



Rutland County Council

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Ladies and Gentlemen,

A meeting of the **CABINET** will be held via Zoom - <https://zoom.us/j/98344718702> commencing at 10am when it is hoped you will be able to attend.

Yours faithfully

Helen Briggs
Chief Executive

Meeting: CABINET

Date and Time: Friday, 31 July 2020 at 10.00 am

Venue: ZOOM: <https://zoom.us/j/98344718702>

Governance Emma Powley 01572 720991

Officer to contact: email: governance@rutland.gov.uk

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at <https://www.rutland.gov.uk/my-council/have-your-say/>

A G E N D A

- 1) APOLOGIES FOR ABSENCE
- 2) ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF THE PAID SERVICE
- 3) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are required to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

4) RECORD OF DECISIONS

To confirm the Record of Decisions made at the meeting of the Cabinet held on 16th June 2020.

5) ITEMS RAISED BY SCRUTINY

To receive items raised by members of scrutiny which have been submitted to the Leader and Chief Executive (copying in Governance) by no later than 12 noon 29th July 2020.

6) COVID 19 UPDATE & APPROACH TO CONTINUED USE OF EMERGENCY POWERS - UPDATE

Report No: 94/2020
(Pages 5 - 8)

7) COMMUNITY INFRASTRUCTURE LEVY

Report No: 95/2020
(Key Decision)
(Pages 9 - 24)

8) TRANSPORT INFRASTRUCTURE INVESTMENT FUND PROGRAMME 2020/21

Report No: 91/2020
(Key Decision)
(Pages 25 - 32)

9) REVISION OF THE COUNCIL'S HOUSING ALLOCATIONS POLICY

Report No: 69/2020
(Key Decision)
(Pages 33 - 84)

10) SECONDARY SCHOOL SUFFICIENCY

Report No: 93/2020
(Key Decision)
(Pages 85 - 92)

11) DISPOSAL OF UPPINGHAM TOWN CENTRE PUBLIC CONVENIENCES

Report No: 90/2020
(Key Decision)
(Pages 93 - 100)

12) ANY ITEMS OF URGENT BUSINESS

To receive items of urgent business which have previously been notified to the person presiding.

MEMBERS OF THE CABINET: Mr O Hemsley Chairman

Mr G Brown
Mrs L Stephenson
Mr A Walters
Mr D Wilby

SCRUTINY COMMISSION:

Note: Scrutiny Members may attend Cabinet meetings but may only speak at the prior invitation of the person presiding at the meeting.

**ALL CHIEF OFFICERS
PUBLIC NOTICEBOARD AT CATMOSE
GOVERNANCE TEAM**

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CABINET

31st July 2020

COVID 19 UPDATE & APPROACH TO CONTINUED USE OF EMERGENCY POWERS - UPDATE

Report of the Chief Executive

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: N/A	
If not on Forward Plan:	Chief Executive Approved	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources (other than Finance)	
Contact Officer(s):	Helen Briggs- Chief Executive	01572 758201 hbriggs@rutland.gov.uk
	Phillip Horsfield – Deputy Director Corporate Governance (Monitoring Officer)	01572 758154 phorsfield@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Notes the continued use of the Civil Emergency Delegation

1 PURPOSE OF THE REPORT

1.1 At the Cabinet meeting held on the 21st April 2020, it was agreed that Cabinet would:

- i) Note the use of the Civil Emergency Delegation
- ii) Note the Advice of the Chief Executive, Section 151 Officer and Monitoring Officer in relation to the duration of the emergency powers.

- iii) Agree to review the emergency powers at each meeting of Cabinet to ensure that the powers are still required.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council's Scheme of Delegation makes provision for at 11.10.5 that the Chief Executive will have power:
- 2.2 "To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation."
- 2.3 Further the Financial Procedure Rule 4.6 states that:
- 2.4 "In the case of a 'major incident' as defined in the Emergency Plan, the Chief Finance Officer may determine that alternative arrangements to those in Finance Procedure Rules shall apply. In particular, the Chief Finance Officer in conjunction with the Chief Executive may: (a) establish different rules for financial systems and financial administration to the extent necessary to meet the requirements of the emergency; (b) establish a budget for the emergency, over and above the approved budget; (c) determine which officers may commit the emergency budget, and any rules to apply in managing the budget; (d) authorise any capital expenditure required as a consequence of the emergency"
- 2.5 It was established on March 16th 2020 that the opinion of the Chief Executive, Section 151 Officer and Monitoring Officer is that COVID-19 crisis activates both of these powers.
- 2.6 Early in the crisis a Decision Making Log was created for the use of the emergency powers (and other delegated powers that have been deployed during the crisis). This document has been created in order to record the decisions that have been made and the powers that these have been made under.
- 2.7 The Decision Making Log has been shared with all Members. This allows for scrutiny of decisions after the event and further ensures that all members are informed of the decisions that have been made through delegated powers.
- 2.8 The Decision Making Log also identifies who has been consulted in relation to each decision and includes information on the decision taker and the delegation used.
- 2.9 The program of meetings agreed at the Annual Council meeting on the 29th June 2020, included the restoration of both regular meetings and briefings. This reflects the position presently where the Council is operating some services at the same time as continuing to respond to the civil emergency.

3 DURATION OF THE EMERGENCY POWERS

- 3.1 The Statutory Officers (Head of Paid Service/Chief Executive, Section 151 Officer and Monitoring Officer) are of the unanimous opinion that the powers referred to in paragraphs 2.2 and 2.4 above remain available for use by Officers while the crisis is ongoing.
- 3.2 As a programme of meetings has been re-instated then decisions relating to the

Council's day to day business will be made in the usual way. However, the position remains that the Council is still involved with the whole of the public sector in dealing with the present Civil Emergency and there remains a need to respond to the emergency. This is evidenced by the actions taken by partners in Leicester and through the additional powers granted to Council's in the *Local authority powers to impose restrictions: Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020*.

4 CONSULTATION

4.1 The report is an update on the position and as a consequence there has been no consultation on the matters contained within the report.

5 ALTERNATIVE OPTIONS

5.1 The report provides an update on information regarding the actions taken and the Constitutional position.

6 FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report as the report is for noting and is provided as an update.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 These are contained in the Report

8 DATA PROTECTION IMPLICATIONS

8.1 None arising from the report.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Questionnaire is not required for this report.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications arising from this report.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no health and wellbeing implications arising from this report.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 It was agreed by Cabinet to review the emergency powers at Cabinet meeting to ensure that the powers are still required. The emergency response remains in effect and the situation remains uncertain. Should circumstances become more challenging in the near future, there is a need for the emergency powers to be in place to allow for continued decision making under the Council's Scheme of Delegation

13 BACKGROUND PAPERS

13.1 There are no background papers for the report.

14 APPENDICES

14.1 There are no appendices to the report

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

CABINET

31st July 2020

**REVIEW OF THE MANAGEMENT AND ADMINISTRATION OF
THE COMMUNITY INFRASTRUCTURE LEVY**

Report of the Interim Director of Places

Strategic Aim:	[Sustainable Growth]	
Key Decision: Yes	Forward Plan Reference: FP150520	
Reason for Urgency:	[N/A]	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property	
Contact Officer(s):	Penny Sharp, Interim Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

- 1.1 That the Strategic Director of Places in consultation with the Deputy Director Corporate Governance to make decisions in specific matters and cases relating to the application, administration, amendment, financial review and enforcement of the Community Infrastructure Levy Charging Schedule and Scheme as set out in Appendix 1 of this report, pursuant to the Community Infrastructure Levy Regulations 2010 (as amended) and adopted by the Council on 1st March 2016;
- 1.2 That the Strategic Director of Place in consultation with the Section 151 Officer and Deputy Director Corporate Governance, and the Portfolio Holders for Planning and Resources to make decisions relating temporary amendments to the Council's CIL instalment policy in response to the Covid-19 situation;
- 1.3 That the Strategic Director of Places in consultation with the Portfolio Holder for Planning to make decisions in specific matters and cases relating to the application, administration, amendment, and review of outstanding Section 106 agreements as set out in paragraph 3.11 of this report, where this affects the provision of community facilities consultation will also be with the relevant ward

Member;

- 1.4 That the Strategic Director of Place in consultation with the Section 151 Officer and Deputy Director Corporate Governance, and the Portfolio Holders for Planning and Resources to make decisions relating to the expenditure of Section 106 monies up to a value of £500,000 to deliver infrastructure and community facilities in accordance with the provisions of each individual obligation;
- 1.5 The publication of a public statement that Exceptional Circumstances Relief will become available in the area of the Council;
- 1.6 The Exceptional Circumstances Relief Policy as set out at Appendix 2 and to take all appropriate steps to ensure that the Policy becomes applicable to the adopted Community Infrastructure Levy ("**CIL**") in the area of the Council.

2 PURPOSE OF THE REPORT

- 2.1 To notify Cabinet on a thorough review of the historic management and administration of the Community Infrastructure Levy since its introduction in Rutland which is ongoing and being undertaken by Officers alongside a review of outstanding Section 106 agreements.
- 2.2 The purpose of these reviews is to maximise the availability of resources to support existing and future priorities for the Council as well as reviewing the effectiveness of current CIL management and administration.
- 2.3 To request authority for the delegation of authority to assist with specific matters and cases related to the administration of the CIL regime;
- 2.4 To request authority for the delegation of authority to assist with the specific matters and cases related to the administration of outstanding Section 106 agreements;
- 2.5 To request authority for the delegation of authority to make temporary amendments to the CIL instalment policy as a response to the current Covid-19 situation; and
- 2.6 To seek authority to implement Exceptional Circumstances Relief in the area of the Council by approving a public statement to this effect.

3 BACKGROUND AND MAIN CONSIDERATIONS

3.1 Day to day delegations with respect to CIL management and administration

3.2 The CIL regime in the County of Rutland was adopted by the Council on 1st March 2016. The initial work on reviewing the management and administration of CIL has identified that there is no specific delegations within the regime adopted by Council that would enable its effective management. Delegated authority is sought for the Strategic Director of Places to have the delegations as set out below to deal with specific matters and cases regarding the day to day management of the CIL regime, as set out in Appendix 1 to this report. This is considered a prudent way forward for the following reasons:

- 3.2.1 There are often urgent day-to-day decisions required to be made in the administration of the CIL regime.
- 3.2.2 There is also a need to respond to minor changes in policy and regulation involving the CIL regime following central government direction.

3.3 Exceptional Circumstances

3.4 The Report also asks that Cabinet adopt an Exceptional Circumstances Relief Policy. The Council's current CIL implementation note states that in very limited circumstances, Exceptional Circumstances Relief from CIL may be available at the discretion of the Council. However, if it is determined to make relief for exceptional circumstances available in accordance with Regulations 55 to 58 of the Community Infrastructure Regulations 2010 (as amended) in Rutland, then a key first step is for the service of a notice of a statement of exceptional relief. The Council has not published a public notice to this effect and so the recommendations set out above seek

the approval of Cabinet to do so. Once the notice is published then the policy which is annexed to this report (Appendix 2) can be implemented. This document sets out the policy criteria for Exceptional Circumstances Relief in the following way:

3.4.1 the use of an exceptional circumstances policy enables the Council to avoid making individual sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and section 106 conflict. The Regulations state that the Council may grant full or partial relief from liability to pay CIL if it appears to the Council that there are exceptional circumstances which justify doing so, and the Council considers expedience to do so. Each case will be considered individually by the Council, which retains the discretion to make judgements about the viability of the scheme in economic terms and whether the Exceptional Circumstances policy applies – it should be noted that the circumstances are expected to be genuinely exceptional;

3.4.2 before granting Exceptional Circumstance Relief for an individual scheme, the Council must also be satisfied that the relief would not constitute notifiable State aid;

3.4.3 the CIL Regulations specify the requirements that must be met in making the Exceptional Circumstances Assessment Regulation 53(3). The charging authority, i.e., the Council, may grant relief for exceptional circumstances if:

- a) it has made relief for exceptional circumstances available in the area,
- b) a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
- c) the Charging Authority:

considers that required payment of the CIL charge by it in respect of the chargeable development would have an unacceptable impact on the viability of the chargeable development; and

it is satisfied that to grant relief would not constitute State Aid which would be required to be notified to and approved by the European Commission.

3.5 Cabinet is therefore requested to consider and approve the delegation of authority to the Director of Places in consultation with others to make decisions in specific matters and cases relating:

3.5.1 the implementation of the Exceptional Circumstances Policy;

3.5.2 responses to minor changes in policy and regulation involving the CIL regime following central government direction; and

3.5.3 urgent day-to-day decisions required to be made in the administration of the CIL regime.

3.6 The extent of this delegation is set out more fully in Appendix 1 to this report.

3.7 Temporary revisions to the CIL instalment policy

3.8 In addition, due to the impact of Covid-19 on local businesses, it is proposed to also delegate authority to the Director of Places to make temporary revisions to the CIL instalment policy. The current instalment policy is set out in Appendix 3 to this report. The purpose of any temporary revisions will be specifically targeted to support small developments of less than 25 dwellings and/or small and medium sized developers.

3.9 This approach is in line with recent Government guidance issued in response to Covid-19, published on 13th May 2020 which is proposing to enable local authorities to introduce new instalment policies for un-commenced development. The Government proposes to amend the CIL regulations in due course to give authorities more discretion to defer payment for small and medium sized developers without having to impose additional costs on them. CIL charging authorities have the power under regulation 69B to allow those liable to CIL to pay the charge in one or more instalments and can set the date(s) on which each payment is due. In the absence of such a policy, CIL is payable - in full - at the end of the period of 60 days beginning with the intended commencement date (see regulation 70(7)). The Government guidance means that CIL charging authorities can bring into effect a new instalment policy at any time. However, any new instalment policy will only apply to chargeable developments commencing after the new instalment policy comes into effect. CIL is therefore payable in accordance with the instalment policy that was in place at the time of commencement of the chargeable development. For phased development, as each phase is a separate chargeable development, later phases that have not yet commenced could be subject to a new instalment policy. CIL charging authorities could therefore take advantage of this provision to introduce new instalment policies for as-yet un-commenced chargeable development.

3.10 Day to day delegations regarding Section 106 agreements

3.11 The Report also requests Cabinet to consider and approve delegated authority for the Strategic Director of Places to have the delegations to deal with the day to day management of outstanding Section 106 agreements. This is considered a prudent way forward and would related to the following specific matters and cases:

3.11.1 there are occasions when urgent day-to-day decisions are required in the administration of the Section 106 regime;

3.11.2 there is a need to put some form of procedure in place to ensure that the S106 moneys in existing agreements are spent appropriately and timely; and

3.11.3 there are a large number of obligations which have been complied with or which would no longer seem to be relevant or appropriate. There is currently no formal procedure in place within the Council to enable these to be removed from the Local Land Charges Register (or to agree that a clause or obligation is no longer necessary or relevant), thus reducing Officer time on processing of searches and responding to enquiries from Solicitors and Personal Search Companies.

4 **CONSULTATION**

- 4.1 The publication of a public statement that exceptional relief policy will be published on the Council's website alongside any temporary revisions regarding the instalment policy.

5 ALTERNATIVE OPTIONS

- 5.1 The alternative options are not to agree to the proposed delegations and authority to temporarily amend the instalment policy in the light of Covid-19. The proposals seek to improve the effectiveness of the management and administration of both CIL and outstanding Section 106 agreements and therefore are recommended to Cabinet on this basis.

6 FINANCIAL IMPLICATIONS

- 6.1 The cost of the proposals are contained within the existing CIL budget. There may be some delay in CIL income through any revisions to the instalment policy – this will be considered in more detail when a decision is made to revise the current policy.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The Council adopted the Community Infrastructure Levy on 1st March 2016 pursuant to the Community Infrastructure Levy Regulations (as amended) 2010. The Council now wishes to apply the Exceptional Circumstances Relief in the area of the Council pursuant to Regulations 55-57 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.2 The other legal implications are set out in the Report.

8 DATA PROTECTION IMPLICATIONS

- 8.1 There are no Data Protection Impact Assessment implications arising from this report.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment has not been completed as it is not deemed relevant to this report.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 None identified.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 None identified.

12 ORGANISATIONAL IMPLICATIONS

- 12.1 Environmental implications - None identified
- 12.2 Human Resource implications - None identified

12.3 Procurement Implications - None identified

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 Officers consider that it is important for delegations to be provided that will allow for the day to day management of both the CIL and Section 106 regimes. Officers are of the opinion that it would also be prudent to apply the exceptional circumstances relief in the area of the Council. This may provide a solution in limited circumstances where the exceptional circumstances of a development which involves additional Section 106 obligations is not viable

14 BACKGROUND PAPERS

14.1 CIL charging schedule.

14.2 CIL implementation guidance.

14.3 CIL Inspector's report.

15 APPENDICES

15.1 Appendix 1 – Delegation with respect to management and administration of the Community Infrastructure Levy

15.2 Appendix 2 – Exceptional Circumstances Policy

15.3 Appendix 3 - Current CIL instalment Policy

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Proposed Delegation to Officers - Discharge of functions pursuant to the Community Infrastructure Levy Regulations 2010 (as amended)

1. To the Director of Places:

The discharge of the Councils functions under the Community Infrastructure Regulations 2010 (as amended) or any Regulations amending or replacing the same up to and including the issue of a Reminder Notice and the Service of a CIL Stop Notice and without prejudice to the generality of the foregoing, the power to exercise the following specific functions:-

- Determining the validity of an Assumption of Liability Notice or a Transfer of Assumed Liability Notice.
- Preparing and serving an Information Notice
- Issuing and serving a Default Liability Notice
- Apportioning liability between material interests in relevant land
- Calculating a chargeable amount
- Determining a claim for an exemption or relief or the withdrawal of an exemption or relief
- Preparing and serving a Notice of Chargeable Development
- Issuing, serving or withdrawing a Liability Notice
- Determining the validity of a Commencement Notice
- Determining a deemed date of commencement of chargeable development
- Issuing and serving a Demand Notice or a revised Demand Notice
- Making a Declaration that an amount of CIL will not be payable by a person until works which are chargeable development are commenced on land in which the person has a material interest
- Issuing and serving a Reminder Notice
- Determining in accordance with any policy from time to time adopted by the Council whether to impose a surcharge :
 - (i) on apportionment of liability;
 - (ii) for late payment ; or
 - (iii) for a failure:-
 - to assume liability;
 - to submit a Notice of Chargeable Development;
 - to notify of the occurrence of a disqualifying event;
 - to submit a Commencement Notice;
 - where a Demand Notice has been suspended, to give notice of the commencement of the chargeable development ; or
 - to comply with an Information Notice.

- Determining in accordance with any policy from time to time adopted by the Council whether to impose late payment interest.
- Determining, in consultation with the relevant Cabinet Portfolio Holder(s) whether to accept a land payment with a value not exceeding £125,000.
- Determining, in consultation with the relevant Cabinet Portfolio Holder(s), whether to accept an infrastructure payment with a value not exceeding £250,000.
- Issuing and serving a CIL Stop Notice Warning Letter.
- Issuing and serving, in consultation with the Deputy Director Corporate Governance, a CIL Stop Notice
- Withdrawing a CIL Stop Notice.
- Conducting appeals against:-
 - (i) a Liability Notice
 - (ii) a review of a chargeable amount
 - (iii) the apportionment of liability
 - (iv) the grant of a relief or exemption
 - (v) the imposition of a surcharge
 - (vi) the service of a CIL Stop Notice
- Requiring an owner of a material interest in land to provide information.
- Authorising officers to enter land.
- Procurement of independent viability assessments, paid by the developer, with respect to applications for Exceptional Circumstances Relief.
- Authorising the publication of the CIL Annual Financial statement.

2. To the Head of Legal & Democratic Services

The discharge of all the Council's CIL enforcement functions following the issue of a Reminder Notice other than the issue of a CIL Stop Notice and without prejudice to the generality of the foregoing, the power to exercise the following specific functions:-

- Applying to a justice of the peace for a warrant to enter land used as a private dwelling.
- Instituting prosecution proceedings for the willful obstruction of the exercise of lawful rights of entry
- Instituting prosecution proceeding for contravening a CIL Stop Notice.
- Applying for an injunction to enforce compliance with a CIL Stop Notice.
- Instituting prosecution proceedings for giving false or misleading information.

- Instituting Debt Recovery Proceedings and follow up enforcement action in the County Court.
- Applying to the Magistrates Court for a Liability Order.
- Appointing bailiffs to levy distress and sell goods.
- Applying to the Magistrates Court for a warrant committing a debtor to prison.
- Applying to the County Court for a Charging Order.
- Applying to the County Court to enforce a Charging Order.
- Applying to the County Court to enforce a Local Land Charge
- Instituting insolvency or bankruptcy proceedings.

Rutland County Council
CIL Guidance Note
DISCRETIONARY EXCEPTIONAL CIRCUMSTANCES
RELIEF – CIL GUIDANCE NOTE

Introduction

This note sets out the Council's Exceptional Circumstances Relief (ECR) Policy.

The Policy

The Council has determined to make relief for exceptional circumstances available, in accordance with Regulations 55 and 56 of the Community Infrastructure Levy Regulations 2010 (as amended).

This Relief is discretionary and will be available from dd/mm/yyyy (date to be inserted following Cabinet approval) until further notice. Regulation 56 allows the Council to withdraw this relief offer at short notice.

The onus is on the applicant to demonstrate they qualify for relief and appropriate evidence must be submitted to do so.

In accordance with the Regulations, the Council has decided to adopt a two-stage process in determining an application:

Preliminary Stage: An application for Exceptional Circumstances Relief may **only be approved if:**

- it appears to the Council that there are **exceptional circumstances** which justify doing so, taking account of a Section 106 Agreement which has been entered into **and**
- the Council consider it **expedient** to do so.

A proposal that fails one of these tests will be rejected. If the Council consider that these requirements have been met, then it will give further consideration to a full application, as follows:

Full Application Stage: A Section 106 Agreement has been entered into and:

- the Council considers that payment of the CIL would have an **unacceptable impact** on the **economic viability** of the development, **and**
- granting relief would not constitute **State Aid**.

The need to meet all of these criteria means that very few schemes are likely to be considered eligible for relief and, consequently, Exceptional Circumstances will be rarely granted. This conclusion is in accordance with Government guidance as set out in the National Planning Practice Guidance on ECR (paragraphs 076 to 081).

Each case will be considered individually by the Council, which retains the discretion to make judgements about whether the exceptional circumstances policy applies to an individual scheme. Determination of applications for Exceptional Circumstances relief in line with this Policy will be delegated to the Strategic Director of Places.

The CIL rates set have been set at a level where most development can afford to pay the charge and include significant margins for flexibility. They have been set in accordance with standard assumptions, and with a cautious approach to these assumptions, that include an element of non-CIL obligations and a buffer, to ensure viability. These assumptions and this approach were agreed as appropriate and reasonable by an independent Planning Inspector. Schemes can also be made more viable by phasing payments.

Practical considerations

Any application for ECR must follow the procedures set out in CIL Regulation 57. An applicant must address all of the requirements set out above, particularly why the individual development is considered exceptional and why the applicant considers the Council should look favourably on an exception.

Applicants will need to have agreed with a Planning Officer at least one Section 106 obligation contribution that the development will be liable for, so that the total infrastructure costs of the development can be taken into account.

A claim cannot be approved prior to planning permission being granted and an application for ECR cannot be made after development has commenced. The claimant of the relief must also be an owner with a material interest in the land.

Process

Prior to the formal ECR application stage, if a developer is intending to apply for ECR, they should notify the Council in writing and provide a statement of no more than 500 words setting out the 'exceptional circumstances' of the scheme and the reason(s) why it would be 'expedient' to grant the application. If the Council agrees with the applicant that there are exceptional circumstances and it is expedient to consider the impact of the CIL on economic viability, then a formal ECR application may be made using the form available on the [Planning Portal Website](#) (Form 11: Exceptional Circumstance Relief Claim).

Prior to the formal application, the applicant must address the following points:-

The appointment of an 'independent person' by the applicant, to undertake the assessment of the economic viability will need to be agreed with The Council.

The 'independent person' will need to demonstrate that they have appropriate qualifications and experience by submitting appropriate examples of previous viability appraisal work carried out of adequate quality before appointment.

There must not be a client relationship between the independent person appointed to undertake the Viability Appraisal and the land owner / developer seeking the exemption other than that created by the commissioning of the Viability Appraisal.

The Viability Appraisal will need to be set out in a format of a recognised Viability Appraisal Tool or any other format agreed by the Council.

The assumptions included in the Viability Appraisal will need to be clearly set out and evidenced, to inform the Council's understanding.

If the proposal fails the Preliminary Stage of the process, there will be no need for an applicant to go to the time and expense of submitting a full application to include all of the information set out above as the application will be refused.

Fees

The applicant will be responsible for meeting the costs incurred by the independent person and the applicant will be required to reimburse any costs incurred by the Council in considering this. The costs will vary depending on the scale and complexity of the proposal.

Review and appeal rights

The Strategic Director of Places will make the final decision on whether to grant ECR. A letter will be sent to the applicant setting out the Council's decision and a brief explanation of the reason(s) for that decision. There is no right of appeal, but a review can be requested by another senior officer unconnected with the original decision. This will incur additional costs.

Timescales

The Regulations state that the decision should be made "*as soon as practicable*". The Council will endeavour to make a decision within 4 weeks. If a scheme is granted relief, it must be commenced within 12 months of the relief decision.

Vexatious Claims and Potential Withdrawal of ECR

If the Council considers it is receiving an unreasonable number of ECR applications, or many applications do not meet the criteria set out above, it may consider this an abuse of a voluntary offer and valid reason for withdrawing discretionary ECR.

Relief from part of the charge

Relief would only be granted on the basis that the CIL charge in itself is considered to render a development unviable. Consequently, it is unlikely that the whole of the CIL liability will be unaffordable. In these cases, the Council will determine what the level of CIL Relief and charge will be, based on the details set out in the economic assessment.

Circumstances that may result in the development ceasing to be eligible for relief

Eligibility ceases

- In the event of disposal of a material interest in the land.
- At the end of 12 months of the date of a decision on a claim if the development has not commenced.
- Subsequent to the granting of social or charitable housing relief.

In these cases the owner must notify the Council and the full chargeable amount (i.e. the levy that would have been payable if the exemption has not been applied) becomes payable.

Further Information

For further information regarding this policy please contact cil@rutland.gov.uk

NOTE: This Guidance Note does not set out the Community Infrastructure Levy regulations in detail and is simply a summary of the relevant provisions. You should seek your own advice if you are in any doubt as regards how the ²⁰Community Infrastructure Levy operates or affects your own position

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Rutland County Council CIL Instalment Policy

Number of dwellings 1000m2 non- residential development	Number of Instalments	Total Timescale for Instalments	Payment Amounts (%)	Payment Periods (Days from Commencement)
1	2	270 days (9 months)	10	60
			90	270
2 to 5	3	365 days (1 year)	10	60
			45	270
			45	365
6 to 25	3	548 days (18 months)	10	60
			45	365
			45	548
26 to 50	4	730 days (2 years)	10	60.
			30	365
			30	548
			30	730
51 to 100	5	1095 days (3 years)	10	60
			23	365
			23	548
			23	730
			23	1095
101 to 200	6	1460 days (4 years)	10	60
			18	365
			18	548
			18	730
			18	1095
			18	1460
201 to 300	7	1825 days (5 years)	10	60
			15	365
			15	548
			15	730
			15	1095
			15	1460
			15	1825
300+	8	2190 days (5 years)	10	60
			13	365
			13	548
			13	730
			13	1095
			13	1460
			13	1825
			12	2190

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CABINET

31 July 2020

**TRANSPORT INFRASTRUCTURE INVESTMENT FUND PROGRAMME
2020/21**

Report of the Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/120620	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mrs L Stephenson, Portfolio Holder for Culture & Leisure, Highways & Transportation	
Contact Officer(s):	Penny Sharp, Deputy Director of Places	psharp@rutland.gov.uk
	Moaz Khan , Head of Highways and Transport	01572 758342 mkhan@rutland.gov.uk
Ward Councillors	All wards	

DECISION RECOMMENDATIONS

That Cabinet:

- 1) approves that the additional Pothole and Challenge Funding received of £1,295,000 is used for carriageway works and added to the Highways Capital Maintenance Programme originally approved in April 2020.
- 2) notes that the total value of the revised Highways Capital Maintenance Programme is now £3,252,000.

1 PURPOSE OF THE REPORT

- 1.1 To approve the additional maintenance schemes which are to be funded from the Transport Infrastructure Investment Fund allocation for 2020/21 and added to those set out in the April 2020 Cabinet Paper.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Highways Capital Programme support's the Council's statutory duties as a highway authority. The programme is prioritised from highways asset condition surveys and inspections and a risk-based approach. The capital programme delivers on the targets as set out in the 2020 -2026 Corporate Plan. The Highways Capital Programme of £1,957,000 for 2020/21 was approved by Cabinet in April

2020.

2.2 The capital Transport Infrastructure Investment Funding, under the heading Pothole and Challenge Funding, was confirmed by letter on 11th May 2020 and is to support the desire to reduce the numbers of potholes on the highway network.

3 HIGHWAYS CAPITAL TRANSPORT INFRASTRUCTURE INVESTMENT PROGRAMME

3.1 Appendix A sets out the revised Transport Infrastructure Investment programme allocation, which amalgamates the original capital maintenance allocation of £1,957,000 with the additional Pothole and Challenge Fund of £1,295,000.

3.2 The revised total highways capital maintenance budget is now £3,252,000 and allows additional works to be undertaken to all our highways assets without reducing the level of the allocation going into carriageways.

3.3 It is proposed that the carriageway surface dressing and patching allocation made in April of £1,213,500 should be increased to £2,098,500.

3.4 The additional carriageway funding being made up of

- specialist rural patching product called Velocity,
- Preventative carriageway maintenance programme of microasphalt, which is like surface dressing, but more appropriate for urban roads where surface dressing may not be appropriate.
- A programme of high pressure water jetting to remove excess binder from bends and junctions, thus improving skid resistance.
- A further programme of carriageway patching to stop minor defects becoming potholes,
- Resurfacing of A6121, Ryhall, as it is now showing signs of major deterioration.

3.5 This opportunity to rebalance the whole highways maintenance capital programme, also allows for much needed additional investment in highways drainage which was highlighted by the very wet winter of 2019/20. This resulted in flooding in some areas the highway as either inadequate or in need of additional maintenance work.

3.6 Funding is required to address flooding of the A606 at its junction with Cold Overton Road. This was the subject of a feasibility study some time ago, but not progressed further. It is proposed that in 2020/21 the original feasibility study is refreshed and solution to the flooding is developed. Dependent upon the total cost of the scheme, it is intended that works will be undertaken in 2021/22 and or 2022/23.

3.7 This additional highways capital funding is welcomed and gives Rutland an opportunity to invest in its highway assets to the benefit of all its residents whether in vehicles, on cycles or horses or pedestrians. The complete revised Highways Capital Programme is set out in Appendix B.

4 FINANCIAL IMPLICATIONS

- 4.1 The council has received grant funding for highways and this report proposes using that funding on its intended purpose.
- 4.2 The Appendices detail spend over the available project areas.

5 LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 The Council has a duty under Section 41 of the Highways Act 1980, to maintain the Highway in such a state as to be safe and fit for the ordinary traffic that may reasonably be expected to use it. The highways capital programme is part of the Councils evidence that it is fulfilling its statutory duty.

6 DATA PROTECTION IMPLICATIONS

- 6.1 A Data Protection Impact Assessments (DPIA) has not been completed for the following reasons, because no personal data is being processed.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment screening has not been undertaken and there are no adverse effects due to this policy.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Well maintained highways and good highways drainage contributes towards road safety.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Failure to deliver a sustainable maintenance programme will lead to a decline in the quality of the highway networks throughout Rutland, leading to reductions in the quality of:

- 3) Transport links
- 4) Access to safe and useable highways, footway and cycleways, which promotes activities such as walking and cycling.

10 SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 It is recommended to approve the allocation of the Pothole and Challenge Fund funding for the future maintenance of the carriageway assets using a risk based approach. Additionally to reshape the whole highways maintenance capital programme to provide significant investment in carriageways, much needed investment in footways and highways drainage. Approval will allow the Council to fulfil its statutory duties with regard to highway maintenance and road safety.

11 APPENDICES

Appendix A - Proposed Revised Capital maintenance programme for 2020/21

Appendix B - Proposed programme of works for additional Pothole and Challenge Funding.

Proposed Revised Capital maintenance programme for 2020/21

The right hand column states which element is as per the original programme, the additional funding and the proposed programme requiring.

Capital Programme Budget 2020/21		
		Original/Proposed/ Additional
DfT Needs Based Funding Allocation	£ 1,535,000	Original
Incentive Funding Allocation (Band 3)	£ 320,000	Original
Carry over of pothole fund Allocation from March 2019	£ 102,000	Original
DfT Pothole Fund	£ 1,295,000	Additional
Total Funding Available	£ 3,252,000	

Maintenance Functional Areas	Allocation	Original/Proposed/ Additional
Carriageway Surface Dressing	£ 600,000	Original
Carriageway Maintenance – patching, pre surface dressing, highway drainage works	£ 613,500	Original
Velocity rural patching:	£ 20,000	Proposed
Carriageway Micro asphalt	£ 105,000	Proposed
Hydro blasting – Excess bitumen removal process	£ 60,000	Proposed
Ryhall resurfacing	£ 350,000	Proposed
Further carriageway patching from the 2019 Gaist patching survey	£ 350,000	Proposed
Footway Microasphalt Surfacing	£ 50,000	Original
Footway Microasphalt Surfacing	£ 42,000	Proposed
Footway Resurfacing	£ 90,000	Original
Footways: Additional funding	£ 110,000	Proposed
Langham Drainage Update of feasibility study	£ 20,000	Proposed
£150k Drainage schemes	£ 145,000	Proposed

Bridges	£ 100,000	Original
Street Lighting Salix Loan Repayment	£ 105,000	Original
Asset Condition Surveys & Programming	£ 50,000	Original
Capital Overheads – Term Maintenance Contract	£ 215,000	Original
Capital Overheads – Term Maintenance Contract	£ 83,000	Proposed
Staff Costs (to deliver capital schemes)	£ 133,500	Original
Staff Costs (to deliver capital schemes)	£ 10,000	Proposed
Grand Total	£ 3,252,000	

Proposed programme of works for additional Pothole and Challenge Funding.

Costs are estimated based on proposed areas identified as requiring work by inspectors during inspections or using Gaist data. These jobs have not been finalised and may vary slightly in cost in some instances.

Footway Resurfacing Programme – Identified from visual footway inspections

Parish	Road Name	Estimate area (M2)	Estimated Cost
Edith Weston	North Luffenham Road	1188	£30,800
Uppingham	Belgrave Road	1020	£26,500
Uppingham	Queens Road	336	£9,200
Uppingham	Cottesmore Road	594	£15,700
Wing	Top Street	702	£18,500
Uppingham	North Street East	135	£4,000
Morcott	A6121	171	£5,300
			£110,000

Footway Micro Asphalt Programme – Identified from visual footway inspections

Parish	Road Name	Estimate area (M2)	Estimated Cost
Ryhall	Rutland way	2000	£11,200.00
Ryhall	Beech Drive	368	£2,100.00
Ryhall	Meadow lane	471	£2,900.00
Ryhall	Burley Road	435	£2,500.00
Ryhall	St Tibba Way	750	£4,200.00
Ryhall	Parkfield Road	1820	£10,100.00
Ryhall	Coppice Road	1600	£9,000.00
			£42,000

Carriageway Microsphalt Programme – Identified from visual footway inspections

Parish	Road name	Estimate Area (M2)	Estimated Cost
Ketton	Kelthorpe Close	3800	£24,000.00
Uppingham	Bayleys Close	2150	£13,500.00
Oakham	Ladywell	1500	£9,500.00
Oakham	Dove Close	600	£5,000.00
Oakham	Severn Close	550	£4,000.00
Langham	Grange Close	560	£4,000.00
Langham	Harewood Close	1550	£10,000.00
Oakham	Edmonton Way	5500	£35,000.00

£105,000.00

Carriageway Hydroblasting Programme- Removal of excess binder

Parish	Road Name	Estimate area (M2)	Estimated Costs
Empingham	Grantham Lane	7165	£29,000.00
Cottesmore	Ashwell Road	10500	£31,000.00
			£60,000

Carriageway Patching - Identified from the GAIST visual condition surveys, and on-site confirmation in respect of priority and area to be patched.

Scheme ID	Parish	Road name	Estimated area (M2)	Estimated Cost per Scheme
346	Uppingham	Ayston Road	51.6	£2,186.62
347	Preston	Uppingham Road	121.9	£5,163.37
336	Preston	Uppingham Road	350.5	£14,845.16
345	Uppingham	A47	202.8	£8,587.35
361	Oakham	Burley Road	64.7	£2,741.20
359	Oakham	High Street	110.3	£14,015.73
356	Oakham	High Street	220.7	
55	Exton	None	167.1	£7,077.22
1	Edith Weston	Normanton Road	128.9	£5,458.37
2	Edith Weston	Normanton Road	117.7	£4,984.86
74	Edith Weston	Normanton Road	80.0	£3,387.99
85	Edith Weston	Normanton Road	75.4	£3,194.95
82	Edith Weston	Normanton Road	150.1	£6,355.89
4	Ketton	Empingham Road	64.8	£2,745.75
7	North Luffenham	Church Street	107.2	£4,539.83
23	Ashwell	Cottesmore Road	68.4	£2,897.16
26	Bisbrooke	Lyddington Road	52.5	£2,224.30
36	Barrowden	Wakerley Road	64.3	£2,722.69
41		Edmondthorpe Mere	78.3	£3,317.97
46	Ketton	Empingham Road	52.8	£2,234.62
58	Thistleton	New Road	161.4	£6,837.39
71	Ridlington	Ayston Road	92.0	£3,894.27
15	Cottesmore	Mill Lane	385.2	£16,315.19
35	Sth Luffenham	Wireless Hill	289.4	£12,255.40
3	Cottesmore	Mill Lane	125.8	£19,170.68

9	Cottesmore	Mill Lane	326.9	
14	Thistleton	New Road	110.4	£4,677.04
20	North Luffenham	Edith Weston Road	148.7	£6,295.86
32	Burley	Exton Lane	157.4	£6,665.51
33	Ashwell	Burley Road	123.7	£5,237.74
51	Ryhall	Great Casterton Road	106.7	£4,517.88
38	Market Overton	Teigh Road	154.0	£6,521.30
44	Ryhall	Great Casterton Road	176.1	£7,458.91
53	Oakham	Brooke Road; None	362.7	£15,362.16
PSD01	Ryhall	Great Casterton Road	1090	£46,161.50
PSD02	Greetham	Main Street	495	£20,963.25
PSD03	Whissendine	Main Street	1285	£54,419.75
RB134	Ketton	Stocks Hill / Redmile Lane	239	£5,470.17
RB226 246	Edith Weston	Weston Road	508	£10,400.87
RB194 199 206	Caldecott	Church Lane	535	£10,007.07
				£351,305.90

Drainage Schemes

Village	Road Name	Cost Estimate
Oakham	Kilburn Road	£15,000.00
Tinwell	Casterton Lane	£7,500.00
Thorpe by Water	Main Street	£10,000.00
Manton	St Mary's Road	£18,000.00
Hambleton	Lyndon Road	£32,000.00
South Luffenham	Back Lane	£12,650
Manton	A6003	£8,000
Teigh	Main Road	£10,000
Oakham	Noel Avenue	£10,000
Oakham	Uppingham Road	£6,600
Manton	Lyndon Road	£8,300
Contingency and investigation		£6,950
		£145,000.00

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CABINET

31 July 2020

**REVISION OF THE COUNCIL'S HOUSING ALLOCATIONS
POLICY**

Report of the Acting Strategic Director for Places

Strategic Aim:	Protecting the vulnerable	
Key Decision: Yes	Forward Plan Reference: FP120620	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor G Brown, Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance. Councillor Alan Walters, Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety	
Contact Officer(s):	Penny Sharp, Acting Strategic Director – Places	Tel: 01572 722577 psharp@rutland.gov.uk
	James Faircliffe, Housing Strategy & Enabling Officer	Tel: 01572 758238 jfaircliffe@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves for consultation the revised Council's Housing Allocation Policy at Appendix B of the report.
2. Authorises the Acting Strategic Director - Places in consultation with the Cabinet Portfolio Holder for Environment, Planning, Property, and Finance and the Cabinet Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety to assess any comments made and to finalise the policy.

1. PURPOSE OF THE REPORT

- 1.1 To propose changes to the Council's Housing Allocation Policy to take account of the Homelessness Reduction Act and to promote a responsive and efficient service.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council's current Housing Allocation Policy (HAP) was produced in April 2016. Since then, the Homelessness Reduction Act 2017 (HRA) has come into force. The HAP continues to function quite well as it gives priority to households who are threatened with loss of accommodation within two months, compared with the similar period of 56 days in the HRA.
- 2.2 The Council is moving the allocation system onto the Jigsaw system over the next few months, which is already in use for homelessness case management. This will digitise applications (whereas the current process involves often substantial paper files alongside the existing lettings computer system). As housing register applications have not been reviewed for some time, all applicants will be asked to reapply and to enter their applications onto Jigsaw via the Internet. It is suggested that we take the opportunity to update the HAP so there can be a closer integration operationally between it and the HRA and to make some other clarifications and simplifications. These include the proposed removal of the 50 points of extra priority for people who are seeking rehousing in their own village. Currently, these points have to be added manually (which is the case both with the current system and Jigsaw), have a limited effect and are rarely used. Many village properties already have local lettings agreements giving priority to local people (e.g. rural exception sites).
- 2.3 A critical friend review of the HAP was carried out by the National Practitioner Support Service as part of the transition to Jigsaw. This found that the qualification criteria for joining the housing register were reasonable and that the allocation scheme gave reasonable preference to most groups in need, but that it should be updated to reflect the HRA.

3 THE WAY FORWARD

- 3.1 The proposed revised HAP is in Appendix B. The changes are summarised in Appendix A.

4 CONSULTATION

- 4.1 Under section 166A(12) of the Housing Act 1996, if the Council is making an alteration to their housing allocation scheme which reflects a major change of policy, the Council must send the proposed change to every housing association with whom they have nomination rights and provide them with a reasonable opportunity to comment. Paragraph 5.2 of the statutory Code of Guidance states: "A major policy change would include, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures."
- 4.2 Section 32 of the Council's existing policy states: "Elected Members are responsible for determining allocation policy and for approving any changes recommended as part of a policy review which would be made following

consultation with tenants, private registered providers, relevant voluntary organisations and other stakeholders.

- 4.3 It is therefore suggested that Cabinet approve Appendix B as a consultation draft for a six week consultation using the website and emails to relevant organisations. It is suggested that approval of the final document be delegated to the Acting Strategic Director – Places, in consultation with the Portfolio Holder for Environment, Planning, Property, and Finance and the Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety.

5 ALTERNATIVE OPTIONS

- 5.1 The HAP could remain unchanged, but the opportunity for it to fit better with the HRA and to simplify the process will have been lost.
- 5.2 More substantial changes to the HAP could have been made, but these are not believed to be necessary and could have added further complication to the HAP.

6 FINANCIAL IMPLICATIONS

- 6.1 There was an opportunity to allocate some of the Public Health Reserve against existing salary costs. This released funds that could then be used to purchase the software and the first year's licence at a cost of £31,779. The digitisation of the process will result in saving printing and postage costs.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The Council is required to 'have regard to' the statutory code of guidance on homelessness issued by the Secretary of State. Paragraph 2.48 of the Code of Guidance states: "Housing authorities are encouraged to keep under review the impact of their allocations policies upon people at risk of homelessness, including single people who may be less able to establish their residency or may have a history of offending or other behaviour that impacts on their ability to access social housing. It is for the authority to decide its allocation scheme based on local priorities, but in doing so it should be aware of and take into consideration the impact of policies and procedures (which may be unintentional and/or indirect) on applicants who may be at risk of homelessness in the district."
- 7.2 The Council has had regard to the Code of Guidance when producing the revised HAP.

8 DATA PROTECTION IMPLICATIONS

- 8.1 Data Protection will be considered when officers review the results of the Consultation.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment (EqIA) screening template has been completed. It shows a positive benefit for those groups who fall disproportionately into the priority need groups for homelessness, as well as increasing the help the Council can provide to people outside of those groups.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 Efficient operation of the HAP and the HRA will help to reduce the already low incidence of rough sleeping in Rutland. It will also help to provide services for people who are fleeing violence or domestic abuse.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 Housing is one of the 'Wider Determinants of Health'. Rented affordable housing is a scarce resource and the revised HAP will allocate it more efficiently and appropriately, complementing the HRA's preventative approach.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The revised Housing Allocation Policy will complement the Council's implementation of the Homelessness Reduction Act. It will help to deliver the vision of the Housing and Homelessness Strategy 2017-22 which is, "fair access to suitable and sustainable housing for everyone in Rutland, particularly those whose needs are not readily met through the open market."

13 BACKGROUND PAPERS

- 13.1 Critical Friend Allocations Policy Desktop Review – Feedback. Rutland September 2019' by the National Practitioner Support Service.

14 APPENDICES

- 14.1 Appendix A – Summary of proposed changes
14.2 Appendix B – Draft Housing Allocation Policy

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Summary of proposed changes

Reference	Change
Front cover tables	Updated to reflect the new document and the passage of time.
Title	Revised date and version number.
Summary of document, Introduction	Reference to the Homelessness Reduction Act 2017 added.
Footers	Revised date and version number.
Contents	Page numbers revised
3.1, 3.7, 16.5	'Portfolio Holder for Housing' changed to 'relevant Portfolio Holder' due to change in titles.
3.6, 12.3, 19.0 (Homelessness & Insecure/Temporary Accommodation & Lodging with Family or Friends & Social Need), Appendix 2.	Deletion of reference to 'Insecure / Temporary Accommodation' points, which have been replaced by Homelessness points.
3.8, 13.1. 19.0 (Lodging with Family or Friends)	Amended to 56 days due to legislative change.
4.11, 7.4	Amended, as Spire Homes have now been absorbed into Longhurst.
5.1, 6.4	Clarification that households owned the 'prevention' or 'relief' duties may join the housing register.
7.7, 7.10, 19.0 (Employment in Rutland)	Updated sum by Consumer Price Index
7.11, 9.4	Clarification that change of household behaviour may be change of circumstance.
14.3, Appendix 1 (first paragraph)	Clarification of Longhurst policy regarding lettings & age.
16.3	Clarification of section 106 rules for rural exception sites.
19.0 (Homelessness)	Updating of policy to explicitly include 'prevention' and 'relief' duties.
19.0 (Local Connection), Appendix 2	Deletion of category to simplify scheme and because rural exception sites already prioritise many properties for local people.
22.3	Clarification regarding suitable offer and end of duty, due to legislative change.
25.1	Job title changed due to change in structure.
26.4	Amended to make reference to the GDPR.
29.1	CAB now called Citizens Advice Rutland.
Appendix 2, left column	Reworded due to legislative change.
Appendix 2, right column	Clarification of criteria for joining the register.

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Housing Allocation Policy

Version & Policy Number	HAP 2020 v 0.50
Guardian	Roger Ranson, Planning Policy Manager
Date Produced	3 April 2020
Next Review Date	January 2021

Approved by Scrutiny	Not yet considered
Approved by Cabinet	Considered 31 July 2020
Approved by Full Council	N/A



Title

Housing Allocation Policy May 2020 v0.50

Subject matter

To provide a clear structure and guidance on how the Council prioritises and nominates applicants to housing associations and other providers of affordable housing

Summary of document

Rutland County Council's Housing Allocations Policy sets out how it prioritises and nominates applicants to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within Rutland. The policy complies with the Housing Act 1996 Part 6 as amended (including the Homelessness Reduction Act 2017) and other relevant legislation, regulations and guidance.

The document aims to meet housing need, promote sustainable communities and the local economy and fulfil legal requirements.

The Council has produced a separate statutory summary of the policy for applicants, which is available on request, in accordance with section 168 of the Housing Act 1996. The full policy is below and is also available in large font on request.

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1.0 INTRODUCTION

- 1.1 Rutland County Council's Housing Allocations Policy sets out the way in which it makes nominations to housing associations and other providers of affordable housing. It is the Council's statutory allocations scheme and also sets out the arrangements for existing Rutland social housing tenants who would like to transfer between properties within in Rutland. The policy complies with the Housing Act 1996 Part 6 as amended by the Homelessness Act 2002, the Housing and Regeneration Act 2008, the Localism Act 2011 and the Homelessness Reduction Act 2017. We have reviewed the statutory instruments and the statutory Code of Guidance on allocations (Allocation of accommodation: guidance for local housing authorities in England, June 2012) and the associated additional statutory guidance. We are satisfied that the allocation scheme meets the relevant requirements. We have had regard to the Council's Homelessness Strategy and Tenancy Strategy. We have ensured that these strategies and the allocations scheme complement each other and will work well together.
- 1.2 Whilst the main focus of this policy is on rented accommodation, it is intended that the housing register will remain the first source of applicants for affordable home ownership schemes and the Council expects providers to proceed on this basis.

2.0 STATEMENT ON APPLICANTS' CHOICE AND ABILITY TO EXPRESS A PREFERENCE

- 2.1 Rutland County Council is fully committed to enabling people seeking affordable housing to express their preferences for the type and location of accommodation that they are seeking within the County.
- 2.2 The Council seeks to maximise choice for its applicants, whilst ensuring that priority needs are met and that the housing stock is used efficiently. The Council will, where appropriate, adopt local lettings schemes regarding who can qualify for inclusion under the housing register.
- 2.3 All applicants are entitled to express their preferences for the areas in which they wish to live and can select as many or as few as they wish. This enables applicants to seek a location they consider suitable for access to employment, schools, relatives, support and medical facilities and other facilities important to them.

- 2.4 Preferences expressed by applicants will, wherever possible, be taken into account by the Council when making an allocation.
- 2.5 The Council will provide information and advice to applicants to enable them to make properly informed choices.

3.0 OPERATION OF THE POLICY

- 3.1 The responsible Director has authority to operate this policy given to them by the County Council under the Scheme of Delegation in the Council's Constitution. This includes the power to consider representations from housing applicants requesting special consideration for housing provision after consultation with the Ward Member and relevant Portfolio Holder. The latter power will be carefully monitored and may be used in exceptional circumstances where the policy does not provide adequate priority or qualification for the necessary service and there is a pressing, urgent and/or rare need.
- 3.2 Rutland County Council, when framing its allocation scheme, has given reasonable preference to people in need as specified by section 166A(3) of the Housing Act 1996 (as amended). In some cases, the Council has given additional preference to those with more acute or urgent housing need. The award of reasonable preference and additional preference will normally be done by giving priority points where appropriate to each application as set out in this policy document, which also sets out where quotas or exceptional discretion may additionally be used. The policy normally gives additional preference to applicants in urgent need and, under Government regulations, must do so for the following groups when they are in urgent housing need:
 - (a) former members of the regular Armed Forces
 - (b) serving members of the regular Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

The Council has defined (a) as former members of the regular Armed Forces as set out in the regulations, who left the Forces in the last ten years.

- 3.3 Applicants will not be awarded points under reasonable or additional preference categories (see categories at paragraph 12.3), if these are only awarded because a 'restricted person' as defined by Part 7 of the Housing Act 1996 has been taken into account.
- 3.4 Priority of applicants may be reduced by the team manager where the Council is satisfied that the applicant has knowingly made their situation worse in order to receive additional priority.
- 3.5 Rutland County Council will assess a range of factors in determining the relative priority of applicants for accommodation within the reasonable preference and additional preference categories. These are set out in the priority points scheme and, where applicable, through the use of quotas and in line with the legislation and Code of Guidance.
- 3.6 The Rutland Health and Wellbeing Board continues to recognise that housing is one of the wider determinants of health. It prioritises good quality housing and helping to address fuel poverty and homelessness, delivered through partnership working. This is furthered by the Government's reasonable preference categories for housing allocations. These include homelessness; people occupying insanitary, overcrowded or otherwise unsatisfactory housing and people who need to move on medical, disability, hardship or welfare grounds. The Housing Allocation Policy addresses these and awards points where appropriate for Category 1 Property Hazards, Homelessness, Lacking Amenities, Medical Grounds, Overcrowding, Separated Families, Social Need and Staying Contact with Children. The Council's Homelessness Strategy emphasises the promotion of wellbeing through services for people in need, such as children and young people, those at risk of being homeless and those with specific needs.
- 3.7 The Council may decide to provide a quota of properties for securing accommodation for applicants, in cases where the Council has a full homelessness duty under Part 7 of the Housing Act 1996. (This will not include any households that are intentionally homeless.) This is an operational decision which would be made by the responsible Director, in consultation with the relevant Portfolio Holder. Any quota system may apply generally, or to properties that are of particular types or in particular locations. These would still be allocated in points order, provided there were no other relevant factor in the view of the team manager. Examples of relevant factors may include the need to prevent a household entering temporary accommodation and incurring an additional move, or the need for a household to move out of temporary accommodation because its location or nature was causing them difficulties. Any quota system put in

place would be subject to regular review and would not interfere with homeless applicants receiving offers in the normal way, outside of the quota.

- 3.8 In the same way, where the Council believes this would support sustainable communities and broad access to housing, it may set a quota for properties to be allocated to households who are not homeless or threatened with homelessness within 56 days.
- 3.9 The Council is committed to maximising the social inclusion of people with learning disabilities, in line with the Code of Guidance and the Valuing People approach. This includes assisting people with learning disabilities with the transition into independent living and/or assisting them to maintain independence. The Council will provide appropriate priority through its points system but also recognises the importance of long term planning in promoting independent living. In some cases, relying solely on priority through the points system would mean that accommodation might be offered at very short notice before the applicant is prepared and ready. Therefore, the team manager may designate that a particular property or vacancy (for example, the next suitable one bed flat in Oakham which becomes available in six months' time) should be allocated to an applicant in this category (who may or may not be provisionally made an offer). This would not prevent people with a learning disability from receiving offers in the normal way, provided they are capable of maintaining a tenancy (with any necessary support provided) at that time. The Council works collaboratively and in partnership to help to meet the needs of people with learning disabilities, including people with autism.
- 3.10 The team manager will make decisions on applications for assistance under the Rent (Agriculture) Act 1976. He may decide to assess these in the normal way (including Social Points if necessary), or he may decide to allocate outside the points system if justified under the legislation.

4.0 PROCESSING OF APPLICATIONS

- 4.1 The Council may work in partnership with another organisation to provide this service. References to the Council in this document may also include its delivery partner, except in those cases where the legal duty cannot be delegated.
- 4.2 The routine assessment of applications and making of nominations is undertaken under this policy by front line housing options staff. They are supervised as necessary by the operational supervisor and managed by the team manager.

- 4.3 The Council maintains a Housing Register to which anyone over the age of 16 may apply. (There are special rules where the applicant is aged 16 or 17, which are stated in the 'Applicants under 18 years' section below. This also includes information on the Joint Protocol for Homeless 16 and 17 year olds.)
- 4.4 If any applicant is related to a County Councillor or to a member of staff from Rutland County Council, or to any Board or staff member of any registered provider (normally the same as a housing association) or almshouse charity operating in Rutland, they will be required to declare this on their application form.
- 4.5 All applicants will be required to provide relevant proof in order to support their application, including the documentation listed on the application form. Providing all relevant information is submitted at the point of application, the Council will aim to notify applicants of the level of priority points attached to their application, within 20 working days of the application being submitted.
- 4.6 Under the Housing Act 1996, **an applicant must 'qualify' and be 'eligible'** before they can join and stay on the housing register. Applications on the housing register are assessed for priority under this policy.
- 4.7 Transfer applicants (that is, current tenants of social landlords that are registered providers and who request their own transfer) can only be included on the housing register if they have 'reasonable preference' (enough housing need) and if they 'qualify' for inclusion, as detailed in the sections below. There are special arrangements for transfer applicants in Rutland if they are entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, which are set out in section 12 below. Transfer applicants should also discuss their options with their current landlord.
- 4.8 Occupiers of affordable accommodation, where the provider is not a registered provider or where the occupation is by licence and not by tenancy, are not regarded as transfer applicants and are treated in the same way as other applicants.
- 4.9 Occupiers of the Council's own temporary accommodation under the homelessness legislation would normally have non-secure common law tenancies and therefore would not count as transfer applicants.
- 4.10 Applicants in housing association temporary homelessness accommodation arranged by the Council may be assured shorthold tenants and therefore count as transfer applicants. In most cases they would have reasonable preference, but this may

not always be the case depending on the outcome of the homelessness application.

- 4.11 Applications to join the Council's housing register may result in being nominated to a private registered provider (normally a housing association) for accommodation, *provided the applicant has sufficient priority relative to other applicants and a suitable property is available*. In practice, any accommodation offered will be in Rutland as the Council does not have any nomination rights outside the County. The registered provider will then assess the nomination under their own policies. The Council does not have any accommodation of its own available for allocation, as it transferred its properties to Spire Homes (now known as Longhurst) in 2009. Other registered providers also have properties in Rutland.
- 4.12 The Council will assess qualification and eligibility when any applicant seeks to join the housing register and also prior to making a nomination. It may also consider these at other times, for example where there is possible new information, or during a review of the housing register, or during a review (appeal) by the applicant regarding their application.
- 4.13 Where there is a joint application and the applicants live in different properties, the Council will assess the points on the basis of the current property that would score the most points, provided that the applicant living in that property would **'qualify'** (as defined below) in their own right.
- 4.14 When considering Overcrowding, Under Occupation, Category 1 Property Hazards and Social Need points - and property types for allocation - the Council will include unborn children in the calculations from 24 weeks of pregnancy. The Council will disregard the gender of unborn children when assessing the gender/age occupation mix of current and future properties, as this will not always be known to the parents.

5.0 QUALIFICATION FOR INCLUSION ON THE HOUSING REGISTER

- 5.1 The Secretary of State may determine some categories of people who qualify, or do not qualify, for inclusion on the housing register. Exemption also includes households to which the Council owes the 'prevention' or 'relief' duties under the Homelessness Reduction Act 2017. The Council will follow any regulations that are made. Subject to this, the Council is able to set its own criteria.

- 5.2 The Council's criteria are given below and applicants must meet all applicable qualification criteria in order to join the housing register. They must continue to meet all these requirements to remain on the register and to qualify for any offer that may be made.
- 5.3 In the case of an allocation to two or more persons jointly, at least one of the persons must normally be a qualifying person on the Grounds of Residence and all must normally be qualifying people on the grounds of suitability to be a tenant.

6.0 QUALIFICATION ON THE GROUNDS OF RESIDENCE

- 6.1 In order to be accepted onto the housing register - and to retain their qualification to remain on the housing register - applicants who joined the housing register after this Housing Allocation Policy was implemented are required:
- to have lived and/or to have been in paid employment in Rutland for the preceding year, or for a total of three years out of the preceding five years OR
 - to have an immediate family member who has lived in Rutland for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- 6.2 In this section, 'paid employment' is defined as having been in paid employment (not necessarily permanent) in Rutland for the relevant period, for at least 16 hours per week on average, with a commonsense approach taken regarding brief periods of unemployment. Where there is a local lettings scheme, applicants will also have to qualify on grounds of residence where relevant.
- 6.3 The Council, having regard to all statutory guidance on allocations, its Homelessness Strategy and case law on prioritising people in 'reasonable preference groups', has decided that the qualification periods in 6.1 above are reasonable and appropriate. They help to ensure sufficient demand for all types of housing whilst maintaining a transparent and relatively simple approach to qualification.
- 6.4 The following are exempt from the Qualification on the Grounds of Residence requirement:
- households which the Council has assessed as unintentionally homelessness, in priority need and with a local connection where required (that is, where the Council has a 'full' homelessness duty which has not yet been discharged)

- a local connection is not required from households fleeing domestic violence or other abuse
- households to which the Council owes the 'prevention' or 'relief' duties under the Homelessness Reduction Act 201716 and 17 year olds who are being looked after by Rutland County Council
- households which are entitled to Social Need points at Category A (250 points) or B (150 points) for a pressing need to move to Rutland specifically, or which are entitled to Social Need points for the 'Right to Move' under Appendix 3
- households which have Medical Category A points (250 points), where they are already resident in Rutland or have immediate family residing in Rutland (immediate family means a parent, child or sibling, with step and half relatives counting as full relatives)
- in accordance with Government regulations
 - members of the regular Armed Forces and former members where the application is made within five years of discharge OR
 - spouses and civil partners who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their partner, where the partner has served in the regular forces and their death was attributable (wholly or partly) to that service OR
 - serving or former members of the reserve forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service
- applications for low demand dwellings, where approved by the team manager
- other cases approved on an exceptional basis by the team manager
- transfer applicants resident in Rutland.

6.5 Any time spent in prison in Rutland does not count towards residence.

7.0 QUALIFICATION ON THE GROUNDS OF SUITABILITY TO BE A TENANT

7.1 An applicant must be suitable to be a tenant in order to qualify. An applicant is suitable, unless they fall within one or more of the definitions of being unsuitable given below and a decision to exclude them from the register is justified and proportionate. The

reason for unsuitability must still be relevant. If the type of situation referred to in paragraphs 7.5, 7.6 and 7.7 happened a long time ago, the Council may decide that it would be unreasonable to take it into account. The Council has to balance the seriousness of the situation(s)/incident(s) against how long ago they happened. Similarly, if something was done by a member of the applicant's household, but that person is no longer a member of the household, this might not prevent the person qualifying for inclusion on the housing register. Any exceptional housing need can be taken into account, but this would not always outweigh factors that may make the tenant unsuitable.

- 7.2 An applicant is normally unsuitable to be a tenant if they are the sole owner of a property anywhere in the world which is suitable and appropriate for them to live in (or could be realistically adapted, repaired or improved to be so) and is available for their occupancy, or can reasonably be made available within one year.
- 7.3 'Sole owner' includes properties which have secured loans, provided that it is not a true affordable shared ownership arrangement. It also includes joint ownership when the applicant wishes to move with a family member who is the other owner. 'Sole owner' includes sole ownership of a lease in a block of flats that is not affordable shared ownership (this also includes commonhold arrangements). Properties are not, for the purpose of qualification, regarded as 'available for occupation' if the applicant is entitled to Insecure/Temporary Accommodation points with regard to that property, nor if the applicant is homeless or threatened with homelessness within the meaning of the homelessness legislation.
- 7.4 Although the Council transferred its properties to Spire Homes (now known as Longhurst) in 2009, this policy normally still uses the test of whether an action would have been expected to lead to a Court granting an Outright Possession Order against the applicant, had the person been a Council tenant. This test is still used because it is relatively well understood in Rutland following use for many years and because it sets a relatively high threshold which protects the applicant.
- 7.5 An applicant is unsuitable to be a tenant if:
- the applicant, or a member of their household who is to be rehoused with them, has been guilty of unacceptable behaviour serious enough to make the applicant unsuitable to be a tenant of the Council, and
 - in the circumstances at the time that the application is considered, the person is unsuitable to be a tenant by reason of that behaviour.

- 7.6 Unacceptable behaviour is normally:
- behaviour that would (if the applicant were a secure tenant of the Council) entitle the Council to an outright possession order under the Housing Act 1985 s.84 on any ground in Part I of Schedule II of the Act (except Ground 8), or
 - behaviour of a member of the applicant's household, which would (if the person were residing with a secure tenant of the Council) entitle the Council to such a Possession Order.
- 7.7 This may include, but is not limited to:
- conviction for an arrestable offence
 - causing an annoyance or nuisance
 - harassment
 - damage to a property
 - social housing rent arrears or other social housing-related debt currently totalling over £1077 at 1 April 2019 prices (to be inflated annually by the Consumer Price Index or any other appropriate successor inflation factor)
 - threatening behaviour or violence.
- 7.8 Where an applicant or a member of their household is guilty of unacceptable behaviour, the Council will decide whether the applicant will be:
- refused access to the housing list
 - accepted onto the housing list with reduced points
 - accepted onto the housing list with normal points.
- 7.9 The starting point for deciding the appropriate option for an applicant will be that s/he should be refused access onto the housing list. However, the following factors should be taken into account and may result in the applicant being accepted onto the list, either with reduced points, or with normal points:
- length of time since the unacceptable behaviour
 - repeat occurrence of unacceptable behaviour
 - whether it is in the public interest for the applicant to be refused access onto the housing list, or to have their priority reduced
 - if it may not be fair or reasonable to apply the social housing-related debt criterion in the applicant's specific circumstances (for instance, in some cases where a move would improve the long term affordability of their accommodation).
- 7.10 It should be noted that behaviour that would not be sufficient to give the Council outright possession would normally be ignored

for the purposes of qualifying for the housing register or making a nomination. Thus, a social housing-related debt under £1077 at 1 April 2019 (subject to inflation) would not be taken into account in deciding qualification, unless there are exceptional circumstances.

- 7.11 Where an applicant has been refused access onto the housing list, the applicant may make a fresh application at any time. It will be for the applicant to demonstrate that there has been a material change in circumstances (this includes a significant and relevant change of behaviour by the household) and that their application should now be re-assessed.
- 7.12 Where an applicant is unsuitable to be a tenant, the Council may refuse the applicant access onto the housing list, or
- accept the applicant onto the housing list with reduced priority, or
 - accept the applicant onto the housing list with normal priority.

8.0 ELIGIBILITY FOR INCLUSION ON THE HOUSING REGISTER

- 8.1 Some people are not allowed ('eligible') to apply for social housing by law, if they are from abroad or returning from abroad. The rules on when this applies are complex. Further information is available in the Government's Code of Guidance on allocations or from Council staff.
- 8.2 The Council is not allowed to nominate two or more people to a joint tenancy if any of them is not eligible, but can still nominate any of them that are eligible and take account of the whole household when assessing whether a property is suitable.

9.0 REDUCTION OF PRIORITY

- 9.1 Where an applicant or a member of their household is unsuitable to be a tenant as described above, but the Council's view is that they should not be excluded from the housing register, the Council has to make a similar but separate decision regarding whether it would be appropriate to reduce their priority. The Council must still provide them with 'reasonable preference' priority if their application falls into one of these categories, but it can alter the priority they receive compared with other people with a reasonable preference. The relevant provisions of the Housing Act 1996 (as amended) is s.166A(5)(a) regarding property

ownership and s.166A(5)(b) regarding unacceptable behaviour by the tenant or a member of their household.

9.2 Where priority is reduced in this way, the applicant can only receive points under the following categories and the maximum number of points for their application cannot exceed 50.

- Category 1 Property Hazards
- Homelessness
- Insecure / Temporary Accommodation
- Lacking Amenities
- Medical Grounds
- Overcrowding
- Separated Families
- Social Need Points
- Staying Contact with Children.

9.3 Applicants whose application is reduced in priority in this way will be advised of this in writing, and given the reason for the decision. The letter will include information on their right to appeal.

9.4 In addition to the appeal process, the applicant may reapply at any time but the onus will be on them to show that their circumstances (including their own behaviour, where relevant) have changed. In addition, if the application has had its priority reduced for more than one year and the Council is approached by the applicant, the Council will proactively consider whether the reduction in priority is still justified regardless of whether or not the applicant has demonstrated that their circumstances (including their own behaviour, where relevant) have changed.

9.5 There is a separate procedure for dealing with situations where reasonable offers have been refused. This is under 'Reasonable offers' below.

10.0 APPLICANTS UNDER 18 YEARS

10.1 Applicants under the age of 18 years will be given points if one or more of the following apply:

- They have been accepted as legally homeless and in priority need.
- Are over the age of 16 (where a referral for assistance has been made by Social Services under the Children Act 1989).
- Have been assessed jointly under the Rutland Council Children's Services and Housing Joint Protocol for Homeless

16 and 17 year olds (or, in relevant cases, by the Inclusion Team within the 'Learning' Service as):

- able to meet the responsibilities of a tenancy, and
- having a suitable support package agreed with the Council in its role of Social Services Authority, and
- have an agreed person who will stand, as guarantor to the tenancy until the applicant is 18 years.

10.2 Applicants who do not meet the requirements in paragraph 10.1 above will be placed on the Housing Register but will not be awarded any points and will therefore not be considered for an offer of accommodation until they reached the age of 18 years. They will still accumulate time and residency points in the normal way from the point of registration, except that the points will be applied retrospectively once the applicant reaches 18.

11.0 ARMED FORCES PERSONNEL

11.1 Members of HM Armed Forces may apply for housing with the Council. Applicants should note that, in the event of them being allocated a property, they would be expected to use the property as their main home. Applicants may therefore decide to suspend offers of accommodation until near to their discharge date.

11.2 The regulations relating to additional preference for former members of the regular Armed Forces (and in some cases, injured serving members and bereaved spouses and civil partners) in urgent housing need are outlined in section 3 above. The Council already gives additional preference to qualifying households in urgent housing need under this allocation scheme, regardless of whether or not they are members of the Armed Forces. The 'Former Members of the Armed Forces etc. in urgent housing need' points category ensures that additional preference is given in appropriate cases, if it has not already been provided under a different points category.

11.3 The Government has also made regulations waiving residency restrictions in some circumstances for people with an Armed Forces background. Further information is given above in section 6 above.

12.0 TRANSFERS

12.1 Under the Housing Act 1996 (as amended), any assured or assured shorthold tenant of a private registered provider of social

housing (which is usually the same as a housing association) or a secure or introductory tenant of a housing authority (which usually means a council tenant) can only be accepted onto the housing register if:

- the allocation involves a transfer
- the transfer is made at the tenant's request, and
- the housing authority is satisfied that the tenant has reasonable preference for an allocation.

12.2 The Council will determine whether the applicant has 'reasonable preference' (that is, housing need which meets the criteria for reasonable preference given above) by assessing the application through the points scheme to see if the applicant can be accepted onto the housing register.

12.3 Transfer applicants who have been awarded points in any of the categories below will be admitted to the housing register, but will have to leave the housing register if they cease to be entitled to the relevant points:

- Category 1 Property Hazards
- Homelessness
- Lacking Amenities
- Medical Grounds
- Overcrowding
- Separated Families
- Social Need points
- Staying Contact with Children.

12.4 Where a household resident in Rutland wishes to transfer is **not** entitled to any of the above points and cannot join the housing register, but **is** entitled to 'Children Under 5 Living in Flats' or 'Under Occupation of family type housing' points, their application will be pointed and considered alongside other applicants according to their points. They will still need to **qualify** for inclusion and allocation (for example, suitability to be a tenant) in the same way as other applicants. Technically, they will not be part of the statutory housing register but they can be considered alongside housing register applicants. This is in line with paragraph 1.8 of the Code of Guidance which states that councils can continue with a single allocation scheme covering both transfer applicants with no reasonable preference and other applicants.

- 12.5 Transfer applicants from outside Rutland without reasonable preference will not be accepted onto the list, unless there are exceptional circumstances approved by the team manager (for example, the need to let properties that are in low demand). Transfer applicants from outside Rutland who have Social Need points under the 'Right to Move' as described in Appendix 3 do have 'reasonable preference'.
- 12.6 Where a transfer applicant is not entitled to join the housing register under paragraph 12.3, nor to be considered alongside transfer applicants under the special arrangements in paragraphs 12.4 and 12.5, they will not normally be able to join the Council's list. Instead, they should see if they can swap with another tenant or arrange a transfer through their housing association.
- 12.7 In situations where an applicant is currently a joint social housing tenant, but wishes to move without the other tenant, they should seek housing advice from the Council.

13.0 HOMELESSNESS

- 13.1 Every new application received will be checked to see if the applicant appears to be homeless or threatened with homelessness within 56 days. If this is the case and the applicant wishes it, then their application will also be dealt with under homelessness legislation. Appropriate investigations into their circumstances will be undertaken and they will be advised of the Council's decision in writing, ideally within 33 days.
- 13.2 If an applicant is accepted for housing as a homeless person under the Housing Act 1996 Part 7 s.193 (as amended), then any suitable offer of housing to the applicant will discharge the Council's duty towards them as a homeless person. If such a homeless applicant refuses a reasonable offer of housing, the Council is likely to have no further duty to provide assistance under the Housing Act 1996 Part 7 (as amended), and any temporary accommodation provided to the applicant is likely to be withdrawn.
- 13.3 Applicants have a right to request a review of any negative decision on their application and on the suitability of any offer of accommodation. Section 23 sets out the arrangements for seeking such a review.
- 13.4 Homeless applicants will be admitted to the housing register and their application will be assessed in the same way as other applicants which will reflect their priority through the points

system, unless it is necessary to adopt the quota process at paragraph 3.6 or 3.7.

- 13.5 Within this policy those who are accepted as homeless to whom the Council owes a duty to secure accommodation will be given a high level of priority points. Lesser levels of priority points will be given to other homeless persons including those who are intentionally homeless and those not in priority need. Intentionally homeless households will be offered advice and assistance to enable them to take action to retain or obtain accommodation.
- 13.6 The Council may also offer assistance by finding accommodation for an applicant with a private landlord.

14.0 PROPERTY TYPES THAT APPLICANTS CAN BE CONSIDERED FOR

- 14.1 Due to the limited amount of accommodation that becomes available, it is necessary to make the best use of social housing properties in the County. The properties are offered that are of a suitable size and type in relation to applicants' needs. The information in Appendix 1 shows what type of property the County Council will normally consider nominating an applicant to. In addition, the private registered providers (usually housing associations) to whom the Council nominates may have similar rules. In some cases, the Council or registered providers may take into account the extra downstairs room in 'parlour type' properties where this has the potential to be used as sleeping accommodation. Since four bedroom properties are in very short supply, the Council needs to use these 'parlour type' properties in order to provide suitable accommodation for the many larger families on the housing register.
- 14.2 A more flexible approach may be possible regarding shared ownership or similar properties. This may also be possible where a rented property is in low demand and a wider range of applicants need to be considered to make best use of the property, or conversely where the ideal size of rented dwelling is in short supply.
- 14.3 The Council recognises that households come in all shapes and sizes and with varying needs and Appendix 1 cannot cover every eventuality. The over-riding consideration is that the property size and type be suitable for the applicant taking account of any special circumstances, whilst ensuring that the best use is made of properties. Principles regarding flexibility can be set by the team manager, with day to day application to

specific cases delegated to the operational supervisor. For instance, the Council has agreed with Longhurst that in certain cases “general needs” accommodation may be let to people over 60.

- 14.4 Appendix 1 follows government guidance on allocations, which is to take account of the welfare reform restrictions on property size for benefit recipients, but not necessarily to follow them in every case. The Council has to balance this against its statutory obligations to address need and to promote equalities, which in some cases means that there may be other over-riding considerations. The Council has to take account of the local stock mix and flexibility may be needed to meet homelessness obligations, or regarding rural sites with local letting policies. The government contributes funding to the Council for discretionary housing payments.
- 14.5 Where there is a likely mismatch between benefit levels and the accommodation offered, the Council will discuss this with the applicant in line with the Code of Guidance on allocations. The Council will also work closely with the association we are nominating to.
- 14.6 As a general rule if an applicant is aged over 50 they can be considered for housing for older people or people with disabilities. However, if an applicant or member of their family is below that age they may still be eligible if they are disabled, or if the housing association has flexible age criteria. In some cases, the relevant age may be greater than 50. This depends on each of the schemes’ requirements, and the applicant would need to contact Rutland County Council or the housing association for more information.
- 14.7 If an applicant who requires one bedroom accommodation has Medical Need Priority A or Social Need Priority A, or if they need another bedroom for a carer, or are statutorily homeless, then they may in exceptional cases be considered for two bedroom accommodation.
- 14.8 Where there is no one registered for a specific type of property the Council will offer it to the next suitable applicant in need on the Housing Register (excluding supported housing). For example, applicants with staying contact with children who do not normally reside with them will not normally be offered a house but could instead be offered a flat or maisonette.

15.0 SPECIALLY ADAPTED DWELLINGS

- 15.1 Properties designed or adapted to wheelchair standard or with

special facilities will only be offered to applicants where a member of the household needs these facilities. However, where there is no such applicant on the Housing Register, the Council reserve the right to allocate it to an applicant without any special need. The Council may also take into consideration whether a property, although not currently adapted, may be particularly suitable for adaptation and allocation for someone with special needs.

16.0 LOCAL LETTINGS SCHEMES

16.1 Local lettings schemes may be adopted:

- in order to support and sustain communities through the allocation process in accordance with agreements made between the Council, landowners, developers and housing associations;
- to address identified problems arising in specific areas; or
- to ensure that the aims and objectives of Rutland County Council's housing and planning policies are met.

16.2 Where such a scheme is adopted as a result of an agreement between the Council, landowners, developers and housing association, applicants will be housed in an agreed priority order as specified in that agreement. Most existing agreements in villages are similar in principle to the new example below, but the existing agreements tend to have a larger number of stages to be taken in turn and to varying timescales.

16.3 The new example below reflects experience which has shown that a simplified approach would reduce delays and assist applicants, shared owners and landlords. Some existing planning agreements are worded so that changes to the Council's Housing Allocation Policy can override the original wording in the section 106 agreement. Where this is the situation and the new wording is more appropriate, the team manager will write to the landlord accordingly regarding the details in the agreement that appear to have been superseded (there are no rural exception sites where this is the case).

16.4 New or revised agreements are likely to be similar to the following example, which shows a descending order of priority from (a) to (c) used to make nominations to a housing association:

(a) With equal level of priority, anyone who:

- has been living in the Parish for at least 9 of the previous 12 months OR

- has been employed in the Parish for at least 9 of the previous 12 months OR
 - has moved or wishes to move to the Parish for the purpose of caring for elderly or infirm members of the family who live in the Parish OR
 - has moved or wishes to move to the Parish in order to receive care and support from members of the family who live in the Parish OR
 - has been resident in the Parish for three out of the last five years or has an immediate family member resident in the Parish for the past three years. (Immediate family means a parent, child or sibling. Step and half relatives count as full relatives.)
- (b) In the event that there are no individuals who qualify as suitable applicants pursuant to (a) above priority shall be given to suitable applicants from the neighbouring parishes.
- (c) In the event that there are no individuals who qualify as suitable applicants pursuant to (b) above priority shall be given to suitable applicants from other parishes within the County of Rutland.

In the case of rented properties, steps (a), (b) and (c) can follow directly on from each other without delay. In the case of shared ownership properties, 3 weeks is needed between steps (a), (b) and (c) provided they are fairly marketed. For shared ownership properties that are being resold, no local connection will apply after four months of marketing.

- 16.5 In other circumstances where a local lettings scheme is adopted, the details of these will be agreed and published by the responsible Director following consultation with the relevant Portfolio Holder, the local ward member(s) and the Parish Council. In agreeing any such schemes the Council will ensure that, overall, reasonable preference for allocations is given to applicants in the categories listed in section 3.2 and that the policy does not discriminate, directly or indirectly, on racial or other equality grounds.
- 16.6 Local lettings policies adopted prior to the revised Housing Allocation Policy will remain in force unless they are specifically superseded (which may include updating as described in 16.3).

17.0 ALLOCATION OF PROPERTIES TO APPLICANTS

- 17.1 The Council will operate its housing register utilising a system, which awards points according to housing need. Each application is assessed against the points schedule as shown at Appendix 2 and an award is made accordingly. This gives applicants a relative priority on the housing register and will enable them to be short-listed for accommodation when it becomes vacant.
- 17.2 Allocations are routinely made to the applicant who has the highest number of points in a shortlist of applicants who have a need for and have expressed a preference for that type of property in the specific area.
- 17.3 If there are two or more applications with the same number of points, the following criteria will be considered by the operational supervisor (in the priority order given below) when making a nomination:
- i. the applicant who has worked in Rutland the longest and also lives in Rutland (this criterion will not be applied to accommodation for older people or people with special needs)
 - ii. the applicant who resides in Rutland and who has been registered in need the longest.
- 17.4 The Council will seek to use its housing register and the available housing association stock to the best of its ability. In some instances therefore, it may be prudent to ensure an allocation is made to a transfer applicant who has a lower level of priority points, so that the resulting vacancy is made available to a general applicant with a more acute housing need or where there are other management considerations in a particular case. These management allocations will be supported by a detailed report from the operational supervisor as to why they are necessary and be approved by the team manager.

18.0 TEMPORARY HOUSING

- 18.1 The Housing Allocations Policy deals with lettings of social housing intended for long term occupancy. This includes assured tenancies with private registered providers (normally housing associations). It also is intended to cover assured shorthold tenancies with private registered providers where these are for more than one year, or are intended to lead to a longer tenancy in the same property following a starter, probationary or introductory period. It is also used to identify applicants for affordable home ownership and for private sector rented affordable housing.

18.2 In addition temporary housing may be granted in the following circumstances:

(a) Grant or Loan Aided Works

If an applicant lives in a property within the County and they have been approved to receive a private sector housing grant or loan.

(b) Major Works by a registered provider within the County.

Where the applicant lives in a registered provider (normally, a housing association) property within the County and major repair, redevelopment and refurbishment works are to be carried to the accommodation.

18.3 In these circumstances it may be possible to arrange temporary housing if they cannot stay in the property while the works are being carried out.

18.4 In all such cases a decision to offer temporary accommodation would be based on judgement about the extent of the work to be carried out and whether or not the applicant suffers from any ill health which would be aggravated by the nature of the works.

18.5 The Council may also use properties as temporary accommodation for homeless households using its powers under the Housing Act 1996 Part 7 (as amended), outside of this allocation policy.

19.0 WHAT POINTS ARE AWARDED FOR

Category 1 Property Hazards - Band A vulnerable

150 Points

Where a Housing Health and Safety Rating System (HHSRS) inspection of the property identifies at least one Category 1 hazard in Band A (excluding overcrowding).

Category 1 Property Hazards - Band B or C, or Band A non-vulnerable

50 Points

Where an HHSRS inspection identifies at least one Category 1 hazard in the property (excluding overcrowding) in Band B or C but none in Band A, or where a hazard is in Band A but where no members of the household seeking rehousing are in a vulnerable group for that hazard.

Category 1 Property Hazards points in any band will not be awarded if the issue might be easily rectified by the property owner, nor will they be awarded if no members of the household seeking rehousing are in a vulnerable group for that hazard.

HHSRS inspections are normally requested by the applicant and if needed are carried out by the Council's Environmental Protection team. HHSRS assessments by other councils, where the applicant is outside Rutland but qualifies for the Rutland housing register, will also be accepted where evidenced and undertaken by survey of the applicant's individual property.

If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring points category, to avoid double-counting.

Children Under 5 Living in Flats

Points
1st Floor (or basement)
– 20 Points

2nd Floor – 30 Points

If an applicant has one or more dependent children aged under 5 living with them (not just staying access) in a flat or maisonette, they will be awarded these points. These points will be awarded once, regardless of the number of children and will not be awarded for ground floor flats. Where the 'floor' to be used for pointing is not obvious, the flat's floor with living accommodation closest to ground level should be used.

Employment in Rutland

20 Points (for cases which do not qualify for 40 Points)

40 Points if currently living outside Rutland and the normal place of work is within Rutland and on a permanent contract (includes situations where the employee initially worked on a temporary basis, but was later taken on as permanent by the same employer.)

Employment in Rutland means paid work in Rutland by an applicant or joint applicant for at least 16 hours per week on average for the preceding six months, with a commonsense approach taken regarding brief periods of unemployment. This pay must be for at least the national minimum wage, except in cases of genuine self-employment or sheltered employment. Points are not awarded where the gross salary (including regular overtime) or income from the job, or jobs, for the relevant individual is more than £33,658 per year (1 April 2019 costs, subject to inflation). Armed Forces personnel are treated in the same way as other workers with their home base treated as their place of work. These points can only be awarded once per application.

These points are not awarded if the household has been awarded Social Need points for the 'Right to Move' (see Appendix 3), to avoid double-counting.

Family Connection with Rutland

10 Points

Where an applicant does not live in Rutland but has immediate family who live in Rutland.

Immediate family means a parent, child or sibling. Step and half relatives count as full relatives. These points can only be awarded once per application.

Homelessness

500 Points

Persons where the Council owes a duty to secure accommodation under s.193 of the Housing Act 1996 (as amended) (that is, where the Council has a full homelessness duty). This does not include any households that are intentionally homeless.

100 Points/
150 Points

Other homeless households to which the Council has to provide reasonable preference under s.166A(3) of the Housing Act 1996 (as amended). This includes households for whom the 'prevention' or 'relief' duties have been activated. (These households must still meet the relevant housing register qualification criteria.) 100 Points are awarded, unless the applicant does not receive 150 or more points under any other single category and the specific additional criteria below for 150 Points are met. These are:

- where it appears to the Council that the household would be in 'priority need' as defined by Part 7 of the Housing Act 1996 (as amended), regardless of their homelessness status OR
- former Members of the regular Armed Forces who have left within the last ten years OR
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service OR
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner OR
- serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

Lacking Amenities

20 Points per amenity lacking

Points will be awarded if an applicant lives in a location that lacks the following facilities:

- Inside WC
- Bathroom/Bathing Facilities
- Kitchen
- Living Room
- Any Means of Heating
- Hot Water Supply.

These points will not be awarded if the issue might be easily rectified by the property owner (perhaps through repairing a broken facility).

If an applicant would be eligible for both Category 1 Property Hazard points and Lacking Amenities points, they will only receive the points from the highest scoring category, to avoid double-counting.

Lodging with Family or Friends

30 Points

This is where the applicant has been lodging with family or friends and wants to live independently, but is allowed to stay there for at least 56 days. It does not apply where the accommodation has been largely self-contained, or where there are Homelessness, Overcrowding or Social Need points. Lodging with family or friends points can be awarded where the applicant has always lived with parent(s), but not in cases where the applicant has been staying with their partner or ex partner and wants to move out as these should be assessed under other categories, nor for house shares between friends or arranged with a private landlord.

Medical Grounds

Where an applicant has a medical need for rehousing. The Council may work with a Medical Advisor. Assessment will be based upon:

- How the medical condition affects the applicant's ability to cope in their home
- The suitability of their current home in terms of its type and location
- How the applicant's health would benefit from being rehoused
- Whether there is accommodation better suited to the applicant's needs (if the Council cannot nominate to more suitable housing, the applicant should not be awarded medical points)
- The kind of accommodation the applicant is seeking (an applicant seeking a move from a first floor flat to a house because of stairs would be unlikely to receive points).

An applicant's case will **not** be referred for assessment where the applicant states on their medical form that:

- Their medical condition is **not** affected by their current accommodation, **and**
- Their ability to live in their housing is **not** affected by their medical condition.

Category A - 250 Points

- Category A - where the applicant has a high medical need to move, and should be moved within six months

Category B – 150 Points

- Category B - where the applicant has a medium medical need to move, and should be moved within one year

Category C – 50 Points

- Category C - where the applicant has a low medical need to move, but it would be reasonable for them to wait at least a year.

Overcrowding

100 Points for each bedroom lacking

Points will be awarded if a separate bedroom is required for:

- ◆ Each couple living together
- ◆ A parent in a single parent family
- ◆ Each child aged 9 years or over who would otherwise have to share with someone of the opposite sex
- ◆ No more than 2 persons per room
- ◆ A single adult over the age of 16

If a member of the household has a bedroom but does not have access to it because of medical problems or property condition, this should be addressed through Medical points or Property Hazard points, not Overcrowding points.

A bedsit counts as one bedroom. Overcrowding points will not be awarded for extra bedrooms beyond the property the applicant is being considered for. For instance, a household may count as short of 2 bedrooms by the overcrowding criteria, but because of benefit restrictions or available properties can only be nominated to a property with one additional bedroom. They would therefore only receive 100 overcrowding points.

Where a person is sleeping in a car, an unconverted shed or sleeping rough, they lack a bedroom. Households in this situation, however, should not be awarded more than 100 overcrowding points. This is to avoid anomalies though double-counting where people are staying in groups and/or already receive points under other categories.

Residence in Rutland

10 Points for each full year's residence (up to a maximum of 50 points)

Points will be awarded to applicants who live within the County based on the period they were normally resident within it. This does not include any time spent in prison in Rutland.

Separated Families

100 Points

For households who could normally be expected to live together but are unable to do so because they have no suitable accommodation and where the accommodation applied for would address this problem. This factor looks at how the household could use their accommodation, not at how they choose to use it. (Where the applicant has staying contact with children who do not normally reside with them, these points will not be awarded.)

Social Need

Category A – 250 Points (where the applicant can reasonably remain in their current home for up to 3 months). Can be awarded by the team manager.

Category B – 150 Points (where the applicant can reasonably remain in their current homes for at least 6 months). Can be awarded by the team manager.

Category C – 50 Points (where the applicant can reasonably remain in their current home for up to a year). Can be awarded by the team manager or the operational supervisor.

Points may be awarded in special social or economic circumstances that do not fit into the other categories for which points are awarded. These may include situations where:

- there is proven violence or abuse and where safety or recovery would be helped by a move
- a move is to give or to receive substantial support or care from relatives
- there is a need to move to a particular place for access to special educational facilities or a place of employment
- multiple problems create an exceptional need
- the applicant has special welfare needs and would benefit from living in a more independent environment (for example, this may include care leavers).

Where there are circumstances that result in someone being unintentionally unable to occupy accommodation Homelessness Points should be considered rather than Social Need.

In cases of homelessness **prevention** where the Council is facilitating a move to an identified property, Category C Social Need points may (where appropriate) be awarded in addition to Homelessness points, if it appears that the household would have been in priority need, unintentionally homeless and have a local connection.

People with learning disabilities on the Learning Disability Register (administered by the University of Leicester) or broadly equivalent will normally be allocated Category B points, where they need rehousing and this is supported by Rutland County Council's 'Inclusion' Team within the 'Learning' Service.

The 'Right to Move' for social housing tenants moving to Rutland for work is covered in Appendix 3.

Staying Contact with Children

60 Points

Points will be awarded where an applicant has staying access to one or more children. Staying contact means that the child stays overnight at least one night per fortnight (this can be averaged out through the year), and this must be confirmed by Court Order or the child's main carer. This is only awarded if current housing is preventing overnight access and/or there are specific welfare concerns AND if the accommodation being applied for would address these issues to an acceptable extent.

Time on the register

5 Points per year (to a maximum of 50 Points)

For every year an applicant is on the Housing Register, their points will increase. Where an application is from Members of the Armed Forces, periods of registration on housing registers in other parts of the UK can also be included where these have been continuous and can be evidenced.

If an application is cancelled and then reinstated less than a year later, points will be awarded from the date of the initial application. However, where an application is removed because of applicant was rehoused through a nomination, any new application will be dated from when the new application was received. If the applicant is on a wholly separate transfer list and joins the housing register later, the date used will be the date the applicant joins the housing register.

Under Occupation of family type housing

130 Points for each bedroom not needed (compared with the property size which they wish to move into - assessed in the same way as overcrowding).

These points are awarded to an applicant to enable them to move from family type housing (for example, a 2 or 3 bedroom house or maisonette) to rented affordable housing in Rutland with fewer bedrooms. Applicants who are applying for a move to properties of different sizes will be awarded points on the basis of the larger size. For example, a tenant in a 3 bedroom property who wants to move to a property with 1 or 2 bedrooms will be awarded 130 points.

These points are only awarded where the applicant is a Council or housing association tenant living in Rutland.

20.0 CHANGES OF CIRCUMSTANCE

- 20.1 If the applicant has a change of circumstances or address they must inform the Council as soon as possible. This will enable the Council to re-assess their application in order to ensure that they are awarded points appropriate to their housing need.
- 20.2 Allocations made on the basis of out-of-date or otherwise incorrect information may be withdrawn. Where a tenancy has begun, possession action by the landlord may occur.
- 20.3 It is an offence under section 171 of the Housing Act 1996 to knowingly or recklessly give false information or knowingly withhold information which the Council has reasonably required the applicant to give.

21.0 MAKING A NOMINATION

- 21.1 When a vacancy arises in the rented stock of a housing association within the County and the property has been made available for allocation through the housing register, an allocation will normally be made to the applicant with the highest number of points (provided the property has not been designated under paragraphs 3.6, 3.7 or 3.8 above).
- 21.2 An allocation is a nomination to a private registered provider (normally a housing association) for which the Council has nomination rights. Where a nomination is made, the housing association concerned will consider if the applicant is acceptable under their own lettings policy.
- 21.3 When an applicant does not wish to be nominated for a property or an offer is refused, they will be expected to provide the reasons why they did so. This information is necessary to identify why the property was not acceptable and to ensure that the Council understands better what the applicant is looking for.

22.0 REASONABLE OFFERS

- 22.1 Applicants will normally be made two offers of suitable accommodation before their application is deferred for 6 months. Applicants will not be penalised if the reasons for refusal are felt by the Council to be reasonable. Deferral will begin on the date that the second offer is refused. Deferral means that an applicant will remain on the housing register and will not leave any reasonable preference group, but that no offer will be made during

the deferral period unless there are special circumstances (for example, a substantial and unexpected increase in the applicant's housing need).

- 22.2 However, some applicants are either homeless, or threatened with homelessness, and refusal of an offer of housing will have greater consequences for these applicants.
- 22.3 Where the Council owes a duty to secure housing for an applicant under the Housing Act 1996 Part 7 s.190 or s.193 and intends to meet this duty through an offer from the housing register, the applicant will be advised that the Council does not have to provide a second reasonable offer of housing. If the applicant rejects this reasonable offer, the Council will consider that its duty is discharged and the applicant will have to find their own housing. However, if the applicant considers that the accommodation offered is unsuitable, they have the right to appeal on this point. Where an applicant who is owed the 'prevention' duty or the 'relief' duty refuses a suitable offer of accommodation which would reasonably have been available for at least 6 months or a reasonable offer of accommodation from the housing register, the respective duty will end and the Council will have to consider whether or not any further duties are owed. This includes applicants who have been accepted under the 'relief' duty of the Homelessness Reduction Act 2017. The Council will have to consider whether any other duty is owed to applicants who were owed the 'prevention' duty.
- 22.4 On occasion, the Council makes an offer of housing to an applicant who is known to be either homeless, or threatened with homelessness (but where no s. 190 or s.193 duty has yet been established). Where this applicant intends to reject the offer of housing, they will be advised of the possible consequences.

23.0 REVIEW OF HOUSING APPLICATIONS BY THE COUNCIL

- 23.1 Applications are normally reviewed annually on the date they were registered. This will be in writing and will be followed up, again in writing, if the applicant does not respond. This is to make sure that the applicant still requires housing and that their details and circumstances are the same. Applicants are required to respond to the Council within 28 days of the date of the first letter.
- 23.2 If there has been no contact, the application will be withdrawn and the applicant will be advised in writing of this. Should the applicant contact the authority within the following 12 months their previous application will be reinstated, including any elapsed time on register points.

24.0 REMOVING APPLICANTS FROM THE HOUSING REGISTER

24.1 Applicants will only be removed from the Housing Register if they:

- a) are ineligible for housing on grounds of immigration and nationality status or habitual residence status, as detailed in Section 8, or
- b) do not qualify under Sections 5, 6 or 7, or
- c) request their removal in writing, or
- d) fail to renew their application at the annual review, or
- e) fail to respond to written correspondence from the Council within 14 working days, and the letter advised the applicant that failure to respond would result in their removal from the Housing Register. In this situation, a reminder letter will always be sent prior to the applicant being removed from the register, or
- f) are a transfer applicant who is not entitled to be on the statutory housing register and, under the provisions of Sections 4 and 12 of this policy, is also not in a group entitled to be considered alongside housing register applicants.

25.0 REVIEW OF DECISIONS

25.1 If an applicant has

- been denied access to the register, or
- believes that their application has been incorrectly assessed, or
- had their level of priority points restricted, or
- considers that an offer of housing was not reasonable, or
- received any negative decision in relation to a homelessness application, or
- believes that accommodation offered to them as a homeless person was not suitable

they will be informed of this decision by letter, which will inform them of their right to a review. The letter must include information on exactly why they have been rejected and must have sufficient detail to allow the applicant to challenge the decision. The applicant must formally request in writing a review of the decision

within 21 working days of the date of the decision, or event, about which they are seeking a review. This letter should be sent to:

Director for People
Rutland County Council
Catmose
Oakham
Rutland LE15 6HP

- 25.2 The review will be carried out by an officer nominated by the responsible Director who has not been involved in the original decision and who is senior to the officer who took made it.
- 25.3 The Council will make a decision within 21 days of receipt of the written review request and if any further information is required, the period may be extended by agreement between the Council and the applicant.
- 25.4 When conducting the review, the council will consider any written representations made by the applicant or on their behalf and will carry out the review on the basis of the facts known at that time. Where the officer conducting the review believes that it would be beneficial to reaching a decision they may request that, or agree to a request that, the applicant attend a meeting at which they may make oral representations or at which they may be made on the applicant's behalf by a person of their choice.
- 25.5 The decision on the review and the reasons for it will be notified to the applicant in writing.
- 25.6 Where an applicant is a transfer applicant without reasonable preference and if the review request is outside the scope of the statutory requirements, the request will generally be addressed through the Council's published complaints procedure instead.

26.0 EQUAL OPPORTUNITIES

- 26.1 Councils are subject to the general public sector equality duty in the Equality Act 2010. As well as the duty to eliminate unlawful discrimination, they are subject to a duty to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between persons who share a relevant protected characteristic and those who do not. The protected characteristics are age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief, and gender reassignment.
- 26.2 Rutland County Council is committed to dealing with applications for accommodation fairly and honestly and to offer equality of opportunity to all applicants who are in housing need and want

social housing. The Council has carried out an equality impact assessment on this policy.

- 26.3 In order to monitor performance, the Council will collect appropriate information from the application forms. All applicants will be required to provide necessary details at the point of application.
- 26.4 The information collected will be used to keep the policy under review and will be kept in the strictest of confidence and in line with the General Data Protection Regulations.

27.0 INFORMATION AND ADVICE

- 27.1 The Council provides advice and information in a variety of ways to ensure that any interested party is aware of how to make an application for inclusion on the Housing Register, the contents of the allocations policy and the likely housing options available to them.
- 27.2 The Council will ensure that assistance is available for anyone who may have difficulty in making an application.
- 27.3 The Council will publish a summary of its allocation scheme, which will be available free of charge to any member of the public who requests it. This full version of the allocation policy is available upon request.

28.0 RIGHT TO INFORMATION

- 28.1 All applicants have the right to request information about their application, how it is likely to be treated under the allocation policy and if and when accommodation is likely to be made available to them. Applicants also have the right, upon request, to be informed of any facts about their case, which have been, or are likely to be, taken into account in considering whether to make an allocation, except in the case of confidential information supplied by a third party on the basis that it would not be disclosed.

29.0 INDEPENDENT HOUSING ADVICE

- 29.1 Independent housing advice in Rutland is contracted to Citizens Advice Rutland. The services that they offer include:
- advice and assistance with all aspects of housing law, including eviction, rent arrears, homelessness and rehousing, and disrepair
 - assistance relating to allocations and homelessness

- advocacy/representation
- debt and benefit advice.

30.0 CONFIDENTIALITY

- 30.1 Any information provided as part of the application process will be treated in the strictest confidence wherever possible and in accordance with current data protection legislation.
- 30.2 As a consequence of Data Protection legislation every applicant will be required to give consent for the council to make enquiries and exchange information relating to them with other agencies. In order to achieve this there is an appropriate disclaimer included within the council's application form for applicants to sign.

31.0 MONITORING AND EVALUATION

- 31.1 Lettings will be monitored and the allocations policy will normally be monitored and evaluated annually to gauge its effectiveness in meeting the aims and objectives outlined in sections 1 – 3. The outcomes of this evaluation process will form the basis of any subsequent recommendations for policy review.
- 31.2 The number of people rehoused through Social Points under the 'Right to Move' (see Appendix 3) will be monitored and compared with the Government's suggested target of 1% of moves. The Council has decided not to set a formal quota, as this would in Rutland amount to 1 or 2 lettings a year and demand and lettings are bound to fluctuate when the numbers involved are so low.

32.0 POLICY REVIEW

- 32.1 Elected Members are responsible for determining allocation policy and for approving any changes recommended as part of a policy review which would be made following consultation with tenants, private registered providers, relevant voluntary organisations and other stakeholders.

APPENDIX 1 – ELIGIBILITY OF HOUSEHOLDS FOR DIFFERENT TYPES OF HOUSING

Applicants generally under 60 years (at least one applicant for joint applications). 'X' means eligible. See also second table for applicants with some special needs and section 14 for further background including flexibilities. Single people and couples aged 50-59 and parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the following table. Under an agreement with Longhurst, some lettings to 'General Needs' properties can be made to over 60s.

Applicant Type	Studio	1 bed house or flat	2 bed flat or maisonette	2 bed house	3 bed flat / maisonette	3 bed house	4 bed house (or suitable 3 bed 'parlour type')	5/6 bed house
Single Person	X	X						
Couple		X	X					
Single person or couple with access to child / children		X	X (if Staying Contact points)					
Parent(s) with 1 child			X	X				
Parent(s) with 2 children (same sex)			X (if both under 16)	X (if both under 16)	X (if one over 16)	X (if one over 16)		
Parent(s) with 2 children (different sexes or one over 16)			X (if eldest under 9)	X (if eldest under 9)	X (if eldest over 8)	X (if eldest over 8)		
Parent(s) with 3 children					X	X	X (if needed for over 16s to have own room)	
Parent(s) with 4+ children						X	X	X (very large families in exceptional cases)

Applicants generally over 50 years

Single people and couples aged 50-59 can usually be considered for suitable housing under both the table below and the table above. Parent(s) over 50 with child / children (not just staying contact) can usually be considered for suitable housing under both this and the first table.

Single Person	1 bedroom bungalow, ground floor or first floor flat or studio flat (either supported, or older people / specialist without support)
Couple	1 or 2 bedroom bungalow / 1 st floor & ground floor flat (either supported, or older people / specialist without support)
Two or more persons (for example single person or couple and carer, or parent(s) with a child over 50, or parent(s) with access to child / children and Staying Contact points)	2 bedroom bungalow / ground floor flat (either supported, or older people / specialist without support)

Notes:

Paragraphs 14.6 and 14.7 set out circumstances where these properties may sometimes be let to people who are younger or have disabilities.

In the case of a joint application, only one party need be over 50. In the case of sole applications, the applicant must be aged 50 plus.

APPENDIX 2 – PRIORITY POINTS SUMMARY

Circumstances	Points Awarded (new scheme)
Category 1 Property Hazards (Band A and vulnerable group)	150
Category 1 Property Hazards – other	50
Children aged under 5 living in flats, excluding ground floor:	
1 st Floor	20
2 nd Floor	30
Employment in Rutland (not awarded with Social Need points for the “Right to Move”).	20 (if working in Rutland) 40 (if working permanently in Rutland but living outside)
Family connection with Rutland	10
Homelessness	
Unintentionally homeless and where the Council owes a full homelessness duty under the Housing Act 1996	500 (and provision to ring-fence properties if necessary)
Homeless – not full duty but ‘additional preference’	150 (but will need to pass qualification to join the register)
Homeless not full duty but ‘reasonable preference’ criteria	100 (but will need to pass qualification to join the register)
Other homeless persons receiving advice and assistance or in accommodation secured for them, or where the Council can refer to other areas	100 (but will need to pass qualification to join the register)
Lacking Amenities	20 per facility (where also eligible under Category 1 Property Hazards, points will only be awarded for the highest scoring category)
Lodging with Family or Friends	30

Circumstances	Points Awarded (new scheme)
Medical Grounds Category A	250
Medical Grounds Category B	150
Medical Grounds Category C	50
Overcrowding	100 per bedroom lacking
Residence in Rutland	10 per year (up to a maximum of 50 points) and a residency qualification to join the register
Separated Families	100
Social Need Category A	250
Social Need Category B (including "Right to Move" Category B)	150
Social Need Category C (including "Right to Move" Category C)	50
Staying Contact with Children	60 (if meet criteria)
Time on the register	5 per year (up to a maximum of 50 points)
Under Occupation of family type housing	130 per bedroom surplus to need

APPENDIX 3 – THE ‘RIGHT TO MOVE’

A3. Introduction

A3.1. ‘Right to Move’ priority where applicable is given through the award of ‘Social Need’ points. Under the national ‘Right to Move’ initiative, transfer applicants from outside Rutland who meet the criteria can join the housing register and receive a certain degree of priority through the award of Social Need points, if:

- they need to move to Rutland to take up an offer of employment based here or to keep an existing job here, to avoid ‘hardship’ for themselves or another family member
- the work must not be ‘marginal’ and the applicant must intend to take up the offer or to continue working here. Normally this would mean it should be for at least 16 hours per week, for at least the national minimum wage or be an apprenticeship, and be expected to last for at least one year.

A3.2 ‘Transfer applicants’ are current tenants of social landlords that are registered providers and who request their own transfer.

A3.3 In determining hardship, the Council will take into account:

- distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into consideration level of applicants earnings
- the nature of work and whether similar opportunities are available closer to home
- other personal factors e.g. medical care, child care which would be affected if applicant could not move
- the length of the work contract
- whether failure to move would result in the loss of opportunity to improve their employment prospects etc.

A3.4 The Council then needs to consider whether the above or similar relevant factors cause a risk of short-term crisis/substantial inconvenience and/or medium-/long-term risks to welfare and prospects.

A3.5 The onus is on the applicant to provide the information needed to evidence the ‘Right to Move’, but the applicant should be asked to supply it if it appears from their application that the Right to Move might apply.

- A3.6 A moderate or medium level of hardship would lead to the award of Social Points at Category C (50 points) and a substantial level of hardship the award of points at Category B (150 points). (A 'slight' level of hardship would be a contradiction of terms in this context.)
- A3.7 Applications can only receive one set of Social Need points at a time.
- A3.8 Employment in Rutland points are not awarded if the household is receiving Social Need points for the 'Right to Move', to avoid double-counting.
- A3.9 The arrangements for monitoring the operation of the 'Right to Move' are in paragraph 31.2 of the Housing Allocation Policy.

A large print version of this document is available on request



Rutland County Council
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CABINET

31 July 2020

SECONDARY SCHOOL SUFFICIENCY

Report of the Strategic Director for People

Strategic Aim:	Delivering sustainable development	
Key Decision: Yes	Forward Plan Reference: FP/120620	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr D Wilby, Portfolio Holder for Lifelong Learning, Early Years, SEND, Inclusion, Safeguarding Children & Young People	
Contact Officer(s):	Dawn Godfrey, Deputy Director - Children's Services	01572 758358 dgodfrey@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the recommendation to undertake Stage Two of the feasibility study for school expansion at the preferred site of Catmose College, Oakham to deliver additional places through the development of an 8 Form Entry secondary school as identified through Stage One of the study.

1 PURPOSE OF THE REPORT

- 1.1 To inform Cabinet of the key findings from Stage One of a feasibility study undertaken by the NPS Group to identify the preferred site for expansion of a Rutland secondary school to provide an extra 30 places for students entering in to Year 7 and outline the advantages and disadvantages for each site.
- 1.2 To gain Cabinet approval to undertake Stage Two of the feasibility study for school expansion at the preferred site of Catmose College, Oakham to deliver additional places through the development of an 8 Form Entry secondary school.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 All three secondary schools in Rutland are academies which means they are directly funded by the Department for Education and independent of local authority control. They are self-governing and are responsible for their own curriculum planning and delivery, and for determining their own admission arrangements based on the capacity of the school buildings.
- 2.2 Rutland's three secondary schools are popular and are over-subscribed. As schools' funding is mostly determined by the numbers of pupils attending, this popularity ensures viability of each of the schools and supports the strong educational performance seen across the Rutland secondary education sector. When pupil numbers rise, increased funding is available for teaching staff and resources and therefore these schools can increase their staff numbers and breadth of curriculum which is to the benefit of all students.
- 2.3 As an outcome of Stage One of the feasibility study, it was identified that all three secondary schools would have potential for expansion with a number of options available for each site, however there are considerations which would need to be taken into account as outlined in Appendix A of this report.
- 2.4 The feasibility study has not directly taken into account the potential major housing development at St George's; however, all schools have admission criteria to decide which children get places if the school is oversubscribed. If the St George's development were to go ahead, the new 'village' would be located in an area that already falls within the catchment area for Uppingham Community College. Therefore, the college would identify the children resident in the new village as living in the catchment area, thus giving them priority into the college over children resident outside the catchment area. Currently 20% of pupils attending Uppingham Community College are outside of the catchment area. This means there is sufficient capacity for Uppingham Community College to prioritise places to children living on the St George's development who will be living within the catchment area. In addition, any new primary school located within the St George's development would be added as a feeder school to Uppingham Community College although these changes would need to be consulted upon as per guidelines in the School Admissions Code.

3 CASTERTON COLLEGE

- 3.1 The visual condition survey for Casterton College concluded that, whilst the building remains fit for purpose, the age of the building and the internal layout offers limitations to expansion without a combination of re-modelling and new build.

- 3.2 The location of Casterton College means that their natural intake includes a high percentage of children from families in bordering authorities and, whilst the latest School Capacity (SCAP) assessment shows the school at only 84% capacity (SCAP 2019), this does not reflect the current pressures in Year 7 and Year 8 as a result of the school choosing to offer places in excess of their Published Admission Number of 180 to meet increasing applications from out of county. When considering the costs associated with the provision of the additional places required and the location of the site, this option offers limited confidence that these places would meet the projected need for the Council and for Rutland families as places could not be guaranteed for Rutland children who live outside the catchment area for this school.

4 UPPINGHAM COMMUNITY COLLEGE

- 4.1 The age of the buildings at Uppingham Community College, and the internal configuration, would not readily offer the additional provision required but would continue to add to a building that has been built up through a piecemeal approach. The school is at 98.7% capacity (SCAP 2019) and is forecast to exceed capacity by 20 places in the academic year 2020-21, peaking at 104.9% (45 places) in 2024-25 which reflects the popularity of this school with families from neighbouring authorities and the school's own admission arrangements which names villages outside Rutland. This would therefore mean that, although additional places could be delivered through this site, these could not be guaranteed for Rutland children who live outside the catchment area for this school.

5 CATMOSE COLLEGE

- 5.1 Catmose College building stock is overall in better condition, being relatively newly built, and would be more suitable to expansion of this nature. This is reflected in the cost per pupil equivalence for each of the options considered. The school, with a Published Admission Number of 210, is currently at 99% capacity (SCAP 2019) and is forecast to exceed capacity by 4 places for the academic year 2020 - 2021, peaking at 103.5% (37 places) in 2023-24. The proportion of out of county pupils is very low compared to Casterton and Uppingham schools and therefore expansion would be of greater benefit to Rutland families. Early discussions with Catmose College indicate they could manage a 1-year increase of pupils in 2021/22, as long as the expansion was fully completed for the start of the academic year in September 2022.

6 CONSULTATION

- 6.1 The portfolio holder and deputy director have met with each of the respective head teachers who have all confirmed they are generally content with the conclusion of the Phase 1 feasibility studies and our proposals for Phase 2.

7 ALTERNATIVE OPTIONS

- 7.1 All alternative options have been considered as part of the Phase 1 feasibility studies as detailed in this report.

8 FINANCIAL IMPLICATIONS

- 8.1 The costs of the Phase 2 study have previously been agreed by Cabinet on 18 February 2020 and will come from available capital funds.

8.2 The full costs of expansion will be confirmed as part of the Phase 2 study and will be funded by Basic Needs funding.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 There are no legal or governance considerations.

10 DATA PROTECTION IMPLICATIONS

10.1 A Data Protection Impact Assessments (DPIA) has not been completed.

11 EQUALITY IMPACT ASSESSMENT

11.1 An Equality Impact Assessment has not been completed as it is not deemed relevant to this report.

12 COMMUNITY SAFETY IMPLICATIONS

12.1 None identified.

13 HEALTH AND WELLBEING IMPLICATIONS

13.1 None identified.

14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 Initial findings from Stage One of the feasibility study identify Catmose College as the favoured site for Phase 2 Study because of the current conditions of the existing modern new-build school and this would consolidate the investment that has already been made in recent extensions on the site, with fewer potential planning constraints than at the other two sites.

14.2 The site is centrally located within the County which is reflected in the majority of admissions for this school being from Rutland families and would therefore more readily address Rutland's pupil place sufficiency need.

14.3 It is therefore requested that Cabinet approves the recommendation to undertake Stage Two of the feasibility study for school expansion at the preferred site of Catmose College, Oakham to deliver additional places through the development of an 8 Form Entry secondary school as identified through Stage One of the study. The Phase 2 study is anticipated to be concluded by end of September with the developed design completed by the end of November 2020.

15 BACKGROUND PAPERS

15.1 There are no additional background papers to the report.

16 APPENDICES

16.1 Appendix A – Feasibility study overviews

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Appendix A.

A.1 Casterton College

Casterton College is currently classed as a 6-form entry school, with their Pupil Admission Number (PAN) set at 180. However for last year, and this year's admission rounds, the school has chosen to 'over-offer' and admitted 210 pupils into the Year 7 cohort at the second offer round. The increased intake has been to the benefit of families in the wider locality of the school, with 69% of offers for September 2020 made to children from neighbouring local authorities.

The school site has developed over many years since the original build in 1939, with a range of two story building of different ages and conditions. There are many changes of level across the site and only parts of it are wheelchair friendly.

The school accommodation generally complies with the requirements in BB103¹ and the external areas could accommodate expansion. However, there are some faculty deficiencies which would require general infrastructure changes, as well as the expansion, to include increased dining facilities, pupil toilets and changing rooms and specialist teaching rooms such as a science laboratory.

As an outcome of the feasibility study, three options were identified. Option 1 would permanently increase the school to 7-form entry (7FE), and Option 2 to 8-form entry (8FE) through extension to the current building. Option 3 is for a new build 8FE provision.

Option 1 - 7FE expansion requires an indicative area of 800m² new build and 160m² remodelling and 100m² of external works hard surfacing. Cost estimate £3,847,900; cost per pupil £18,941.

Option 2 - 8FE expansion requires an area of 1560m² new build and 200m² remodelling. All weather pitch 6000m² of external works hard surfacing. Cost estimate £10,184,300; cost per pupil £25,695.

Option 3 - 7FE/8FE demolition of existing buildings and new build school to current Education and Skills Funding Agency (ESFA) standards. Cost estimate £36,411,100; cost per pupil £92,851

If this site was chosen, expansion could be accommodated on adjacent field subject to Planning Approval. Expansion would improve some school facilities and flows and would address over-subscription of this popular school. However, as the majority of pupils come from out of county, the expansion would not necessarily address Rutland's pupil place capacity need.

Additionally, some of the building dates back to 1939 and the continued piecemeal expansion does not address long term viability of school and building infrastructure issues, and there can be difficulty integrating a modern extension with existing older building and services.

¹ Building Bulletin 103: Area Guidelines for Mainstream Schools - non-statutory area guidelines for school buildings for all age ranges from 3 to 19

Owing to the location, most of the pupils and staff travel by car or bus meaning the road outside is congested at arrival and departure times and expanding numbers will increase congestion around an already busy site.

There are potential planning concerns because part of the site is within RCC's 'limits of development' zone, which will determine where future extensions can be located.

A.2 Catmose College

Catmose College is currently classed as a 7-form entry school, with their Pupil Admission Number (PAN) set at 210². The school is oversubscribed, with an intake predominantly from Oakham and surrounding villages with only 15% of offers for September 2020 made to children from neighbouring local authorities.

The college was a new build secondary school constructed in 2011 during the 'Building Schools for the Future' programme with all accommodation provided in a single 2- storey building which is well maintained and remains in good condition. Some modifications have been made to the original building including a mezzanine floor converted for a designated special provision area³.

A separate 1960s building previously used as a nursery has been converted to offices and a conference area.

As an outcome of the feasibility study, four options were identified which would provide additional accommodation. However, two of these options (Options 1 and 2) would only enable the College to continue to maintain current arrangements for 7-form entry (7FE) and therefore not increase provision to meet SCAP forecast. Options 3 and 4, which would expand the site and increase capacity to provide 8-form entry (8FE) would be the only Options at Catmose to provide the 30 additional pupil places required.

Option 1 - 7FE expansion requires an area of 450m² new build and 500m² remodelling. Cost estimate £2,622,300; cost per pupil £12,664

Option 2 – 7FE expansion with no new build but with the extension area provided by remodelling of Brightways Community Support Service and adjacent classroom, with Brightways relocated elsewhere in the town. Cost estimate £1,982,900; cost per pupil £9,390

Option 3 – 8FE expansion requires an area of 1200m² new build and 750m² remodelling. Cost estimate £5,761,800; cost per pupil £14,371

Option 4 – 8FE - generally as Option 3 but the total new build could be reduced by up 380m² by remodelling of the Brightways facility assuming a suitable replacement can be provided elsewhere in the town. Cost estimate £5,212,300; cost per pupil £12,964.

All options can be accommodated within the existing site but the impact on the support for Brightways service users would need to be considered.

² Catmose College raised their PAN from 180 to 210 in their 2019 Admission Arrangements and so have offered to PAN in the last 2 admission rounds.

³ The Designated Special Provision (DSP) is for students with Moderate Learning Difficulty (MLD); admission is determined in consultation with Rutland County Council.

If this site was chosen there would be fewer difficulties integrating extension into the existing fit for purpose buildings with full range of facilities on site. The majority of pupils are from within Rutland, therefore expansion would more readily meet pupil place planning requirements, and there would be less impact on congestion due to existing site arrangements and on-site parking.

However, planning constraints may have to be overcome. If option 4 was to be considered, the current provision offered through Brightways would need to be relocated to a suitable alternative venue in the locality, with associated costs to be factored in.

A.3 Uppingham Community College

Uppingham College is currently classed as a 6-form entry school, with their Pupil Admission Number (PAN) set at 180. The school is over-subscribed with 61% of offers for September 2020 made to children from neighbouring local authorities.

The school is housed in a mixture of buildings which have been developed over the last 70 years, on a rural site which is irregular in shape, with school buildings located on the corner of the part sloping site. A separate single storey classroom block has recently been added, to the east side of the main school.

Building stock is of different ages, ranging from 3 to 80 years, and some localised repair and maintenance work is required, but overall the site is well maintained and generally in good condition.

As an outcome of the feasibility study, two options were identified; option 1 would permanently increase the school to 7-form entry (7FE), and option 2 to 8-form entry (8FE).

Option 1 - 7FE expansion requires an area of 1115m² new build and 153m² remodelling. Cost estimate £4,943,500; cost per pupil £24,552

Option 2 - 8FE expansion requires an area of 2050m² new build and 153m² remodelling. Cost estimate £8,441,500; cost per pupil £21,232

If this site was to be chosen this would improve the school facilities and address over-subscription to this popular school. However, as the majority of pupils come from out of county, the expansion would not necessarily address Rutland's pupil place capacity need.

Whilst the site could accommodate physical expansion, this would continue the piecemeal expansion and does not address some of the building infrastructure issues, such as dining facilities and pupil toilets and changing rooms.

Most of the pupils and staff travel by car or bus meaning the road outside is congested at arrival and departure times and expanding numbers will potentially increase congestion around an already busy site.

Planning constraints may need to be addressed because the school is in a rural location outside the 'Planned limits of development' that ring the boundaries of Uppingham and Lyddington.

CABINET

31 July 2020

DISPOSAL OF UPPINGHAM TOWN CENTRE PUBLIC CONVIENENCES

Report of the Strategic Director Places

Strategic Aim:	Priority 2 - Vibrant Communities Priority 3 - Protecting the Vulnerable Priority 4 - Customer Focussed Services	
Key Decision: No	Forward Plan Reference: FP/120620	
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr G Brown (Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance)	
Contact Officer(s):	Mona Walsh Head of Property Services	Tel: 01572 7208391 MWalsh2@rutland.gov.uk
Ward Councillors	Cllr M Jones (Uppingham Ward) Cllr M Oxley (Uppingham Ward) Cllr L Stevenson (Uppingham Ward)	

DECISION RECOMMENDATIONS

That Cabinet:

1. Approves the principle of the transfer of the Councils freehold interest in Uppingham Town Centre Public Conveniences to Uppingham Town Council.
2. The allocation of the sum of £ 26,800 of S106 monies towards the works for the scheme
3. That legal costs associated with the transaction are funded through the legal budget
4. Authorisation to the Director for Places, in consultation with the Cabinet Member with portfolio for Planning, Environment, Property and Finance to agree the final terms, including the precise area of land, generally in line with the Heads of Terms.

1.1 The purpose of this report is to obtain authority from Cabinet to transfer the freehold of Uppingham Town Centre Public Conveniences to Uppingham Town Council who intend carrying out a refurbishment of the facilities and are well placed to continue to operate the public conveniences for the benefit of town centre users.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Uppingham Town Centre Public Conveniences are operated and maintained by the Council. The facilities are well used but now require considerable investment to refurbish and provide modern facilities. Uppingham Town Council have identified funding they can use for a refurbishment and are currently negotiating terms for the acquisition of the Councils freehold interest.

2.2 The terms agreed will include conditions in perpetuity that use of the property is restricted to public conveniences only, with the facilities kept open for this purpose. Uppingham Town Council will be permitted to have an ATM installed in part of the property for the benefit of town centre users. The refurbishment of the toilets will provide an ATM in the Market Square to replace the ATM which was lost when Barclays closed the bank in Uppingham and Barclays are making a £15,000 contribution to the works as well as funding the costs of installing and servicing the ATM.

2.3 The refurbishment works will be funded from Uppingham Town Councils own resources including contributions from the Council and Barclays Bank. The Council will provide S106 funding of up to £26,800 towards the agreed works, costed at c£75,000 including fees and 10% contingency. In addition, the Council will provide a revenue support package relating to the operating costs reducing to zero over 5 years, starting at £10,000 in 20/21 and reducing by £2,000 per year.

2020/21	£10,000
2021/22	£8,000
2022/23	£6,000
2023/24	£4,000
2024/25	£2,000
Total	£30,000
2025/26 and beyond	£nil

2.4 Transfer of the property to Uppingham Town Council will enable them to secure additional funding for the refurbishment works and ensure that the town centre users benefit from modern fit for purpose facilities. In addition, the Council will generate future revenue savings following the expiry of the financial year 2024/2025.

3 HEADS OF TERMS

3.1 Proposed Heads of Terms are set out below

Subject to Contract and Cabinet Approval		
1.	Property Address	Market Place Public Conveniences, Uppingham
2.	Owner	Rutland County Council District Council (RCC)

3.	Purchaser	Uppingham Town Council (UTC)
4	Title	Freehold
5.	Sale Price	The consideration for transfer will be £1. RCC may consider a transfer of the asset to UTC by way of the Community Asset Transfer route.
6	Revenue support	<p>Rutland County Council to provide a revenue support package relating to the operating costs reducing to zero over 5 years, starting at £10k in 20/21 and reducing by £2k per year.</p> <p>2020/21 £10,000 2021/22 £8,000 2022/23 £6,000 2023/24 £4,000 2024/25 £2,000 Total £30,000</p> <p>2025/26 and beyond £nil</p>
7	Overage	The transfer will include agreed clawback provisions of 30% on any increase in value for a period of 40 years from the date of any disposal. Restrictions on the ability to sell or sublet to third parties to be agreed.
8	Refurbishment	<p>UTC to carry out a refurbishment of the property to provide upgraded male and female public WCS, including disabled access facilities. See attached document setting out the agreed works [detailed schedule awaited] to be finalised/agreed with UTC]. UTC will be responsible for designing, procuring and overseeing the refurbishment works, including obtaining all statutory approvals and consents.</p> <p>UTC will use best endeavours to procure materials, supplies and contractors from local companies, within a 40 mile radius of Uppingham.</p> <p>The works will be funded from UTC own resources including contributions from RCC and Barclays as set out below.</p> <p>The transfer will be conditional on UTC completing the refurbishment works within a timeframe to be agreed.</p>
9	RCC Funding of Refurbishment	RCC will provide funding of up to £26,800 towards the agreed refurbishment works. The transfer documentation will include appropriate clauses setting out a mechanism for payment of funding for refurbishment and revenue support referred to above.
10	Barclays Bank	Barclays Bank have confirmed their agreement to offer UTC a contribution of £15,000 towards the cost of refurbishing the public conveniences. This is in addition to their agreement to fund the installation and running of an ATM within part of the Property Address
11	Funding Agreement	An additional tripartite Funding Agreement will be required setting out the funding obligations and commitments of the three parties involved – RCC, UTC and Barclays Bank. Each party will be responsible for

		their own legal and other associated costs for the Funding Agreement
12	Permitted Use	The building will be used only as a Public Convenience, and the transfer documentation will require the premises to be kept open for this purpose [opening hours to be agreed]. UTC will erect a sign on the property stating that the WC's are operated by Uppingham Town Council and that all enquiries/complaints are to be made to UTC with address & telephone details included. Ancillary Use of part only of the Property will be permitted e.g. installation of a bank ATM facility, subject to all necessary statutory consents being obtained.
13	Insurance	UTC will be responsible for insuring the property to its full reinstatement value. UTC must provide public liability insurance of £10 million.
14	Rates and Outgoings	UTC will be responsible for the payment of all rates, taxes and utilities and other outgoings.
15	Legal Costs	Each party will be responsible for their own legal and other associated costs relating to the transaction
16	Other Terms and Conditions	The transfer documentation will contain such other terms and conditions as are appropriate in agreements of this nature.

4 CONSULTATION

- 4.1 Consultation has taken place internally with Senior Officers and Elected Members of the Council including Cllr G Brown (Deputy Leader and Portfolio Holder for Planning, Environment, Property and Finance), Director for Places, Strategic Director Resources and Deputy Director Resources.

5 ALTERNATIVE OPTIONS

- 5.1 Do nothing would result in the public conveniences remaining in a poor condition as there is no current budget for the general refurbishment with the risks that this brings.

6 FINANCIAL IMPLICATIONS

- 6.1 The Council has identified S106 funding of £26,800 as a contribution to the refurbishment costs which is the preferred method of funding.
- 6.2 Annual running costs for 2019/2020 were £8,000 inclusive of cleaning, utilities, business rates and insurance.
- 6.3 The sale price agreed reflects the restricted use of the property and the financial obligations associated with maintaining the public conveniences. The transfer documentation will include an overage clause in the Councils favour enabling it to benefit from 30% of any future increase in value in the event of Uppingham Town Council disposing of the property within 40 years of the transfer.
- 6.4 The Council will provide a revenue support package of £30,000 relating to operating costs starting at £10,000 in 2020/21 and reducing by £2,000 per year with the final payment being £2,000 for 2024/25. No further revenue support will

be made in subsequent years.

6.5 The Council's legal costs associated with the transaction are funded through the legal budget and are expected to be in the range £6,500 - £8,500 excluding disbursements and VAT.

6.6 If the proposed transfer does not take place RCC would need to spend c£14,000 on a basic refurbishment to address immediate repairs required. However there is no current budget for this.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 Any acquisition, disposal, appropriation or exchange of property or other fixed assets must be made in accordance with the capital programme approved by the Council or through a separate approval. This report seeks authorisation to include the disposal in the capital programme. As the value is less than £1m then Cabinet is able to approve this project.

7.2 The freehold of the land would be transferred by the Council.

8 DATA PROTECTION IMPLICATIONS

8.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no data protection implications.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact questionnaire has not been completed due to the report being for the disposal of property.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 Refurbishment of the public conveniences will provide enhanced and modern facilities for all town centre users, with the Uppingham Town Council being well placed to manage the premises as required.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 Provision of a refurbished enhanced and modern public conveniences will benefit all town centre users who will be able to make use of them when visiting or working in the locality. Transfer of the asset to the Town Council with the conditions to keep open and maintain will ensure the future availability facilities.

12 ORGANISATIONAL IMPLICATIONS

12.1 Environmental implications

12.2 The refurbishment will include modern replacements and upgrades giving an opportunity to reduce energy and water consumption.

12.3 Human Resource implications

12.4 There are no human resource implications

12.5 Procurement Implications

12.6 There are no procurement implications

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 The recommendations set out in this report will enable the Council to dispose of the property whilst ensuring that it is refurbished and continues to provide modern enhanced facilities for the benefit of all town centre users.

14 BACKGROUND PAPERS

14.1 No background papers

15 APPENDICES

15.1 Appendix A – Proposed Refurbishment Plans

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