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NOTICE OF MEETING

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PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

TUESDAY, 20TH NOVEMBER, 2018

At 5.30 pm

in the

MAY ROOM - TOWN HALL,

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MAUREEN HUNT (VICE-CHAIRMAN), MALCOLM BEER, GERRY CLARK, DR LILLY EVANS, LEO WALTERS AND JULIAN SHARPE

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LYNDA YONG, CLAIRE STRETTON, JOHN STORY AND EILEEN QUICK

Karen Shepherd –Service Lead- Governance - Issued: Monday, 12 November 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Nabihah Hassan-Farooq** 01628 796345

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I minutes of the meeting held on the 20 th September 2018.	7 - 10
4.	<u>UPDATED HOMELESSNESS STRATEGY AND HOUSING ALLOCATIONS POLICY</u> To consider the above titled report.	11 - 52
5.	<u>CHANGES TO THE COUNCIL CONSTITUTION – PARTS 2C 29.4 AND PART 7F</u> To consider the above titled report.	53 - 66
6.	<u>WORK PROGRAMME</u> To consider and amend the work programme for the upcoming year.	67 - 68
7.	<u>DATES OF FUTURE MEETINGS</u> Dates of future meetings as listed below; <ul style="list-style-type: none">• 4th December 2018 at	

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

THURSDAY, 20 SEPTEMBER 2018

PRESENT: Councillors Richard Kellaway (Chairman), Maureen Hunt (Vice-Chairman), Malcolm Beer, Dr Lilly Evans and Leo Walters

Also in attendance: Councillor D Wilson

Officers: Ashley Smith, Russell O’Keefe and Nabihah Hassan-Farooq

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Julian Sharpe and Gerry Clark.

DECLARATIONS OF INTEREST

None.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes be approved subject to the amendments as noted below.

That the minutes be approved subject to the following amendments;

- Page 8- Amend wording to state “...which included Holyport and Mill Lane Church Area in Clewer.”
- Page 8- Deletion of reference to “ SANG development”.
- Page 11- Deletion of “Vicous Car Park” as a Forward Plan item.

Q1 PERFORMANCE REPORT

Anna Robinson, Strategy and Performance Manager outlined the above titled report. The report outlined a summary of the Quarter 1 2018/19 performance of the council’s performance management framework (PMF) and illustrated four of the six measures reported to the Planning and Housing Overview and Scrutiny Panel have met or exceeded their target, one measure was to be reported bi-annually and one measure was off target. Members were reminded that in November 2017 that Cabinet had approved the Council’s Performance Management Framework (PMF) of 25 key measures aligned to its refreshed Council Plan with six strategic priorities over the plan period 2017-2021. The six strategic priorities were outlined as follows:

- Healthy, Skilled and independent residents
- Safe and vibrant communities
- Growing economy, affordable housing
- Attractive and well-connected borough
- Well managed resourced delivering value for money
- An excellent customer experience

Members were told that of the six priorities that four had met or exceeded performance targets and that there had been strong reporting overall. All reported planning service measures had met or exceeded their targets. In particular Planning had seen good performance in timeliness

of planning applications being processed, for both minor and major applications. The group noted this, and the Chairman congratulated the planning service on this performance.

It was highlighted that there had been a 200% increase in the delivery of affordable homes for 2018/19. The data for the number of households placed into temporary accommodation and the data set for number of homeless preventions through council advice and activity was not available at the time of reporting. Members were informed that some measures had their targets and tolerances revised for the 2018/19 period and this had been conducted via business intelligence regarding the service and centred to reflect the Council's aspirations. The Panel were informed that this had been implemented as a means to ensure a robust approach to continued performance improvement. Reporting had moved from red, amber and green to dials to ensure clearer reporting and visibility of performance thresholds.

Members discussed whether the target for affordable homes had been affected by the Strategic Housing Land Availability Assessment (SHLAA). It was confirmed that based on sites provided by registered providers that this did not account towards the submission version reported numbers. The Principal Member, Councillor McWilliams stated that there was a national shortage in affordable housing and that two new developments would deliver a 30% mix of affordable and social housing tenures. Members were told that a strict line with developers had been enforced to deliver 30% affordable housing on proposed sites of development. Members discussed the need to deliver on more social homes and it was noted that delivery of social homes would take place on council owned land but that there was a need for increased delivery.

ACTION- That Russell O'Keefe circulate the figures relating to affordable and social housing delivery across the borough.

Members discussed the need for two separate reporting streams for both planning and housing complaints. It was agreed that for future reporting purposes that complaints for each service would be reported in isolation. It was highlighted that there had been very good performance overall and in particular with the timely processing of planning applications where approximately 4000 applications a year are processed.

The service had exceeded targets for processing applications on time across all categories (Major, Minor and Other). Applications that did not meet targets were normally for a good reason (complicated in nature etc).

The Deputy Head of Planning stated that following a successful recruitment drive the number of permanent staff had increased and that there was a focus on investment in training, development and retention of these staff members.

In conjunction with new procedures and performance tools, the recruitment of high calibre permanent staff (including two new team leaders and a number of other new team members) had produced a more settled service and that this led to consistency of decision making and a better quality planning service for its' users.

RECOMMENDED ACTION- That for future reporting purposes data be split into monthly performance target dials to show improvement in performance.

RESOLVED UNANIMOUSLY: That the report be endorsed and noted.

VACANT BUILDING CREDIT GUIDANCE

Ashley Smith, Deputy Head of Planning outlined the above titled report. It was noted that the Vacant Building Credit (VBC) had been introduced to incentivise development of brownfield sites containing vacant buildings in 2014 and had become part of National Planning Policy Guidance. Members were informed that where a vacant building had been bought back to residential use through a new development, or was demolished to be replaced by new

residential units that the applicant should be offered either floor space or a financial contribution for affordable housing or contribution for affordable housing required for the site.

It was stated that the VBC was specifically intended to incentivise brownfield development and the reuse/redevelopment of empty and redundant buildings by returning the building to a lawful use. Members were reminded that this was not intended to incentivise the eviction of existing businesses or incentivise the neglect of premises which were currently in use. The VBC did not apply where buildings had been abandoned for the purposes of redevelopment and that national VBC guidance did not define what constitutes 'vacant' or how local planning authorities should determine whether the building has been made vacant for the sole purpose of redevelopment. It was recommended that this approach would require the applicant to provide evidence of how the site has been actively marketed realistic terms based on the current or any permitted use, typically for a minimum of 12 months prior to the submission of a planning application. The Panel were informed that where necessary the council may seek to instruct an independent valuer/surveyor to verify this information, the cost of which would be met by the applicant. Evidence such as council tax, business rates or electoral register records would be required to determine whether or not a building had been vacant.

Members were supportive of the report and of officer decision making, however members were concerned whether premise owners would be incentivised to neglect premises in order to take advantage of the available vacant building credit. It was confirmed that the Local Authority had been in a weaker position before but that the new guidance on vacant building credit would bring them to a stronger position and that the neglect of premises had been looked at in detail and compliance with the requirements would be looked at stringently. It was confirmed that redevelopment due to eviction would not be looked at favourably and that planners were now equipped with better decision making tools.

CONSIDERATION OF THE FINDINGS OF THE PHOSP TASK AND FINISH GROUP

Councillor Kellaway introduced the above titled report. The Panel were informed that the planning and housing- task and finish group had looked at a number of areas within the planning service and discussed the parts of the Constitution relating to planning.

As part of this work, Members had looked at changes and improvement areas within the Constitution which could potentially be implemented if approval was acquired from full Council.

As a result of the task and finish group findings there were ten main recommendations had been made as follows:

- Combine the Windsor Area Panels with effect from May 2019
- Increase number of Members on area Panels to 11 with effect from May 2019
- No substitution of members to be permitted less than 24 hours before a Development Management Panel meeting
- Move all Development management panels onto a monthly cycle from May 2019
- Members are keen to ensure member oversight through the lead member and panel chairs on which items are elevated to the Borough Wide Panel. (revised wording available within the report)
- That the Borough Wide Panel should have 13 members. 6 members should ideally be from each of the two proposed planning areas of the borough and that these changes should take effect from May 2019.
- That the planning enforcement items should be reported to the chair of the relevant panel who can opt to call them before the relevant panel.
- That the Rights of Way and Highways Licensing Panel is not combined with any development management panel. (Full Council has since decided not to merge the panel into planning panels).
- Rights to speak- (this matter has already been actioned through full council approval).

- That Area Panels should continue to meet in respective areas unless this cannot be accommodated for a specific reason, i.e. availability of venue of the right capacity. The council should consider improved technology options for meetings.

The Panel were informed that the proposed changes would be recommended to take place in two stages, immediate interim arrangements and a permanent set of arrangements for after the elections in May 2019. It was intended that the more major changes such as the reduction in numbers of development management panels would occur in May 2019.

Councillor Beer stated that there had been a restricted number of substitute members available and that it could prove difficult to find suitable knowledgeable members at late notice in the future. Cllr Beer favoured a longer window for not permitting substitutes so that replacements had time to read the relevant papers.

Members also commended retaining panel meetings in the area that applications related to and felt that this would be beneficial to residents in each locality and that it suited their needs better. Some Members felt that there could be a trial period of the recommendations, and it was noted that there was some work to be done in order for the recommendations to be in force before implementation.

Councillor Beer highlighted that currently there was a published list of applications and that this was only available in the Maidenhead Advertiser and that there were no subsequent publications in any Ascot and the Sunningdales audience orientated papers. Councillor Kellaway noted that this would be a good issue to investigate further at a future task and finish group.

A paper had been produced for full Council (Subject to O&S comments) that would be considered on 25th of September with the proposed constitutional planning amendments. At the conclusion of the report, Members commended the planning team for their support to members of the Task and Finish group and for their contribution to the recommendations.

FORWARD PLAN

Noted.

DATES OF FUTURE MEETINGS

Members noted the following future meeting dates as follows:

- 18th October 2018, Council Chamber, Town Hall, Maidenhead

The meeting, which began at 5.30 pm, finished at 6.42 pm

CHAIRMAN.....

DATE.....

Report Title:	Updated Homelessness Strategy and Housing Allocations Policy
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Cllr Mike Airey, Cabinet Member for Environmental Services (including Parking, Flooding, Housing and Performance Management)
Meeting and Date:	Planning and Housing O&S Panel – 20 November 2018
Responsible Officer(s):	Russell O’Keefe, Acting Managing Director
Wards affected:	All

REPORT SUMMARY

1. The report requests approval for an updated homelessness strategy which will guide the Council’s approach to the provision of homelessness and rough sleeping services in the Borough over the next five years working with partners.
2. The reports also request approval to formally consult on an updated housing allocations policy which sets out how the council assesses applications for housing, prioritises each application and decides which applicant will be offered (allocated) housing.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the updated homelessness strategy.
- ii) Delegates authority to the Executive Director with the Cabinet Member for Environmental Services (including Parking, Flooding, Housing and Performance Management) to engage with registered providers and other key stakeholders on the updated housing allocations policy and approve the final version taking into account comments received.
- iii) Approves that the Severe Weather Emergency Protocol commences from the date of the meeting or as soon as the temperature drops below the necessary level (whichever comes first).

2 REASONS FOR RECOMMENDATION AND OPTIONS CONSIDERED

Updated homelessness strategy

- 2.1 The strategy guides the Council’s approach to the provision of homelessness and rough sleeping services in the Borough over the next five years working with partners.
- 2.2 An action plan sets out how the priorities in the strategy will be achieved and this will be refreshed and updated with new actions each year.
- 2.3 The strategy has been developed through:
 - Homelessness review, trends and issues, both quantitative and qualitative.
 - Consideration of national and local policy, current and proposed.

- Analysis of best practice from across the country.
 - Engagement and discussion with partners including voluntary organisations such as the Brett Foundation and the Windsor Homeless Project, housing providers such as Radian and Housing Solutions, health service providers and Thames Valley Police.
- 2.4 The strategy sets out a collaborative approach to tackling homelessness and rough sleeping over the next five years working closely with partners from the statutory and voluntary sectors.
- 2.5 The Council believes the most effective way to deal with homelessness and rough sleeping is to prevent it from happening and it places great emphasis on this approach through the provision of specialist housing advice and assistance to those in housing difficulty in the Borough.
- 2.6 The vision for this homelessness strategy is that:
'The Royal Borough of Windsor and Maidenhead is a place where agencies work effectively together to support those who are or may become homeless guided by a focus on prevention and early help.'
- 2.7 The strategy focuses on working collaboratively with partners on the following five key priorities:
1. Reducing the numbers of people becoming homeless.
 2. Reducing the numbers of households in temporary accommodation and improving the quality of that accommodation.
 3. Supporting people into good quality, affordable and sustainable accommodation options.
 4. Reducing rough sleeping and supporting those who find themselves on the street.
 5. Improving the customer service provided to people approaching housing services.
- 2.8 The Council will monitor delivery of the key actions in the strategy and the impact on key performance measures including:
- Number of homeless preventions per quarter.
 - Numbers of young people presenting as homeless.
 - Number of people placed into temporary accommodation.
 - Average cost of temporary accommodation.
 - All temporary accommodation passing requirements.
 - Numbers of people accommodated in private rented accommodation.
 - Number of approaches from people threatened with homelessness.
 - Numbers of people sleeping rough.
 - Waiting times for housing advice.
- 2.9 The strategy and action plan will be reviewed, refreshed and updated on an annual basis both to measure performance and also to ensure that the actions continue to be the right ones to meet the five key priorities of the strategy.
- 2.10 Where identified, new key areas of action to meet priorities will be introduced as part of the review which will be carried out with partners and key stakeholders.

- 2.11 The policy sets out how the council assesses applications for housing, prioritises each application and decides which applicant will be offered (allocated) housing.
- 2.12 The Council is not a stock holding local authority, hence all social housing allocated is through the nominations agreements held with local registered social landlords (housing associations).
- 2.13 The Council receives many enquiries every year from people looking to be housed within the borough. Due to the high demand for housing and limited supply of properties, the main purpose of the policy is to set out on what basis nominations are made and how properties are allocated.
- 2.14 The policy has been developed through:
- Consideration of national and local policy, current and proposed.
 - Analysis of best practice from across the country.
 - Engagement and discussion with partners including voluntary organisations such as the Brett Foundation and the Windsor Homeless Project, housing providers such as Radian and Housing Solutions, health service providers and Thames Valley Police.
- 2.15 The allocations policy is designed to meet all legal requirements and to support and contribute towards the Council's wider priorities. The council is committed to preventing homelessness and the allocations policy focuses on supporting residents to actively pursue suitable alternatives to avoid becoming homeless.
- 2.16 The key objectives of the allocations policy are to:
- Provide a fair and transparent system by which people are prioritised for and allocated social housing.
 - Help those with the greatest housing need.
 - Promote the development of sustainable mixed communities.
- 2.17 The allocations policy will be supported by a housing options approach in order to give applicants realistic housing advice and promote a range of housing options such as low cost home ownership and private sector housing.

Severe Weather Emergency Protocol (SWEP)

- 2.18 SWEP provision would normally be triggered when the forecast was zero degrees or below for three days and temporary accommodation is then provided regardless of priority under the homelessness legislation for a short period. As the Council is committed to ensuring appropriate support for vulnerable individuals and preventing harm it will continue the approach it followed last year by having an extended SWEP provision through the winter period. This will see SWEP commence from the date of the meeting or as soon as the temperature drops below the necessary level (whichever comes first). The Council is one of the few in the country to take such an approach and will invest the necessary funding to ensure provision is provided through the winter months.

Table 1: Options

Option	Comments
To approve the updated homelessness strategy and updated allocations policy for consultation. Recommended option	This ensures an up to date policy framework for the Council's housing services.
To not approve the updated homelessness strategy and updated allocations policy for consultation. Not recommended	This would not ensure an up to date policy framework for the Council's housing services.

3 KEY IMPLICATIONS

3.1 Key implications of the recommendations are set out in Table 2.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Updated homelessness strategy action plan completed	Not completed	March 2020	February 2020	Before February 2020	March 2020
Engagement completed on updated housing allocations	Not completed	25 January 2019	N/A	N/A	25 January 2019

4 FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The activities within the updated homelessness strategy and allocations policy can be met from within existing budgets.

5 LEGAL IMPLICATIONS

5.1 The Homelessness Act 2002 imposes a duty on local housing authorities to carry out a homelessness review in their area and formulate and publish a homelessness strategy based on its results every five years.

5.2 A homelessness strategy is defined in Homelessness Act 2002 s3(1) as one formulated in order to:

a) prevent homelessness in an authority's area

b) secure accommodation that is and will be available in that area for people who are or may become homeless; and

c) provide support for such people or those who have been homeless and need support to prevent it recurring.

5.3 The 1996 Housing Act (as amended by the 2002 Homelessness Act) and the Localism Act 2011 requires local authorities to make all allocations and nominations in accordance with an allocation scheme.

5.4 The Housing Act 1996 (as amended) requires local authorities to give reasonable preference in their allocations policies to people with high levels of assessed housing need. The main groups are:

- People who are homeless as defined by the Housing Act 1996, Part VII.
- People occupying unsanitary or overcrowded housing, or who are otherwise living in unsatisfactory conditions.
- People who need to move on medical or welfare grounds.
- People who will suffer hardship if they are unable to move to a particular locality or district.

5.5 The housing allocations policy complies with the requirements of:

- Housing Act 1996 (as amended).
- Allocation of Accommodation: Code of Guidance for Housing Authorities 2002
- Homelessness Reduction Act 2017.
- Localism Act 2011.
- Equality Act 2010.

5.6 Section 166A(13) requires authorities, before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, to:

- send a copy of the draft scheme, or proposed alteration, to every registered provider with which they have nomination arrangements, and
- ensure they have a reasonable opportunity to comment on the proposals.

6 RISK MANAGEMENT

6.1 Key risks associated with the recommendation are shown in Table 4 below:

Table 4: Impact of risk and mitigation

Risks Uncontrolled	Risk	Controls	Controlled Risk
Homelessness strategy action plan not delivered	Medium	Effective management of action plan	Low
Key agencies do not engage with the consultation on the updated housing allocations policy	Low	Effective promotion and engagement	Low

7 CONSULTATION

- 7.1 The report will be considered by the Planning and Housing Overview and Scrutiny Committee.
- 7.2 In line with legislation the Council will carry out engagement with registered providers and other key stakeholders on the updated housing allocations policy and will consider comments received before finalising the document.

8 TIMETABLE FOR IMPLEMENTATION

Activity	Timescale
Work completed on homelessness strategy action plan	March 2020
Engage with registered providers and key stakeholders on updated housing allocations policy	29 November 2018 – 11 January 2019
Updated housing allocations policy finalised following consideration of comments received	25 January 2019

9 APPENDICES

- 9.1 Appendix A – Homelessness Strategy
- 9.2 Appendix B – Housing Allocations Policy
- 9.3 Appendix C – Key data for 2018/19

10 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Mike Airey	Cabinet Member for Environmental Services (including Parking, Flooding, Housing and Performance Management)	22/10/18	23/10/18
Andy Jeffs	Executive Director	22/10/18	23/10/18
Rob Stubbs	Section 151 Officer	22/10/18	
Stuart Taylor	Finance Partner	22/10/18	
Hilary Hall	Deputy Director Strategy and Commissioning	22/10/18	23/10/18
Nikki Craig	Head of HR and Corporate Projects	22/10/18	23/10/18
Louisa Dean	Communications	22/10/18	23/10/18

**Royal Borough Windsor & Maidenhead
Homelessness Strategy**

2018-2023

SECTION	CONTENT	PAGE
1	INTRODUCTION	
2	PURPOSE AND DEVELOPMENT OF THIS STRATEGY	
3	LEGISLATIVE AND STRATEGIC CONTEXT	
4	LOCAL CONTEXT	
5	WHERE DO WE WANT TO BE?	
6	HOW WILL WE GET THERE?	
7	HOW WILL WE KNOW?	
APPENDIX A	ACTION PLAN	

1. INTRODUCTION

- 1.1 This document sets out a collaborative approach to tackling homelessness and rough sleeping in the Royal Borough of Windsor and Maidenhead over the next five years working closely with partners from the statutory and voluntary sectors.
- 1.2 The Council believes the most effective way to deal with homelessness and rough sleeping is to prevent it from happening and it places great emphasis on this approach through the provision of specialist housing advice and assistance to those in housing difficulty in the Borough.
- 1.3 An early help approach has been shown to prevent homelessness and rough sleeping but also to achieve wider outcomes such as improved health and wellbeing and better job opportunities. There is a big opportunity for all partners in the area to deliver services in different, co-ordinated ways so that a 'no wrong door' approach delivers outcomes that meet customer needs.
- 1.4 The Council will also work with partners to tackle the root causes of homelessness and rough sleeping by working with people to improve their life opportunities to prevent them from becoming homeless again in the future.

2. PURPOSE AND DEVELOPMENT OF THE STRATEGY

- 2.1 This strategy guides the Council's approach to the provision of homelessness and rough sleeping services in the Borough over the next five years working with its partners.
- 2.2 An action plan, see Appendix A, sets out how the priorities in this strategy will be achieved and this will be refreshed and updated with new actions each year.
- 2.3 This strategy has been developed through:
 - Homelessness review, trends and issues, both quantitative and qualitative.
 - Consideration of national and local policy, current and proposed.
 - Analysis of best practice from across the country.
 - Engagement and discussion with partners including voluntary organisations such as Brett Foundation and the Windsor Homeless Project, housing providers such as Radian and Housing Solutions, health service providers and Thames Valley Police.

3. LEGISLATIVE AND STRATEGIC CONTEXT

3.1 The Homelessness Act 2002 imposes a duty on local housing authorities to carry out a homelessness review in their area and formulate and publish a homelessness strategy based on its results every five years.

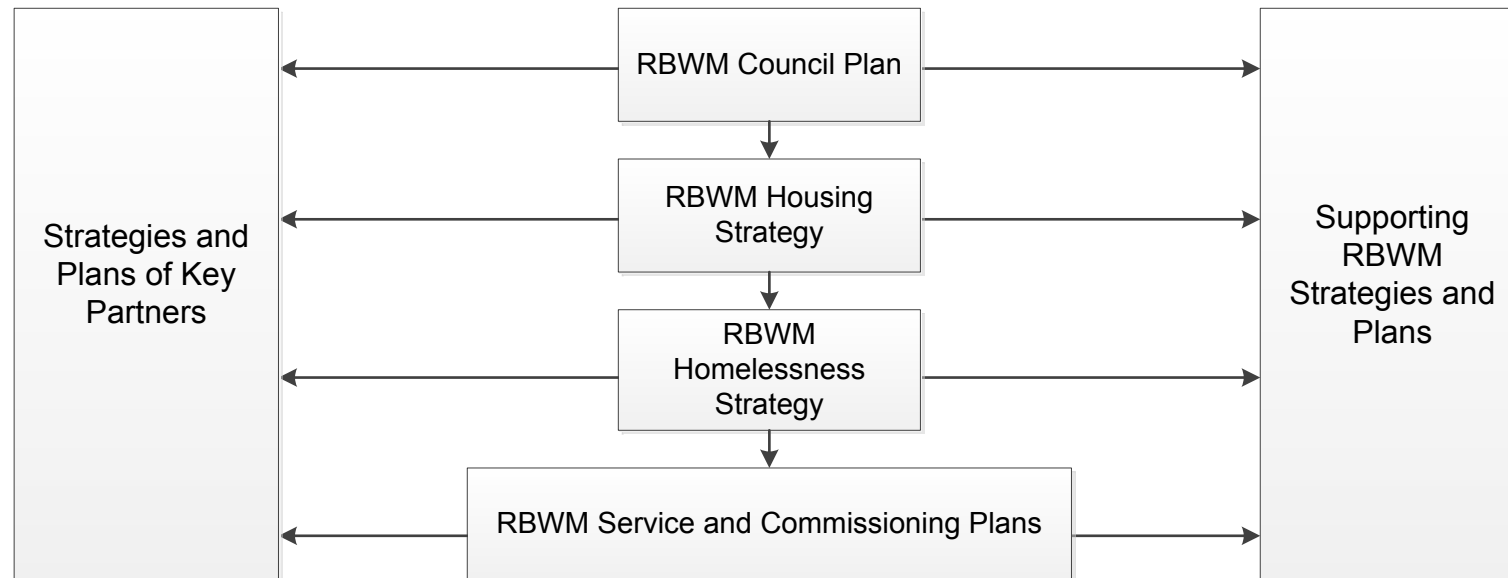
3.2 A homelessness strategy is defined in Homelessness Act 2002 s3(1) as one formulated in order to:

a) prevent homelessness in an authority's area

b) secure accommodation that is and will be available in that area for people who are or may become homeless; and

c) provide support for such people or those who have been homeless and need support to prevent it recurring.

3.3 The strategic context for this strategy is set out in the diagram below:



4 LOCAL CONTEXT

Homelessness applications, prevention and early help

- 4.1 Homeless applications and acceptances have increased in recent years and there has been a reliance on high levels of temporary accommodation. This strategy aims to address the causes and effects of homelessness, offering appropriate support and solutions to prevent and reduce homelessness through an early help approach while minimising reliance on temporary accommodation.

Rough sleeping

- 4.2 The Council carries out an annual rough sleeper count and takes action to help those identified back into secure and sustainable housing. The Council recognises that Windsor currently has specific challenges with rough sleeping. The Council is committed to preventing rough sleeping and will dedicate significant resources, working with partner organisations, to preventing rough sleeping, as well as providing support to anyone who finds themselves on the street. This includes the employment of a specialist Making Every Adult Matter (MEAM) coordinator to provide intensive support and assistance to rough sleepers, the funding of supported accommodation, reconnection to home areas, and provision of support and advice through our community wardens and housing options services.

Temporary accommodation

- 4.3 The Council has previously had a high number of households in temporary accommodation. As services have improved recently this number has reduced significantly. In future the Council aims to have a small pool of good quality temporary accommodation for those who need emergency accommodation.

Private rented sector

- 4.4 There are opportunities for the private sector to play an even more important role in delivering new supply but there are serious concerns over access and affordability. This strategy aims to work with the sector, supporting landlords to deliver supply that meets required standards of management and maintenance and is accessible to people on a range of incomes in a market that is well regulated and offers appropriate protection to tenants and landlords.

Partnership working

- 4.5 There are many areas of overlap between the priorities and the successful provision of these services requires collaborative working with local public, private and voluntary services. To support this, the Council will actively engage with its partners in the development and delivery of services and encourage collaborative working wherever possible.

Allocations policy

- 4.6 The current allocations policy runs until 2018 and an updated allocations policy is being brought forward alongside this homelessness strategy. The allocations policy sets out in detail who is eligible for housing and the priority they will receive for social housing the Council has nominations right to.

5 WHERE DO WE WANT TO BE?

- 5.1 This vision for this homelessness strategy is that:

'The Royal Borough of Windsor and Maidenhead is a place where agencies work effectively together to support those who are or may become homeless guided by a focus on prevention and early help.'

- 22 4.2 The Council will do this by working collaboratively with our partners focusing on five key priorities:

1. Reducing the numbers of people becoming homeless.
2. Reducing the numbers of households in temporary accommodation and improving the quality of that accommodation.
3. Supporting people into good quality, affordable and sustainable accommodation options.
4. Reducing rough sleeping and supporting those who find themselves on the street.
5. Improving the customer service provided to people approaching housing services.

6 HOW WILL WE GET THERE?

6.1 The Council working with our partners will carry out the following actions to achieve our priorities:

Priority 1: Reducing the numbers of people becoming homeless.	Priority 2: Reducing the numbers of households in temporary accommodation and improving the quality of that accommodation.	Priority 3: Supporting people into good quality, affordable and sustainable accommodation options.	Priority 4: Reducing rough sleeping and supporting those who find themselves on the street.	Priority 5: Improving the customer service provided to people approaching housing services.
<ul style="list-style-type: none"> ✓ Establish a homeless prevention and relief fund, utilising the homelessness grant, that can be used creatively to prevent people from losing their accommodation and obtain alternative accommodation. ✓ Implement a new structure for the Council's housing options service which will increase the resource and the quality of homelessness prevention and housing options advice ✓ Carry out a review to determine the potential for 	<ul style="list-style-type: none"> ✓ Increase partnership working with local landlords through a forum and exploring an accreditation scheme. ✓ Develop a smaller dedicated pool of temporary accommodation providers. ✓ Continue the cyclical programme of temporary accommodation inspection. 	<ul style="list-style-type: none"> ✓ Review the potential for a private sector leasing scheme to give people more private rented options ✓ Work with environmental health to ensure the correct advice to people in accommodation with disrepair issues. ✓ Explore the potential for a social lettings agency with third sector partners. ✓ Review the potential for new partnership arrangements to address housing issues for intentionally homeless families and break the chain of causation. 	<ul style="list-style-type: none"> ✓ Establish a multi agency forum to jointly review cases and develop integrated individual plans ✓ Explore models from elsewhere that include holistic approaches involving accommodation, learning and employment. ✓ Carry out a feasibility study for the potential for future hostel accommodation. 	<ul style="list-style-type: none"> ✓ Improve the quality of information available to housing option clients on housing options and service arrangements through multiple channels ✓ Improve the quality of information available to housing option clients on housing options and service arrangements through multiple channels ✓ Improve quality assurance processes within case management

<p>implementing a meditation service to assist with helping to maintain people in their existing accommodation.</p> <ul style="list-style-type: none"> ✓ Increase enforcement activity with landlords who maintain private rented properties in poor coordination or do not follow proper tenancy processes. ✓ Conduct a gap analysis of homelessness prevention education delivered through schools, colleges and youth organisations and refine the approach accordingly. ✓ Develop a joint hospital discharge policy to prevent homelessness and bed blocking. ✓ Ensure the new allocations policy prioritises preventing and reducing homelessness. 		<ul style="list-style-type: none"> ✓ Improve pathways for young people leaving care to ensure sustainable accommodation and that tenancies are maintained. 		
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7 HOW WILL WE KNOW?

7.1 The Council will monitor delivery of the key actions and the impact on key performance measures including:

- Number of homeless preventions per quarter.
- Numbers of young people presenting as homeless.
- Number of people placed into temporary accommodation.
- Average cost of temporary accommodation.
- All temporary accommodation passing requirements.
- Numbers of people accommodated in private rented accommodation.
- Number of approaches from people threatened with homelessness.
- Numbers of people sleeping rough.
- Waiting times for housing advice.

7.2 The strategy and action plan will be reviewed, refreshed and updated on an annual basis both to measure performance and also to ensure that the actions continue to be the right ones to meet the five key priorities of the strategy.

7.3 Where identified, new key areas of action to meet priorities will be introduced as part of the review which will be carried out with partners and key stakeholders.

APPENDIX 1: ACTION PLAN

	Priorities	Key actions	Target date	Key performance measure	Officer Lead	Key partners involved
26	Reduce the numbers of people becoming homeless	1.1 Establish a homeless prevention and relief fund, utilising the homelessness grant, that can be used creatively to prevent people from losing their accommodation and obtain alternative accommodation.	November 2018	Number of homeless preventions per quarter	Head of Housing	BF, WHP, TVP.
		1.2 Implement the new structure for housing options which will increase the resource and the quality of homelessness prevention and housing options advice to customers threatened with homelessness.	January 2019	Number of homeless preventions per quarter	Head of Housing	
		1.3 Review options for meditation services to assist with helping to maintain people in their existing accommodation.	December 2019	Number of homeless preventions per quarter	Head of Housing	BF, WHP.
		1.4 Increased enforcement activity with landlords who maintain private rented properties in poor coordination or do not follow proper tenancy processes.	Ongoing throughout strategy	To be developed	Residential Services Team Leader	LL
		1.5 Conduct a gap analysis of homelessness prevention	Sept 2019	Numbers of young people presenting as homeless	Head of Housing	AFC

	Priorities	Key actions	Target date	Key performance measure	Officer Lead	Key partners involved
		<p>education delivered through schools, colleges and youth organisations and refine accordingly.</p> <p>1.6 Work with partners to improve pathways for young people leaving care to ensure sustainable accommodation and that tenancies are maintained.</p> <p>1.7 Develop and agree with partners a joint hospital discharge policy.</p> <p>1.8 Ensure new allocations policy priorities preventing and reducing homelessness</p>	<p>November 2019</p> <p>January 2020</p> <p>November 2018</p>	<p>Reduced numbers of young people presenting as homeless</p> <p>Number of homeless preventions per quarter</p> <p>Number of homeless preventions per quarter</p>	<p>Head of Housing</p> <p>Head of Housing</p> <p>Head of Housing</p>	<p>AFC.</p> <p>NHS</p> <p>RPs</p>
2.	Reduce the numbers of households in temporary accommodation and improve the quality of that accommodation	<p>2.1 Increase partnership working with local landlords through a forum and exploring an accreditation scheme.</p> <p>2.2 Develop a smaller dedicated pool of temporary accommodation providers.</p> <p>2.3 Continue the cyclical programme of temporary accommodation inspection.</p>	<p>October 2019</p> <p>March 2019</p> <p>Ongoing</p>	<p>Number of people placed into temporary accommodation</p> <p>Average cost of temporary accommodation</p> <p>All accommodation passing requirements</p>	<p>Head of Housing</p> <p>Head of Housing</p> <p>Head of Housing</p>	<p>LL</p> <p>LL</p>

	Priorities	Key actions	Target date	Key performance measure	Officer Lead	Key partners involved
		2.4 Continue to ensure effective safeguarding for those in temporary accommodation	Ongoing	Any concerns appropriately investigated and addressed	Head of Housing	AFC, OP, WHP, BF, TVP.
3.	Support people into good quality affordable and sustainable accommodation options	<p>3.1 Review the potential for a private sector leasing scheme to give people more private rented options</p> <p>3.2 Work with environmental health to ensure the correct advice to people in accommodation with disrepair issues.</p> <p>3.3 Explore the potential for a social lettings agency with third sector partners.</p> <p>3.4 Review the potential for new partnership arrangements to address housing issues for intentionally homeless families and break the chain of causation.</p>	<p>August 2019</p> <p>Ongoing</p> <p>March 2020</p> <p>June 2019</p>	<p>Numbers of people accommodation in private rented accommodation</p> <p>Reduced number of approaches from people threatened with homelessness</p> <p>Number of homeless preventions per quarter</p> <p>Number of approaches from people threatened with homelessness</p>	<p>Head of Housing</p> <p>Head of Housing</p> <p>Head of Housing</p> <p>Head of Housing</p>	<p>WHP, BF, LL.</p> <p>WHP, BF, LL.</p> <p>WHP, BF, LL, TVP.</p> <p>AFC, WHP, BF.</p>

	Priorities	Key actions	Target date	Key performance measure	Officer Lead	Key partners involved
29	4. Reduce rough sleeping and support those who find themselves on the street	4.1 Establish a multi agency forum to jointly review cases and develop integrated individual plans	June 2019	Numbers of people sleeping rough	MEAM Coordinator	WHP, BF, TVP, NHS.
		4.2 Explore models from elsewhere that include holistic approaches involving accommodation, learning and employment.	December 2019	Numbers of people sleeping rough	Head of Housing	WHP, BF, TVP, NHS.
		4.3 Carry out a feasibility study for the potential for future hostel accommodation.	March 2020	Numbers of people sleeping rough	Head of Housing	WHP, BF, TVP, NHS.
	5. Improve the customer service provided to people approaching housing services	5.1 Improve the quality of information available to housing option clients on housing options and service arrangements through multiple channels	November 2018	To be developed	Head of Housing	
		5.2 Improve quality assurance processes within case management	November 2018	Number of reviews upheld	Head of Housing	
		5.3 Review and refine the drop in service to reduce wait times	December 2018	Waiting time	Head of Housing	

Key partners: BF: Brett Foundation, WHP: Windsor Homeless Project, TVP: Thames Valley Police, AFC: Achieving For Children, Op: Optalis , RPs: registered providers, LL: local landlords.

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Royal Borough of Windsor and Maidenhead

Housing Allocations Policy

2018 – 2021

1.1 Introduction

- 1.1 The housing allocations policy sets out how the council assesses applications for housing, prioritises each application and decides which applicant will be offered (allocated) housing.
- 1.2 The Royal Borough of Windsor and Maidenhead is not a stock holding local authority, hence all social housing allocated is through the nominations agreements held with local registered social landlords (housing associations).
- 1.3 The Council receives many enquiries every year from people looking to be housed within the borough. Due to the high demand for housing and limited supply of properties, the main purpose of this policy is to set out on what basis nominations are made and how properties are allocated.
- 1.4 This policy operates alongside a number of other documents specifically related to the provision and management of housing. These are:
 - The Housing Strategy, which sets out the overall objectives for the department
 - The Homelessness Strategy, which sets out the statutory functions of the Borough in relation to homelessness, prevention, relief, advice and assistance.

2.0 Legal context

- 2.1 The housing allocation policy sits within a legal framework which is summarised below.
- 2.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) and the Localism Act 2011 requires local authorities to make all allocations and nominations in accordance with an allocation scheme. A summary of the allocations policy must be published and made available free of charge to any person who asks for a copy. This document is available on the Council's website www.rbwm.gov.uk and paper copies will be provided on request.
- 2.3 The Housing Act 1996 (as amended) requires local authorities to give reasonable preference in their allocations policies to people with high levels of assessed housing need. The main groups are:
 - People who are homeless as defined by the Housing Act 1996, Part VII.
 - People occupying unsanitary or overcrowded housing, or who are otherwise living in unsatisfactory conditions.
 - People who need to move on medical or welfare grounds.
 - People who will suffer hardship if they are unable to move to a particular locality or district.

2.4 The act also requires local authorities to state, within the policy, its position on offering applicants a choice of housing accommodation or the opportunity to express preference about the housing accommodation to be allocated to them.

2.5 This housing allocations policy complies with the requirements of:

- Housing Act 1996 (as amended).
- Allocation of Accommodation: Code of Guidance for Housing Authorities 2002
- Homelessness Reduction Act 2017.
- Localism Act 2011.
- Equality Act 2010.

3.0 Housing stock

3.1 The Council transferred all of its housing stock to two Council sponsored housing associations on 21 May 1995. It does not have a direct role in the management of these properties. The Council has retained nomination rights to a percentage of the association's properties and works with a variety of providers with the borough.

4.0 Aims of the allocations policy

4.1 The allocations policy is designed to meet all legal requirements and to support and contribute towards the Council's wider objective of putting residents first. The council is committed to preventing homelessness and the allocations policy focuses on supporting residents to actively pursue suitable alternatives to avoid becoming homeless.

4.2 The key objectives of this allocations policy are to:

- Provide a fair and transparent system by which people are prioritised for and allocated social housing.
- Help those with the greatest housing need.
- Promote the development of sustainable mixed communities.

4.3 This policy has considered:

- The council's statutory obligation to provide reasonable preference to certain categories of applicants set down by law.
- The general and specific statutory discretions the council can exercise when allocating housing.
- The council's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with reasonable preference.

- 4.4 The allocations policy will be supported by a housing options approach in order to give applicants realistic housing advice and promote a range of housing options such as low cost home ownership and private sector housing.
- 4.5 The Council will register eligible applicants who qualify for the reasonable preference criteria and certain groups who meet local priority. In addition, the council will ensure that greater priority through 'additional preference' is given to applicants who have a long attachment to the borough, are in employment or are / have been members of the British Armed Forces.
- 4.6 The Council will utilise the private rented sector, both within the borough and outside it to meet its statutory housing obligations. It will also make use of the private rented sector to discharge its homelessness duty in accordance with the Localism Act.
- 4.7 Where the Council believes that potential applicants are able to access market housing including private rented, low cost or shared ownership the Council will provide advice as necessary.
- 4.8 This policy will be retrospective and all applicants will be assessed in line with this policy.

5.0 Eligibility and qualifying for housing

- 5.1 When the Council receives an application for housing, it first assesses whether the applicant is eligible for social housing. This depends on where the applicant normally lives ("habitual residence") and their "immigration status".
- 5.2 A person is not eligible if they are:
- Subject to immigration control (within the meaning of the Asylum and Immigration Act 1996).
 - A person from abroad excluded by regulations made by the Secretary of State.
 - A person not habitually resident in the United Kingdom (other than EEA/EU workers or those covered by an EEA/EU Directive) or required to leave the UK by the Secretary of State.

6.0 Qualification rules

- 6.1 The second assessment the Council makes is whether an applicant qualifies to join on the housing register. The Localism Act 2011 provided new freedoms for local authorities to determine who can join the housing register. In this policy, the Council has specified a number of qualification rules for the reasons provided below;

- To ensure it operates a more focused housing register which reflects local circumstances and can be understood more readily by the local community.
- It believes that social housing should be available to people who cannot afford to buy or rent a home privately.
- It wants to ensure its policies benefit the people who live in the borough.

Households with no demonstrable housing need will not qualify to join the housing register.

6.2 The Council will no longer maintain a housing register for those households that it is unable to help access social housing. This means applicants who are considered to have no housing need and/ or are adequately housed will not qualify to join the housing register.

6.3 The Council must manage the housing expectations of the public and will therefore exclude people with little or no prospect of being allocated accommodation. People who fall into this category will be signposted and given relevant information and advice through the housing options service.

Exception

6.4 People over 60 who would benefit from sheltered housing; however, they will be made an offer of sheltered accommodation after other households meeting residency criteria.

Households with sufficient financial resources will not qualify to join the housing register.

6.5 People with sufficient combined household income, savings and assets will not qualify to join the housing register:

- Any household who owns or has a financial interest in a property.
- Any household with a net income at or above the level required for low cost home ownership.
- Any household who has savings or assets in excess of £30,000 as they will be deemed to have sufficient financial resources to source a property to rent in the private sector. Deliberate disposal of assets or savings in order to become eligible for an allocation will render the applicant ineligible.

6.6 All applicants and prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to income support, housing benefit, council tax benefit (and universal credit), verification of income and savings will be required, prior to applicants joining.

- 6.7 Where applicants have resources considered sufficient to access low cost home ownership they will normally be offered advice or assistance as they are considered to have the income to meet their own housing requirements. Advice on home ownership and private sector renting options will be offered.

Exception

- 6.8 Members of the British Armed Forces who receive lump sum payments as compensation for an injury or disability sustained in active service.

Households who do not currently live in the borough and do not have a need to move to a particular locality in the borough where failure to meet that need would cause hardship will not qualify to join the housing register.

- 6.9 People who don't currently live in the borough and do not need to move to the area will not qualify to join the housing register unless failure to meet that need would cause hardship. Hardship grounds include:

- The need to move to take up a confirmed offer of employment.
- To give or receive care or support from/to a resident in the borough.

Exception

- 6.10 People over 60 who would benefit from sheltered housing, however, they will be made an offer of sheltered accommodation after other households who meet the residency criteria.

Households who have not been continuously living in the borough for at least 2 years will not qualify to join the housing register.

- 6.11 Applicants will need to demonstrate a local connection with the borough. Local connection within the terms of this scheme will normally mean that an applicant has lived in the borough through their own choice, for a minimum of 2 years up to and including the date of their application, or the date on which a decision is made on their application whichever is later.

- 6.12 For purposes of continuous residence, children spending time away from home for education due to periods of study such as at university and people who have moved away up to 3 times due to the requirements of their job will be disregarded. Care leavers placed outside the borough will be considered as having a local connection.

- 6.13 People will also be considered as having a local connection with the borough when they are placed in the borough in temporary accommodation in accordance with sections 190(2), 193(2), 195(2) or who are occupying accommodation secured by any local authority under section 192(3).

Exception:

6.14 The following exceptions apply to those who have not been continuously living in the borough for at least 2 years:

- People who have served in HM Forces in the last 5 years.
- People over 60, and are currently resident in the borough who would benefit from sheltered housing. They will be considered for sheltered housing after other households who meet the residency criteria.
- Emergency cases where homes are damaged by fire, flood or other disaster if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- Cases nominated under the Police Witness Protection Scheme or other similar schemes that the Council has agreed to be part of.
- Statutorily homeless persons and other persons who fall within the statutory reasonable preference groups.
- Households who need to move to the Borough to avoid hardship.
- The need to move to take up a confirmed offer of permanent employment.
- The need to move to specialist facilities where they receive care but live outside the Borough.
- The need to move to receive or give care/support (meaning higher care costs or even the use of residential care for those who cannot move).
- People fleeing violence or harassment.
- Children spending time away from home due to periods of study such as at university.

Those who can apply to join the Housing Register:

6.15 The following people can apply to join the housing register:

- Residents in the borough who are 18 years old and over can apply to join the housing register by completing the online application at www.rbwm.gov.uk.
- People who are recognised key workers.
- Persons who have left HM Forces within 5 years of the date of their application.
- Persons in HM Forces accommodation.
- People who wish to apply for shared ownership options.
- Persons in hospital whose last settled address (prior to hospital admission) was, for a period of 2 years, within the borough.

6.16 The Council intends to ensure that all successful applicants have reasonable preference. In addition, the council has used its statutory discretion to determine groups of households who will be eligible for housing allocation.

7.0 How to apply

Application form / online application

7.1 An application form is available at www.rbwm.gov.uk which can be downloaded or a form can be collected from the Maidenhead or Windsor libraries. Applicants can telephone 01628 683 800 to request a form be sent to their current address.

7.2 Following receipt and processing of an application, applicants will be informed in writing of the decision which has been made regarding their application, in accordance with this policy. All applications submitted must be accompanied by the relevant documents /proofs as no assessment will be conducted until all necessary documents have been seen. Applications received that are still incomplete after 28 calendar days will be cancelled and a fresh application will need to be submitted in order to be assessed.

Change of circumstances:

7.3 Applicants are required to inform the Council at any point if they have a change of circumstances. It is important that the Council and other housing providers have the most up to date information in order to ensure the appropriate allocation of housing in the borough.

7.4 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:

- A change of address for themselves or any other person on the application.
- Any additions to the family or any other person joining the application.
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income or savings.

Failure to notify of a change in circumstances

7.5 If the Council find your circumstances have changed as a result of a review of your application and you have not notified the change, your application will be suspended while we investigate how the changes affect your eligibility and housing priority.

8. Priority banding

8.1 Housing need is determined by assessing the current housing circumstances of applicants. A priority 'band' is then allocated according to the urgency of the housing need. There are four priority bands as follows

Band A:	Urgent priority
Band B:	High priority
Band C:	Medium priority
Band D:	Lower priority

8.2 The council is required by law to give reasonable preference in the scheme to people with high levels of assessed housing need:

- People who need to move on welfare or medical grounds (including grounds relating to a disability),
- People who need to move to a particular locality of the city to avoid hardship to themselves or others,
- People living in unsanitary, unsatisfactory or overcrowded housing, and
- People who are homeless within the meaning of the Housing Act 1996, and people who are owed a particular statutory duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any such authority under section 192(3).

8.3 Applicants outside the reasonable preference categories can also be given additional consideration to meet local priorities.

8.4 Applications are processed by the council's Housing Options Team, in accordance with this policy.

Criteria for being placed in each band

Band A

8.5 This band is intended to meet the needs of applicants in extreme circumstances and will only be issued in certain situations where an applicant needs an urgent move to ensure their well-being or safety. Circumstances where Band A status may be awarded include:

- Applicants accepted by the council as statutorily homeless under part VII of the Housing Act. If statutorily homeless and placed in band a. The council will discharge its homeless duty into the first suitable property that is offered. If a homeless applicant refuses the offer of a suitable property the council will view its statutory homeless duty as having been discharged.
- Applicants required to move as determined by the police for witness protection reasons.

- An applicant has an extremely urgent medical assessment, as determined by a Housing Options team leader or manager.
- Those applicants requiring urgent hospital discharge where their current accommodation is totally unsuitable for their needs.
- Those applicants required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004 or as the result of action taken by the Fire and Rescue Service.
- Where the applicant or member of their household is being seriously and adversely affected by their current accommodation and there is a severe and very urgent need to move for welfare reasons.
- Applicants with a combination of high needs as determined by a Housing Options team leader or manager.
- Those applicants under threat of immediate and serious violence as determined by the police and a Housing Options team leader or manager.
- Other very extreme circumstances as determined by the Housing Options team leader or manager.

Band B

8.6 Circumstances where Band B status may be awarded include:

- Applicants who are homeless or threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, in the next 12 weeks, who are assessed by the council's Housing Options Team as likely to be in priority need and who are receiving and acting upon housing advice from the council to prevent homelessness. The Council reserves the right to withdraw Band B awarded on the grounds of homeless prevention if the applicant refuses the offer of a suitable property or fails to act on the advice of their housing adviser in order to prevent their becoming homeless.
- High medical needs directly relating to the applicant's accommodation or need for accommodation as determined by a Housing Options Team leader or manager, or by the council's assessment panel. Medical priority is only awarded where an applicant needs urgent re-housing due to a strongly evidenced, serious and enduring medical condition or disability, which is severely and permanently affected by their current accommodation.
- Where the applicant or member of their household is being seriously and adversely affected by their current accommodation and there is an urgent need to move for welfare reasons.
- Applicants have no access to a kitchen and/or bathroom.
- A prohibition order or demolition order has been served in relation to the applicant's dwelling by the council's private sector housing team. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.

- An improvement notice has been served in relation to the applicant's dwelling by the private sector housing team and:
 - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
 - The cost of the remedies are beyond the means of the applicant (where applicable)
 - The remedies will make the property unsuitable for occupation by the applicant.
- Applicants lack two or more bedrooms.
- Where there is significant evidence of serious harassment or violence, where a change of accommodation could be reasonably expected to alleviate the problem and there is no other remedy.
- Applicants with a combination of medium needs.
- Members of the British Armed Forces eligible to join the register

Band C:

8.7 Circumstances where Band C status may be awarded include:

- Applicants who are homeless or threatened with homelessness, who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, in the next 12 weeks, who are assessed by the council's housing options team as not likely to be in priority need and who are receiving and acting upon housing advice from the council to prevent homelessness.
- Applicants with no identified priority need who have been verified by the council as having no settled accommodation and are 'rough sleeping' or 'sofa surfing'.
- Significant medical needs directly relating to the applicant's accommodation or need for accommodation as determined by a Housing Options team leader, manager or by the council's assessment panel. Significant medical needs directly relating to the applicant's accommodation or need for accommodation as determined by a Housing Options team leader, manager or by the council's assessment panel.
- Where the applicant or member of their household is being significantly and adversely affected by their current accommodation and there is a need to move for welfare reasons.
- Applicants lack one bedroom.

Band D

8.8 All other applicants who qualify to join the housing register will be placed in Band D.

Priority dates

- 8.9 As the level of need within each 'band' is broadly similar, it is fairest to make an offer of social housing to the applicant that has been waiting the longest in that 'band'. This is known as a priority date order. The priority date is awarded either on the date of the original application or on the date the council is notified of a change in circumstances.

Moving up a 'Band'

- 8.10 The priority date is the date the higher priority is awarded.

Moving down a 'Band'

- 8.11 A new priority date refers to the data that applied when the applicant was previously in that 'band' or any earlier date when they were in a higher band. The principle is that when moving down, their priority date should be the earliest date that they were in the new lower band, or in a higher band.
- 8.12 If the applicant has been suitably housed for any of the time, the new band date cannot be any earlier than the date they were subsequently assessed as band A, B, C or D.

Deliberately worsening circumstances

- 8.13 Applicants who have deliberately worsened their circumstances in order to obtain housing i.e. by moving to less adequate accommodation, through introducing family or friends into their household thereby causing overcrowding or by giving up secure accommodation without good reason would be placed in Band D. Each case will be individually assessed. This will preclude any applicant being afforded reasonable preference or additional preference on the housing register.

Property size qualification

- 9.1 Each applicant will be assessed by the Council, to determine what size of property they qualify for. It is expected that participating landlords will seek to maximise occupation of available properties.
- 9.2 The previously mentioned bedroom requirements are applied when assessing bedroom deficiency; statutory overcrowding is set out in the Housing Act 1985 which calculates the space standard in two ways; the number of rooms required is as follows:
- 1 room = 2 persons
 - 2 rooms = 3 person
 - 3 rooms = 5 persons
 - 4 rooms = 7 ½ persons

- 5 rooms or more = 2 persons for each room
- Or by floor area size as below:

Floor area of room	Number of persons
Below 4.65m ²	Nil
4.64m ² - 6.5m ²	1/2 person (child under 10 years)
6.5m ² - 8.37m ²	1 ½
8.37m ² - 10.22 m ²	1 person
10.22m ² or greater	2 persons
No account shall be taken of a child under the age of one.	A child of one to ten years counts as a ½ unit.

9.3 The Council considers that a separate bedroom is appropriate for each of the following

- A couple living together.
- A single parent.
- Two children of opposite gender can share one room whilst both are under 10 years of age.
- Two children of the same gender can share one room until one reaches 16 years of age

9.4 The number of bedrooms used by the applicant is compared with the number they need. However the Council will consider the actual use of all available space in the home. The guide used is set out in the table below:

Size of household	Size of Property Entitlement
Single Person	1 bedroom
A couple without children	1 bedroom
Two adults of the same sex and generation for example, flat sharers, or two siblings	2 bedrooms
A couple expecting a child or with a child, including an adult son and daughter	2 bedrooms
A couple with two children of the same sex	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example, brother and sister	2 bedrooms
A couple with two children of opposite sex both under ten	2 bedrooms
A couple with two children of opposite sex one of whom is over ten	3 bedrooms
A couple with three children	3 bedrooms

A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	4 bedrooms
A couple with more than four children	4 bedrooms

10. Assessment of need

Medical grounds

- 10.1 If you apply for housing because your current accommodation affects a medical condition or disability, your application will be referred to the council's medical adviser or occupational therapy team depending on the information you have provided in your application.
- 10.2 Medical assessment does not examine how severe an applicant's medical condition or disability is. It looks at how your current accommodation affects the health or the disability of a household member. The assessment is based on whether your health or a member of your household's health would improve by moving to alternative accommodation.
- 10.3 Therefore, medical priority is awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their current housing conditions and the expected benefits of providing suitable alternative settled housing.

Welfare grounds

- 10.4 This assessment will be carried out by a Housing Options team leader or manager. Each case will be assessed on its merits to determine whether welfare priority should be awarded and will look at whether the situation is serious and enduring, whether it is directly affected by the applicant's present housing and whether it would improve if the applicant were re-housed.

Care leavers

- 10.5 If a young person who has been looked after by the Council and is ready to move into their own accommodation they may be considered for housing on welfare grounds. This includes those placed out of the borough. To qualify, the young person must have been a relevant child under the Children Leaving Care Act 2000, which means s/he would have been looked after by the council for a certain period of time and have had a pathway plan drawn up.
- 10.5 In most cases young people leaving care will be ready to move into independent living with the support of the social care service. If the young

person is ready to move on and has developed the required life skills, such as managing a budget, cooking, cleaning etc. the council will support her or him to find suitable private rented accommodation

- 10.6 For some young people whose support needs are high and accommodation in the private rented sector would have a detrimental effect on their transition to independent living, their housing application will be considered by a Panel (Care Leavers Panel) who will determine whether to award priority for social housing.
- 10.7 The Care Leavers Panel consists of senior officers from Housing and Care Leavers Services. The panel assesses each referral individually to ensure the needs of any particularly vulnerable or at risk young person is addressed.
- 10.8 To be considered for social housing, the care leaver must meet one or more of the following criteria:
- Young people subject to Care Orders under section S31 of the Children Act 1989 where the council has parental responsibility (Looked After Children).
 - Young people with moderate learning difficulties or disability or those who are subject to a statement of educational needs or a psychological assessment.
 - Young people with significant mental health issues – who have had involvement with CAMHS or CMHT for a period of three months or longer and are continuing to receive treatment.
 - Young people with complex needs placed in high cost placements where they no longer require that degree of support and whose application has been approved by the 'Access to Resources Panel' or the 'Asylum High Cost Placement Panel'.
 - Young people with significant offending behaviour, which limits access to other types of suitable accommodation.
 - Young people leaving care who are also parents and also meet one other criteria listed (e.g. they or their baby are especially vulnerable).
- 10.9 Those with other mitigating circumstances. A Care leaver who is approved by the Panel will be placed into Band B

Fostering and adoption

- 10.10 The council recognises the contribution that foster carers and adopting parents make towards ensuring that children in the Royal Borough of Windsor and Maidenhead are cared for. Priority will be given to those applicants approved or being assessed for approval to adopt or foster and where recommendation is made by social care to provide accommodation because the current accommodation is not large enough or would cause overcrowding.

Those enabling fostering and adoption will be placed in Band A on welfare grounds.

11. Local priorities

11.1 In addition to statutory reasonable preference groups, the council will provide housing assistance to certain groups who meet local needs and priorities.

British Forces Covenant

11.2 This policy applies to people who have served in the Royal Navy, Royal Air Force and British Army and have not been dishonourably discharged.

- Members of the Armed Forces and former service personnel where the application for housing is made within 5 years of discharge.
- Serving or former members of the Reserve Forces who need to move because of serious injury, medical conditions or disability which is wholly or partially attributable to their service.
- Bereaved spouses or civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their service spouse or partner and the death was wholly or partially attributable to their service.

11.3 Members of the British Armed Forces eligible to join the register will be placed in Band B.

12. Sheltered housing

Eligibility

12.1 Applicants for sheltered housing must be over 60 years of age. Applications will be assessed in accordance with the general scheme.

12.2 The relevant Housing Associations will ensure that applicants fully understand the service provided by sheltered housing.

12.3 Applicants must be able to live independently and care for themselves adequately. Elderly residing above ground floor and requesting Sheltered Accommodation

12.4 Nominations to any schemes designed as 'Elderly Extra Care' accommodation will be made following an assessment of care needs by Adult Social Care, and owner occupiers along with other applicants may be actively considered subject to a suitable care plan being in place

13. Offers and refusals of accommodation

13.1 An offer of accommodation can be:

- An assured short-hold introductory tenancy for a fixed term of 12 months, followed by an Assured tenancy at a social rent.
- An assured short-hold introductory tenancy for 12 months followed by a fixed term tenancy of no less than two years at a rent which is 80% of market rent.
- An assured short-hold introductory tenancy for 12 months followed by a fixed term tenancy of no less than 2 years.
- An affordable good quality private sector property for a period of no less than 12 months.
- Applicants are entitled to two reasonable offers of accommodation. An offer is deemed reasonable where it is of the correct bed and person size based upon the housing application and within an area selected by the applicant.
- However any applicant who has been placed in Band A will receive one offer of suitable affordable accommodation in any area which will address their housing need.
- If an applicant refuses an offer they will be asked to explain the reason in writing. If the reason is due to exceptional or unusual circumstances the offer may be deemed to be unreasonable, and not counted.
- The offer will not be deemed unreasonable if the Council was not made aware of certain facts and requirements prior to offer.
- If the offer is held to be reasonable, the applicant will be given 48 hours to reconsider. If the first reasonable offer of accommodation is refused and the applicant is in Band A the applicant will be entitled to a second offer but the application will be moved to Band B.
- If a total of two reasonable offers are refused, the application will be removed from the register. Applications will be removed from the housing register if it is found that it has never been or it has ceased to be an eligible application.
- Applicants are required to re-register annually. Applications will be removed if the applicant fails to re-register or if the Council considers there are good reasons for removal.
- A statutorily homeless applicant will be entitled to only one suitable offer of accommodation anywhere in the Borough. Where that offer is refused the Council will consider it to have discharged its statutory duty and where applicable, the provision of temporary accommodation will be withdrawn.

14. Keyworker housing

14.1 To qualify for key worker accommodation applicants must be eligible for inclusion on the housing register in all respects other than local connection criteria in the Borough. Applicants must be working in a permanent position in

one of the following sectors: education, health, police, fire, social services and some other key public and voluntary services and public sector agencies.

14.2 Keyworker applications will be held separately and no banding will be applied

14.3 The zone agent for keyworker accommodation is Catalyst who hold a register of keyworker properties and keyworker applicants. In order to register with Catalyst an applicant must be eligible for consideration by RBWM.

15. Shared Ownership

15.1 To qualify for shared ownership applicants must be eligible for consideration by the Council. However housing association tenants currently resident in the Borough may apply for shared ownership. Applicants must be first time buyers or purchasing for the first time in their own right.

15.2 The zone agent for shared ownership accommodation is Catalyst who hold a register of shared ownership properties and shared ownership applicants. In order to register with Catalyst an applicant must be eligible for consideration by the Council.

15.3 The criteria for eligibility to be referred to shared ownership schemes is subject to variances where schemes have differing requirements. Do it yourself shared ownership (DIYSO) is subject to funding availability.

15.4 Shared ownership applications will be held separately and no banding will be applied.

16. New housing developments

16.1 Nominations to new housing association developments will ensure that a mix of lettings occur from both the Council's housing register and existing housing association tenants who are Housing Registered for a transfer. Individual lettings plans will be agreed with the housing association for each development at the time of first letting.

17. Exceptional circumstances

17.1 In consideration of exceptional circumstances the Head of Housing has discretion to allow admittance of applicants.

18. Equal opportunities policy

18.1 The Council is committed to ensuring that no customer of housing services receives less favourable treatment on the grounds of race, colour, creed, nationality, ethnic or national origins, or are placed at a disadvantage by conditions or requirements that cannot be shown to be justified.

18.2 Consequently applicants will be asked their ethnic origin on the application form and this will be recorded in the Council's housing computer system. The information provided will allow the Council to ensure that fairness is being exercised in its policies.

19. Reviews of decisions

19.1 Applicants who are refused entry onto the housing register and those who are removed from it following a decision by the Council have a statutory right to request a review of the decision.

19.2 The Council will notify affected applicants of the Council's decision and of their rights, and a request for review must be made within 21 days of the written notification.

20. Fraud prevention

20.1 Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:

- Knowingly or recklessly give false information, or
- Knowingly withhold information which the housing authority has reasonably required the applicant to give.

20.2 It is important for the Council protect scarce housing resources and any applicant seeking to obtain housing by making false or misleading statement or failing to inform the Council of a material fact relevant to the outcome of their application, or a change in circumstances, will have their application immediately cancelled. The Council will not hesitate to prosecute any household who has either been allocated a home or applied for a home by using false or fraudulent information.

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Appendix C - Key Data 2018/19

Homelessness

Table 1: Numbers of approaches to the Council's housing options services for assistance 2018/19 (year to date) under the legislation

Category	Number of households
New approaches within the legislation	532
Cases being worked on	194
Council accepted prevention duty	43
Council accepted relief duty	79
Council accepted main duty	12
Cases closed	200

Table 2: Decisions under the homelessness legislation 2018/19 (year to date) on formal applications

Decision	Number of households
Not homeless	2
Not eligible	2
Not in priority need	5
Intentionally homeless	3
s193 discharge into accommodation (nomination to housing association or private rented sector)	16
Main duty acceptance	12
Total	40

Table 3: Numbers of homeless households in temporary accommodation provided by the Council October 2018/19

Type of temporary accommodation	Number of households
1 Bed	46
2 Bed	63
3 Bed	18
4 Bed	13
Total	140

Housing Allocations

Table 4: Current housing need banding and bedroom requirements of those households on the housing register October 2018.

Bedroom requirements	Housing Need Banding			
	Band A	Band B	Band C	Total
1 Bedroom	9	91	193	293

2 Bedroom	19	177	141	337
3 Bedroom	5	53	38	96
4+ Bedroom	3	16	5	24
Sheltered	0	0	25	25
Total	36	337	402	775

Table 5: Number of nominations into housing association accommodation 2018/19 (year to date)

	Housing Solutions	Radian	A2	TVHA	One Housing	Sovereign	Hanover	Total
1 Bedroom	10	20	1	0	0	0	0	31
2 Bedroom	36	12	0	1	1	0	0	50
3 Bedroom	11	5	0	0	0	1	0	17
4+ Bedroom	0	0	0	1	0	0	0	1
Sheltered	9	20	0	0	1	0	1	31
Total	66	57	1	2	2	1	1	130

Report Title:	Changes to the Council Constitution – Parts 2C 29.4 and Part 7F
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Kellaway, Chairman of Planning and Housing Overview and Scrutiny Panel
Meeting and Date:	Planning and Housing Overview and Scrutiny Panel – 20 November 2018
Responsible Officer(s):	Andy Jeffs, Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	All

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REPORT SUMMARY

1. This report follows a pilot conducted on public speaking rights to planning panels. This followed a report to Full Council in September 2014 which proposed changes to public speaking rights, it was agreed to pilot those changes and report back to Planning and Housing Overview & Scrutiny before making any final changes to the Constitution. The report sets out the learning from the pilot and proposes changes to Part 7F of the Constitution to be reported to Full Council for approval.
2. The report also covers proposals to make provisions for mandatory training for Members.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Planning and Housing Overview and Scrutiny Panel notes the report and agrees:

- i) The public speaking right pilot is concluded.
- ii) The recommendations agreed are taken forward to the next available Full Council in a report proposing formal amendments to the Constitution that secures the following:
 - a. Village Design Statements are not development plan documents and are not recognised as being similar to neighbourhood plans.
 - b. Once a Neighbourhood Plan has been adopted, a neighbourhood plan steering group or successor group or constituted interest group operating in the locality ceases to qualify for public speaking.
 - c. Only Parish Councils retain the separate right to speak at a Development Management Panel meeting save for those parts of the Borough which are non-parished and for which the Neighbourhood Forum has/will have the right to speak. For those Parish Councils progressing a Neighbourhood Plan either the Parish Council or the neighbourhood plan steering group is entitled to speak but not both.
- iii) Mandatory training for Members in relation to regulatory matters, which must have taken place since the Member was last elected.

Mandatory training attendance to be published on the council website.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

2.1 In September 2014 Council agreed a pilot for changes to public speaking rights at Planning Panels. A review of the pilot has now been undertaken and was reported back to Planning and Housing Overview and Scrutiny Panel in April 2018 following a meeting of the Planning and Housing Task and Finish Group, chaired by Cllr Kellaway.

Options

Table 1: Options arising from this report

Option	Comments
Based on the review of the pilot propose further changes to public speaking rights at Development Management Panels. Recommended option	Learning from the pilot has informed the changes now proposed.
Make no changes to the speaking rights.	If no changes are made then non accountable local bodies will retain the right to speak in addition to democratically elected parish councils and representors. This will tip the balance in terms of equity for those able to speak for and against a proposal.

Background

2.2 The pilot to test the changes made to public speaking was implemented in 2014 when neighbourhood planning was a relatively new level of plan making. Prior to that date applicants/their agents, parish councils and those making representations had been entitled to speak at Development Management (DM) Panel meetings providing that they registered to do so by a set deadline. In 2014 the Ascot & Sunnings Neighbourhood Plan had been made (adopted) as the first Neighbourhood Plan in the borough and a number of other groups were working on drafting plans. The stated purpose of the changes to public speaking to provide for residents groups formed as a consequence of the adoption of a neighbourhood plan to speak was that it would “*ensure continuity of neighbourhood plan groups from preparing their plans and seeing them adopted.*”

2.3 Equally in relation to the introduction of public speaking by any resident group or commercial interest group at Panels following the adoption of a Neighbourhood Plan or equivalent which was considered to “*ensure that local*

interest groups have the opportunity to influence planning decision making in a public and transparent way”.

- 2.4 The consideration in the report to Council at the time was that to not extend speaking rights as recommended, and trialled, was to not ensure continuity in plan making at a local level. This is not expanded on within the report to Council.
- 2.5 A Neighbourhood Plan is a development plan document which has a statutory basis in the Localism Act 2011. It is based on a designated area identified formally and legally through a Neighbourhood Forum; in parish areas this would be the Parish Council. It is based on evidence, goes through a number of consultation stages, it is formally examined; and, after a referendum in which the majority of residents endorse using it for making planning decisions, it can be adopted by the Council. It is then adopted planning policy which forms part of the Development Plan for the Borough.
- 2.6 A Village Design Statement is usually a Supplementary Planning Document. It relies upon a local plan policy on which to ‘hang’ the guidance contained therein. A VDS would usually be produced by a Parish Council, working with other parties, and the Council will then take it through a formal consultation process. The Council is then entitled to adopt a VDS as a supplementary document offering detailed guidance on how development might be assessed in that village. A VDS is not a policy document, it is a material planning consideration.
- 2.7 It is concluded that a Neighbourhood Plan, as planning policy, has no comparable other than a local development plan document. It is recommended therefore that speaking rights only apply in those areas of the Borough where a Neighbourhood Plan is being produced or has been made. This will be considered further below.

Speaking rights for Neighbourhood Plan Groups and Successor Groups

- 2.8 It should be made clear that pre-2014 speaking rights existed for Parish Councils alone; a parish council may still register to speak for two minutes on an application falling within its parish area.
- 2.9 For the majority of the period since the changes were introduced in 2014 there has only been one made Neighbourhood Plan (NP) for Ascot & the Sunnings. In that plan area two parishes were brought together in a designated area and between them set up a neighbourhood plan steering group. The group was responsible for producing the plan. Once the plan was made (adopted) it has become ‘owned’ by the council to implement the policies through decision making on planning applications. At this point the parish council formed steering group would cease to exist as their hard work has been completed.

- 2.10 Until early 2018 a successor organisation known as the Ascot and Sunnings Neighbourhood Plan Delivery Group had been regularly making comments on planning applications, submitting statements in relation to planning appeals and appearing at the Windsor Rural Panel to speak. Sometimes the group mirrored the comments of the parish council and other times they did not. More recently the Delivery Group has not attended meetings to speak and makes few comments on applications.
- 2.11 The Parish Councils for that plan area continue to comment on applications with reference to the policies in the Neighbourhood Plan and to speak at meetings in the same regard.
- 2.12 The Borough has two other made plans currently covering Hurley and the Walthams and Eton and Eton Wick. The former was produced by a steering group made up of representatives from the three parish councils/parish meetings for which the designated area was formally identified. Following the examination of that plan the steering group was disbanded. The relevant parish councils are now engaged in commenting on applications with reference to policies in that NP.
- 2.13 It is considered that the speaking rights and time identified for Parish Councils which can be used to address the Panel and point out issues of fact with reference to policy, or interpretation of policy and the background to it being developed, provides the continuity to plan making. The Parish Councils are elected to represent their local populace whilst 'successor organisations' are not so accountable or elected.

Non-parished areas of the Borough

- 2.14 In this borough there are two areas which are not within a parish: Windsor and Maidenhead. It is recommended that, in these areas, speaking rights should be given to a formally constituted Neighbourhood Forum when their plan has been made. Within Windsor there are two active plan making groups, Windsor 2030 producing a business led plan and Windsor Neighbourhood Plan producing a resident led plan for the area outside of the main town centre.

Public speaking for any resident group or commercial interest group

- 2.15 When public speaking was first introduced by the Council in relation to planning panels there was a provision for those making representations to a proposal to speak. The procedure for registering to speak is long established and operates on a first come, first served basis with the option for those securing the right to speak sharing the time with others who are also interested in being heard. It included the option for local interest groups to register, the Society for the Protection of Ascot and its Environs is a good example of a local group which has long been commenting on applications and taking up the rights to appear in person to set out the representations from their membership. Groups such as these are not consultees in the planning

application process but are usually constituted local amenity bodies brought together with a common purpose.

- 2.16 The trial allowed for an extension of rights thus giving parish councils, and neighbourhood plan groups or successor groups and local resident groups time to speak, cumulatively for four minutes (two minutes for the parish and two minutes shared for other groups). The applicant has three minutes and the representors have three minutes. The report to Cabinet in September 2014 noted that one of the implications of the trial is the impact on natural justice as the balance of views voiced may no longer be the same. As that report contained no review of the process that had been operating to that point there is no indication of it having been unsatisfactory to any party. Having reviewed the available documentation it is considered that the trial was simply to offer the opportunity for more local groups and people to be able to speak at the Panel meeting rather than observe proceedings.

The Panel decision: Section 38(6) of the Planning Act

- 2.17 It is beholden on the planning authority, whether that is a panel of members or an officer acting under delegated powers, to reach a decision on each and every planning application on its own merits and in accordance with the policies in the Development Plan unless material considerations indicate otherwise. The officer report to the panel clearly sets out the relevant policies, including those of a Neighbourhood Plan, and any relevant material planning considerations. The report also includes comments from the parish council and other groups together with comments received from individual residents noting how this has been dealt with in the report and whether or not it is a material planning matter. The number of representations made is not material to reaching a decision, it is the issues raised by representors which are considered.
- 2.18 The report to Council set out that the basis for the trial, in part, was to allow groups to influence the planning decision in a transparent and open way. All stakeholders have the opportunity to make representations on a planning proposal through the statutory consultation period, there is no need to speak publicly to the panel to engage that right. Those written representations received are all recorded on a public (electronic) file and referenced in the officer report. Late representations received before the day of the panel meetings are also reported in a written update circulated at the meeting.

Mandatory training

- 2.19 Members serve on regulatory panels making decisions on matters such as planning and licencing; there are frequent changes in the planning legislation and it is key that members be updated on those changes. To recognise the importance of ensuring that members receive regular training relevant to the decision making process of any regulatory panel or sub-committee it is recommended that the constitution be amended to reflect this. This would amend the relevant section to insert the two additional sentences in italics as follows:

C29.4 No Member may be permitted to serve as a member or a substitute member of any regulatory Panel/Sub-Committee without first having attended a training session, *which must have taken place since the Councillor was last elected*. For the purpose of this rule, regulatory panels/sub-committees are any Development Management Panel, Licensing Panel or Appeals Panel. *Member attendance at mandatory training sessions will be published on the council website.*

2.20 The Member induction schedule for May 2019 will take this requirement into account, ensuring all Members are able to access training before the first Development Management Panel meeting takes place in the new municipal year.

3. KEY IMPLICATIONS

3.1 The proposed revisions contained within this report require formal Council approval as they are changes to the Council Constitution. It is recommended that this Panel makes recommendations to Full Council to implement the changes set out.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Report to Council setting out proposed changes to the Constitution	Report considered by Council in January 2019	Report considered by Council in December 2018	n/a	n/a	December 2018
Implementation of constitutional changes in relation to Part 7F	Changes take effect after 31 January 2019	Changes take effect from 1 January 2019	Changes take effect on 20 December 2019	n/a	January 2019
Implementation of constitutional changes in relation to part 2C	n/a	Changes take effect from 3 May 2019	n/a	n/a	May 2019

4. FINANCIAL DETAILS/ VALUE FOR MONEY

4.1 No financial implications.

5. LEGAL IMPLICATIONS

- 5.1 The Planning Practice Guidance covers the legal basis for consulting in writing with groups and statutory and non-statutory bodies as part of the planning process; the weblinks to this information are contained in section 10. In this context neither parish council's nor local amenity groups/interest groups are classified generally as statutory consultees. Where parish council's notify the council of a wish to be consulted on planning applications this is then legally required to happen. In recent changes to legislation neighbourhood forums are required to be consulted on planning applications.
- 5.2 Speaking at panel is not set out in legislation but contained in the council's own constitution. The council has the power to amend speaking rights. If changes are sought to the constitution and agreed there will be a consequent need to amend the council's adopted Statement of Community Involvement. This document will need updating due to legislation changes relating to the rights to be consulted on a planning application where a Neighbourhood Plan has been made.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
Reputational risk of non accountable local groups perceiving that they are not able to engage in the planning process	Medium	Direct local groups towards information on the Council website which explains how they can engage in the planning process and brief them through the parish stakeholder group	Low
The outcome is not met through changes to the Council constitution	Medium	Proceed through the planning task and finish group or via Council to make changes to the Constitution	Low
Decision makers are not up to date on relevant matters to the decision made and thus the decision is not sound.	High	Require members to be updated on relevant matters to their decision making on regulatory panels and sub-committees.	Low

7. POTENTIAL IMPACTS

7.1 None.

8. CONSULTATION

- The report was considered by Planning & Housing Overview and Scrutiny Panel in April 2018, it was determined to proceed to Council for a decision to end the pilot. The report above and its recommendations are based on the outcome of the Panel meeting and informed by the Task and Finish Group discussions.

9. TIMETABLE FOR IMPLEMENTATION

9.1 The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
1 January 2019	Implement changes to public speaking as set out in the recommendations.
1 January 2019	Update relevant guidance and templates including letters inviting the public and others to attend panel and to speak to an application.
1 January 2019	Update the wording in the constitution part 7F as per appendix 1
May 2019	Ensure members receive training in accordance with the requirements of the constitution, as amended

10. APPENDICES

10.1 This report is supported by 2 appendices:

- Revised part 7F of the council constitution
- Report to council on 23 September 2014

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 4 background documents:

- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>
- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>
- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>
- Parish Council as statutory consultee
<http://www.legislation.gov.uk/ukxi/2015/595/schedule/4/made>.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning	8.11.18	
Russell O'Keefe	Acting Managing Director	8.11.18	8.11.18
Rob Stubbs	Section 151 Officer	8.11.18	
Elaine Browne	Interim Head of Law and Governance	8.11.18	
Karen Shepherd	Service Lead Governance	8.11.18	12.11.18
Nikki Craig	Head of HR and Corporate Projects	8.11.18	12.11.18
Louisa Dean	Communications	8.11.18	
Andy Jeffs	Executive Director	8.11.18	9.11.18
Kevin McDaniel	Director of Children's Services	8.11.18	
Angela Morris	Director of Adult Social Services	8.11.18	
Hilary Hall	Deputy Director of Commissioning and Strategy	8.11.18	9.11.18
Ashley Smith	Deputy Head of Planning	8.11.18	9.11.18

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision	No	
Report Author: Jenifer Jackson, Head of Planning, 01628 796042		

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Appendix 1: Proposed Part 7F of the Constitution

This appendix sets out the proposed changes to part 7F of the constitution with the words to be removed struck through ~~thus~~ and the new words inserted shown in italics *thus*.

1. Public Speaking at Development Management Panel Meetings

- 1.1 Planning applications are determined by either officers acting under delegated authority or a Development Management Panel.
- 1.2 Each application is subject to a public consultation exercise which enables the public and other bodies to comment in writing on the application before it is determined.
- 1.3 The Council provides the opportunity for the public and for applicants (or their agents) to speak at the planning meeting before the Council Members take their decision.
- 1.4 If objectors speak at the meeting, the applicant must be allowed to speak. An applicant may speak at a meeting even where there are no objectors wishing to speak (but if the applicant is in agreement with the Officers' recommendations to the Panel the Chairman will request the applicant to restrict any comments to matters not covered, or not covered fully, in the Officer's Report).
- 1.5 Anyone who has written to the Council with objections or comments to a planning application will be contacted at least one week before the relevant meeting is due to take place when the application will be considered. They will be invited to tell the Council if they wish to speak at the meeting. If anyone does wish to speak they must let Democratic Services know by 5 pm, two working days before the Development Management Panel (i.e. Monday, 5pm, if the Panel is on Wednesday). ~~If anyone wishes to use visual material e.g. photographs, plans etc. or present documents, these should be sent to the Case Officer using the planning.maidenhead@rbwm.gov.uk address as soon as possible before the relevant meeting.~~ The Panel Chairman will not normally allow members of the public to speak if they have failed to notify the Council as stated above, of their wish to speak ~~or to present additional information to the panel that has not been first submitted to the Case Officer.~~
- 1.6 Generally, applications where the public are to speak will be moved to the start of the Agenda. Any objectors will be given, together, a total of three minutes in which they can present their views. It may be convenient, if there are a number of objectors, that they agree amongst themselves to appoint one or two spokesmen for them all, to stay within the three minutes allotted. If the objectors are unable to agree amongst themselves, the Chairman shall refer to the list of notifications received from people wishing to speak and shall call them in the order the names are recorded, which shall, as far as reasonably possible, reflect the time of notification of their interest in speaking. When the end of the 3 minute period has been reached, the Chairman will not permit any more objectors to speak.
- 1.7 No new documents should be circulated to the Panel at the meeting except the Panel Update. *The Panel Update will contain information pertinent to the application*

provided to the case officer after the Panel report publication date and up to the end of the working day before the date of the Panel meeting. Messages should not be passed to individual Panel Members.

- 1.8 If a Parish or Town Council or a *Neighbourhood Forum with a made Neighbourhood Plan (where there is no parish) or a properly constituted Neighbourhood Plan Forum or Steering Group where the plan is in progress and has not yet been made* has made representations and a Member of that body wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting. *For those parishes preparing a neighbourhood plan either the steering group or the parish council representative may speak for the allotted time but not both, preference will be given to the first to register.*
- 1.9 If any other Parish or Town Council or a *Neighbourhood Forum with a made Neighbourhood Plan (where there is no parish) or a properly constituted Neighbourhood Plan Forum or Steering Group where the plan is in progress and has not yet been made* wishes to address the meeting, they should notify Democratic Services by 5 pm, two working days before the Development Management Panel of their intention to speak. If Democratic Services are not notified in advance, then the Chairman of the meeting has a discretion to allow members to address the meeting. *For those parishes preparing a neighbourhood plan either the steering group or parish council representative may speak for the allotted time but not both preference will be given to the first to register.*
- 1.10 A Parish or Town Council or *Neighbourhood Forum (with a made plan)* representative will be allotted a further two minutes, in addition to the objectors' three minute period. If more than one Parish or Town Council or *Neighbourhood Forum member* wishes to address the meeting, no additional time will be allocated unless exceptional circumstances apply (see below).

~~1.11 If a neighbourhood plan successor organisation wishes to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to address the meeting. The organisation must be based in the appropriate neighbourhood plan area. The organisation will be allocated two minutes to speak. If more than one group registers to speak, they will be asked to share the single two minute speaking opportunity.~~

~~1.12 Following the adoption of a Neighbourhood plan or equivalent, should a bona fide representative residents' organisation wish to address a Development Management Panel meeting to speak on any planning application, they should notify Democratic Services by 5 pm two working days before the Development Management Panel of their intention to speak; this will be at the discretion of the Chairman. If Democratic Services are not notified in advance, then the Chairman of the meeting has discretion to allow the organisation to~~

~~address the meeting. The organisation will share the allocated two minute opportunity to speak with any successor Neighbourhood Plan resident group.~~

- 1.11 The applicant, his agent or any supporters, will be allocated in total three minutes in which to present their views. If in addition to the Applicant or his agent, members of the public wish to speak in favour of an application, they must notify the Council, by 5.00 pm, at least two working days before the Panel meeting. They should also contact the applicant or his agent as the total time allocated to the applicant and any supporters is a total of three minutes.
- 1.12 Any Member of the Council, not already a Member of the DMP, wishing to speak at a Panel will be permitted to speak in favour or against any agenda item after all public speakers have spoken and prior to the Panel debating the item. Non Panel Members will be restricted to three minutes in total and should not then participate in the Panel debate.
- 1.13 The Chairman of the meeting has discretion to extend the speaking time for any party, in exceptional cases. This discretion is intended to be applied only very rarely. Exceptional circumstances might arise as a result of the range of issues raised by the matter.

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WORK PROGRAMME FOR PLANNING & HOUSING OVERVIEW AND SCRUTINY PANEL

December 2018

REPORT	AUTHOR
Plan Making- Gypsy and Traveller Issues and Options Consultation	Russell O'Keefe/ Andy Jeffs

January 2018

REPORT	AUTHOR
Items yet to be scheduled	TBC
Items yet to be scheduled	TBC

February 2018

REPORT	AUTHOR
Budget Report	Rob Stubbs

ITEMS ON THE CABINET FORWARD PLAN BUT NOT YET PROGRAMMED FOR A SPECIFIC SCRUTINY PANEL MEETING

REPORT	AUTHOR
Joint Central and Eastern Berkshire Minerals and Waste Plan- Authorisation for preferred option consultation	Jenifer Jackson
Gypsy and Traveller Accommodation Assessment	Jenifer Jackson
Vicus Car Park	Russell O'Keefe

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

REPORT	AUTHOR
Homelessness Strategy- 6 month update	Russell O'Keefe/Andy Jeffs
Task and Finish Group- Final recommendations Report	Cllr Kellaway/ lead officer
Enforcements and Appeals performance - monitoring report (TFG report)	Jenifer Jackson

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