it the building will either be sold or leased for an agreed purpose, or demolished, or transferred to the Churches Conservation Trust for preservation – following which outcomes it will once more be possible to list the building and land if appropriate.
- w. disposals by any owner for the purpose of continuing health service provision on the land (in accordance with section 1(1) of the National Health Service Act 2006)
- x. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- y. disposal of land subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the Assets moratorium rules were complied with.

## Details regarding part-listed land and land with a residence

Similar rules apply for determining how much land constitutes land with a residence (for exclusion from listing in Schedule 1 to the Regulations) and how much land constitutes a single site for qualifying as a part-listed site (as an exempt disposal in Schedule 3 to the Regulations). In order to ensure that the same rules apply to registered and unregistered land, the approach taken has not been based on title. Instead, it is necessary to look at whether the site in question is one coherent parcel of land all owned by a single owner, so

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<sup>5</sup> the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –

- (1) part of which is land included in a local authority’s list of assets of community value, and
- (2) part of which is land not included in any local authority’s list of assets of community value.

that it is possible to reach one part from another without crossing land owned by somebody else. However there are two qualifications to be taken into account:

- Firstly, “a single owner” has an expanded meaning covering more than simply the same person or joint owners. It includes also trustees of different trusts of land which was settled by the same settlor – see definition of “single owner” in regulation 1.
- Secondly, where it would otherwise be reasonable to regard the land as one coherent parcel, the fact that it is crossed by a road, railway, canal or river in other ownership is to be ignored.

# Annex B

## Glossary

<i>Asset</i>	A building or other land
<i>The Community Right to Bid</i>	The name by which the Assets of Community Value scheme is commonly known.
<i>Land of community value</i>	Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. See section 88 of the Act.
<i>List of assets of community value</i>	A list maintained by a local authority of land in its area of community value. See section 87 of the Act.
<i>Voluntary or community body</i>	A group which can nominate land, so long as it has a local connection with the land. See regulation 5.
<i>Local connection</i>	The requirement that a group’s activities and use of any profits (where relevant) must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. See regulation 4.
<i>Relevant disposal</i>	The transfer of the freehold, or the grant or assignment of a lease originally granted for at least 25 years, giving vacant possession to the new owner. See section 96 of the Act.

### *Exempt disposal*

A relevant disposal for which the land owner does not have to observe section 95(1) of the Act. There are two sorts of exempt disposal:

- one where the owner does notify the local authority of intention to sell, so that the moratorium applies, but can sell during the moratorium to a community interest group;
- fully exempt disposals where the owner can simply go ahead without notifying the local authority at all. These are set out in section 95(5) of the Act and Schedule 3 to the Regulations.

### *Moratorium period*

A period of time during which the owner of listed land cannot make a non-exempt relevant disposal, other than to a voluntary or community body. There are two moratorium periods (see section 95(6) of the Act), both running from the same start date (when the owner notifies the local authority of an intention to sell):

- the interim moratorium - 6 weeks;
- the full moratorium - 6 months.

### *Protected period*

A period of 18 months (running from the date the owner notified the local authority of an intention to sell). Once any moratorium period has finished, the same owner can sell during the remainder of the protected period without having to comply with the section 95 requirements again.

### *Listing review*

A review by a local authority at the request of the owner of their decision to list a building or other land as an asset of community value. See section 92 of the Act, and for procedure on the review Schedule 2 to the Regulations.

<i>Compensation review</i>	A review by a local authority at the request of the owner of their decision in response to a claim for compensation for loss or expense caused by listing their building or other land as an asset of community value. See section 99 of the Act, regulation 16, and for procedure on the review Schedule 2 to the Regulations.
<i>Conveyancer</i>	The owner of listed, or formerly listed, land will in some circumstances have to provide a certificate by a conveyancer that a disposal has not contravened section 95(1) of the Act. "Conveyancer" in this context has the meaning given in rule 217A of the Land Registration Rules 2003, including a solicitor, a barrister, and a licensed conveyancer.
<i>The Act</i>	The Localism Act 2011
<i>Community interest group</i>	<p>A group which, for land with which it has a local connection, may –</p> <ul style="list-style-type: none"> <li>○ ask to be treated as a potential bidder for listed land which the owner wishes to sell, thus triggering the full moratorium of 6 months</li> <li>○ buy listed land during the moratorium period</li> <li>○ nominate land for listing (since the requirements for a voluntary or community body include the requirements for a community interest group).</li> </ul> <p>It must be a charity or community interest company, or a non-profit distributing industrial and provident society or company limited by guarantee.</p> <p>See sections 89 and 95, and regulations 5 and 12.</p>
<i>Nomination</i>	A request to the relevant local authority that land be entered on its list of assets of community value, containing the information specified in regulation 6. See also section 89 of the Act.



(Note that although the Act allows for a possible distinction between community nominations and other nominations, the regulations provide only for community nominations – therefore all nominations will be community nominations.)

*Local authority*

In England, a district council, county council for an area with no district councils, London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly. See section 106 of the Act.

*Restriction on the Land Register*

An entry on the register preventing dealing with the land until the requisite condition has been complied with – in this case set out in Form QQ to be added to Schedule 4 to the Land Registration Rules 2003:

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

*Ineffective transfer of land*

A purported disposal of land which in fact does not have any effect – ownership of the land remains with the original owner.

## What is an 'asset of community value'?

Building or other land will be considered an asset of community value if:

- Its current use furthers the social wellbeing and interests of the local community.
- that use is not an ancillary one; and
- For land in current community use there will continue to be a use which furthers social wellbeing and interests.

## Exclusions from listing

It is recognised that there are some categories of land that should be excluded from being listed. These will be set out in regulations but it's intended to exclude the following:

- Residential properties.
- Operational land used for transport, infrastructure etc by specified organisations.



## What is a 'community interest group'?

- A parish council
- Neighbourhood forums
- Unincorporated groups
- A community interest group with a local connection\* which is constituted in one of the following ways:
  - A company limited by guarantee.
  - An industrial and provident society.
  - A community interest company.
  - Any other body which is registered as a charity, including a charitable incorporated organisation.

\*A local connection means the groups' primary purpose is concerned with the local authority's area or the neighbourhood in which the asset is situated where this is in more than one authority's area.

## Commencement

The Community Right to Bid provision came into force on 21 September 2012.

Prepared by:  
Great Yarmouth Borough Council  
Corporate Strategy, Communities & Partnerships  
Section  
October 2012



# Localism Act

## A guide to the Community Right to Bid (Assets of Community Value)



**GREAT YARMOUTH**  
BOROUGH COUNCIL

Over the past decade every town, village or neighbourhood have been losing buildings and amenities that play a vital role in local life. They might include community centres, libraries, swimming pools, village shops, markets or pubs. Local life would not be the same without them, and if they are closed or sold into private use, it can be a real loss to the community.

Over the same period community asset ownership has been growing and delivering real benefits for many communities. In some cases, however, community groups who have attempted to take assets over have faced significant challenges. They often need more time to organise a bid and raise money than the private enterprises bidding against them.

The Government wants to give many more communities the opportunity to take control of assets and facilities in their neighbourhoods by providing the time for them to prepare a proposal and giving them the opportunity to bid for public or private sector property that the Council has included in a list of assets that would be of benefit to the community.



It gives communities the right to identify a building or other land that they believe to be of importance to their community's social well being. If the asset comes up for sale, they will be given a fair chance to make a bid to buy it on the open market.

If the nominated asset meets the definition of an asset of community value, the local authority will list it. The owner will have a right to a review by the council and an appeal to an independent tribunal. Nothing further will happen unless and until the owner decides to dispose of the asset, either through a freehold sale or the grant of a lease for at least twenty-five years. Some types of disposal will be exempt from this process and unless an exemption applies the owner will only be able to dispose of the asset after a specified window (moratorium period) has expired.

The first part of this window will allow community interest groups to express a written intention to bid. If none do so in this period, the owner is free to sell their asset. If a community interest group does express an intention to bid during this interim period, then the full window will operate. After that, the owner is again free to sell to whomever they choose and no further window can be triggered for a protected period.

There will be a compensation scheme enabling private property owners to claim for costs or loss incurred as a direct result of complying with the procedures required by the provisions. Claims will be made to the local authority. There will also be a right of internal review of a compensation decision and of appeal to an independent tribunal on a point of law against the review decision.



## The community right to bid section in the Localism Act

- **Does not** restrict in any way who the owner of a listed asset can sell his property to, or at what price.
- **Does not** confer a right of first refusal to community interest groups.
- **Does not** place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

**Subject:** **HOUSING REVENUE ACCOUNT – OUTTURN 2015-16  
(SUBJECT TO AUDIT)**

**Report to:** **Policy and Resources - 26<sup>th</sup> July 2016**  
**Housing & Neighbourhoods Committee – 28<sup>th</sup> July 2016**

**Report by:** **Housing Business and Finance Manager**

**SUBJECT MATTER AND RECOMMENDATION / DECISION REQUIRED:**

This report sets out the outturn position of the Housing Revenue Account 2015-16 (subject to Audit review – completion September 2016)

**1. Introduction**

- 1.1 There is a statutory requirement to maintain a Housing Revenue Account (HRA) and that account must not show a deficit. The HRA is a separate (ring fenced) account of the Council covering income and expenditure relating to its role as landlord. Under the self financing arrangements for local authorities, the HRA records the costs of management and maintenance of the Council's dwellings and the related income from rents and other charges. The Government provides guidance on what should be included in the HRA to protect Council tenants.

**2 HRA Outturn 2015-16**

- 2.1 The Housing Revenue Accounts annual outturn was a surplus of £2.7m against a Forecasted surplus of £921k, resulting in a favourable variance of £1.8m.
- 2.2 Table 1 shows a summary of the HRA Income and Expenditure Statement. This summary is from the provisional 2015-16 Statements of Accounts for Great Yarmouth Borough Council, which will be presented to Council for approval in September 2016.
- 2.3 Table 2 shows the HRA Capital Programme Outturn for 2015-16.

**Table 1 – HRA Income and Expenditure 2015-2016**

Income / Expenditure	Original Budget 2015-16	Forecast Budget 2015-16	Outturn Expenditure 2015-16	Variance to Forecast	Comments
Dwelling Rents	(22,490)	(22,490)	(22,589)	(99)	Under estimated Rental income.
Other Non-Dwelling Rents	(218)	(218)	(247)	(28)	Garages and Stores income
Charges for Services & Facilities	(1,362)	(1,357)	(1,253)	103	Overestimated budget for tenant adaptation contributions
Contribution towards Expenditure	(142)	(142)	(150)	(8)	
Interest & Investment Income	(13)	(13)	(17)	(4)	
<b>Income Total</b>	<b>(24,225)</b>	<b>(24,220)</b>	<b>(24,256)</b>	<b>(36)</b>	
Repairs and Maintenance	10,935	10,426	8,741	(1,685)	Majority of Neighbourhood Plans expenditure was actually Capital works and moved to the Capital Programme in 2015-16.
Supervision and Management	4,469	4,489	4,505	17	
Rents, Rates and Taxes	162	164	153	(12)	
Capital Exp. funded by HRA	6,464	2,039	2,256	217	
Depreciation - Dwellings	2,854	2,920	2,920	0	Depreciation of Council Dwellings in year – under estimated
Depreciation Non Dwelling	131	119	123	4	Depreciation of Other HRA property in year
Impairment/(Gain) of Fixed Assets	0	0	(14,273)	(14,273)	Gain on Housing Stock/other HRA Property Valuation.
HRA Interest Payable	2,693	2,821	2,642	(179)	Interest Payable lower – small amount of loans paid off in year.
Provision - Bad & Doubtful Debts	150	150	64	(86)	Long term debtors – lower than anticipated for 1516
<b>Expenditure Total</b>	<b>27,858</b>	<b>23,128</b>	<b>7,131</b>	<b>(15,997)</b>	
Movement on the HRA Statement (summarised)	171	171	14,372	14,193	Pension Costs lower than anticipated at year end. Valuation gain of housing stock not estimated in budget.
<b>(Surplus)/Deficit Outturn</b>	<b>3,804</b>	<b>(921)</b>	<b>(2,753)</b>	<b>(1,840)</b>	

- 2.4 Income from Charges for services and Facilities were less than anticipated due to a reduced amount of contributions from tenants on Adaptations works.
- 2.5 Within the planned repairs and maintenance works, the neighbourhood planned works spent £1.6m in 2015-16. The Majority of this - £1.4m, was transferred to the Capital programme at year end, due to the works carried out being more capital improvement works rather than revenue repairs works. These include new and secure door entry screens and updated intercom door entry fob systems at Da Volls Court and Conway Road. In addition to this, the car park repairs budget was not spent in year (£100k) and savings were made on the rewires and legionella budgets (£110k).
- 2.6 The supervision and management budget was slightly over spent due to an extra cost on IT system upgrades for Housing tenancy Services. These were in conjunction with the Council's digital by design programme.
- 2.7 Capital Expenditure funded by the HRA was in line to revised forecasts. The Stock condition survey and flat roofing works didn't begin in 15/16, and will now commence in 2016-17. Savings were made in year on other capital projects such new communal heating systems, new sewer connections, and heating one offs.
- 2.8 In year, a revaluation gain of £14m was applied to the value of the Housing Dwellings in 2015-15. Usually this gain would increase the balance on the HRA Revaluation reserve, but in 2015-16, only £215k was posted to the Revaluation Reserve and overall £14m was credited to the HRA Income and Expenditure Account to offset losses relating to dwellings that have been previously charged here.
- 2.9 The Dwelling revaluation gain of £14m included in the HRA Income and Expenditure Account has been reversed out, in the statement of Movement on the HRA Balance, so that this transaction has no impact on the HRA Balance.
- 2.10 Interest Payable has been reduced in year due to repayment of loans in 2015-16.

**Table 2 – Capital Expenditure and Financing Outturn – 2015-16**

	Original Budget 2015-16	Forecast Budget 2015-16	Outturn 2015-16	Variance to forecast	Comments
	£000	£000	£000	£000	
Improvement Programme	3,956	2,579	2,629	50	Kitchen & Bathroom & Windows & Bathrooms.
Planned Maintenance	1,050	793	1,939	1,146	Increase in Neighbourhood planned capital works.
Energy & Efficiency Improvements	2,557	1,271	1,020	(251)	Savings on communal heating programme upgrades.
Specific Planned Projects	291	390	160	(230)	Stock condition survey moved to Quarter 1 16/17
Estate Improvements	422	515	234	(281)	Savings on new sewer connection work. Other works to commence in 16/17
Empty Properties	545	406	800	394	Underestimated budget for major voids works.
New Build	2,000	0	0	0	Programmed moved to 2016-17
<b>Total Expenditure</b>	<b>10,821</b>	<b>5,954</b>	<b>6,782</b>	<b>828</b>	
Borrowing	959	0	0	0	
Capital Receipts	877	877	1,483	606	Under estimated Receipts from sale of housing land/stock in year.
Major Repairs Reserve	2,980	3,039	3,043	4	Depreciation as estimated.
Revenue	6,005	2,038	2,256	218	Contribution from revenue.
<b>Total Financing</b>	<b>10,821</b>	<b>5,954</b>	<b>6,782</b>	<b>828</b>	



- 2.11 Capital Expenditure on HRA property amounted to £6.782m in 2015-16 (£8.721m in 2014-15). This has resulted in an overspend of £841k, against a revised forecast budget of £5,941m.
- 2.12 The Kitchen contract was successfully completed during November 2015. 390 kitchens including a large number of "Category 1 Hazard" essential improvements including structural alterations asbestos removal and partial re-wire.
- 2.13 The Bathroom contract was successfully completed during November 2015 also. 166 bathroom's and separate toilets were completed including the installation of economy saving environmentally friendly shower installations and upgrades.
- 2.14 50 rewires have been completed in 2015/16. In some of the rewired properties, kitchen refurbishments had already taken place and new consumer units had been fitted; this resulted in deductions in the unit cost price, and so in addition to the originally planned 45 rewires, 4 more have completed without exceeding the budget.
- 2.15 The 15/16 programme of replacement of heating systems was completed in year. The 2016/17 programme is running ahead of schedule and a report will be presented to Council in September requesting an addition to the capital programme to increase the volumes for this year.
- 2.16 Within the Energy Efficiency programme, Loft insulation works, coved ceilings and External wall insulation works have been deferred into the Neighbourhood Plan programme. Delivery of works will now commence during 2016/17.
- 2.17 The Communal Heating programme completed with a saving of £200k. Works are now complete at Manor close, Grenville Place, Suffolk Road. The boiler rooms have now been successfully completed within three properties at Suffolk Close. The second boiler room and nine properties have also been completed. The proposed upgrade to the Boiler at Charter Close and services are due for a possible start in August 2016.
- 2.18 Within specific planned projects, we had the first time installation of sewerage systems project. Rural properties at St. Michaels Close, Croft Hill, Filby Road and Ferry Court were connected to mains foul drainage in 2015/16.
- 2.19 Stock Condition Survey consultants successfully procured the contract in 2015. Surveys are now due to commence in the 2nd Quarter of 2016/17.
- 2.20 Within the planned maintenance budget - £1.4m of neighbourhood planned work was transferred from Revenue to Capital, due to the nature of improvement works completed.
- 2.21 The Empty Properties budget was over spend by £395k. The void standard has been greatly enhanced in 2015-16, to include higher standard of works and now incorporates Asbestos and cleaning/clearing works. Savings have been made on the Asbestos budgets in year



### 3 Review of Variances 2015-16

3.1 The significant variances for 2015-16 are set out below in Table 3, by Housing Revenue Service.

**Table 3 – Major Variances by HRA Service.**

HRA Service	Original Budget 2015-16	Forecast Budget 2015-16	Outturn 2015-16	Variance Forecast Budget	Comments
	£000	£000	£000	£000	
Accounting Adjustments	171	171	14,372	14,201	Year-end accounting adjustments – pension & Asset revaluations.
Adaptations for the Disabled	535	535	358	(177)	Demand led service
Capital Financing expenditure	12,290	8,017	(6,233)	(14,250)	Financing of Capital Exp & Loan interest payments. Asset revaluations.
Tenancy Services	2,062	2,130	2,376	246	IT costs higher than budgeted Internal recharges higher than budgeted
Maintenance & Improvement	10,030	9,521	7,960	(1,561)	Demand led service on Responsive Repairs. Neighbourhood planned work transferred to Capital.
Environmental Services	651	665	650	(15)	Tree cutting, fly tipping clearance works.
Tenant Participation	29	29	20	(9)	
HRA Income	(23,019)	(23,013)	(23,147)	(134)	Budgeted rental income under budgeted.
Sheltered Housing – Landlord Costs	84	89	96	7	Sheltered housing General costs – Rates, Insurance & Utility costs
Sheltered Housing – Outreach	0	(19)	8	27	Sheltered Housing Support - Internal recharges higher than expected.
Supporting People warden service	199	198	212	14	
Yare care Alarm Scheme	77	77	198	121	Yare care alarm Scheme & out of hours Service. Internal recharges higher than expected.
Housing Landlord Costs	694	679	377	(302)	Tenanted Communal Area general costs – Rates, insurance, Utility costs
<b>Total</b>	<b>3,803</b>	<b>(921)</b>	<b>(2,753)</b>	<b>1,840</b>	

- 4 As a result of the 2015-16 surplus in year, the HRA is holding a higher balance moving into 2016-17 than originally anticipated, as shown in Table 4.
- 4.1 The build-up of higher levels of balance than would normally be expected has been a deliberate policy in order to mitigate the impact of the 1% rent reduction over the next four years and the anticipated impact of the forthcoming 'sale of higher value properties' and 'pay to stay'. When the full implications of the latter two are known, this information, along with the data from this year's complete stock conditions survey, will be used to re-set the HRA Business Plan for the next 30 years. As well as mitigating the impact of the changes above, the reserves will help us to ramp up delivery of improvement programmes in line with the needs identified in the stock condition survey.

**Table 4 – Housing Revenue Account - Reserves Summary.**

<b>Housing Revenue Account Balances – Movement 2015-16</b>	<b>£000</b>
Opening Balance - 1 April 2015	6,584
Add Expected forecast Surplus/ (Deficit)	921
<b>Forecast Balance</b>	<b>7,505</b>
Actual Surplus/ (Deficit)	2,753
<b>Balance Carried forward – 1 April 2016 (subject to Audit)</b>	<b>9,337</b>

## **5 Right to Buy Receipts Outturn 2015-16**

- 5.1 There were a similar number of RTB sales during 2015-16 compared to 2014-15.
- 5.2 The Council had 39 Right to Buy Sales during 2015-16 against an estimated figure of 40. (40 in 2014-15). One further housing property was sold at Auction.
- 5.3 The Council was responsible for managing stock of 5903 dwellings as at the 31 March 2016 (5943 in 2014-15).
- 5.4 Table 5 shows a summary on the movement and breakdown of the Housing Stock during 2015-16.

**Table 5 – Housing Stock summary.**

	<b>2014-15</b>	<b>2015-16</b>
<b>Stock as at 1 April</b>	<b>5970</b>	<b>5943</b>
<b>Less:</b>		
- Sales	-41	-40
- Conversions	0	0
- Demolished	0	0
<b>Add</b>		
- New dwellings	13	0
- Repurchase/Purchase	1	0
<b>Stock as at 31 March</b>	<b>5943</b>	<b>5903</b>

<b>Summary of Housing Stock</b>		
<b>Houses</b>	2384	2352
<b>Flats and Maisonettes</b>	2668	2661
<b>Bungalows</b>	891	890
	<b>5943</b>	<b>5903</b>

Departmental reference:

G:\HRA\2015-2016\201516 YEAR END...

[HRA Outturn Report 15-16.docx](#)

[HRA 1516 final outturn JB 040716.xlsx](#)

[..\2. Monitoring - HRA Capital Programme 1516\Qtr 4\Capital Expenditure 1516 P12 - 150616.xls](#)

[..\RTB and Quarterly Pooling Returns 1516\Qtr 4\6. R15 Q3 Great Yarmouth RTB Model v14 QTR 4.xlsm](#)

[..\RTB and Quarterly Pooling Returns 1516\Qtr 4\3. R15 Stock Analysis - 1516 Working Paper Q4.xlsx](#)

Does this report raise any legal, financial, risk, sustainability, equality, crime and disorder, human rights or every child matters issues and, if so, have they been considered?	Issues	
	Legal	Yes, and taken into account
	Financial	Yes, and taken into account
	Risk	Yes, and taken into account
	Sustainability	Yes, and taken into account
	Equality	No
	Crime and Disorder	No
	Human Rights	No
	Every Child Matters	No



Subject: BETTER CARE FUND/DISABLED FACILITIES GRANT  
LOCALITY PLAN

Report to: Housing & Neighbourhoods Committee 28<sup>TH</sup> July 2016

Report by: Vicky George – Group Manager: Housing Health & Wellbeing

#### **SUBJECT MATTER/RECOMMENDATIONS**

The report provides the context for the attached Better Care Fund/Disabled Facilities Grant Locality Plan, which requires endorsement by Housing & Neighbourhoods Committee.

#### **1. BACKGROUND**

Great Yarmouth Borough Council has a statutory obligation under the **Housing Grants Construction and Regeneration Act 1996** to deliver Disabled Facilities Grant. In order to meet the statutory obligation the Council receives capital funding via central government towards the cost of the works to adapt homes. This funding is topped up by the Council through additional borrowing to meet the demand for DFG and to ensure the Council meets its statutory obligation.

Historically this funding came direct to district councils from the Department of Local Government and Communities (DCLG). However from 2015 the funding became part of the Better Care Fund (BCF). The BCF is a pooled budget that enables the NHS and local authorities to jointly commission health and social care services, to drive development of integration locally.

For 2015/16 the DFG allocation within the BCF was ring-fenced and passed over to district councils to enable them to fulfil their statutory duty.

For 2016/17 the DFG allocation was increased as a consequence of the Department of Health adding the Social Care Capital Grant to it. With the increased allocation came the requirement that district councils, county councils and clinical commissioning groups must develop jointly agree locality plans for the allocation.

## **2. BCF/DFG PLAN FOR THE BOROUGH OF GREAT YARMOUTH**

The BCF/DFG funding allocation for 2016/17 for the borough is £941,786. In addition the Council agreed approved borrowing of £233,000 making a total pot of £1,174,786.

The attached plan has been developed in conjunction with the Head of Integrated Commissioning, which is a joint funded post between the CCG and Norfolk County Council. (NCC)

The plan is very clear that the delivery of DFG is the key priority as it is a statutory requirement. The plan takes a pragmatic approach about the resource required to deliver the level of spend on DFG; acknowledging that there are some temporary 'pinch points' within the current service as result of insufficient staff resource across the system. As such the plan highlights the need to use some of the capital resource to improve the service by tackling the waiting list for assessment by an Occupational Therapist. The plan also recognises that there will be an underspend and that this presents an opportunity to trial different approaches to assist people to remain in their own homes by carrying out essential capital works that either improve a person's health and wellbeing or facilitate an earlier return home from hospital or continuing care.

It is well documented that a person's home can have a major impact on their quality of life and general wellbeing. There are direct links between unsatisfactory housing and poor health particularly in older people, residents with disabilities or chronic illness and households with young children. The

Private Sector Housing Stock Conditions Survey 2012 provides data highlighting that there are some 8,340 vulnerable households in the borough of which 43% live in non-decent dwellings. Non-decent dwellings are defined as those, which are in a poor state of repair, don't have modern facilities, have inefficient heating system & ineffective insulation and fail to meet the Housing Health & Safety Rating System (HHSRS) minimum safety standards for housing.

### **Formal Agreement and Governance of the Plan**

Each CCG has a local BCF Partnership Board at which there is representation from the CCG, County Councils and the District Councils. This is where the locality plans will be formally agreed and signed off. The District Councils for Norfolk have suggested that the existing Strategy Group for Integrated Housing Adaptations widens its remit and membership to provide oversight on the delivery of the plans and this has been agreed in principle.

## **3. FINANCIAL IMPLICATIONS**

The increase to the capital allocation has more than doubled the funding for delivery of DFG. There will be a need to capitalise some of the revenue costs associated with the delivery of the BCF/DFG plan and discussions are underway with Finance on this issue.

The district councils are being asked to continue with their capital funding for DFG's on the same basis, which for Great Yarmouth has been based on previous year's outturn and is funded via approved borrowing.

The intention of BCF was to bring about integration between health and social care and now in respect of DFG District Councils as well. District Councils have historically topped-up the DFG fund from reserves or through approved borrowing. The question is being raised as to whether the County Council and

indeed the CCG should contribute to the overall capital pot in the same way the district councils do. Currently the County Council contributes revenue funding via Supporting People Grant to the Home Improvement Agencies across Norfolk and in Great Yarmouth the CCG also makes a contribution as does the district council.

#### **4. RISK IMPLICATIONS**

Delivery of DFG is a statutory obligation for district councils. The plan shows that there is demand for DFG but owing to local circumstances that are of a temporary nature there is insufficient resource to process the demand. If Council's fail to spend the allocation because the demand cannot be processed the chances are, the allocation will be reduced in future years. This could result in the Council needing to increase its capital contribution to meet the statutory duty as well as slowing down the process for applicants by introducing deferred approvals to prudently manage the reduced budget.

#### **5. CONCLUSIONS**

There is agreement within locality that delivery of DFG is the priority. However there is the acknowledgement that it will be virtually impossible to spend all of the allocation in 2016/17 on DFG owing the particular circumstances within locality around staff resource at this time.

It is concluded therefore that the approaches proposed in the locality plan offer the best chance of spending the allocation.

#### **6. RECOMMENDATIONS**

Housing & Neighbourhoods Committee endorse the BCF/DFG Locality Plan.



## 7. BACKGROUND PAPERS

### Great Yarmouth's BCF/DFG Locality Plan

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	14.7.16
Existing Council Policies:	Private Sector Housing Adaptation and Improvement Policy 2015
Financial Implications:	Addresses use of existing approved budgets
Legal Implications (including human rights):	Ensures delivery of statutory obligations to enable residents to continue to live in their own homes
Risk Implications:	As above
Equality Issues/EQIA assessment:	As above
Crime & Disorder:	None
Every Child Matters:	Ensures delivery of statutory obligations to enable residents, including children to continue to live in their own homes

Better Care Fund & Disabled Facilities Grant Locality Plan 2016/17			
Area covered:	Great Yarmouth		
DFG Funding:	£941,786		
Overview			
<p>This locality plan has been jointly developed by Great Yarmouth Borough Council, Norfolk County Council and Great Yarmouth and Waveney CCG in response to the BCF/DFG allocation for 2016/17 and in accordance with the BCF guidance which states:</p> <p><i>The Disabled Facilities Grant (DFG) will again be allocated through the Better Care Fund. Local housing authority representatives are required to be involved in developing and agreeing the plan, in order to ensure a joined-up approach to improving outcomes across health, social care and housing.</i></p> <p>The locality plan details how the BCF/DFG allocation will be spent. The first call on the allocation is to maximise the delivery of DFG’s, which are a statutory duty of the district councils by enhancing the resource needed to complete assessments and reduce waiting times for adaptations. The other key area of work acknowledges that there will be an underspend as explained more fully in the plan and that this presents an opportunity to target people whose health is being adversely impacted by their housing and where physical works including those identified under DFG can support a person to return and /or remain at home.</p> <p>This plan has been jointly developed and agreed to ensure the allocation is spent and that the outcome of keeping at home is delivered through this funding</p>			
Disabled Facilities Grant – Demand Trends, Expected Demand in 2016/17 and Planned Delivery:			
<p>The table below details the level of activity for Disabled Facilities Grant and spend since 2010. The number of completions, total spend and the average spend year on year is influenced by factors including number of recommendations received and the type &amp; complexity of the work needed.</p>			
Year	Completions	Total Spend	Average Cost
2010/2011	158	£1,051,132	£6,653
2011/2012	196	£960,174	£4,899
2012/2013	130	£724,177	£5,570
2013/2014	151	£755,989	£4,295
2014/2015	118	£606,497	£5,139
2015/2016	118	£687,974	£5,830

## Commentary

Using the data in the table it is calculated there will need to be 165 completions in 2016/17 to spend the allocation of £941,786. In order to achieve that number of completion the system will need over 200 recommendations based on last year's attrition rate of 40 cases. In order to reach over 200 recommendations for work there will need to be in the region of 230 assessments owing to approximately 1/3 of all assessments not resulting in a recommendation. Therefore without a significant increase in throughput starting with the number of recommendations for DFG work, Great Yarmouth will not be able to spend the BCF / DFG allocation for 2016/ 17 of £941,786

There is no shortage of potential demand for DFG with 208 <sup>1</sup>people currently on a waiting list for assessment either by an Occupational Therapist (OT) or an Assistant Practitioner (AP). The main issue is the availability of OT/AP resource both with the Integrated Housing Adaptation Team and Locality to complete an assessment of need so that a recommendation can be completed for a DFG.

The proposal is split into two areas;

- First, to use the funding available to temporarily increase the capacity of OTs/ Aps to increase the number of assessments carried out.
- Secondly, to manage the identified surplus pot of funding which would be used to support people to remain at home, but targeted on key cohorts of people which positively contribute towards the health and wellbeing of the borough residents. Funding would be focused on activity that would deliver against the national metrics for the BCF, which include;
  - o Delayed Transfers of Care
  - o Non-elective admissions into hospital
  - o Admissions into Care Homes

## Key considerations

It is important to note the following which has been part of the conversation to develop this joint plan;

- Capital contribution by Great Yarmouth Borough Council – currently the Borough has approved permission to borrow up to £233k, which can be used towards the delivery of DFG. Conversations have taken place about how this money may be used as part of the overall pot to keep people living in their own homes and that consideration is given to whether this is used to provide loans to people for home improvements (who would fall outside of the criteria for a DFG). This would also create an ongoing pot of funding for future years that could be used for this purpose
- The current funding of the Home Improvement Agency Service (Safe at Home) via Supporting People and the Clinical Commissioning Group. This funds the caseworker role which not only supports vulnerable applicant through the DFG process but also provides Information and Advice to people who contact the HIA. It is recognised that if this was withdrawn, it would significantly impact on the capacity of the HIA to support the delivery of the outcomes associated with BCF/ DFG.

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<sup>1</sup> Source: Waiting Lists held in the Locality Team and IHAT

## A BCF/DFG Locality Plan for *Great Yarmouth*

### Proposal 1:

#### Temporarily Increase the Capacity to Undertake Assessments for Adaptation Works

The proposal is to temporarily increase the Eastern locality OT resource by capitalising the revenue cost of providing the Occupational Therapists assessment for a disabled facilities grant. The intention is to use OT's that are on NCC's Bank register or private OTs on a fee basis, to deal with the existing waiting list for assessment. This temporary arrangement will be reviewed as NCC make appointments to vacant posts within IHAT, recruit for maternity cover within locality and review OT resource across health and social care following the Most Capable Provider process.

This proposal Acknowledges the current levels of the waiting list both within Integrated Housing Adaptation Team (IHAT) and the Locality and the need to process that demand as quickly as possible to ensure that the first call on the funding pot is for disabled facilities grants to adapt properties.

### Rationale/Evidence base

The evidence for this is the current combined waiting lists, in Locality and IHAT, of people waiting for an assessment along with current associated wait times. This stands at 208 people and the length of time people are having to wait is;

The oldest waiting time is currently	
Locality	IHAT
OT assessment: 16.12.2015 (21 weeks)	OT assessment: 18.01.2016 (17 weeks)
AP assessment: 06.11.2015 (27 weeks)	AP assessment: 24.11.2015 (25 weeks)

It is accepted that this needs to improve, especially as people who are waiting are at risk of a fall (due to requiring an adaptation) and subsequently could be admitted to hospital, impacting their health and wellbeing. DFG is seen as an important part of the prevention pathway and needs to be resourced adequately to ensure effectively delivery.

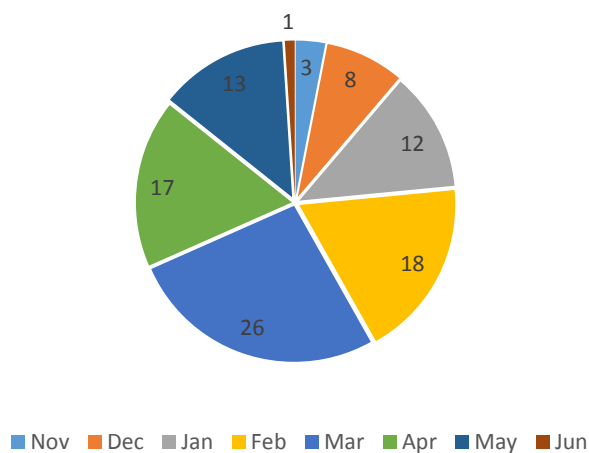
## IHAT Waiting List

The pie charts below show a breakdown of the IHAT waiting list as of the 03/06/2016. The charts detail how many people are waiting assessment and what month they joined the waiting list for that assessment

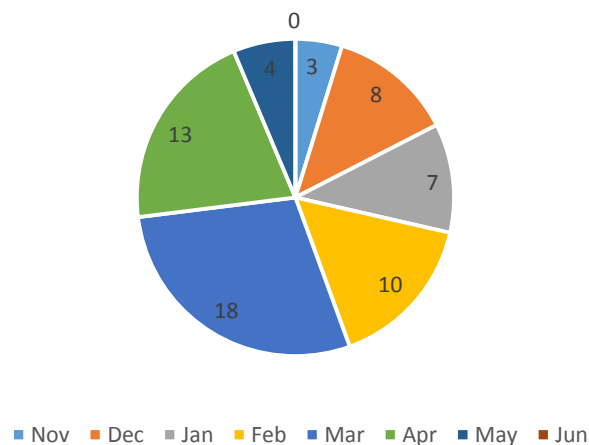
The first pie chart the total waiting list for IHAT and the second and third Pie charts are broken down by assessor. There are currently 63 people waiting for an Assistant Practitioner (AP) assessment and 35 waiting for an Occupational Therapist (OT) assessment. An AP will assess the more straight-forward cases

### IHAT GY - Waiting list figures as of 03/06/2016

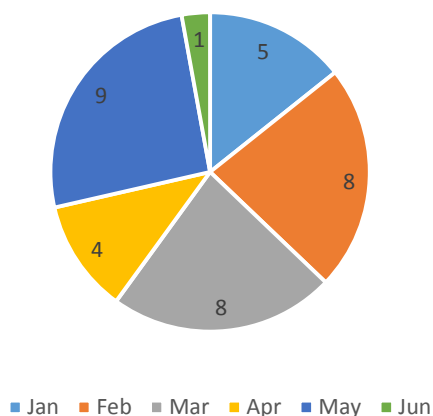
Combined waiting list - 98



AP waiting list - 63



OT waiting list - 35



A breakdown of cases on the waiting list in Locality is not available

## Outcomes

By increasing the number of assessments and recommendation the outcomes that will be achieved are;

- More people remaining independent in their home by improving the time taken for an adaptation to be completed.
- More people getting their adaptations quickly thereby enhancing their health & wellbeing
- Reduced reliance on other services such a home care as people have accessible homes that allow them to live independently
- More people being able to remain in the home of their choice within their established communities.

## **Proposal 2:**

### **Using Any Potential Surpluses to Target Funding to Help People to Remain Living Healthily at Home**

The objective of this scheme is to ensure that any potential surplus funding is used and targeted at people to provide a proactive prevention service to support people to remain at home. This could be done through a mixture of grants for small works and loans secured against the property for larger works.

Every month the service needs to process on average 17 OT/AP recommendations which equates to £97,927. The average monthly spend in 2015/16 was £57,331 leaving a net difference of £40,596.

In April for Great Yarmouth, the number of cases completed was 7 at a value of £35,217, leaving a net difference of £62,710, with a further commitment of 38 live cases having a total value of £322,218.

This funding would be used to target cohorts of people where improvements made to their home would deliver a clear benefit to their health and wellbeing and subsequently a reduction in demand for services.

The cohorts identified at this stage are;

- Hospital discharge cases
- Dementia Friendly works
- Assistive technology
- Repair works to a property when the defect is having an impact on vulnerable clients health e.g cold, mould, damp or 'preventative measures' to reduce risk of falls
- Identification of people (through risk stratification) who are at high risk of admissions into hospital
- Carers

It is proposed that there is no means test for these people as the focus is prevention activity to reduced demand on services.

Previously Great Yarmouth Borough Council provided Home Repair Grants which allowed for minor repairs or adaptations to go ahead with a greatly reduced application process. The criteria was;

- Eligible applicants – over 60 or have children under school age.
- On income related benefit or disabled
- No means test
- Maximum value of works not to exceed £5k over a three year period, allowing for multiple minor works
- No repayment

The intention would be to develop a scheme based on the Home Repair Grant Model.

In order to deliver this aspect there is an acknowledgement and an agreement by the partners that some of the surplus BCF/DFG funding will need to be used to fund a project officer for an initial period of one year to work across the organisations to develop and support the work required.

### **Rationale/Evidence base**

There is substantial national evidence of the impact of poor housing – ‘Building Better Lives’ states that improving housing can improve public health and children’s education and make communities more sustainable.

Every five years Councils are required undertake a stock condition survey of private sector housing. Great Yarmouth Borough Council last carried out an assessment in 2012 in conjunction with the Building Research Establishment (BRE). In addition the BRE were commissioned to undertake a Health Impact Assessment (HIA) using the stock condition survey data to consider the impact on health of the current housing conditions within the private sector. The

Some of the headline data is as follows:

- The annual cost to the NHS in Great Yarmouth of falling on stairs and steps etc. is estimated at £371,000 but the cost of carrying out works to an individual dwelling is less than £220 in over half the affected dwellings.
- Where excess cold is a category 1 hazard it is estimated that the potential annual saving to the NHS in Great Yarmouth is £338,000

The BRE report also references ‘The Real Cost of Poor Housing’ which makes the point that the costs to the NHS account for only 40% of the cost to society as a whole. The costs to society include, as the major items, the capital value of the dwelling, loss of future earnings, increased spending on benefit, the cost of moving and enforcement action by councils. Social Services costs following discharge from hospital may also feature.

The intention is to target the funding on cohorts of people identified from frontline interactions with the staff teams from across the organisations including the Community Outreach Team, Safe at Home, the Out of Hospital team, Swift Response and the discharge teams at the JPUH. Those people identified will have issues with their housing that are impacting on their health and are preventing them from safely remaining/returning home. Interventions will need to demonstrate that they deliver tangible benefits a person’s health and wellbeing as well as financial benefits to the public purse.

### **Outcomes**

- Provide proactive prevention which support people to remain at home
- Reduced admissions (and/ or re-admissions) into hospital, care homes
- Improve the condition of the private sector housing stock
- Helping vulnerable people tackle issues of disrepair that impact on their health and wellbeing
- Ensuring housing is a key consideration when looking to improve a person’s health and wellbeing.





Subject: SHRUBLANDS YOUTH AND ADULT CENTRE SITE

Report to: Housing and Neighbourhoods Committee 28 July 2016

Report by: Julie Woods Gorleston Neighbourhood Manager MESH

### **SUBJECT MATTER/RECOMMENDATIONS**

This paper is for information and to serve as an update upon the progress made at the Shrublands site around the integration of services to support the health and wellbeing of Gorleston Residents

## **1. INTRODUCTION/BACKGROUND**

‘The Shrublands’ is a 6 acre, multi-use site consisting of several buildings for both specialised and community use. The site was converted, in 1949, from a farm to Shrublands Youth and Adult Centre.

The Shrublands started as a testbed, integrating young people and adults in a centre designed to provide a meeting place, together with facilities for physical and mental recreation, social and intellectual development and to foster community spirit. This proved to be extremely successful with between 75,000 & 80,000 attendances per year recorded at the Centre in the mid-1960s.

Today, many of the original community buildings are still in place and extensively used, together with the original farmhouse and some new more modern purpose buildings; the Seagulls Sure Start Centre and Day Nursery, the Brooklands Short Stay School and a temporary modular building housing the Gorleston Medical Centre. The site currently houses the Council’s Neighbourhood Management Team, MESH, community Café, large hall, gym and several meeting spaces. The site is open seven days a week and in use from 8am to 10pm most days. It is owned and operated by Norfolk County Council.

In 2015, NHS Great Yarmouth and Waveney Clinical Commissioning Group

(HealthEast) undertook public consultation regarding GP Premises in Gorleston and Bradwell, seeking to rationalise and improve Primary Care capacity. Following consultation, the public preference was for Shrublands site to be developed as the main surgery. It was agreed that the development of a Primary Care Centre (PCC) should take place on the Shrublands site, with three GP Surgeries (Gorleston Medical Centre, Family Health Care Centre and Falkland Surgery) moving to the new PCC.

The planned redevelopment of the site is scheduled to conclude in 2020. This falls within the current 5 year extension to Planning Permission granted to the Gorleston Medical Centre's temporary modular building in 2015.

## 2. **DEVELOPING AN INTEGRATED MODEL ON A SHRUBLANDS CAMPUS**

Norfolk County Council, Great Yarmouth Borough Council, HealthEast and the Shrublands Trust partners have agreed the Shrublands site provides an opportunity to be an exemplar of community based partnership working and integration.

Opportunities around which to drive the integration forward include:

**Norfolk County Council** – NCC see the opportunity for developing the site as a community hub, including a base for a Community Clinic for Adult Services. Children's Services will provide children and young people and family early help services.

**Great Yarmouth Borough Council** – As well as providing a local base for staff 'hot-desking' whilst working in the neighbourhood, as part of the 'flexible working programme, the Council could also consider relocating the Neighbourhood Housing Office to the Shrublands site. The site will remain a base for the MESH Neighbourhood Team, also providing the base for the council's 'Neighbourhoods that Work' programme, a team of staff from a

variety of voluntary sector organisations, helping the local community to become better 'connected' and more resilient by promoting active involvement and providing life skills and employment support.

**HealthEast** – Following the recent public consultation to invest in Primary Care provision and facilities and increase the range of services available on the site, including up to three GP practices, the new 'out of hospital' team for Gorleston and southern Villages and potential for outreach services from the James Paget University Hospital.

**Strategic Leadership for Great Yarmouth** – Senior leaders from the council, NCC, HealthEast, Police, Fire & Rescue and Job Centre Plus have met to discuss the need for a more focused approach to integrating services for the benefit of residents in Great Yarmouth. The Shrublands project was one of the key projects that the group wants to take forward, which would enable the expansion of services with a stake in the Shrublands shared strategy.

The Shrublands site therefore provides a real opportunity to promote health and well-being in Gorleston through community based partnership working operating on three key integrated levels:

1. Building on the strengths of the local community and creating the conditions in which people are better able to support themselves, their friends and family and the wider community.
2. Providing early help to people when they need it, whether for health or care needs, education, employment and training or a range of other support. Whether from the public or voluntary sector, the support should be based around the person with 'no wrong front door' to help and a culture of collaboration
3. Providing more specialist support to residents, including 'out of hospital' healthcare, social care and supporting people to live well in the

community, including those with long term health conditions.

Partners are in agreement that the proposed development should be for the benefit of the community as a whole and they should work together to create a 'Shrublands Campus', incorporating Health, Social Care, Voluntary Sector Services and Community Groups. Great progress has been made in encouraging engagement across the system and existing site users, with stakeholder involvement and consultation at all levels.

Regular strategic meetings have been focused upon encouraging and increasing opportunities for integration across the proposed Shrublands Campus.

Discussion in these meetings has increased the range of services to be provided at the Shrublands site, including Mental Health, and Adult Social Care services. The group supports the concept of a Shrublands Campus, with Health and Social Care being provided alongside community groups, voluntary organisations and wellbeing services. These meetings have served to ascertain the needs of the current site users, and to explore the current site capacity. Plans are also to be established for integration of IT across the site in accordance with the principles of the Digital Roadmap.

LSI Architects are in the process of developing a Schedule of Accommodation for the site, which will be used to inform the design of the Shrublands Campus. This work is being undertaken with a view to optimising the design and layout of the site such that synergies may be created in the way services are delivered and located on the site. The Shrublands Campus model will have a shared reception area for a variety of services. This concept of there being 'no wrong front door' to the Campus will enable individuals to be directed to the services they require, but will also increase awareness of the many other facilities available throughout the Campus.

### 3. **FINANCIAL IMPLICATIONS**

At this stage there are no Financial Implications to the Council as part of a capital reconfiguration. Financial implications for the council will need to be reviewed based on how fully council services integrate on the site, in particular implications for the HRA if a decision were taken to move the Neighborhood Office. HealthEast are currently submitting bids to NHS England to fund the capital element. NCC have also proposed the scheme as a priority project for Norfolk's One Public Estate – looking at more effective joined up use of buildings in public ownership.

### 4. **RISK IMPLICATIONS**

At this stage there are limited risk implications from maintaining council involvement in the partnership.

It is hoped that through this potential development of the site the currently disused Grade 2 listed farmhouse, can be restored and brought back into use. However the nature of the site and the farmhouse's listed status has presented some design challenges. The listed status means that no development can take place in front of the farmhouse, meaning that the majority of the site (currently green space) is unavailable, and the development of the site must happen in and around existing buildings on the site.

### 5. **CONCLUSIONS**

The Shrublands Campus offers an opportunity to integrate services for the benefit of residents, aligning with the Neighbourhoods that Work principles changing the way we work with people with complex needs in a more effective and joined up way. It responds to the ambitions within the corporate plan around developing community hubs to support Early Help and prevent more costly service interventions at a later stage.

## 6. RECOMMENDATIONS

The Housing and Neighbourhoods committee are asked to note the contents of this report. Further updates will be shared as the project develops.

## 7. BACKGROUND PAPERS

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	None at this stage
Section 151 Officer Consultation:	Through EMT
Existing Council Policies:	Corporate Plan
Financial Implications:	To be determined and presented back to committees as the project progresses
Legal Implications (including human rights):	None at this stage
Risk Implications:	None at this stage
Equality Issues/EQIA assessment:	Scheme would be designed to have an overall positive impact
Crime & Disorder:	Scheme would be designed to have an overall positive impact
Every Child Matters:	Scheme would be designed to have an overall positive impact

Subject: DCLG Estates Regeneration Programme

Report to: Housing & Neighbourhoods Committee

Report by: Robert Read, Director of Housing & Neighbourhoods

Date: 28<sup>th</sup> July 2016

**SUBJECT MATTER/RECOMMENDATIONS**

**To update EMT on the application made to the DCLG to be part of the Estates Regeneration Programme**

**1. INTRODUCTION/BACKGROUND**

The Estates Regeneration Programme was launched in January 2016, when the Prime Minister announced a programme to improve the life chances of the most disadvantaged by working with a larger number of housing estates across the country to radically transform them. A fund of £140m was announced.

In February, an Estates Regeneration Advisory Panel was announced, chaired jointly by the then Housing Minister Brandon Lewis and Lord Heseltine.

On 26<sup>th</sup> May, The Council submitted an Expression of Interest in the Government's Estates Regeneration programme, with a view to looking at Estates near the Town centre as they most closely match the criteria for the scheme.

**2. RESPONSE FROM THE DCLG**

A telecon was held with DCLG on 7<sup>th</sup> July with an indication that, although Great Yarmouth's scheme was at a very early stage, they were interested in supporting the Council to further develop it.



Elements of the scheme that interested them included:

- The strong links between physical and social regeneration represented by neighbourhood management and the Neighbourhoods that Work Programme
- The strong track record of Great Yarmouth in community engagement
- The regeneration being part of a wider programme to improve place, local economy and life chances, e.g. the link to town centre regeneration
- Potential links to housing growth and improvement, represented by the nearby waterfront development prioritised in the Local Plan and potential for an improvement programme for private sector stock

The scheme is likely to be formally launched shortly and the DCLG will want to move quickly to start developing schemes. They have identified 3 stages in the programme:

- Preparation
- Planning
- Delivery

It is likely that the Planning stage will be where £140m will be spent across the country and is likely to be in the form of a loan. However, there is also likely to be central support in the form of expertise such as in design, finance, community engagement and planning. There is also likely to be relationship management with partners provided through the Homes & Communities Agency.

Great Yarmouth has been asked to pilot the DCLG's new self-assessment tool to determine what stage we are at, the resources and skills that we have and what central support would suit us best.

DCLG have stressed that the scheme is focused on 'improving life chances'

as much as physical regeneration of estates.

DCLG were very keen to stress their advice, based on best practice models, to begin community engagement from the very outset of the scheme.

### **3. FINANCIAL IMPLICATIONS**

At the present time, there are no financial implications other than the need to resource the initial self-assessment work and community engagement which will be undertaken using existing resources.

Further financial implications will be assessed as the scheme progresses.

### **4. RISK IMPLICATIONS**

The key risk issue at this stage is ensuring that the scheme is seen in a positive light and that communication and community engagement is managed carefully in order to prevent any unsettlement amongst residents of the estate.

This can be managed through the expertise of the neighbourhood management team working with housing staff and local Members.

### **5. CONCLUSIONS**

The Estates Regeneration Programme represents a good opportunity to draw in support to look at the physical regeneration of estates and to link it closely to both the Neighbourhoods that Work Programme and wider town centre regeneration.

### **6. RECOMMENDATIONS**

- To work with the Government to pilot the self-assessment tool and to follow through with any support offered in the preparation stage.
- To present this report to the Housing & Neighbourhoods Committee

## 7. BACKGROUND PAPERS

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	None
Section 151 Officer Consultation:	Through EMT
Existing Council Policies:	Corporate Plan
Financial Implications:	As above
Legal Implications (including human rights):	None identified at present though these are likely to arise and will need to be appraised as the scheme progresses
Risk Implications:	As above
Equality Issues/EQIA assessment:	The scheme is designed to improve the life chances of all residents and equalities issues will need to be appraised as the scheme progresses
Crime & Disorder:	The scheme is designed to have a positive effect on crime and disorder
Every Child Matters:	The scheme is designed to have a positive effect on the life chances of children and young people

Subject: Quarter 1 Performance Report

Report to: Housing & Neighbourhoods Committee – 28 July 2016

Report by: Group Manager (Housing Services)

#### **SUBJECT MATTER/RECOMMENDATIONS**

The following gives an update on current performance of Housing & Neighbourhoods measures for the first quarter of 2016/17 (Apr – Jun) where progress is assessed against Targets which are set at the start of the financial year.

Progress against Targets is assessed by RAG (Red/Amber/Green) ratings and is also assessed in terms of Direction of Travel (DoT) through use of arrows.

The summary report, see attached, highlights performance measures that have not achieved the target for this period and measures that do not have a target but are moving in the wrong direction. The report also highlights a number of measures that are showing exceptional performance against targets.

Commentary is provided at the end of the summary report highlighting those measures that outturns are below target or moving in the wrong direction.

#### **RECOMMENDATIONS**

The actions are:

- All measures to be monitored during the next quarter

### **1. INTRODUCTION/BACKGROUND**

In September 2015 the Council agreed 'The Plan' which sets out its strategic vision and priorities for up to 2020. This establishes the framework against which the Council should measure its performance at both officer meetings (through regular management reports) and Member meetings (through performance reports).

This framework was considered as part of a review of the transformation programme, moving this programme into a business strategy, which maximises income streams, whilst at the same time meeting the Council's stated objectives in 'The Plan'.

The business strategy includes a new set of key projects which will be reported separately from the measures to the Policy & Resources committee.

## **2. Performance Measures**

### **Performance Measures – Highlights**

Performance measures cover the full range of services delivered within the area covered by the Housing & Neighbourhoods Committee. The details in the summary report provide quantitative information about the performance of these services and provide useful trend data. A traffic light status easily identifies if improvement is required.

There are several areas across the Council where performance is below the target level set (RAG rating) or where no target has been set performance is moving in the wrong directions (Direction of Travel). These measures are highlighted in the appropriate service committee section in the report.

The following areas of performance are brought to your attention:

#### **Improved performance:**

##### **1. Wherry Way Control Centre call handling – Alarm Calls answered within 30 seconds (HN13a)**

The control centre operates with a single call handler so when there are circumstances that result in exceptionally high volumes of calls the target can be missed. Alarm calls that come in together wait in a queue to be answered in accordance of priority. The Centre makes a number of calls in order to deal with an emergency alarm call such as contacting listed next of kin, calling the emergency services etc. In addition the Centre also handles a number of routine phone calls during office hours and from 5pm it handles all out of hours calls for the Council.

The standard industry target for Control Centres is 80%, so the current performance of 85.37%, with the additional calls that the call handler takes on out of office etc., shows exceptional performance in the team at Wherry Way.

##### **2. GYCH Rent Collection rate (HN04)**

Rent collection has continued to improve against the high bar set last year. This is despite the introduction of Universal Credit (UC) in the Borough where claimants receive their housing costs direct rather than paid to GYCH as landlord. As of 8.7.2016, there were 206 tenants in receipt of UC with combined rent arrears of £31,837.08. As further tenants claim UC the pressure on rent collection will grow.

#### **Data Quality note**

All data included in this report for the current financial year is provisional unaudited data and is categorised as management information. All current in-year results may therefore be subject to later revision.

3. **FINANCIAL IMPLICATIONS**

**None**

4. **RISK IMPLICATIONS**

**None**

5. **CONCLUSIONS**

**None**

6. **RECOMMENDATIONS**

The actions are:

- All measures to be monitored during the next quarter

7. **BACKGROUND PAPERS**

**None**

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

<b>Area for consideration</b>	<b>Comment</b>
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	N/A
Existing Council Policies:	None
Financial Implications:	None
Legal Implications (including human rights):	None
Risk Implications:	None
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A

**PERFORMANCE INDICATORS – SUMMARY REPORT QUARTER 1 (Apr – Jun) 2016/17**






**HOUSING AND NEIGHBOURHOODS COMMITTEE**

Measure	Previous Quarter	This Quarter	Target	Qtr 1 2015/16	Status	Trend	
						Last Period	Last Year
HN01 - Net cost of B&B (Quarterly Cumulative)	New indicator	£4,979	NA	New indicator		N/A	N/A
HN02 - Number of households in temporary accommodation (Quarterly Snapshot at last day of month)	52	52	50	84		↔	↑
HN03 - Number of a) Homeless acceptances b) Homeless preventions (Quarterly Cumulative)	101 129	31 21	NA NA	31 47		N/A N/A	↔ ↓
HN04 - Great Yarmouth Community Housing rent: GYCH rent collection rate a) % of rent & arrears collected b) Arrears as a % of rent debit c) Total rent arrears (Quarterly Cumulative)	99.65% 1.03% £244,184	95.52% 1.2% £281,668	95% 1.4% £333,000	95.21% 1.4% £333,849		↑	↑
HN05 - Number of a) Social housing applicants in allocation pool b) Social housing new applicants awaiting assessment (Quarterly Snapshot at last day of month)	220 465	257 400	NA 400	308 420		↓ ↑	↑ ↑
HN06 - Average Time to Re-let Local Authority Housing (Quarterly Cumulative)	54 days	45 days	48 days	37 days		↑	↓
HN07 - Time taken for Housing Options to match property (Quarterly Cumulative)	21 days	13 days	20 days	8.72 days		↑	↓
HN08 - Number of complaints of ASB received (includes flytipping; dog fouling; noise; smoke and accumulations) (Quarterly Cumulative)	2,105	1,979	NA	1,679		N/A	N/A

Measure	Previous Quarter	This Quarter	Target	Qtr 1 2015/16	Status	Trend	
						Last Period	Last Year
HN09 - Number of DFGs a) Recommendations received b) Approvals c) Completed (Quarterly Cumulative)	33* 28* 32*	38 32 21	NA NA NA			N/A N/A N/A	N/A N/A N/A
HN10 - Number of Handyperson jobs completed (Quarterly Cumulative)	121*	137	NA	134		↑	↑
HN11 - Number of alarm calls received at Control Centre Wherry Way (Quarterly)	New indicator	12,492	NA	New indicator		N/A	N/A
HN12 - Number of out of hours call received at Control Centre Wherry Way (Quarterly)	New indicator	1,305	NA	New indicator		N/A	N/A
HN13 - Wherry Way Control Centre call handling: a) Alarm Calls answered within 30 seconds b) Alarm Calls answered within 60 seconds (Quarterly Cumulative)	New indicator	85.37% 94.32%	80% 98.5%	New indicator		N/A	N/A
						N/A	N/A
HN14 - Number of Yare Care Alarm a) Referrals b) Installations c) Removals (Quarterly Cumulative)	New indicator	86 86 74	NA NA NA	New indicator		N/A N/A N/A	N/A N/A N/A
HN15 - Employment: a) Number of long term unemployed residents supported to improve their skills. b) People moving into sustainable employment. (Quarterly Cumulative)	New indicator	Data currently report 6 monthly**	150	New indicator		N/A	N/A
			30			N/A	N/A



Measure	Previous Quarter	This Quarter	Target	Qtr 1 2015/16	Status	Trend	
						Last Period	Last Year
HN16 - Neighbourhoods That Work programme							
a) Number of new self-help groups formed.		34**	25			N/A	N/A
b) Number of residents entering sustained employment.	New indicator	55**	45	New indicator		N/A	N/A
c) Number of residents with complex needs receiving adequate support to address their needs (Quarterly Cumulative)		59**	30			N/A	N/A
<b>Note:</b> * Figures quoted are for the fourth quarter of 2015/16 only. ** At present this data is being reported six monthly as required by the funder, and captured manually across 7 delivery partners. The next reporting cycle is due at the end of September, which can be reported in the second quarter. From October there will be a new data management system in place, providing the council with more frequent analysis and in line with the quarterly report schedule here. *** Because the reporting cycle for the Big Lottery is six-monthly, the first six months ran from October 2015 to March 2016 (so the figures shown are for that period) and the next reporting stage will be the end of September this year.							
<b>Measures that are not achieving Target:</b>  No measures with a status at 'Red'.  <b>Measures where no target set and moving in the wrong direction:</b>							

<b>Key</b>	
<b>Status</b>	
 <b>G</b>	Current performance has met or exceeded target
 <b>A</b>	Current performance is below target but within tolerance
 <b>R</b>	Current performance is below target and tolerance
<b>Trend</b>	
	Performance for quarter is improving (up) or deteriorating (down) compared to previous quarter.
	Performance for period (quarter) is improving (up) or deteriorating (down) compared to same quarter last year.

**Key:**

NA = No target set, contextual information only

N/A = Not available/not applicable

### Forward Plan for Housing & Neighbourhoods Committee

	<b>Matter for Decision</b>	<b>Report by</b>	<b>Pre Agenda Meeting (PAM)</b>	<b>Housing &amp; Neighbourhoods</b>	<b>Policy &amp; Resources</b>	<b>Council</b>
1	Community Safety - Overview & PCC Consultation	Group Manager (Neighbourhoods & Communities)	20/07/16	28/07/16		
2	Disabled Facilities Grants & Better Care Fund	Group Manager (Housing Health& Wellbeing	20/07/16	28/07/16		
3	Performance Data - Q1	Group Manager (Housing Services)	20/07/16	28/07/16	06/09/16	
4	Estates Regeneration Programme	Director of Housing & Neighbourhoods	20/07/16	28/07/16		
5	Shrublands Community Hub Development	Group Manager (Neighbourhoods & Communities)	20/07/16	28/07/16		
6	ASB Policy	Group Manager (Neighbourhoods & Communities)	07/09/16	15/09/16		
7	Performance Data - Q2	Group Manager (Housing Services)	19/10/16	27/10/16	29/11/16	
8	Housing Strategy - Demand/PRS	Group Manager (Housing Services)	16/11/16	24/11/16		
9	Neighbourhood That Work - 12 months outcomes data	Community Development Manager	16/11/16	24/11/16		
10	Housing Revenue Account 2017/18 Budget & Capital Programme	Director of Housing & Neighbourhoods	30/11/16	08/12/16		
11	Housing Revenue Account Draft 2017/18 Budget & Capital Programme Approval	Director of Housing & Neighbourhoods	11/01/17	19/01/17		21/02/17

	<b>Matter for Decision</b>	<b>Report by</b>	<b>Pre Agenda Meeting (PAM)</b>	<b>Housing &amp; Neighbourhoods</b>	<b>Policy &amp; Resources</b>	<b>Council</b>
12	Housing Strategy - Homelessness	Group Manager (Housing Services)	11/01/17	19/01/17		
13	Performance Data - Q3	Group Manager (Housing Services)	22/02/17	02/03/17	21/03/17	
14	Housing Strategy	Group Manager (Housing Services)	05/04/17	13/04/17		