



Notice of meeting of

Executive

To:	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
Date:	Tuesday, 27 April 2010
Time:	2.00 pm
Venue:	The Guildhall

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 26 April 2010, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 29 April 2010, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex 1 to Agenda Item 8 (Report on the Award of the School Meals Catering Contract), on the grounds that it contains information relating to the financial or business affairs of any particular person. This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the Executive meeting held on 13 April 2010.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 26 April 2010**.

5. Executive Forward Plan (Pages 7 - 10)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

6. Corporate Strategy - Updating the Milestones for 2010-11 (Pages 11 - 22)

This report asks Members to approve the revised milestones for the year 2010-11, which represent the short term element of the Council's 2009-2012 Corporate Strategy.

7. Choice Based Lettings (CBL) - Adoption of New Sub-regional Housing Allocations Policy (Pages 23 - 66)

This report introduces a new Sub-regional Housing Allocations Policy and seeks approval to adopt this policy, with effect from the introduction of a new choice based lettings scheme, for the allocation of the City of York Council's housing stock, planned for Autumn 2010.

8. Report on the Award of the School Meals Catering Contract
(Pages 67 - 76)

This report provides details of the procurement process for the school meals catering contract and seeks approval to award the contract to the highest scoring bidder, ISS Facility Services – Education.

9. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Further information about what's being discussed at this meeting

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	13 APRIL 2010
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR MERRETT

189. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

190. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 30 March 2010 be approved and signed by the Chair as a correct record.

191. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

192. EXECUTIVE FORWARD PLAN

Members received and noted details of those items that were listed on the Executive Forward Plan at the time the agenda was published.

193. TRAFFIC CONGESTION FINAL REPORT PART 1

Members considered a report which presented the findings of the Traffic Congestion Ad Hoc Scrutiny Committee following their review of Traffic Congestion in York.

The Committee's recommendations were set out in paragraphs 28 to 30 of their report and summarised in a table at paragraph 10 of the covering report. They comprised recommendations to be implemented in the short term, as part of the preparatory and ongoing work for the third Local Transport Plan (LTP 3), and recommendations making up a longer term strategic response to tackling congestion from LTP 3 onwards.

Cllr Merrett, as Chair of the Committee, was in attendance to present the report and respond to any questions. He explained that the recommendations before Members today related only to short and medium term actions. The Committee would shortly be meeting again to consider the results of consultation on its long term proposals and any further recommendations arising from this meeting would be brought to the Executive in due course. He highlighted improvements to public transport and the impact of smart travel measures as the two most important aspects of the recommendations in the report.

RESOLVED: That the views of the Traffic Congestion Ad Hoc Scrutiny Committee be noted and that where appropriate they, together with the Officer updates and the comments of the Executive as set out in the annex to these minutes, be fed into the build process for the Local Transport Plan 3.¹

REASON: In order to provide an appropriate response to the findings of the Traffic Congestion Ad Hoc Scrutiny Committee.

Action Required

1. Ensure that the Committee's recommendations and Executive's comments are incorporated into the LTP build process RW

194. ACCESS YORK PARK & RIDE DEVELOPMENT - UPDATE REPORT FOLLOWING PROGRAMME ENTRY

Members considered a report which identified the City of York Council's funding contributions to the Access York Phase 1 project, following government approval of the Major Scheme Business case (MSB) for Programme Entry, and sought approval to appoint a Lead Design Consultant for the project. Both of these actions were essential to progress the project.

The projected spend and funding profile (post Programme Entry) was set out in paragraph 11 of the report. The current proposed local contribution was 10.4%. The total funding requirement from the Council, including the pre 2010/11 development costs, was anticipated to be about £3.7m over the duration of the project. Potential funding sources were set out in paragraph 14 of the report and included the sale of the existing site plus developer contributions and Local Transport Plan (LTP) funding. Further development of these sources would be reported to Members as the project progressed.

Members were asked to approve the anticipated spend / funding profile and potential funding sources and to confirm Halcrow (already approved in January 2010 as the approved bidder) as the Lead Design Consultant for the project.

RESOLVED: (i) That the City of York Council contributions for the Access York Phase 1 project, as set out in the anticipated spend / funding profile in paragraph 11 of the report and the potential funding sources in paragraph 14, be approved.¹

(ii) That the procurement of Halcrow as the Lead Design Consultant be approved.

REASON: To enable the Access York Phase 1 project to proceed as planned by providing the required funding and approving the procurement of a Lead Design Consultant.²

Action Required

- | | |
|---|----|
| 1. Progress the project in accordance with the agreed contributions / funding sources | PT |
| 2. Complete any required actions for the procurement of Halcrow as Lead Design Consultant | PT |

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.30 pm].

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EXECUTIVE FORWARD PLAN (as at 14 April 2010)

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 11 May 2010		
Title & Description	Author	Portfolio Holder
<p>Minutes of Working Groups</p> <p><i>Purpose of Report: This report presents the minutes of recent meetings of the Young People’s Working Group, the LDF Working Group and the Social Inclusion Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Executive.</i></p> <p><i>Members are asked to: Note the minutes and to decide whether they wish to approve the specific recommendations made by the Working Groups, and /or respond to any of the advice offered by the Working Groups.</i></p>	Jayne Carr	Executive Leader
<p>More for York Update - Spring 2010</p> <p><i>Purpose of report: To update members on revised governance and delivery arrangements for the More for York Programme, to get Member agreement to Finance and Children’s Social Care blueprints.</i></p> <p><i>Members are asked to: Note progress and agree blueprints.</i></p>	Tracey Carter	Executive Member for Corporate Services
<p>Foot Streets Review Progress Report</p> <p><i>Purpose of report: To inform the Executive of the progress to date on the Footstreets Review and to put forward proposals for potential amendments to the current scheme to address the key issues raised during consultation. The potential amendments are proposed to improve the pedestrian realm and to reduce abuse of the current scheme. Proposed amendments are prioritised into short, medium and long term delivery with the short term ones potentially deliverable during the 2010/11 financial year, medium term 2011 to 2014 and long term 2014 onwards.</i></p> <p><i>Members are asked to: To approve the recommendations for delivery.</i></p>	Andy Vose	Executive Member for City Strategy

<p>York Mystery Plays</p> <p><i>Purpose of report: To agree a new plan for delivering the York Mystery Plays in 2012.</i></p> <p><i>Members are asked to: To agree a new plan for delivering the York Mystery Plays in 2012.</i></p>	Gill Cooper	Executive Member for Leisure, Culture and Social Inclusion
<p>High Speed Rail</p> <p><i>Purpose of report: The report advises on the government initiative to create a company to consider high speed rail (HS2), sets out the conclusions of HS2 and advises on the outcome of a recent review undertaken to establish a policy position for CYC.</i></p> <p><i>Members are asked to: Note the contents of the report and agree the recommendations.</i></p>	Ruth Stephenson	Executive Member for City Strategy
<p>Should York be a World Heritage Site? Information and Update Report</p> <p><i>Purpose of report: This report updates the Executive on the release of the DCMS Stage 1 Application Form for a revised UK Tentative List of World Heritage Sites and summarises progress since the Report to the Executive in March 2009.</i></p> <p><i>Members are asked to: Note the contents.</i></p>	John Oxley	Executive Member for City Strategy

<p>Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 8 June 2010</p>		
<p>York Climate Change Framework and Action Plan - update and draft consultation version</p> <p><i>Purpose of report: The report will outline the draft Climate Change Framework, outline the draft Climate Change Action Plan, outline the timescales for implementation and outline the supporting communication strategy.</i></p> <p><i>Members are asked to: To approve the draft consultation version of the York Climate Change Framework and Action Plan and supporting communication campaign.</i></p>	David Warburton	Executive Member for Corporate Services

<p>A Low Emission Strategy for York</p> <p><i>Purpose of report: To update the Executive Member on the successful bid to become low emission regional champions (a joint bid with Leeds City Council) and to outline the implications of a low emission strategy (LES) for York.</i></p> <p><i>Members are asked to: Note the update.</i></p>	Elizabeth Bates	Executive Member for Neighbourhood Services
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Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders					
Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>More for York Update - Spring 2010</p> <p><i>Purpose of report: To update members on revised governance and delivery arrangements for the More for York Programme, to get Member agreement to Finance and Children's Social Care blueprints.</i></p> <p><i>Members are asked to: Note progress and agree blueprints.</i></p>	Tracey Carter	Executive Member for Corporate Services	27 April 2010	11 May 2010	To allow additional work to be undertaken on the report.

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Executive**27 April 2010**

Report of the Head of Performance and Improvement

Corporate Strategy – Updating the milestones for 2010-11**Purpose of the report**

1. For Executive to approve the revised milestones for the year 2010-11 as set out in Annex 1 of this report, which represent the short term element of the corporate strategy 2009-2012.

Background

2. The corporate strategy is the council's key corporate document and was agreed at Executive on 31st March 2009. Structured around eight themes, seven of which are aligned to the Sustainable Community Strategy and the eighth theme of Effective Organisation, each theme consists of two elements – commitments and milestones. The commitments describe what the council aims to achieve by 2012, and the milestones describe what the council is going to do in the year ahead to make progress towards the achievement of the commitments.
3. In September 2009 CMT agreed an approach as to how the milestones should be updated. Directors agreed to take responsibility for the appropriate commitments and refresh the milestones for inclusion into year two of the strategy. It was agreed that the relevant portfolio holders would be consulted, and budget implications would be considered. The milestones needed to be updated for the year 2010-11 in order for any potential budget implications to be realised in time for the budget process, and for the strategy to inform the directorate/service planning process.
4. The eighth theme of the strategy – Effective Organisation – has been updated to replace a separate improvement plan for the council to focus on the key internal priorities. This theme incorporates the commitments that were agreed during the initial development of the Corporate Strategy.

5. Progress against the milestones in the Corporate Strategy will continue to be reported to the Executive on a quarterly basis throughout 2010-11.

Consultation

5. Since September 2009 CMT directors have worked with the relevant chief officers, Executive portfolio holders and where appropriate, key partners, to agree a second and final draft of revised milestones for the Executive to approve.

Options

6. No other options are presented, as this report is an update report.

Analysis

7. No analysis of options is required.

Corporate Priorities

8. The Corporate Strategy represents the eight priority themes of the council, which are aligned to the Sustainable Community Strategy.

Implications

9.
 - (a) **Financial** Strong links were developed during the refresh process between the Corporate Strategy and the Financial Strategy, in particular, the proposed actions are supported by resources and affordability featured in the development of the original commitments. The council's medium term financial planning is driven by the commitments within the corporate strategy. For more information, refer to the Financial Strategy 2009-13.
 - (b) **Human Resources (HR)** There are no specific HR implications.
 - (c) **Equalities** Equalities implications were considered as part of the development of all 8 themes.
 - (d) **Legal** The council's constitution Part 3A page 6 para 3.1a) xii states that Executive is responsible for preparing and submitting the draft Corporate Strategy before sending to Full Council for approval
 - (e) **Crime and Disorder** There are no specific crime and disorder implications arising from this report.
 - (f) **Information Technology (IT)** There are no IT implications.

(g) **Property** There are no property implications.

(h) **Other** No other known implications.

Risk Management

29. Failure to deliver the Corporate Strategy actions could result in the council receiving a low score under the Comprehensive Area Assessment framework, which could damage the image and reputation of the council.

Recommendations

30. Executive are asked to

Agree the refreshed Corporate Strategy milestones as set out in Annex 1 of this report.

Reason

To gain Executive's approval that the revised milestones for year two (2010-11) are appropriate to deliver the council's commitments as set out in the three-year Corporate Strategy 2009-12.

Contact Details

Author:	Chief Officer Responsible for the report:			
Marilyn Summers Head of Performance and Improvement Tel: 01904 551723	Kersten England Chief Executive			
	Report Approved	✓	Date	15-04-10
Specialist Implications Officer(s)				
Wards Affected: <i>List wards or tick box to indicate all</i>				All <i>tick</i>
				✓
For further information please contact the author of the report				

Annexes

Annex 1 Revised Corporate Strategy milestones

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Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

Thriving City We will continue to support York's successful economy to make sure that employment rates remain high and that local people benefit from new job opportunities			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will implement a programme of support for local businesses and communities, to ensure that York employment remains as high as it can be during the economic downturn	* At least 500 VAT registrations per year by the year 2011-12 (LAA)	Develop and implement a co-ordinated strategy for enterprise, working with the York Economic Partnership by December 2010 (NB: Eco Business Centre almost fully occupied)	Director of City Strategy
We will improve our sustainable transport infrastructure by developing three new park and ride sites	* Limit the impact of congestion on the morning peak hour journey time (LAA)	Obtain decisions on the planning applications for Poppleton Bar and Clifton Moor P&R schemes - June 2010	Director of City Strategy
		Obtain 'final approval' for the Department for Transport funding - January 2011	
		Award the works contract to construct the Park & Ride sites and associated works - January 2011	
		Commencement of construction works - Jan / Feb 2011	
We will enhance skill levels within the York workforce to meet the changing needs of the local economy, by assisting employers to take advantage of training opportunities	* At least 36% of working age population to have a degree level qualification, from a baseline of 33.8% (LAA)	Target 50 employers to take up publicly available training funding by March 2011	Director of City Strategy
We will raise the city's profile to attract new inward investment and job opportunities	* Reduce the proportion of working age people on out of work benefits to 6.4% from a baseline of 7.4% (LAA)	Complete an economic masterplan funded by Yorkshire Forward by July 2010.	Director of City Strategy
		Use the masterplan to guide the work of the York Renaissance Team - formed by 5 staff funded by Yorkshire Forward, the team will promote new developments in the city.	
We will improve the support and communication services between local employers and the council	* At least 100 businesses actively engaged through York Business Forum from its creation in Oct 2008.	Establish an action plan by July 2010 to help develop a low carbon economy. This will build upon the recommendations from the Green Jobs Taskforce.	Director of City Strategy
We recognise the importance of tourism to the economy of the city and commit to further developing York as a major destination for visitors from all over the UK, Europe and beyond.	* Deliver a minimum of 5% per annum average growth in visitor expenditure through the council's support for Visit York	Work with the private sector to bring forward a 5 star hotel in the city, planning permission for which has been granted.	Director of City Strategy

Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

Sustainable City			
We aim to be clean and green, reducing our impact on the environment while maintaining York's special qualities and enabling the city and its communities to grow and thrive			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will reduce the environmental impacts of council activities by making it as easy as possible for residents to recycle, investing in new ways to avoid landfill and through the Carbon Management Programme (CMP)	<ul style="list-style-type: none"> * Recycle, reuse or compost 50% of household waste * Reduced CO2 emissions in the LA area per head by at least 0.8 tonnes (12% reduction) (LAA) * Reduce council's energy consumption in offices by 5% each year * Save approximately an additional 1680 tonnes of carbon through the installation of 7 projects funded through Salix finance (approx. 740 t), and 940 tonnes through additional CMP Strategic Implementation Plan identified projects 	Implement a wider rollout of kerbside recycling to 98% of properties by March 2011.	Director of Communities & Neighbourhoods
		Use route optimisation software to make bin rounds and other vehicle routes more efficient	
		Raise recycling participation to 70% of York households through communications and investment in new recycling kit. Roll out improved kerbside recycling containers to approximately 60,000 households by March 2011.	
		Continue to modernise our street lighting with the aim of reducing energy consumption by 25% over 5 years.	Director of City Strategy
		To have completed ongoing and existing projects as outlined in the Carbon Management Programme Strategic Implementation Plan and to have implemented 6/7 projects which are match-funded by Salix by March 2011.	
We will improve the quality of the local environment and the condition of York's streets and public spaces	* Reduce by 40% the level of service requests reported about litter in the street	Develop a joint city centre management and enforcement team by December 2010.	Director of Communities & Neighbourhoods
		Implement a vehicle tracking system for the mechanical sweeper fleet by March 2011 to provide improved information to improve street cleanliness	Director of Communities & Neighbourhoods
We will transform York into a 'Cycle City' by investing our £3.7m Cycling City funding on cycling infrastructure, increasing cycle training opportunities and improving cycle availability for all	<ul style="list-style-type: none"> * 20% increase in cycling, from an approx 10% base * 100% increase in children cycling to school. 	Improve at least 2 significant cycle routes by Mar 2011, including Wigginton Road and completion of the orbital route.	Director of City Strategy
		Increase the numbers of children cycling to school by 100% (base 7.4%) by Mar 2011	Director of Adults, Children & Education
We will develop a single site, fully accessible new headquarters for the council, which will cut the authority's carbon footprint by 75%	* Deliver the new Headquarters building and reduce the council's CO2 emissions by approximately 1100 tonnes per annum.	Following the award of a contract in December 2009: Feb /March 2010 Pre Planning Consultation, April /May 2010 - Submission of the planning application, mid/late 2010 - Planning approval, 2010/early 2011 - works start on site,	Director of City Strategy
We will reduce the CO2 emissions associated with the goods and services we buy from other suppliers	* To reduce spend on goods and services that generate large CO2 emissions, reducing the carbon footprint that would have been created by 25%.	Develop a list of the initial suppliers to target, contact them around CO2 emissions, and develop a plan of action by Jun 2010.	Director of Customer & Business Support Services

Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

Safer City We want York to be a safer city with low crime rates and high opinions of the city's safety record			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will reduce the number of burglary and thefts within the city, utilising all available funds, such as target hardening	* Reduce the serious acquisitive crimes by at least 18% (LAA)	Respond to 100% of resident requests to have Cold Calling Control Zones.	Director of Communities & Neighbourhoods
We will reduce the number of first time entrants into the criminal justice system and tackle public perception of anti-social behaviour.	* Reduce public concern about anti-social behaviour (LAA Place Survey)	Maintain 4 "capable guardian" schemes in wards with high crime rates throughout 2010-11 and then ensure that the schemes are taken on and run by the community in those wards. These schemes aim to intervene at an early stage to prevent youth crime.	Director of Communities & Neighbourhoods
		Continue a targeted under age sales testing programme throughout 2010-11 to target the sale of alcohol, tobacco, fireworks, knives and spray paints.	
We will reduce alcohol related crime in York	* Limit hospital admissions caused by alcohol related illnesses to 1,675 per 100,000 population (LAA)	Individual targeted campaigns will be run where intelligence leads us to believe that these will be effective.	Director of Communities & Neighbourhoods
We will reduce road casualties through education, training and publicity initiatives	* Reduce the number of people killed or seriously injured on York's roads by at least 40% compared to the average for 1994/98 (LAA)	* Reduce the percentage of pedestrian and cyclist KSI (killed and seriously injured) casualties through a campaign to educate and raise awareness about the most common causes of accidents. Reduce from 39% of all KSIs in 2008 to 20%	Director of City Strategy

Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

Learning City We want to make sure that local people have access to world-class education and training facilities and provision. This will help them to develop the skills and aspirations they need to play an active part in society and contribute to the life of the city			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will improve and rebuild schools, transforming them into 21st century learning environments	* Reduce the achievement gap between pupils eligible for free school meals and their peers at Key Stages 2 and 4 by 6% (LAA) * Build and open 2 new primary schools	Complete consultation to bring forward the merger of Clifton and Rawcliffe schools and the merger of Our Lady's with English Martyr's.	Director of Adults, Children & Education
		Scheme design and planning permission for new buildings complete with works to commence in 2010.	
We will provide high quality support and care to York children aged 0-5 and their parents and carers and ensure that every parent of a child under 5 in the city receives contact from their local children's centre.	* Increase the proportion of Early Years settings attaining 'Good' or 'Outstanding' in Ofsted inspections * All 9 children's centres will be providing the full cover of child care and family support services	Establish inspection baselines and target improvement work accordingly.	Director of Adults, Children & Education
		All 3 Children's Centre Localities teams to deliver the Full Core Offer of services across the 9 children's centres.	
We will increase opportunities outside the conventional education system, especially to those who are Not in Employment, Education or Training (NEET).	* Reduce the numbers of 16 to 18 year olds who are not in education, training or employment to 3.3%, from a baseline of 3.9% (LAA)	Run 2 "Step Up to Progress" programmes in partnership with York College.	Director of Adults, Children & Education
		Intensive PAs will support pre-16 teenage mothers in education.	
		Maintain 24 ALPs (Alternative Learning Programme) places and deliver 3 Outdoor Learning Zone and 3 Petc courses per term (non-school based courses)	

**Corporate Strategy 2009-2012
(Year 2 Refresh 2010-11)**

<p align="center">Inclusive City We will work to make sure that all citizens, regardless of race, age, disability, sexual orientation, faith or gender, feel included in the life of York. We will help improve prospects for all, tackle poverty and exclusion and make services and facilities easy to access.</p>			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will provide more affordable homes.	* At least 275 affordable homes delivered (gross) (LAA)	Complete new build projects delivering 58 new homes for rent, and 74 bungalows/apartments for older people and those requiring extra care by March 2011. Supporting 4 local young people into a youth build scheme by March 2011.	Director of Communities & Neighbourhoods
We will reduce fuel poverty for poorer households by improving energy efficiency and reducing costs for those households most in need.	* Each year take a minimum of 50 households on benefits from a Standard Assessment Procedure (SAP) rating of below 35, to above 35. (LAA) * Each year take a minimum of 50 households on benefits from a SAP rating of below 65, to above 65. (LAA)	To achieve at least 2000 referrals to the "hotspot" scheme during 2010/2011. To expand the 'Free Insulation' scheme to the remaining 1800 homes in the Hull Road area by March 2011. To extend 'Free Insulation' scheme to the Guildhall ward by March 2011.	Director of Communities & Neighbourhoods
We will tackle homelessness by reducing the number of people in temporary accommodation, Bed & Breakfast and the number of rough sleepers.	* Reduce the number of households living in temporary accommodation to 110 (LAA) * Keeping the number of rough sleepers always below 4.	To ensure that the YorHome scheme becomes self financing by March 2011. To be on site to commence building of new foyer and sustainable emergency accommodation on the Ordance Lane site by March 2011.	Director of Communities & Neighbourhoods
We will make it easier for the voluntary sector to get involved in shaping, influencing and delivering services.	* Over 22% of third sector organisations giving a positive rating of local statutory bodies' influence on the success of organisations in the local third sector. (LAA)	Ensure that the standards of good practice and shared principles recommended in the Common Commissioning Framework are embedded into York Compact good practice guidance by mid 2010. Support the LAA Delivery Fund project 'Working Together, Better Together' through the provision of practical workshops for the VCS, holding at least 2 training programmes for each of the following accessing Corporate Procurement, Supporting People funding and Core Grant funding.	Director of Communities & Neighbourhoods
We will improve the lives of residents in the most disadvantaged areas of the city through the Kingsway West project	* Increase the numbers taking up learning and work opportunities. * Increase benefits take-up.	Roll out the Kingsway West initiative into adjoining area and extend to a further 2 areas of disadvantage	Director of City Strategy
We will reduce child poverty in the city	* We will reduce numbers of children living in poverty in the city to 11% from 14% - a reduction of over 1,000 children (LAA) * Halve the numbers of teenage pregnancies compared to the number in 1998 (LAA)	The new Jobcentre Plus Adviser working through Children's Centres will deliver 12 job entries and 32 training starts by July 2010 Project 92 will work intensively with 30 teenage parents plus a further 70 vulnerable young people at risk of becoming a teenage parent in the hostels. Launch Family intervention project - working with families where there is persistent and acute poverty or young people involved in youth crime. An assertive and intense provision (using rewards and sanctions) initially with 12 families rising in 2010-11 to a total of 36 families.	Director of Adults, Children & Education

Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

City of Culture			
We want to inspire residents and visitors to free their creative talents and make York the most active city in the country. We will achieve this by providing high quality sporting and cultural activities for all.			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will refurbish and relaunch York Central Library, creating an Explore Centre which will attract 1 million visitors a year	* 1 million visitors per annum to the York Library Explore Centre	Assemble funding for Phase 2 of new York Explore Centre to include the relocation of the City Archive.	Director of Communities and Neighbourhoods
We will develop proposals for a Community Stadium, which will provide high quality sport, recreation and other community focused opportunities for the city	* Secure planning permission for a community stadium and submit an application to the Football Foundation for a Stadium improvement grant	Develop a full business case for a preferred option / site(s) by July 2010.	Director of City Strategy
We will increase residents' and visitors' participation in high quality cultural activities	* All young people will have cultural opportunities available to them, both in and out of school.	A young people's festival to take place 26 - 27 June 2010.	Director of Communities and Neighbourhoods
		Young people will develop an exciting brand for the cultural offer by July 2010.	
		The cultural offer will be pulled together with clear information, through the YorOK website and <i>Schools Out</i> , on pathways for young people to develop their cultural interests.	
		Yortime website developed to provide a web2 enabled interactive customer system including on-line booking for cultural services.	
We will secure a developer for the Barbican Auditorium	* The building will be in public use.	A contract will be signed with a new user and a scheme to bring the building back into use will be in progress.	Director of Communities and Neighbourhoods

Corporate Strategy 2009-2012 (Year 2 Refresh 2010-11)

Healthy City We want to be a city where residents enjoy long, healthy and independent lives. For this to happen we will make sure that people are supported to make healthier lifestyle choices and that health and social care services are quick to respond to those that need them			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
We will run fitness and health campaigns to improve residents' physical and mental health	* We will ensure that 29% of adults in the city are taking part in at least 30 minutes' of moderate intensity sport and active recreation on three or more days a week (LAA)	Target the fitness awareness programme	Director of Communities & Neighbourhoods
		Deliver activity programmes to support the campaign targeting older people and those with a limiting disability.	
We will promote healthy lifestyles and eating through our children's centres and other facilities	* We will work to ensure that less than 15.5% of children in York aged 10/11 years are obese or overweight (LAA)	Childrens Centre programmes to include: <ul style="list-style-type: none"> o Breast-feeding support o Weekly under-1 drop-ins o Movement Play o Healthy eating sessions 	Director of Adults, Children & Education
		Deliver 7 'MEND' (community based weight management) programmes, involving children and parents.	Director of Communities & Neighbourhoods
		Complete the pilot of the new Activities Subsidy (providing increased opportunities for sports, arts and out of school provision) for key groups, and initiate city-wide roll out.	
		Deliver York City Knights Foundation 'Get Active' programme – an interactive educational assembly to Year 6 children at all primary schools in York.	
We will ensure that council services respond to the changing population	* We will increase the number of people who say that those aged 65 and over receive the information, assistance and support needed to choose how they want to live (LAA Place Survey)	Complete a consultation and develop a relevant action plan based on the results by June 2010.	Director of Adults, Children & Education
We will develop high quality services that improve well-being, and support independence.	* We will enable at least 72% of vulnerable people to live independently (from a baseline of 66.8%) (LAA) * We will improve the way we work with carers, increasing the number of carers who receive needs assessments and offer a carers' discount card	Improve access to support for carers, with a target of at least 25% of carers receiving needs assessments by March 2011	Director of Adults, Children & Education

**Corporate Strategy 2009-2012
(Year 2 Refresh 2010-11)**

<p align="center">Effective Organisation We will be a modern council, with high standards, living up to our values, and be a great place to work</p>			
CYC commitments	By the end of 2012	Key 2010/11 milestones	Lead Director
Customer Insight - we will learn more about who our customers are and what they want and need from the council	<p>City of York Council will:</p> <ul style="list-style-type: none"> *Mainstream the use of customer insight so that it is embedded in all our processes and practices *Work together with our partners to share information and data, utilise each others knowledge and skills *Apply the understanding of our customers in the design and delivery of services that better meet customer needs and increasing customer satisfaction 	<ul style="list-style-type: none"> *Develop the skills and capacity to distil customer data and information into knowledge *Develop a culture which values insight and is willing to act on it *Develop data sets across CYC that enable greater visibility and understanding of customer data including spatial data 	Chief Executive
Community Engagement - we will continue to communicate with the local community to let them know about the services we provide and get their their views on how we can serve them better	<ul style="list-style-type: none"> *Increase the % of residents who feel the council keeps them informed *Increase the % of residents who are happy with the amount of information they receive from the council 	<ul style="list-style-type: none"> *Develop and embed the Inclusion, Cohesion and Engagement Strategy *Implement the council's Customer Strategy *Pilot area working in one neighbourhood 	Chief Executive & Director of Customer & Business Support Services
Service Transformation - we will change the way we work to ensure we are a modern, efficient and effective council	<ul style="list-style-type: none"> * CAA organisational assessment to score CYC as performing well with good value for money *Improve staff satisfaction as measured in the staff survey by 5% above the 2009 baseline of 71% *Be ready to occupy the new HQ building and deliver consolidated customer contact * Develop further More for York workstreams to deliver further savings 	<ul style="list-style-type: none"> *Deliver the More for York programme workstreams to modernise service delivery and make savings of £4.5m *Develop new business models for the streamlined delivery of support services such as Finance, ICT, HR and Procurement *Develop organisational skills in Project management, performance management and systems thinking 	Chief Executive
Total City - we will work together with other organisations across the city to improve the lives of those who live and work in York	*Provide strong, collective and focused leadership which supports joined up working and shared solutions to problems with the citizens of York at the heart of service design	<ul style="list-style-type: none"> *Develop proposals for working with partners in the city to deliver improved adult social care and community health services *Explore opportunities for area based service delivery with partners 	Chief Executive
Organisational Leadership - what we do will help ensure that the city meets its ambitions for the future	<p>*We will embed our values in our strategic planning and appraisal systems:</p> <ul style="list-style-type: none"> -Delivering what our customers want -Providing strong leadership -Supporting and developing people -Encouraging improvement in everything we do 	<ul style="list-style-type: none"> *Develop a clear vision of what we want to achieve *Have a fit for purpose organisational structure 	Corporate Management Team
Financial Challenges - our financial planning will be robust in addressing the challenges in reductions in public spending	TBC	<ul style="list-style-type: none"> *Assimilate the impact of CSR 2010 on the council's funding position over the next three years *Develop plans to address forecast future budget gaps 	Director of Customer & Business Support Services
Support for the Democratic Process - we will improve our democratic services to better serve councillors and the public	TBC	<ul style="list-style-type: none"> *Implementation of officer agenda planning process *Improve officer support to scrutiny by developing senior officer liaison with scrutiny chairs *Ensure successful management of local elections in 2011. 	Director of Customer & Business Support Services

	
Executive	27th April 2010
Report of the Head of Housing Services	

Choice Based Lettings (CBL) - Adoption of New Sub-regional Housing Allocations Policy

Summary

1. This report introduces a new Sub-regional Housing Allocations Policy and seeks Executive approval to adopt this policy, with effect from the introduction of a new choice based lettings scheme, for the allocation of the City of York Councils housing stock, planned for Autumn 2010.

Background

2. CBL is an initiative to make the lettings of social housing more market and customer orientated. The main principles underpinning any system are: -
 - The initiative is taken by the customer
 - There is market information for the customer
 - There is property and neighbourhood information available to the customer
 - There will be a system in place to support vulnerable households
 - Applicants will still have to meet eligibility and selection criteria
3. CBL has a simplified letting criteria, which allows customers to express an interest in an individual property which has been openly advertised, offers are made to customers in the greatest housing need who have bid for a property and meet the eligibility criteria for a particular property.
4. City of York Council currently operates a limited CBL scheme and has been operating this since May 2006. Under the current scheme properties which are classed as difficult to let, because of either property type or location are let via CBL. A small number of properties that are not on the CBL list are also let via CBL, the criteria applied here is where they are refused 3 or more times.
5. In October 2007, the four political group leaders considered a report which recommended that City of York Council be party to a sub-regional funding bid to develop a sub-regional approach to CBL. This recommendation was agreed with the following caveats:
 - Each individual LA agreeing to CBL through their political structures;
 - *the purpose of this report is for CYC to approve the policy.*

- Each LA to agree the release the appropriate level of match funding;
 - *Each LA area has provided £30k match funding.*
 - For LA's, where they feel it is appropriate, to consultation with existing tenants and applicants.
 - *details of how consultation was carried out is included within the body of the report.*
6. Following the agreement to be part of the sub-regional bid, City of York Council, along with Scarborough BC, Hambleton DC, Ryedale DC, Selby DC, Craven DC & Richmondshire DC and where appropriate their partner Housing Associations, have successfully bid for funding (£227k) from central government to develop and implement a sub-regional CBL scheme. This funding has been matched with £30k per local authority area.
 7. A project board has been established, chaired by the City of York Council's Head of Housing which, over the last 12 months has lead the development of the proposed new policy. Representatives from all local authorities have been involved and had the ability to influence all aspects of the policy development. The policy is attached at Annex A.
 8. The policy is introduced with a number of checks and balances. Applicants with a local connection to the partnership area will receive priority over those without. Given that the policy is a sub-regional one, local connection is to the partnership area, not individual local authorities. This will result in applicants from outside of CYC's boundaries being eligible for housing within York, and potentially having priority over applicants from York. However, the reverse is also applicable, and applicants from York will be able to access homes outside of CYC's boundaries. Cross boundary mobility within North Yorkshire will be carefully monitored to ensure that no one area experiences unacceptable levels of net inward migration.
 9. Applicants with housing related debt of unacceptable levels will be overlooked for allocation until they have demonstrated a strong commitment to repayment. Where applicants have similar levels of housing need, applicants without housing debt will receive priority.

Consultation

10. A consultation plan was drawn up and a formal consultation period established from 27th July to 31st October 2009. An equalities impact screening identified a number of specialist groups that needed to be involved and the consultation plan included these and other key stakeholders and organisations.
11. Within York, all applicants on the waiting list were sent a guide to the scheme, an invitation to a local event and a questionnaire to complete and return. Two formal consultation events were held, one at Acomb Explore and one at CVS on Priory Street.
12. Executive / Cabinet Members and RSL Board Members of the partners were invited to a seminar on 30 July 2009 to discuss and comment on the draft policy. Within York the then Shadow Exec Member was also briefed on the draft policy. A full report on the consultation exercise can be provided upon request.

Options

13. Option One - The Executive approves the policy attached at Annex 1 for the allocation of CYC Housing Stock, effective from the introduction of a full CBL scheme later in 2010.
14. Option Two - The Executive does not approve the use of the policy.

Analysis

15. **Option One** – The Council, via the leaders group, has previously endorsed the principal of the councils adopting a CBL scheme for the allocation of all its housing stock via a sub-regional policy.
16. Adoption of the policy would significantly improve choice for customers and streamline the allocations process. Applicants would be pro-actively choosing where they wanted to live through expressing an interest (bidding) for particular properties. Safeguards would be available to ensure those few applicants who through ill health / vulnerability would not be able to bid, are not disadvantaged.
17. The introduction of the scheme will also provide significant benefits to applicants, and by default CYC. The applicant will only have to complete one application form for housing within any of the seven local authorities and their partner landlords. Whilst not quantifiable, this will result in reduced administration for CYC. The scheme will also have an on-line application form which will enable applicants to complete the form themselves which can then be uploaded.
18. The policy as attached at annex one, is a joint policy and as such can not be amended by one partner. Given this, the option is to agree the policy or not, there is not option for members to change specific elements of the policy at this stage, (member in-put was via the consultation process as previously outlined). However, it is proposed that the policy is periodically reviewed, initially after 12 months to ensure it is meeting the required outcomes. Member input will be crucial to the successful evaluation of the policy and any subsequent amendments.
19. **Option Two** – If the Executive decides not approve the policy, the council would continue to allocate its housing stock via the current allocations policy and reactive allocations scheme.
20. Choosing this option would result in a loss of funding, CYC has provided £30k match funding to support the development and implementation of the scheme. To deliver CBL on our own it would cost significantly more than £30k we have invested. We would also lose access to the £227k government funding that has been provided to support the development and implementation of the scheme.
21. There would also be a significant reputation impact on the council as a leader of customer focused service provision. CYC is the lead authority within the sub-regional scheme, and as a result has significantly raised our profile with CLG.

Corporate Priorities

22. The adoption of CBL and the new sub-regional approach and policy, clearly supports the council's corporate strategy, in particular the Inclusive City and Effective Organisation priorities.,

Implications

23. The implications arising from this report are:
24. **Financial** – The costs of developing the sub-regional approach to CBL, including the development of the policy, purchase and implementation of the IT system is covered by government grant from CLG and the £30k match funding from each local authority. CYC's £30k match funding was allocated as part of the 2009/10 budget process and as such is already in place.
25. **Equalities** - Member will see from the draft policy that equalities issues are central to the success of the scheme, and have been carefully considered in the policy development. Representatives from the third sector, NYCC & CYC Adult Services and the PCT sit on the project's Equalities Monitoring Group who has overseen the equalities impact assessment and will continue to monitor and address any adverse impact of the scheme on vulnerable or disadvantaged groups, ethnic minorities or those living in rural communities.
26. **Information Technology (IT)** – Given that the scheme is a sub-regional scheme a common IT system is required. An initial decision by the CBL project group was to procure a common IT system. The system which will be purchased is a stand alone system called Abritas. This is being purchased via the Northern Housing Consortium. Interfaces between the Housing Landlord World system and Abritas will be required, this work is already built into the Housing Service IT Plan.
27. **Crime and Disorder** - The allocations policy provides for the exclusion of applicants who fail the 'acceptable behaviour test' from the Register. In this way applicants who will pose a significant threat to the safety and stability of communities can be prevented from accessing CYC's accommodation.
28. **Legal** - Housing allocations is governed by part 6 of the Housing Act 1996, and statutory guidance relating both to housing allocations (Fair and Flexible - December 2009) and Choice Based Lettings (August 2008). CYC as the lead organisation for the partnership have arranged for the policy has been reviewed by Zenith Chambers, who have confirmed it to be in accordance with both the statute and the guidance.
29. There are no **Property, Human Resources (HR), or Other** implications.

Risk Management

30. The risks associated with the proposals in this report are low and score less than 16. In compliance with the Council's risk management strategy there are no direct risks.

Recommendations

31. The Executive are asked to:

- a) Approve option 1 of the report as set out in Para 13, to approve the policy attached at Annex 1 for the allocation of CYC Housing Stock, effective from the introduction of a full CBL scheme later in 2010.
- b) To delegate to the Head of Housing Service authority to make minor amendments to the policy which do not fundamentally alter the core principals of the policy itself.

Reason: To ensure that the council has an effective allocations policy and to ensure that opportunities for improvements in customer service and organisational efficiencies are maximised.

Contact Details

Author:		Chief Officer Responsible for the report:	
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Report Approved	✓	Date	8 th April 2010
Report Approved	tick	Date	Insert Date
Specialist Implications Officer(s) Debbie Mitchell Head of Finance Tel: 4161			
Wards Affected:			All ✓
For further information please contact the author of the report			

Background Papers:

All relevant background papers must be listed here.

Briefing Paper to Group Leaders – October 2007

Annexes

Sub-Regional Allocations Policy

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North Yorkshire Common Allocation Policy

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



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Glossary of Terms

Adapted Properties

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

Advocate

A responsible person who has been given approval to 'act' on behalf of an applicant e.g. support worker, family member

Applicant

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

Assisted bidding

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

Automated bidding

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

Bands

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

Bidding

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

CBL - Choice Based Lettings

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

CBL Partnership Board

A board made up of a representative from all partner landlords.

Common Allocation Policy

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

Common Housing Register

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

Direct offer

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

Emergency Prohibition order

These are statutory notices under the Housing Act 2004, where a property represents an immediate hazard to the occupants.

Housing Related Debt

For the purposes of this policy, debt means monies owed to any of the partner or participating landlords in respect of current or former tenancies, such as rent, re-chargeable repairs, court costs and support charges.

Local Connection

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

Local lettings initiative (LLI)

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

Low Cost Home Ownership

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

LSVT – Large Scale Voluntary Transfer

Former Council Housing which has been transferred to a housing association or housing company following a ballot of the tenants.

MAPPA (Multi Agency Public Protection Arrangements)

This is a multi agency approach to re-housing offenders based on risk assessment. The MAPPA process identifies the level of risk the offender poses to the public. Access to the Housing Register/Waiting list for clients subject to MAPPA can only happen when a Senior Officer has given authorisation based on risk assessment.

Mutual Exchange

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

Partner Landlord

A landlord that has signed up to the North Yorkshire common allocation policy and will let their vacancies in the North Yorkshire sub region through the choice based lettings scheme.

Participating Landlords

A landlord who allocates some of their properties through this policy (i.e. formal nominations via a LA) but have their own allocations policy for their direct lets.

Priority Band Date

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

Reasonable Preference Category

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

Registration Date

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

Re-Settlement/Supported Housing

Projects that provide accommodation and support to help individuals or families live independently, who would otherwise be at risk of failing to sustain a tenancy. Completion of a programme of re-settlement with the specific projects named in this policy, will attract additional priority for the applicants concerned.

(nb; these projects have yet to be identified)

RSL – Registered Social Landlord

A housing association or housing company registered with the Tenant Services Authority.

Sub-Regional Partnership

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

Support Package

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

Tie-breaker

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

1.1 The North Yorkshire Sub-Regional Choice Based Lettings (CBL) Partnership

This document sets out the new housing allocation policy for the North Yorkshire Choice Based Lettings (CBL) Partnership. This policy will replace the existing Allocation Policies of the local authorities listed below. This represents a completely new approach to selecting new tenants for council and housing association properties. It also offers applicants other options for meeting their housing needs.

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

The policy, which will be shared by the partners, will transform the way housing is let, allowing applicants an active role in choosing their potential new home. The partners (hereafter partner landlords or ‘the partnership’) are :

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

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

Other Housing Associations (RSLs) operating in the partnership’s area, will be encouraged to advertise their vacant properties through the new lettings scheme in line with their current agreements. Should any RSL advertise all of their vacancies in accordance with the scheme, they will be viewed as a partner landlord for the purposes of operating this policy.

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

1.2 Our vision for the service

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

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

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

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

1.3 Aims and objectives

This policy is a Choice Based Lettings Policy.

The shared aims and objectives of this policy are:

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

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

1.4 Statement on Choice

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

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

The policy meets the statutory requirements for the allocation of social housing by ensuring that reasonable preference is given to those with the most urgent housing needs.

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

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

1.5 Meeting our obligations

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

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

- The Race Relations (Amendment) Act 2000
- The Disability Discrimination Act 1995 (as amended 2006)
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- Children Act 1989
- Data Protection Act 1998
- Crime & Disorder Act 1998
- Homelessness Act 2002
- The Equality Act 2006

This policy also takes into consideration the following guidance:

- Audit Commission - KLOE 7: Allocations and Lettings

- Commission for Racial Equality (Code of Practice on Racial Equality in Housing – September 2006)
- The Code of Guidance (Allocation of Accommodation: Choice Based Lettings – August 2008)
- The Code of Guidance (Fair and Flexible - Dec 2009)
- Shelter's Good Practice Report (A Question of Choice - June 2005)

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

1.6 Information sharing, confidentiality and data protection

The partnership will publish an Information Sharing Agreement to support this policy and will ensure that such a policy complies with all legal requirements.

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

1.7 Equality and fairness

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

A Sub Group of the Project Board, the Equalities Monitoring Group (EMG) has been and will continue, to review the impact CBL will have on the above client groups and others. This group includes voluntary sector and NHS representation. The EMG will oversee and develop the Equality Impact Assessment for the scheme and will strive to ensure that all relevant Equality Legislation is considered by the scheme and the Board.

The Board and the EMG will consider how the needs of people in isolated rural locations can be best addressed.

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

Section 2 – Joining the Common Housing Register

2.1 The North Yorkshire Common Housing Register

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

2.2 Who can apply?

Anyone aged 16¹ or over, may apply to join the register, subject to the following restrictions:

- Applicants aged 16 and 17 years are only eligible to join the register if they meet the following conditions
 - They are not a ‘looked after’ child as defined by s.20 of the Children’s Act 1989
 - They must have an appropriate support package to enable them to sustain their residency
 - They must have an identified Trustee who can hold any tenancy on their behalf until the age of 18, trustees can be a person or an organisation, and will not have a financial liability.
- Applicants leaving care will need to have a support package to be eligible to join the register.
- Applicants subject to some aspects of Immigration Control , who do not have recourse to public funds or who can not prove they have recourse to public funds , may not join the register

Applicants subject to MAPPA arrangements can only access the register with the consent of a Senior Officer² of the relevant local authority (see also 4.12).

2.3 Applications not accepted due to unacceptable behaviour

Section 160A(8) of the Housing Act 1996 provides that persons can be excluded from the register where the behaviour by the applicant or by a member of his/her household is such that if the applicant had been a secure tenant of the housing authority at the time it would have entitled the housing authority to possession order under s. 84 of the Housing Act 1985 in relation to any of the grounds in Part

¹ Applications from 16 & 17 years olds who are not known to the relevant social services authority, will result in a referral to said authority.

² The relevant senior officer to be determined by the individual LA and set out within their scheme of delegation.

1 of Schedule 2, other than Ground 8. Applicants will be excluded where these grounds apply.

The full policy for dealing with applicants who have a history of unacceptable behaviour is attached as Appendix 2.

2.4 Joint applications

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

2.5 Multiple applications

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

2.6 Existing tenants and their households

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

- they owe any rent or other debts to their landlord;
- they are currently in breach of other tenancy conditions and their landlord has started formal action in respect of these breaches;
- their property has been adapted to their needs; unless someone in the household no longer requires the adaptation or the property they are moving to also includes all the adaptations that they require;
- they are introductory / starter or demoted tenants.

The partners want to give an incentive to existing longer standing tenants that would enable them to be able to move home if they want to. This is the 'Good Neighbour' scheme which is explained in Appendix 5.

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

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

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

2.7 Applications from employees / members and their close relatives

Applications can be accepted from employees, elected members, board members (or those who have held such a role in the previous 12 months) and their close relatives, provided they are eligible to apply and subject to the rules in Schedule 1 of Housing Act 1996. Applicants must disclose any such relationship at the time of applying.

2.8 How to apply

Applicants can apply to join the Register by completing a form. This can be done on-line by accessing the website or by completing an application form available from any of the partner organisations. Advice and support in completing the form can be provided, on request, particularly for those who would have difficulty in completing the form because of a disability or a low level of literacy.

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

2.9 Verifying information

During the application process, applicants will be asked to provide supporting evidence to verify their identity and personal circumstances. This may be supplemented by the partner landlords:

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

A failure to respond to request for information as part of the verification process within 28 days will lead to cancellation of the application. The applicant will be notified in writing.

2.10 Confirming registration

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

- their Registration Date³
- the Band they have been awarded
- a Priority Band Date if different from the registration date (for those in Bands Emergency, Gold and Silver)
- Confirmation of which type of properties they are eligible to bid for
- their Username and Password for the website

³ Date application received with **all** required supporting information.

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

2.11 Changes in circumstances

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

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

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

2.12 Keeping the Register up to date

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

2.13 Cancelling applications

If an applicant does not respond to confirm they want to remain on the register or provide information to verify their application in the given time period, they will be notified in writing that their application has been cancelled. The application will be re-instated provided the applicant makes contact and provides all the required information to the relevant partner landlord within 28 days of being notified their application is being cancelled.

2.14 Giving false information or deliberately withholding information

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

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

Applicants, who are found to have made fraudulent claims in this way, will be removed from the Register and will have to re-apply. This decision will be subject to review and the applicant (or their named advocate) will be informed in writing of the decision and of their right to request a review of that decision in writing.

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

2.15 Deliberate worsening of circumstances

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

Any applicant who deliberately worsens their circumstances will have their application re-assessed on the basis of the circumstances that applied prior to the worsening of their circumstances. Applicants can seek review as per 2.14.

2.16 Notifications about decisions and the right to a statutory review of a decision

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

- The right to be notified in writing of any decision not to be registered on the register because of unacceptable behaviour serious enough to make them unsuitable to be a tenant.
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation.

Applicants will be notified of these rights in writing whenever a decision is made that affects their registration or status to receive offers of accommodation and they will be informed of their right to submit further information, which may assist the partner organisation in reviewing their case.

Any request for a review must be made within 21 days of the notification of the decision. The review will be carried out in the first instance by the partner organisation that made the decision. The person carrying out the review will be of senior rank to the person that made the original decision and will have had no previous involvement in the original decision.

Where an applicant exercises their further right of appeal after receiving the review decision, the appeal will be heard by an Application Reviews Panel, who will make recommendations to the appropriate body. Further rights of appeal will be outlined to the applicant in their decision letter. (See Appendix 2 for more details.)

Section 3 – Assessing Housing need

3.1 Legal background

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

Reasonable Preference

- People who are homeless including people who are intentionally homeless and those who are not in priority need
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)
- This scheme is also framed by local priorities identified by consultation (within the framework of current guidance).

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

3.2 Assessing housing need

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

Emergency Band

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

- Applicants unable to return to their home from hospital because their current home is permanently unsuitable⁴.
- Applicants unable to access key facilities in their home without **major** adaptation works⁵

⁴ Written confirmation from the relevant Social Services Authority Chief Officer will be required, setting out the reasons as to why the applicant can not return to their home.

⁵ Joint assessment between the Social Services Authority and the LA / Partner Landlord will be required, signed off by the relevant chief officer.

Note:

- Only applicants with a local connection to the partnership area will be considered for the Emergency Band.
- Any applicant in the Emergency Band will have their case reviewed by the relevant partner organisation every four weeks, who will have discretion to re-band the applicant.

Gold Band

- Care leavers, with an agreed support package.
- Applicants who need to move on from an approved accommodation based supported housing programme and the agency supporting them has provided evidence that their programme of support is complete and that they are able to live independently, either with or without support.
- Applicants presently under-occupying a home owned by a local authority or RSL that is situated within the partnership area. They are willing to move to a property with at least two fewer bedrooms.
- Applicants who are a statutory homeless household under part 7 of the 1996 Housing Act who is owed the 'full duty'. (Applicants can be subject to a direct offer, if after a minimum of four weeks of registration in this band; they have not secured an offer of accommodation – see Appendix 3.)
- Applicants who are overcrowded and require two more bedrooms to relieve the overcrowding. (See appendices 4 and 7)
- Applicants who are classified as a 'Good Neighbour' (see Appendix 5)
- Applicants who are at risk of homelessness and in priority need (see Appendix 9)
- Applicants with a serious and enduring illness whose health and/or well being is significantly compromised by their home or its environment. as assessed by the relevant trained Housing Officer. (Bids made on this basis must secure a health gain).
- Applicants who need to move to a specific locality (from within or without) the partnership area, so that proven hardship can be prevented

Silver Band

- Applicants who have a health or well being issue, which will be removed or improved by a move as assessed by the relevant trained Housing Officer . (Bids made on this basis of priority must secure a health gain)
- Applicants who are homeless under part 7 of the 1996 Housing Act or are at risk of homelessness, but are not in priority need (see Appendix 3)
- Applicants who are overcrowded and require one more bedroom to relieve the overcrowding.

- Applicants whose home lacks basic amenities.
- Applicants who share facilities with separate households of people who will not be moving with them
- Applicants who are presently under-occupying a home owned by a local authority or RSL that is situated within the partnership area. They are willing to move to a property with at least one less bedroom.
- Applicants who are intentionally homeless under Part 7 1996 Housing Act

Bronze Band

- All other applicants.

Section 4 – The Choice Based Lettings Scheme

4.1 Advertising properties on the choice based lettings scheme

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

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

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

Properties may be advertised during the previous tenants 4 week notice period, and may be withdrawn from the scheme if the tenant changes their mind about moving.

Applicants will be informed at registration what types of property they will be able to bid for. There will sometimes be other restrictions in the advert e.g. where a property is designated for people over a certain age or for people with a particular assessed need for that type of accommodation. Bids from applicants will only count if they can match the requirements in the advert.

4.2 Adapted properties for people with disabilities

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

Adverts will make clear if the property is adapted and will encourage bids from people who need an adapted home. Applicants with disabilities who wish to bid for an un-adapted home are free to do so, the partnership reserves the right to overlook any successful bid if it is not practicable to adapt the property for the applicant.

4.3 Housing with support schemes, including Extra Care schemes

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

4.4 The bidding cycle

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

Applicants (or their advocates) wanting to bid can:

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

Applicants can bid for up to 3 properties per week. Depending on the method of bidding, applicants can find out their position on the list at the time they bid, together with the total number of bids already placed against the property. This will enable applicants to test their chances of being successful when placing bids against properties they are interested in.

4.5 Bidding from prison

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

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

Under certain circumstances, a tenant of one of the partner landlords, sentenced to more than 13 weeks imprisonment can receive a 'Direct offer' on release from prison, from the landlord who originally housed them. (see appendix 6)

4.6 Short-listing and selection – Tie Breaker - 1 Housing Need

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

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

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

There are five 'tie breakers' in total used to help determine priority between bids. They are; **banding - local connection – occupation - debt-time** in that order.

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

4.7 Tie Breaker 2 - Local Connection

Applicants will be counted as having a local connection⁶ to the partnership area if they fit one or more of the following categories:

- currently resident in the partnership area (York, Selby, Ryedale, Hambleton, Scarborough, Richmondshire, Craven) and have been resident for at least a period of 6 months; or
- have lived in the partnership area for at least 3 years out of the last 5 years; or
- have an essential need to live close to another person who currently lives in the partnership area, who has been resident for the last six months, so that support can be given or received; or
- have been employed in the partnership area for the last 6 months; or
- have a close family member residing in the partnership area who has done so for at least six months (parent, son , daughter, brother , sister); or
- one of the partner local authorities has accepted a duty to house the applicant from another council under the terms of Housing Act 1996 Part 7; or
- currently resident in the partnership area with previous military service at one of the Garrisons in the Partnership area (at least three years during the last five years).

4.8 Tie Breaker 3 – Occupation

The principles of bidding allow applicants to bid for properties that are one bedroom larger than the minimum entitlements set out in Appendix 7.

⁶ Time spent in HM Prisons / Bail Hostels does not count towards local connection.

Where two or more applicants, equal in respect of band and local connection bid for the same property, then those needing all the bedrooms in the property for their household will be given priority over those who do not.

4.9 Tie Breaker 4 – Debt

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

4.10 Tie Breaker 5 – Time

If there is still more than one applicant 'tying' after band-local connection-occupation – debt have been considered then the offer will be made to the applicant with the longest time in their band⁷.

4.11 Exceptions to the tie-breaker order

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

Section 106

When a property has been secured using the provisions of s106 of the 1990 Town and Country Planning Act there is usually a legal obligation that the successful applicant must have a clear connection to the specific neighbourhood in which the property is situated. This connection may be defined in different ways.

Planning or legal condition

There may be a planning or legal condition on the site which restricts who can live there.

Local Lettings Initiatives (LLIs)

Where a partner landlord has established a Local Lettings Initiative.

Charitable status

Some of the partner and participating landlords have charitable status which place restrictions on who can be housed.

Access for Lower Bands

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

⁷ Where the application relates to an applicant who has completed an accommodation based support programme, their time on the waiting list will be backdated to the date they entered the support programme.

4.12 Overlooking Bids

In certain, clearly defined circumstances the top bidder for a property may not receive an offer, and their bid will be overlooked. There are clear monitoring and reporting requirements for this – details are at Appendix 8

4.13 Direct offers

In exceptional circumstances a property will not be advertised but will be offered directly to an applicant⁸. Such circumstances include:

- Statutory Homelessness cases (full duty) in accordance with this policy (See Appendix 3)
- MAPPA cases
- The offender initiative described in Appendix 6.
- Cases of flood or fire to the partner organisations own properties, resulting in the tenant needing to be re-housed.
- Where, under the partner organisation's policy, a person can succeed to the tenancy but it is inappropriate for their needs.
- Any other case where the issue is sensitive, specialist or an emergency.
- Applicants subject to a demolition or refurbishment by one of the partner landlords
- Applicants who have fully completed a programme of re-settlement , with a re-settlement project named, approved and identified by one of the partner landlords. Such applicants will be persons who would have been unlikely to sustain a tenancy unless they had been through a re-settlement process.
- Applicants owed a duty by the local authority under the Rent (Agricultural) Act 1976.

The guiding principle here is that the partner making the directed offer must house the applicant.

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

4.14 Viewing properties and receiving offers

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

⁸ Each partner landlord will provide details to the CBL Partnership Board on a quarterly basis on all properties / direct lets including the reasons for the direct let.

Further verification of circumstances will be undertaken to ensure the applicant is still eligible for the property prior to an offer being made.

Applicants will not be penalised if they refuse an offer of accommodation; however where more than 5 offers of accommodation have been refused, the applicant will be invited to an interview with the partner landlord that originally assessed their application.

If an applicant has refused a direct offer of accommodation, they will only be given a second offer in exceptional circumstances.

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

4.15 Time allowed for accepting an offer

Applicants will be allowed 2 days after the viewing to make a decision about whether to accept. If there are extenuating circumstances longer may be allowed. Individual circumstances will be taken into account and applicants with specific needs will be given more time e.g. if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

4.16 Monitoring

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

- the scheme is meeting its aims and objectives;
- the policy complies with the duty to give reasonable preference whilst also allowing other groups to access affordable housing;
- the scheme is providing equality of opportunity;
- applicants are satisfied with the scheme.

Further:

- That partner organisations routinely undertake specific monitoring of bid patterns, with a view to providing the best possible housing options service. Applicants in the Emergency and Gold bands, or who are inactive or consistently unsuccessful will receive targeted advice and support (see also Section 5)
- That partner organisations are not subject to disproportionate levels of net inward migration – See Appendix 10.

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

4.17 Publishing feedback on lettings

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

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

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

4.18 Future development of the scheme

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

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

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

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

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

In due course, applicants will have the ability to consider the following housing options in accessing the CBL scheme:

5.1 Private landlords

The scheme will provide for the advertisement of properties which are owned by responsible private landlords. The adverts will make clear that the partnership is not acting as an agent for private landlords; that the properties advertised will be offered as assured short hold tenancies; and the basis on which successful bids will be considered if it differs from the way tenants for social housing vacancies are selected.

5.2 Registered social landlords

RSLs (apart from the partner RSLs) will be encouraged to increase the number of vacant properties they advertise on the scheme, over and above 50% nomination agreements. RSL vacancies that are advertised for nomination will be clearly labelled to say which local authority is the nominating authority.

5.3 Low Cost Home Ownership

The CBL scheme will enable properties for low cost sale to be advertised. Applicants will need to meet certain criteria.

5.4 Mutual exchanges

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

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Appendix 2: Policy for ineligible applications (serious unacceptable behaviour)

1. Introduction

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

2. Statutory and regulatory guidance

- 2.1 The Code of Guidance (allocation of accommodation) explains in detail how local housing authorities should apply the 'Unacceptable Behaviour Test.' In summary, the test states that to make someone ineligible for an allocation of accommodation, the local authority must be satisfied that the applicant, or a member of his/her household has been guilty of unacceptable behaviour that is serious enough to make him/her unsuitable to be a tenant at the time the application is being considered. The 'test' is whether the behaviour would have entitled the housing authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.
- 2.2 The partnership will also have regard to regulatory guidance published by the Tenant Services Authority and its successors, which requires that applicants are only excluded from consideration for housing, when their behaviour is serious enough to make them unsuitable to be a tenant, in circumstances that are not unlawfully discriminating. The partners will also have regard to the Housing Corporation circular (Tenancy Management: Eligibility and Evictions) issued in July 2004 which supports much of the Code of Guidance and makes it clear that RSLs should not operate blanket exclusion policies for housing applicants for rent arrears or previous convictions. This circular also makes it clear that previous tenancy action for anti-social behaviour should not be taken into account if it occurred two or more years prior to the date of application and the tenant's household has conducted a satisfactory tenancy in the mean time.
- 2.3 Officers dealing with the assessment of housing applications will observe the Code of Good Practice as recommended by SHELTER and will be fully trained in the application of the statutory Unacceptable Behaviour Test.

3. Assessing ineligibility

- 3.1 The partnership recognises that whilst it wishes to promote balanced and sustainable neighbourhoods, denying access to social housing might result in broader social exclusion for the households involved. Therefore, applicants will not automatically be made ineligible if their circumstances 'fit' a defined category; each case will be judged on its own merits and efforts will be made to resolve any issues, which prevent applicants from joining the Register.

For the purpose of this document, ineligibility means that an applicant has been denied access to the Common Housing Register and is unable to participate in the

choice based lettings scheme on the grounds of their (or a member of their household's) unacceptable behaviour.

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

4. Examples of serious unacceptable behaviour

- 4.1 For the purpose of this document, examples of the type of unacceptable behaviour that will be considered in deciding whether or not to allow an applicant access to the Register include domestic violence, racial harassment, drug dealing, serious noise nuisance, intimidation and any other acts of unacceptable behaviour or serious breaches in tenancy conditions e.g. serious rent arrears, which would make the applicant unsuitable to be a tenant.
- 4.2 Criminal convictions - Applicants who have relevant unspent convictions for serious criminal offences, which may threaten the stability of a community will have their housing needs assessed and all factors will be taken into account before a decision is made regarding their eligibility to join the Register. The partnership will work collaboratively with the police, probation and prison service in an effort to resolve an applicant's ineligibility and improve their chances of being integrated back into the community through a planned and managed approach.
- 4.3 Anti-social behaviour - Where an applicant (or a member of the household) has a history of anti-social behaviour or has breached their tenancy conditions, all relevant facts will be considered before a decision is made. Where anti-social behaviour has been committed by a person who was, but is no longer a member of the applicant's household, the behaviour will be disregarded provided the applicant is not guilty themselves of unacceptable behaviour. The partnership will collaborate with other agencies to try to resolve an applicant's ineligibility e.g. social services, health services etc.

5. Grounds for Lifting Ineligible Status

- 5.1 The basic principle for lifting the 'Ineligible' status will be evidenced material change in the applicant's circumstances.. For example:
- Where an applicant has been guilty of unacceptable behaviour, the applicant has demonstrated a material change in their behaviour.
 - The applicant has in place a recognised support package that addresses previous misconduct and will continue once housing has been offered under the scheme.
 - The relevant conviction has become spent.
- 5.2 A fresh application will need to be made by the applicant where they have been previously made ineligible and feel that their behaviour should no longer be held against them as a result of changed circumstances.

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

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

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

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

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

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

The panel will have regard to the Allocations Code of Guidance 2002 and will consider each case as to its individual merits. If the matter is a statutory one, the Panel will advise the relevant local authority, who will have to make a final determination taking the panel's view into account.

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

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

Appendix 3: Homeless applicants

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

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

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

Applicants who are statutorily homeless will be frequently reviewed to ensure they are bidding for suitable properties. If applicants have not been bidding, their officer will contact them at a suitable period of time to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. **The partnership reserves the right to make a direct offer to a statutorily homeless household after a minimum of 4 weeks if they have not been successful in securing a property through the scheme.** The homeless duty will be discharged if an offer is made as a result of a successful bid on a suitable property.

If an applicant is assessed as meeting all the relevant criteria for being statutorily homeless, but **within a 90 day period**, the partner organisation will explore a number of options to prevent homelessness from occurring. Applicants in these circumstances will be placed in Gold Band as a homeless prevention category and will be frequently reviewed to ensure they are bidding for suitable properties. If the applicant has not been bidding, the officer will contact them to establish the reasons why and to address any need for further advice or assistance to enable them to participate effectively in the scheme. The review will also highlight any changes in circumstances as a result of homeless prevention activity, which could alter their homelessness assessment and priority band. A homeless

application could be completed at a later stage if the applicant's housing need is not resolved.

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

Appendix 4: Defining overcrowding and housing at height

.The following assumptions are made on overcrowding:

- That children aged 9 years and above will be seen as requiring a separate bedroom if they are sharing with the opposite sex.
- Couples, married couples and Civil Partners will be expected to share a bedroom
- A bedroom is suitable for two people if it is larger than 10 sq m. A bedroom will be suitable for a single person if it is less than 10 sq m.
- A room intended as a bedroom but used for another purpose will still be classified as a bedroom.
- Discretion can be exercised if a child requires their own room due to disability.
- Discretion can be exercised if an applicant needs a room for a carer or to facilitate specialist medical treatment.
- Single adults aged 21 or over will require their own room
- In cases of joint custody of a child or children, recent case law states that only in exceptional circumstances, such as where children have special needs, will it be reasonable for children who already have an existing home with one parent to be provided with another to live with the other parent.

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

Appendix 5: The Good Neighbour Scheme

This is an incentive scheme for Secure and Assured Tenants of the partner landlords who are accepted on to the Housing Register and who have not, in the past three years, breached their tenancy conditions (including having a clear rent account for that period). Such tenants can apply to be “Good Neighbour Standard” tenants.

Good Neighbour Standard applicants will be placed in Gold band.

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

Appendix 6: The Offender Initiative

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

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

Appendix 7: Property Eligibility

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

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

	Bedsit / Studio	1 bedroom flat / maisonette / house	1 bedroom bungalow	2 bedroom flat / maisonette / house	2 bedroom bungalow	3 bedroom flat / maisonette / house	4 bedroom house	5+ bedroom house
One adult.	✓	✓	✓					
Two adults.		✓	✓					
Three adults.				✓				
One / Two adults with one child.				✓				
One / Two adults with 2 children, both the same sex or both aged under 9.				✓				
One / Two adults with 2 children of different sexes, one aged 9 years or over.						✓		
One / Two adults with 3 children						✓		
One / Two adults with 4 children						✓	✓	
One / Two adults with 5+ children							✓	✓

Applicants can bid for properties one bedroom larger or smaller⁹ than the above requirements, However, priority will be given to applicants who meet the eligibility criteria.

Appendix 8: Overlooking a successful bid

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

The mandatory grounds for overlooking a bid are in relation to housing related debt, MAPPA., Disability, and some forms of tenure.

1. Debt from previous tenancies

⁹ Note: The Landlord reserves the right to overlook a successful bid where the offer of the property would result in the applicant being statutory overcrowded.

This is debt to partner and participating landlords (excluding Council Tax) usually for arrears of rent or rechargeable repairs. It is debt in respect of former, not current tenancies.

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

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

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

2. Existing tenants of partner landlords

Existing tenants will be overlooked if they are in breach of their tenancy conditions or their property has been specifically adapted as outlined in Section 2.6

3. MAPPA

Such applicants are dealt with by Direct Offer as per 4.13. Should such an applicant have made a successful bid and the IT system has not filtered out such bids, then staff will overlook the offer.

An exception to this can be made if an Introductory or AST tenant has a change of circumstances which creates a housing need, placing them in Silver band or higher.

4. Disability

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

- An extension
- A through floor lift
- Door widening

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

5. Health and Safety, Illegality

A successful bid that creates a risk to life, serious health and safety risk, or creates a situation that is illegal will be overlooked.

Discretionary grounds for overlooking a successful bid will include:

- Where the successful bid does not comply with the terms of the advert
- Where the successful bidder has secured an adapted property without having any need for that adaptation. Staff can re-advertise for a one further cycle in this instance

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

6. Where an offer would result in an applicant and their household been statutorily overcrowded.

Appendix 9: Definition of at Risk of Homelessness

Risk of Homelessness

The following are examples of when an applicant is at risk of homelessness; evidence and engagement with Housing Options/ Housing Advice services are required before an applicant can be seen as 'at risk'.

- They live in tied accommodation linked to their employment and that employment is coming to an end.
- They have received a valid, legal, written 'notice to quit' from their private landlord giving appropriate notice and the customer has engaged with their local Housing Options/Housing Advice Service. The Officer must be satisfied that the landlord intends to implement the notice.
- One party to a joint Secure, Introductory, Assured or Short Assured tenancy has given notice, ending that tenancy for the other parties and the landlord is not willing to transfer the tenancy to remaining parties or provide suitable alternative accommodation.
- The tenant of a property has died, remaining parties in the property have no right of succession, and there is no offer of suitable alternative accommodation or transfer of tenancy.
- The valid service of a Compulsory Purchase Order or Emergency Prohibition Order.
- The applicant is subject to demolition of their home.

- The applicant has lost their home due to their landlord having been made subject to a re-possession.
- Termination of an Agricultural Tenancy under the terms and administrative processes of the Agricultural Tenancies Act 1976.
- The applicant has been asked to leave by family or friends with whom they live.

Appendix 10: Monitoring mobility

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

This permits social and economic mobility, improves choice and is integral to a Sub Regional Scheme.

Mobility is framed here with some checks and balances:

- The Project Board will monitor the impact of mobility, linked to baseline data on the level of letting cross boundary in other Sub Regional schemes and the current level of cross boundary letting in North Yorkshire.
- s106 agreements and other conditions as outlined in 4.11.
- The discretion to transparently establish Local Lettings Initiatives
- The CBL Partnership Board reserves the right to limit or restrict cross boundary mobility should a particular local authority area exceed a certain level of **net** inward migration. The Board will consider the impact of any net inward migration that exceeds the current net level (2009/10) by more than 5 percentage points, imposing a temporary restriction if it sees fit.

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Agenda Item

Executive

27 April 2010

Report of the Director of Adults, Children and Education

Report on the award of the school meals catering contract

Summary

1. This report seeks approval for the award of the school meals catering contract.

Background

2. The school meals catering contract, which is operated by North Yorkshire County Caterers, expired on 31 March 2010. The contract had been in place since 2001 and the Authority offered the contract to the open market to comply with financial standing orders and seek best value.
3. To allow continuation of service during the final stages of the new tender award, a Service Level Agreement is in place for North Yorkshire County Caterers to provide the service until the end of the summer term in July 2010.
4. The new contract will run for an initial period of five years, with an option to extend for 2 years then a further 2 years, if both the Authority and the contractor are willing.

Selection Process

5. Six companies were invited to tender following the pre-qualification questionnaire process; these were Compass Contract Services Ltd, ISS Facility Services - Education, North Yorkshire County Caterers, Dolce Ltd, Cygnet Foods Ltd and Eden Foodservices.

Evaluation Process

6. The evaluation of the contract has been carried out in line with the authority wide evaluation policy using the CIPFA Standard Deviation Model. The CIPFA model is an evaluation tool that calculates the mean average of the submissions, assigning half the points available to the mean. Suppliers' scores are then calculated by a percentage deviation from this mean score. This methodology is applied consistently throughout the model after each stage to both cost and quality scores. The evaluation was made on the basis of the 'Most Economically Advantageous Tender' rather than on price alone.

7. The evaluation team was consistent throughout the process and was supported with advice from the Corporate Procurement Team.

Cost evaluation

8. Cost accounted for 60% of the overall evaluation. The evaluation model calculated the whole life cost for each supplier and gave a score. Whole life cost was calculated by adding the total contract costs for primary schools, total contract cost for secondary schools and total charges for function requirements over the 5-year contract period.

Quality evaluation

9. Quality accounted for 40% of the overall evaluation. The quality assessment was divided into ten different sections. These were:

- Staff details
- Sub -contracting
- Food Safety System/ Risk Analysis/Practise on General & Personnel Hygiene
- Staff training
- Proposed menu selection and nutritional analysis
- Provision for emergency meal service arrangements
- Management Structure
- Customer Care Policy
- Marketing Strategy
- Best Value Initiatives

10. The six companies were then short listed to the top-scoring three.

11. Following the short listing, site visits were also made to view the three contractors' performance in other Local Authority areas where they held school meals contracts.

Analysis

12. See Annex 1 (exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972).

Corporate Objectives

13. **Healthy City**
The provision of a healthy 2-course meal at lunchtime for school pupils not only supports the Healthy City objective, but also fulfils the Authority's legislative requirements.

Implications

Financial

14. North Yorkshire County Caterers are currently charging the authority £2.30 for a 2 course primary meal for the academic year 2009/10. The current selling price to parents is £2.15, with the cost of this subsidy being met from the School Lunch Grant.
15. The authority has been informed by North Yorkshire County Caterers that the contract has underperformed in financial year 2009/10 and they require a contract top up in the region of £94k to break even. This additional cost was anticipated and can be funded from the School Lunch Grant in financial year 2009/10.
16. This additional payment effectively increases the amount of subsidy per meal by a further 12 pence, giving a total subsidy of 27 pence per meal. This brings the true contract cost up to £2.42 per meal in 2009/10.
17. The top-scoring contractor has quoted a cost price to the authority of £2.34 per primary meal. This is only 4 pence above the contract price being charged by NYCC at present, and once the additional subsidy is taken into account is actually 8 pence lower than the current cost to the authority per primary meal (there is no provision in the new contract for the contractor to require additional top up payments from the authority if take up reduces).
18. In order to maintain the current selling price of £2.15 under the new contract for the academic year 2010/11 a subsidy of 19 pence per meal will be required.
19. In the 2009/10 academic year, the estimated amount of subsidy required from the School Lunch Grant to fund the full 27 pence shortfall, and also provide funding for schools not in the contract at an equitable level is £294k. The amount required for the 2010/11 academic year, based on the assumption above, would be £280k. This demonstrates that the recommended tender represents value for money compared to the current arrangements.
20. The cost of this subsidy is currently being funded from the School Lunch Grant, with any additional top up having to be charged to the Dedicated Schools Grant. The School Lunch Grant is only guaranteed until the end of 2010/11, so this level of subsidy is unlikely to be sustainable in the longer term. Further cost reductions will therefore need to be identified during 2010/11 to avoid above inflation increases to the selling price. This will be subject to further discussions with the Schools Forum, and a further report to the Executive Member later this term when the selling price from September 2010 will be set.

Human Resources

21. Although the catering staff in schools work for North Yorkshire County Caterers the City of York Council have an overreaching responsibility to ensure that staff transfer to the incoming contractor in the correct way

following TUPE guidelines. The North Yorkshire Pensions Fund have created a simplified method of admission agreement to cover small TUPE transfers (each school is a separate employer) and the incoming contractor may use this Admission Agreement at a cost of 18% of the pensionable salary of the staff transferring. This is the same rate that City of York Council pays for its employer contributions. (This rate will be recalculated with effect from 1 April 2011 and is likely to be increased). This simplified method is less costly than full admitted body status but the Council would expect the contractor to pay for the legal costs of drawing it up. The incoming company does not have to use this method and may have their own way of proving that their pension scheme is broadly comparable to NYCC. However, if they choose to use their own method and there are errors in the information given by North Yorkshire County Caterers then any extra cost incurred would be their own responsibility. The authority will not indemnify the incoming contractor for any shortfalls or errors in the TUPE information given by North Yorkshire County Caterers.

Equalities

22. There are no known equalities implications

Legal

23. Other than compliance with TUPE, there are no additional legal implications in addition to which would arise in a contract of this type and which have been dealt with throughout the contract and procurement process.

Crime and Disorder

24. There are no known crime and disorder implications.

Information Technology (IT)

25. There are no known IT implications

Property (*Contact – Property*)

26. There are no known property implications

Other

27. There are no other known implications

Risk Management

28. The highest risk factor in this process is that there is a disruption to the provision of school meals. In order to mitigate this risk, the evaluation process has been rigorous in checking that the companies under consideration are experienced in school meal provision and have the financial standing to make them secure. References have been taken up and site visits made to see the meals service. Costs have been checked to ensure that the tender prices are realistic and therefore sustainable. The contractors

have also been questioned regarding their proposed handling of the changeover from the existing contractor to secure a smooth transition. Audited accounts have been scrutinised to determine the financial viability of the companies and the chosen contractor will be contractually obliged to continue to submit accounts for monitoring throughout the life of the contract.

29. School food has a legislative requirement to meet minimum nutritional standards. To ensure the appointed contractor meets these standards, proposed menus are frequently inspected and regular visits made to school kitchens by the contracts service client team.
30. Take up of school meals in York is currently low and there is a risk that, either because of price or appeal, meal numbers served could fall even further. In 2008/09, percentages of pupils taking a school meal are 33.1% in the primary sector against 39.3% national average and 27.3% secondary against 35.1% national. There is clearly scope to increase meal numbers by making them more appealing to pupils and parents and this would have the additional benefit of keeping unit costs down. The chosen contractor will have contractual obligations and performance indicators to meet increased take up targets.
31. Related to the meal take up is the risk of escalating costs. To mitigate this, cost reduction initiatives and performance indicators will be written into the contract.

Recommendations

32. The results of the evaluation show that the top two bidders score closely. The bidder ranked as being in first place will be more expensive than the second placed bidder over the course of the 5-year contract period. However, the evaluation process clearly stated that the cost would account for only 60% of the total score with quality the remaining 40%. The top-scoring bidder has shown a consistently higher quality than the others throughout the process. Members are recommended to award the school meals contract to the top-scoring bidder ISS Facility Services – Education.

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Report Approved

Date 15 April 2010

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Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: none

Annexes:

Annex 1 – Cost analysis (exempt by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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