

Public Document Pack

Housing Select Committee Agenda

Wednesday, 6 March 2013
7.30 pm, Committee Room 3
Civic Suite
Lewisham Town Hall
London SE6 4RU

For more information contact: Joseph Dunton (Tel: 0208 31 43563)

Part 1

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Housing Select Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Wednesday, 6 March 2013.

Barry Quirk, Chief Executive
Tuesday, 26 February 2013

Councillor Carl Handley (Chair)	
Councillor Vincent Davis (Vice-Chair)	
Councillor Paul Bell	
Councillor Liam Curran	
Councillor Amanda De Ryk	
Councillor Patsy Foreman	
Councillor Vicky Foxcroft	
Councillor Ami Ibitson	
Councillor Darren Johnson	
Councillor Sam Owolabi-Oluyole	
Councillor Alan Hall (ex-Officio)	
Councillor Kevin Bonavia (ex-Officio)	

MINUTES OF THE HOUSING SELECT COMMITTEE

Monday, 4 February 2013 at 7.30pm

PRESENT: Councillors Carl Handley (Chair), Vincent Davis (Vice-Chair), Paul Bell, Amanda De Ryk, Vicky Foxcroft, Ami Ibitson, Darren Johnson, Patsy Foreman, Sam Owolabi-Oluyole and Alan Hall.

APOLOGIES: Councillors Alan Hall and Liam Curran

ALSO PRESENT: Joseph Dunton (Scrutiny Manager), Genevieve Macklin (Head of Strategic Housing), Kevin Sheehan (Executive Director for Customer Services), Madeleine Jeffery (SGM: Housing Strategy and Policy), Louise Spires (Strategy, Policy & Development Manager), Selwyn Thompson (Group Finance Manager, Budget Strategy), Colin Moone (Housing Options and Assessment Manager), Peter Wood (Chair, Deptford 999 Club), Petra Der Man (Principal Lawyer), Mrs Mead (Leaseholder Representative), Gary Cummins (Strategy, Policy & Project Officer), Orville Phillips (Right to Buy Manager Lewisham Homes), Adam Barrett (Lewisham Homes), Mark Humphreys (Group Finance Manager – Customer Services), Alison Harrison (Deptford 999 Club) and Scott Cook (Partnerships and Service Improvement Manager)

1. Minutes of the meeting held on 8 January 2013

- 1.1 **RESOLVED:** That the minutes of the meeting held on 8 January 2013 be signed as an accurate record of the meeting.

2. Declarations of Interest

- 2.1 Councillor Bell declared a non-prejudicial interest as a Lewisham Homes Board Director.

3. In-depth review into low cost home ownership

- 3.1 Louise Spires introduced the report highlighting some key information:
- A wide range of Low Cost Home Ownership products have been available over recent years
 - Since the major policy changes in relation to Right to Buy (RtB) schemes on 1 April 2012, increasing the maximum discount to £75,000, there have only been 12 completed sales as of January 2013
 - According to the 2011 census only 1.24% of homes in Lewisham are owned under a shared ownership arrangement
 - Being able to afford the deposit remains a barrier to many prospective homeowners
 - The Mayor of London announced in September 2012 that the HomeBuy arrangements would be changing as part of his Housing Covenant. This will involve the abolition of the HomeBuy agent which will be replaced with a portal type website linking to each providers marketing websites.
- 3.2 The Chair introduced Mrs Mead, a leaseholder representative from who took questions from members of the committee. The key points to note from her experiences of Right to Buy are:

- Mrs Mead purchased her property in the year 2000 having lived there since she was 18. At the time of purchase the cost of making mortgage repayments was lower than the cost of continuing to rent the property.
- She acknowledged that coping with repairs herself is stressful and she would perhaps have to put further consideration into the decision to buy her home if she was buying again in the current economic climate given that repayments would now be closer to the cost of renting the property.
- Applying for a mortgage was straightforward and she did not have to find a deposit but she acknowledged that this was in 2000 and the process would be much harder now.
- The process of applying to buy her home through RtB was straightforward although she did have some help from her family
- Her RtB contract stipulated that there would be no major works for 5 years after purchase and as her mortgage was relatively low, £22 per month, she was able to put some money aside to help pay for any works in the future.
- As a regular attendee at leaseholder meetings she is now finding that the high cost of repairs is becoming more of an issue for leaseholders given the current economic climate.
- When she purchased her home the council advised her to also pay into an insurance scheme to help cover the costs of any future repairs.

3.3 In response to general questions on low cost home ownership from committee members to officers present the committee were advised:

- Much of the work of devising and administering Low Cost Home Ownership products is not carried out by the Council.
- The simplicity of the product is an important factor in making it desirable to residents
- Banks are cautious and reluctant to lend despite significant council "write downs" on the value of properties
- A scheme that will offer residents a cash incentive to purchase their own home privately is going before Mayor and Cabinet
- The Council do have a mortgage rescue scheme which is open to all residents

3.4 In response to questions on Right to Buy from committee members to officers present the committee were advised:

- There are currently a high number of applications for the RtB scheme but few of these make it to completion which may be as a result of the current economic climate.
- It is thought that some residents are waiting for Decent Homes work to be completed before investigating RtB.
- Officers will confirm whether 100% (minus fees) of proceeds from a RtB sale were retained by the Council
- Officers will provide a breakdown of the properties sold by bed size
- Officers will put easy to read information on Right to Buy on the Lewisham website
- Officers will confirm the number of council homes sold through RtB in 2001 / 2002

3.5 In response to questions on Shared Ownership / Shared Equity Options from committee members to officers present the committee were advised:

- The new Greater London Authority (GLA) website was not available in time for this meeting and officers are unaware of their plans in regards to future promotion of shared equity schemes

- Officers make easy to read information on Shared Equity and Right to Buy options available on the Lewisham website
 - It is possible to gradually increase the ownership share up to 100% ownership of a property under current shared ownership options
 - Housing Associations hold residents liable for 100% of repair costs despite them not owning 100% of property
 - Officers were unaware of a situation where a Housing Association bought back a property from a tenant who had purchased it under a shared equity option.
- 3.6 In response to questions on Self Build options from committee members to officers present the committee were advised:
- The council have identified the Church Grove site as a suitable site for a self build development
 - Self build is very labour intensive option for Council officers as it involves working closely the group involved.
 - The council would only be able support a small number of self build projects
- 3.7 In response to questions on Community Land Trusts (CLTs) from committee members to officers present the committee were advised:
- CLTs would need to approach the Council with an offer to set up a Community Land Trust
 - The idea of a CLT is to make land available for building – it would not necessarily have to be a self-build development
- 3.8 In response to questions to Orville Phillips, Right to Buy Manager - Lewisham Homes the committee were advised:
- Accessing a mortgage is a barrier for many potential leaseholders
 - Mortgage lenders are reluctant to lend and regard many properties as over valued
- 3.9 **Resolved:** That the committee would be supplied with the following information:
- whether 100% (minus fees) of proceeds from a RtB sale were retained by the Council
 - a breakdown of the properties sold by bed size
 - the number of council homes sold through RtB in 2001 / 2002

The committee recommends that officers make easy to read information on Shared Equity and Right to Buy options available on the Lewisham website.

4. Revenue and budget savings proposals 2013/16

- 4.1 This item was taken after item 6 at the meeting.
- 4.2 Selwyn Thompson introduced the report, commented on the challenging financial outlook for local authorities as a result of the financial settlement announced by the government in December 2012. The council will need to save a total of £53.5m over the next two years.
- 4.3 Genevieve Macklin introduced the two proposals relevant to the remit of the Committee. The key points to note were that:
- of the savings outlined in CUS 41 (Review of the Regulatory Services across the Strategic Housing and Environment divisions within Customer Services to better

align functions, remove duplication and delayer management) only a portion of these were related to enforcement activities in housing and these would be achieved by de-layering of management.

- CUS 42 (rental income on approximately 180 properties in the Milford Towers Estate leased to a commercial partner until its demolition in December 2015 as part of the regeneration of the Catford Centre) is an innovative proposal which allows the council to take increase revenue without cutting services.

4.4 In response to questions from members on savings proposal CUS 41 the committee were advised:

- this proposal would involve the removal of one managerial post in Environmental Health residential but these responsibilities would be picked up by another manager

- Setting up a discretionary licensing scheme would involve significant up front investment but officers are monitoring the work that is ongoing in Newham

4.5 In response to questions on CUS 42 the committee were advised:

- Lewisham Homes do not currently have the necessary experience in attracting non social renting tenants as they do not let any properties at non-social rents.

- Lewisham Council are unable to charge a higher rent for these properties due to existing Council policy around affordable rents.

- These properties are currently outside the Housing Revenue Account (HRA) as they are part of the Catford Regeneration Programme however this proposal allows the rent received to be channelled back to the HRA.

- Any of the existing Milford Towers flats that are suitable for use as Temporary Accommodation will be used for this purpose.

- Lewisham will get paid the value of the social rent for these properties and the agent will be charging prospective tenants just below the market rent.

4.6 **RESOLVED:** The committee noted the savings proposed in CUS 41 and CUS 42. That the Committee agreed to refer the following comments regarding CUS 42 to the meeting of the Public Accounts Committee to be held on 7 February 2013:

The committee would like to request that before this proposal proceeds they need to be advised of the difference between the social rent being paid to the council and the proposed market rent being charged by the commercial partner.

5. Use of temporary accommodation for homeless households

5.1 Colin Moone introduced the report. The key points to note were:

- Households go into temporary accommodation (TA) while investigations are ongoing to determine whether the Council have a statutory duty to house that household or when the Council have accepted the duty to house a household for whom suitable permanent or stable accommodation has not yet been found.

- Types of TA include bed and breakfasts (B&B), hostels, private sector housing, registered social landlord housing and council homes.

- The report notes that there has been an increase in street homelessness (rough sleeping) in the borough.

- The Council are undergoing a capital improvement programme that will involve improvement works for 12 of the 25 hostels in the borough.

5.2 The Chair introduced Peter Wood and Alison Harrison from the Deptford 999 Club to the Committee and they provided a short introduction to the work that the Deptford 999 Club does in the borough. Key points to note were:

- The 999 Club see mainly individuals as most families go straight to the Council's Housing Options Centre (HOC)
- Clients are usually referred to the Council's Single Homeless Individuals Project (SHIP) for help in the first instance
- The night shelter can hold up to 25 individuals and is currently running at full capacity

5.3 In response to questions from the committee officers advised that:

- The Council have a rough sleeping strategy which involves collaboration with a number of different agencies including social services
- Due to the high number of people presenting as homeless in the borough the Council act only in line with Section 188 of the Housing Act (1996)
- The Council has a growing list of around 7500 households waiting to be re-housed in social housing with only around 1500 households being housed each year.
- The usage of B&B in Lewisham for households in temporary accommodation is lower than in other London Boroughs
- The council are looking at increasing bed spaces in existing accommodation and reducing the need for households to share facilities
- There is a multi-agency protocol in place for pro-actively helping rough sleepers in adverse weather conditions. However the target time period for removal from TA will only be extended if necessary.
- A hostel diversion scheme is in place and the development of Love Lewisham Lets may help expand access to social housing in the borough.
- Officers will advise HOC and SHIP staff of the role of Councillors to stop situations where officers are advising residents to call Councillors directly to appeal a case

5.4 In response to questions from the committee Peter Wood and Alison Harrison advised that:

- SHIP do investigate the social issues often associated with rough sleeping such as drinking and drug use.
- The Deptford 999 Club are currently experiencing financial pressures
- A lot of the rough sleepers in Lewisham would not be classed as vulnerable – they are single young men
- The 999 Club have previously approached the Polish Embassy for support in helping Polish nationals who are homeless in Lewisham.
- There are organisations working locally to support those of Central and Eastern European origin that wish to be voluntarily repatriated but many of these individuals do not wish to return.

5.5 It was also agreed that details of upcoming local assembly meetings would be supplied to Peter Wood by the scrutiny manager so they can discuss any potential support on offer.

5.6 **RESOLVED:** That the report be noted; that officers will advise HOC and SHIP staff of the role of Councillors to stop situations where officers are advising residents to call Councillors directly to appeal a case; and that details of upcoming local assembly meetings would be supplied to Peter Wood by the scrutiny manager.

6. Key housing issues report

- 6.1 Madeline Jeffrey introduced the report. The key points to note were:
- The Leaseholder Valuation Tribunal (LVT) appeal involving 23 Brockley leaseholders has been resolved so that on-costs for leaseholders have been reduced from 26% to 24% whilst management costs remain at 10%.
 - The council are now looking at the impact on bills for residents and will refund money where necessary
- 6.2 In response to questions from members the committee were advised:
- Housing Officers are working with colleagues in legal to explore options to claw back some of the costs associated with this action from the Brockley Private Finance Initiative.
 - Final bills including reductions based on the findings of the upper tribunal will now be sent to residents.
 - Officers will advise the committee on how much Council have saved through the class action and how much has been spent on legal fees to achieve this saving.
- 6.4 **RESOLVED:** That the report be noted; and officers to advise the committee on how much Council have saved through the class action and how much has been spent on legal fees to achieve this saving.

7. Select Committee work programme

- 7.1 The Chair agreed to suspend Standing Orders as the meeting had lasted longer than 2.5 hours.
- 7.2 Joseph Dunton informed the committee that invites to the oral evidence session have been sent to the following individuals:
- Ted Stevens – Chair of the National Self Builders Association
 - Dave Smith – Chair of the East London Community Land Trust
 - A representative from L&Q or the GLA to discuss new arrangements for the Shared Equity Scheme
- 7.3 Councillor Davis proposed that Kareem and Dave Dayes from the Rural Urban Synthesis Society (RUSS) be invited to discuss self build and community land trusts. Legal advice was taken from Petra Der Man with regard to RUSS's ongoing participation in negotiations with the Council in regard to the Church Grove site and the perception of unequal access for one set of bidders if RUSS were invited to attend the committee meeting. This advice was accepted by the committee.
- 7.4 Councillor Handley suggested that further representation from a leaseholder representative who had purchased their property through Right to Buy be sought for March meeting.
- 7.5 **RESOLVED:** That the work programme is noted; legal advice regarding invites to the oral evidence session to the low cost home ownership review is noted; and a further leaseholder representative to discuss Right to Buy be invited to the next meeting.

8. Referrals to Mayor and Cabinet

8.1 There were no referrals to Mayor and Cabinet but there was a referral to the Public Accounts committee as detailed in paragraph 4.6 of these minutes.

The meeting ended at 10.15 pm

Chair: _____

Date: _____

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Agenda Item 2

Committee	Housing Select Committee	Item No.	2
Title	Declarations of Interest		
Wards	All		
Contributors	Chief Executive		
Class	Part 1	Date	6 March 2013

1. Declaration of interests

- 1.1. Members are asked to declare any personal interest they may have in any item on the agenda.

2. Personal interests

- 2.1. There are two types of personal interest :-
- an interest which you must enter in the Register of Members' Interests*
 - an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

- 2.2. ("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control.
- 2.3. If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

3. Exemptions to the need to declare personal interest to the meeting

- 3.1. You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:
- any other body to which you were appointed or nominated by the Council
 - any other body exercising functions of a public nature.
- 3.2. In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

4. Sensitive information

- 4.1. If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive.

Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

5. Prejudicial interests

- 5.1. Your personal interest will also be prejudicial if all of the following conditions are met:
- it does not fall into an exempt category (see below)
 - the matter affects either your financial interests or relates to regulatory matters - the determining of any consent, approval, licence, permission or registration
 - a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

6. Categories exempt from being prejudicial interest

- Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- Statutory sick pay; if you are in receipt
- Allowances, payment or indemnity for members
- Ceremonial honours for members
- Setting Council Tax or precept (subject to arrears exception)

7. Effect of having a prejudicial interest

- 7.1. If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

8. Exception

- 8.1. The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The Member cannot vote on the matter, nor remain in the public gallery to observe the vote.

9. Prejudicial interests and overview and scrutiny

- 9.1. In addition, Members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, Members are not allowed to scrutinise decisions to which they were party.

10. Declaring a whip and overview and scrutiny

- 10.1 When considering any matter in respect of which a member of the overview and scrutiny committee is subject to a party whip, Members must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

Agenda Item 3

Housing Select Committee			
Title	In-depth review into low cost home ownership – Evidence Session	Item No	3
Contributors	Scrutiny Manager		
Class	Part 1	Date	6 March 2013

1. Purpose of paper

- 1.1. The Housing Select Committee has agreed to undertake a review looking at low cost home ownership as part of its work programme for 2012/13. This report and appendices, coupled with evidence provided at the previous meeting on 4 February, will provide information for the Committee to discuss as part of its review.

2. Recommendations

- 2.1. The Select Committee is asked to:
 - note the content of the report and consider the information presented at Committee
 - note the witnesses that have been invited to the meeting on the 6 March

3. Background

- 3.1. At the meeting of the Housing Select Committee on September 11 the Committee resolved to undertake an in-depth review looking at low cost home ownership.
- 3.2. At its meeting on October 31 the Committee approved the scoping report for the review. This scoping paper, including information on key lines of inquiry, is attached in Appendix A.
- 3.3. At the meeting on 4 February the committee considered an officer report with information on each of the four options for Low Cost Home Ownership being considered as part of the review. The committee also considered evidence from Mrs Mead, a leaseholder representative from Lewisham, and Orville Phillips, right to buy manager Lewisham Homes, in relation to Right to Buy.

4. Written Evidence

- 4.1. The officer report from the previous meeting is available online:
<http://councilmeetings.lewisham.gov.uk/documents/s19828/HSC%20LCHO%20Evidence%20Session%201%20v2.pdf>
- 4.2. Further details on the evidence provided by Mrs Mead and Orville Phillips is contained within the minutes to the previous meeting at the beginning of this agenda.

4.3. Additional information has been appended to this report:

Appendix A: *Case Study: Segal Close* – The first Local Authority backed self build projects in the country built in Lewisham in the late 1970s.

Appendix B: *Additional written comments from Jon Broome on Self Build.* – Jon Broome was one of the architects and original tenants of Segal Close

Appendix C: *Build your Own Home – The London Way* – A funding prospectus from the Mayor of London outlining the GLA policy position on Custom Build

Appendix D: *East London CLT – Frequently asked questions* – Adapted from the East London CLT website. This gives some background on the East London CLT.

5. Oral Evidence

5.1. The following witnesses have been invited to give evidence to the committee at the meeting on 6 March:

- A leaseholder representative (To be confirmed) to give evidence on Right to Buy
- Representatives from L&Q and Family Mosaic (To be confirmed) to give evidence on Shared Ownership
- Ted Stevens – Chair of the National Self Build Association to give evidence on Self Build
- Dave Smith – Director of the East London Community Land Trust to give evidence on Community Land Trusts.

6. Further implications

6.1. At this stage there are no specific financial, legal, environmental, equalities or crime and disorder implications to consider. However, each will be addressed as part of the review.

If you have any questions about this report, please contact Joseph Dunton, Scrutiny Manager (ext. 43563)

Appendix A

Lewisham Self Build: Segal Close and Walters Way

Prepared by Scrutiny Manager & Jon Broome

Walter Segal (1907 – 1985) was a Swiss Architect who developed a method of building using a modular, timber frame system that allows for ease of construction and low maintenance whilst eliminating the need for “wet trades” such as bricklaying and plastering. The photo below shows a typical Segal designed home with its flat roof and timber frame¹:



In the late 1970s Lewisham became the first council to fund a self build project using the Segal method of building at a site now known as Segal Close and 3 other small sites in Sydenham and towards Bromley.. This scheme allowed those in housing need, mostly without building skills, to design and build their own homes in line with Segal’s dream of “self help house building, based on mutual help among members of a friendly society on leasehold land.”²

Initial Stages

Segal Close came about as a result of the introduction of Segal to Brian Richardson (Assistant Borough Architect) by their mutual friend Colin Ward. Richardson enlisted the support of Councillor Nicholas Taylor who ensured that the Housing Committee requested a report on “alternative methods of housing such as setting up a co-operative self build housing society.”³ Richardson prepared the initial report for the committee which had concerns around the “durability, sturdiness, fire resistance and insurability of the timber frame” houses as well as questions on the forms of tenure, methods of organisation and finance, and proposing specific sites.⁴

The timing of the proposal was also helpful as the Council had just bought a lot of land during an economic boom only to find that large portions of it were unbuildable due to the government’s Housing Cost Yardstick that essentially ruled out any land that was not “a large site, fairly square shaped and level, with good bearing soil and

¹ <http://www.themodernhouse.net/directory-of-architects-and-designers/walter-segal/>
accessed on 18/2/13

² Broome, John and Richardson, Brian, *The Self-build Book: how to Enjoy Designing and Building Your own Home*, London: Green Earth Books (1995) p.73

³ ibid

⁴ ibid

Appendix A

without trees” due to high costs.⁵ The Segal designed timber framed houses offered a potential solution for building on these sites.

An initial residents meeting saw an attendance of over 100 people who responded to a featured article in the borough magazine. This saw the establishment of a steering group of potential self-builders and council officers to carry the project forward. They sought information from the group of potential self-builders on the shape that a proposal should take. This resulted in the agreement of a shared ownership model and the decision that self-builders would not be excluded due to a lack of skills, their age or income limits. The Mayor of Lewisham selected the first residents to build a self-build home by way of a ballot – all were taken from the housing waiting list. After this residents were added to the scheme on a first come first served basis as they applied.

Bureaucracy

Despite the land and the self builders being in place the scheme still required permission from, amongst others, the Department of the Environment (DoE) regional architect and as one self builder commented “the hurdles put in our way seemed endless.”⁶ Areas of concern included:

- the high cost of the land being handed over to the self builders which meant that the Housing Cost Yardstick calculation required that the sites be turned into multi-story flats which would not have been possible given the nature of the land;
- the self builders needed an exemption from normal procurement rules requiring competitive tenders for all building contracts;
- as the houses were not yet fully designed it was difficult to demonstrate how they would meet the DoE design standards and cost limits as well as the “myriad of other constructional and planning controls;”⁷

The self build project was resource intensive and involved a wide range of officials and stakeholders including: self builders, architects, quantity surveyors, the Borough architect, DoE officials, the Borough engineer, the Borough surveyor, the GLC Fire Prevention officer, the district surveyor, the Fire Brigade, the Borough Valuer, the Borough solicitor, the Borough treasurer and the Housing Committee. Although all these individuals would be involved in any large development projects the radical nature of this proposal meant that the normal procedures was more demanding than usual. One self builder commented that the “meetings between officials went on and on, round and round, but in a gradually upward spiral.”⁸

Each of these organisations spent time awaiting one another’s decisions at some stage throughout the process but the self builders were able to use some of this time to attend classes organised by Richard Grant of the Churchdown Adult Education Centre in Downham. These covered a broad range of subjects including a series of lectures on structural principals, making joints for timber frame homes, plumbing and electrical wiring as well as a series of talks from the Council Solicitor and Valuers on the legal and organizational aspects of the project.

Approval and building

⁵ ibid

⁶ ibid

⁷ ibid

⁸ ibid

Appendix A

Approval was eventually granted for the building work to start in 1979 as the Chair of the Housing Committee, Ron Pepper, stated “let’s not wait any longer for confirmation and just get on with it.”⁹ As Segal had predicted the building was the easy part and the first house was finished inside 9 months. The technical performance of the “self builders amazed everybody charged with supervising the job, and probably themselves most of all.”¹⁰ The work itself created a community spirit within the group – “The most worthwhile result, though, seemed to be the flowering of talent and initiative among the self-builders; they seemed to be growing with their houses.”¹¹

Finance

At the initial meeting that set up the steering group it was determined that the majority of self builders preferred to own their own home in a shared ownership arrangement with the council that would allow them to finally become the sole leaseholder if they were able to buy the council out. The houses were purchased on a shared ownership arrangement whereby the self builder purchased part of the equity on a 99 year lease from the Council and paid a portion of the standard council rent for the balance of the equity. The cost of the lease was reduced by a sum that represents the value of the self-builder’s labour to build the house. The self builder assumed full responsibility for maintenance, even though the council may own part of the dwelling. The self builders were guaranteed a council mortgage.

Organisation

The Lewisham self builders devised and registered their form of housing association – they rejected the ‘model rules’ book issued by the National Federation of Housing Associations for the Self Build Groups as it involved logging working hours, applying penalties and barring women and children from the sites. Instead the “Lewisham self builders decided on one rule: there should be no rules, beyond the regular payment of a nominal subscription that would build up a fund for buying some essential tools, electric hand-saws and the like, and some headed note-paper.”¹² They saw how it went and never added any further rules. The simple construction method allowed each household to build their own house rather than the more usual arrangement where the group works as a team building all the houses together. This avoided the need for complex rules whilst allowing the self-builders to co-operate freely or employ others to do some of the work if they wished.

Conclusion

The first self-build scheme at Segal Close provided homes for 14 families on the housing waiting list in the late 70s and this was the first of a number of self build schemes available in the borough. In 1995 only four of the original phase one homes had been sold – the rest were still lived in by the original tenants. This scheme, which could be thought of as the first ‘Community Self-Build’, was a success and the council commissioned a second similar scheme of 13 two-storey houses at what is now Walter’s Way in Honor Oak Park completed in 1985. Subsequently the role of developing social housing has passed to housing associations who developed a further 5 sites in the borough in the 1990’s.

⁹ ibid
¹⁰ ibid
¹¹ ibid
¹² ibid

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Appendix B

Additional Comments from Jon Broome ***Architect and original resident of a self build project in Lewisham.***

“All developments require lengthy and complex approval procedures, the self-build did nevertheless undergo additional scrutiny; and others to enlarge on the lessons learned, the creation of sustainable communities and skills acquired through the self-build process itself.

Importantly, the self-builders have gained self-confidence and life skills from working together and dealing with the authorities and professionals; the council worked in an enabling role in genuine partnership with the self-builders so that they could achieve their individual aims within the council’s policy objectives.

Small groups of light and airy, comfortable houses have been built with great economy; houses designed and lived in by contented residents who are part of properly sustainable communities; the houses are adaptable and almost all have been improved and extended so that they have an assured long-term future and the residents have a stake in their homes and their immediate neighbourhood.

There are in my view a number of additional advantages to self-build over and above the opportunity for training in construction. Firstly, there are real opportunities to achieve substantially reduced build costs providing that the organization and construction are kept straightforward and self-help labour maximized. In this connection, the costs quoted in the report the committee received at the previous meeting appear to me on the face of it to be high, up to 80% more than I would expect for self-built very energy efficient construction.

Secondly, self-build offers an opportunity to create properly sustainable communities for the future; that is residents with a stake in their homes and the community within which they live occupying energy efficient, individually designed, adaptable homes with an assured long life.

Meanwhile, on the question of training, whilst certified training in construction may be useful to some self-builders, the big benefit lies in the acquisition of life skills and self-confidence from working with others and dealing with the authorities and professionals which comes from taking an active role in the self-build process itself.

On the question of the disadvantages of self-build, extended timescales are rightly highlighted to the committee...but for the wrong reason; training need not extend the timescale if it is undertaken during the planning stages of the project which are often the stages that seem to take the time and if training programmes are tailored to the self-build process. More or less unskilled self-builders working more or less part time with generally fewer resources of plant and tools than a contractor and building to a higher quality than many contractors will never be a quick solution to housing problems.

However, I believe that self-build is a necessary complement to mass housing provision; not everyone wants or is able to build their own home; what is important is that the opportunity to do so should be available for those that recognize the potential benefits of economy, satisfaction and self-confidence that can follow from designing and building your own home within a sustainable community and who are willing to devote the necessary time, effort and energy to the enterprise.”

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BUILD YOUR OWN HOME - THE LONDON WAY

SUPPORTING CUSTOM BUILD HOUSING

AND COMMUNITY RIGHT TO BUILD

FUNDING PROSPECTUS

MAYOR OF LONDON

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Foreword by the Mayor of London Boris Johnson

London has a proud architectural heritage. Its streets have developed over centuries with the distinctive contribution of architects and builders, creating groundbreaking housing types from Georgian squares to Brutalist modernity. The uniqueness of London's vernacular is part of the reason why millions of people want to invest, live and visit the capital every year, and is at the heartbeat of our economy.

It is essential for that economic future that we continue to deliver more quality homes, that are distinguished by good design. That is why I have set challenging targets for housing delivery in the capital. And it is why I have already sought to end the era of poorly designed, cramped homes, and renew the capital's traditions of design excellence by introducing higher standards through the London Plan.

London's communities should be at the heart of this development, as well as many hundreds of Londoners who would like the opportunity to design and build their own home. The programmes set out in this prospectus aim to do just that through £8m of funding.

This bidding prospectus is in two parts. The first provides £5m of loan funding for Custom Build to pilot an approach to developing a new London vernacular. This will be showcased through a site proposed by the London Borough of Newham in Custom House but there are many other opportunities throughout London. It is the first step in producing a concept which can then be developed at scale and speed by a range of housing providers. The successful bidders will benefit from the assistance of a panel of leading architects.

This prospectus is also a clarion call to communities to propose alternative sites which could participate in this experiment in a powerful street-scene for the 21st Century. Through the introduction of the Community Right to Build, the Government has set local communities free of the traditional planning framework, enabling them to unleash their aspirations. The £3m of resource funding can therefore be used in a complementary way to Custom Build but can also be used to prepare plans for a diverse range of other developments desired by local communities.

Finally, creating jobs and growth is at the heart of my Mayoralty and this investment announced today will support that. I expect organisations interested in accessing this funding to ensure that young Londoners can take advantage of the jobs created by this investment and to provide training opportunities through apprenticeships on the homes that are built through these unique programmes.



Boris Johnson
Mayor of London

1. Introduction

Background

1. The Mayor has £8m of funding for 'Build your own home - the London way'. As well as supporting Custom Build Housing and Community Right to Build it will help to develop a new London vernacular, support communities to deliver their aspirations, stimulate economic growth and jobs for Londoners and increase housing supply.
2. The funding links back to *Laying the foundations – a housing strategy for England*, published in November 2011 by HM Government. The national housing strategy recognised the importance of Custom Build Housing and the difficulties of groups accessing conventional loan finance and pledged £30 million, £5 million of which will be used in London, of short-term project finance on a repayable basis.
3. The Localism Act 2011 introduced a new Community Right to Build. Giving communities a new way to deliver the development they want – be it homes, shops, businesses or facilities – where the benefits of the development will be retained by the community for the community. In order to help communities bring forward Community Right to Build proposals the Government has agreed to make available £20.5 million, £3 million of which will be used in London, of funding to help communities bring forward such proposals.
4. Although the funding in London will be administered as part of one programme it will consist of two separate pots as follows:
 - a. a capital pot of £5m to support Custom Build Housing; and
 - b. a resource pot of £3m to support community led groups aiming to achieve Community Right to Build Orders.
5. The combination of both of these funds together into this programme is intended to amplify the volume of this message and raise awareness of these opportunities as widely as possible. All of this should help achieve greater outputs for London. The GLA are keen to engage with community groups, landlords large and small, tenants' and residents' associations, and volume and enabling developers.
6. Funding for both of these funds outside London is being administered by the Homes and Communities Agency. Organisations interested in delivering Custom Build Housing in the rest of England can find more information [here](#) and those interested in Community Right to Build [here](#).

Programme aims

A new London vernacular

7. Although the volume of homes involved in this experiment is likely to be small we are looking for proposals which could be developed in the future at considerable volume, scale and speed. This could then have the potential to make a significant impact in increasing housing supply in London.
8. We want to encourage housing that has a clear and sophisticated urban intention, and improves and civilises the streets and public spaces around it. There are certain qualities that characterise the best parts of London and London has many great urban places created

by housing. These programmes will enable communities to deliver a bespoke housing product tailored to their needs.

9. To assist the development of designs which respond to the unique context of London and harness the creativity and vibrancy of this great City we have on hand design experts to offer a pro bono design review to successful applicants to either fund. This will help to promote excellent design and the opportunities presented by this fund to the widest audience possible.

Innovative use of public land

10. The Custom Build funding will be showcased on a site in Custom House, currently in the ownership of the London Borough of Newham. There are also other Boroughs (see chapter three paragraphs 11-15) keen to engage with Custom Builders and to build and sustain development momentum. The success of these projects could blaze the trail for other Boroughs or public-sector land-owners and highlight the benefits of a different and innovative disposal method. We are open to proposals for other sites which could further this experiment in a new London vernacular, whether they are in public, private or mixed ownership. The GLA is particularly keen to use this as an opportunity to engage with communities in relation to our own land holdings. If you have ideas for land we own we would be keen to talk to you and hope that this fund will be the catalyst for delivering community aspirations.

Jobs and Growth for London

11. As well as providing incentives for development through the custom and community build routes, the aspiration is that these programmes will bring forward significant numbers of jobs and apprenticeships directly and indirectly. Proposals which have a greater economic impact in terms of jobs and growth will be prioritised. The skills developed through the projects which are financed through these programmes will, in turn, grow capacity in the economy, communities and housing supply chain.

Supporting the aspirations of communities

12. The GLA is particularly keen to see community groups take advantage of this funding as this would help to fulfil a key pledge in the London Housing Strategy. For Custom Build we will prioritise applications which can demonstrate that they are genuinely community led, as these are considered to face the greatest disadvantage in accessing development finance. Community Right to Build funding is solely available to Community Organisations constituted in such a way to enable them to obtain a Community Right to Build Order (see appendix four).
13. The Department for Communities and Local Government has funded a support hub that will provide help and advice to community groups interested in playing a greater role in their area. This includes, but is not limited to, organisations interested in applying for a Community Right to Build Order. This support hub will include a range of guidance notes, information, toolkits, case studies and a dedicated helpline.
14. Locality is providing the support hub services, and championing the Community Right to Build by providing support and advice to communities throughout. Locality will also provide one-to-one support to some early adopters of the Community Right to Build and additional support to trail blazer communities.
15. Locality is the leading UK network of community enterprises, development trusts, settlements and social action centres. Locality support organisations to work effectively

through best practice on community enterprise, community asset ownership, community rights, collaboration, commissioning support and social action.

16. Locality helps people to work together to create and capture local wealth, and set up local organisations for the benefit of their communities. Locality works at national and local levels to influence government and others to increase support and investment for the community movement. It was formed in April 2011 by the merger of the Development Trusts Association and bassac.
17. Further information on Locality and the services they offer to interested communities is available on their [website](#).

A responsive process

18. This document contains the criteria for the £8m of funding which we believe will best meet the needs of London and encourage all interested organisations to maximise opportunities. That does not mean that these proposals are set in stone. We are keen to use this funding most effectively in the unique context of the London housing market.
19. Although we cannot promise to act on all of them, we welcome suggestions and proposals as to how these criteria could be further tailored to fit London and thus enable the funding to be used more effectively.
20. The GLA will keep these criteria under review during this ongoing programme of funding and make appropriate and necessary changes. Any changes will be fully and properly publicised and communicated.
21. Please note, this document provides further information to organisations wishing to access this funding in London. For organisations interested in accessing this funding outside of London please see the Homes and Communities Agency website¹ for the Custom Build Prospectus and the application guidance for Community Right to Build funding.

¹ http://www.homesandcommunities.co.uk/sites/default/files/our-work/crtb_prospectus_300512.pdf and http://www.homesandcommunities.co.uk/sites/default/files/our-work/custom_build_homes_fund_prospectus.pdf

2. Capital funding - Custom Build Housing

Custom Build Housing – general rules for all sites

1. The loan funding is only available for group Custom Build Housing projects. Custom Build Homes are defined as homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders. Group Custom Build projects are where developers build group schemes for clients on larger sites or where registered housing providers or self organised community groups work with a developer or contractor to bring forward a custom build home project.
2. This funding is not available to individual self-builders, due to the desire to stimulate group self-build in London. There is however a wealth of information for self-builders available at the [self build portal](#) including detailed advice on how to get started. If you are an individual interested in joining a group project you may also be able to find opportunities advertised there.

Eligible applicants

3. The funding will only be granted to organisations that are an appropriately constituted body², of good standing and with the capability to deliver their project.
4. Community groups that do not meet the above definition are encouraged to partner with an appropriately constituted body. The GLA's due diligence process (see further below) will carry out checks to ensure the proposed entity is suitable to receive Custom Build funding.
5. In order to ensure that the fund is not being used speculatively applicants will be asked to confirm that no prospective occupier involved in a scheme has sold more than two properties in the last two years. Organisations involving such individuals will not be eligible to apply for funding.
6. Local authorities are not eligible to apply for funding. Where local authorities wish to provide financial support to custom build groups they are expected to use their own resources to do so. However, local authorities will not be precluded from working closely with an eligible group to support them in other ways to bring forward a project.

Eligible costs for funding

7. To ensure the intended effect of the fund is maximised, loans will be available for residential (use Class C3) projects, including 'live-work' units.
8. Both market and affordable Custom Build Housing proposals will be eligible for funding. Qualifying expenditure includes:
 - Land acquisition costs;
 - Site preparation costs;
 - Construction of supporting infrastructure/utilities directly related to the construction of the homes;
 - S106 planning obligations, Community Infrastructure Levy and S278 agreements ;
 - Construction costs for the homes; and

² Appropriate legal entities include: bodies registered with the Charity Commission as a charity, registered as an incorporated body with Companies House or with the Financial Services Authority as an industrial and provident society. They also include Community Land Trusts and Community Organisations recognised under the 2011 Localism Act.

- Associated professional fees related to the project after planning permission has been granted.
9. Proposed non-residential development will not be funded unless they are required as a result of planning obligations. Where the custom build homes are part of a larger development, any costs associated with s106 requirements, supporting infrastructure etc, must be appropriately apportioned to the custom build homes.

Numbers and value of homes

10. To ensure that a range of housing needs can be met by projects and maximise the numbers of custom build homes produced by the fund, the maximum average eligible cost of each home (including land, construction and associated fees) that will be supported with a Custom Build loan is £360,000. This limit will be applied to the average (mean) cost of homes in a scheme.

Jobs and growth

11. The Mayor wishes to see this funding used where it will have the maximum economic impact. All bidding organisations will have to commit to providing ongoing monitoring information to enable this to be tracked and to maximising employment opportunities for young Londoners. Detailed submissions in terms of the jobs and apprenticeships that would be created will be used to advantage applications that are otherwise assessed of equal merit.
12. The GLA can offer guidance and support to organisations inexperienced in offering apprenticeships. If you require support or guidance in relation to apprenticeships please e-mail CBH@london.gov.uk.

Loan funding

13. Funding will always be made as a loan to be repaid, with interest rolled-up and applied at commercial rates ranging from 2.3% to 11.7% per annum (see appendix one for the full range of interest rates that will apply).
14. This will ensure the funding complies with EU State Aid rules and should be equivalent to offers that could be put in place by private sector lenders by 2015.
15. The interest rate to be applied for individual applications and projects will be determined by an assessment, carried out by the GLA, based on the financial standing of the bidding organisation and level of security offered.
16. Loan funding for approved projects will be capped at 75% of their eligible costs, as agreed at the application stage. This means applicants must have access to a minimum of 25% of the project's funding. As stated above, the mean average eligible costs per unit must not exceed £360,000 per home. Therefore the maximum possible loan per home (averaged across a project) should not exceed £270,000. Applications for lower amounts of funding, which support increased numbers of homes will be prioritised.
17. Funding will be paid in stages, agreed at the outset of the project, taking account of the agreed project budget and cash flow and subject to the progress of work across the scheme. Successful applicants will submit a loan draw-down claim confirming the progress made to that point and that the scheme cash flow and budgets are consistent with those agreed at

the initial approval. No loan funding will be payable until a planning permission is in place. If the fund is over-subscribed, schemes which are further advanced in the planning process will be given priority.

18. It is likely that some projects will be financed by prospective purchasers committing deposit monies, with a Custom Build loan making up the difference to the full project cost. Custom Build loans help to finance the development phase of the project and once plots or homes are sold or let to occupiers, repayment of the loan plus interest will always become due. The GLA cannot extend these loans to individuals who will need loans from retail mortgage lenders. The Department for Communities and Local Government, with support from the National Self-Build Association and other partners, is engaging with retail mortgage lenders to encourage greater availability of self-build mortgages. The GLA will support, promote and engage in this work.
19. The sales (disposals) to occupiers could take the form of a serviced plot (without a built home), or a plot with a partially completed home (requiring final fit-out) or a home at practical completion which has been built out to the requirements of the identified purchaser. A single project might include a mix of all of these types of sales.
20. Interest is added to the loan from the date of the agreement and is “rolled-up” on a daily basis. The total amount to be repaid will be forecast at the outset and agreed as part of the project budget and cash flow. The cash flow will be updated regularly as the project progresses so the amount to be repaid will always be known. A loan illustration is included in appendices two and three.
21. The loan agreement will have a “long-stop” date, agreed on a bespoke basis for each project, by which all plots or homes must have been sold and the funding repaid. Some project long-stop dates may be after 31 March 2015, when the fund closes. The longstop date will trigger repayment of the loan in full, plus accrued interest regardless of whether sales have been achieved. Where an organisation experiences project or financial difficulties in achieving this date we will encourage them to engage with us at an early stage.
22. Loans that can demonstrate earlier repayment will be advantaged in the application assessment process.
23. The loan will be pro-rated across the homes so that a sale of a single plot or completed home triggers repayment of its proportion of the loan and interest.
24. The GLA will require that a charge is registered on the site title as security for the loan before any funding can be drawn down. The GLA’s charge will be progressively released as occupiers purchase their homes and their mortgage lenders provide funds to individual purchasers to legally complete their purchase.
25. The GLA will give a legal undertaking to release its charge once the loan has been repaid so that retail mortgage lenders are in no doubt that they can secure their own debt. This should not therefore constrain the choice of lenders available to owners.
26. If a custom home builder has an element of secured bank lending in place to part-fund the development phase, the GLA may agree to postpone its security charge behind that of the first lender. However, if the GLA is unable to take a first charge it may require a higher interest rate for the Custom Build loan to reflect the greater risk of non-recovery if default occurs. Further details are included in the section on loan agreement terms (see below).

Loan agreement terms

27. Organisations awarded loan funding will enter into a loan agreement with the GLA. Loan agreement Heads of Terms are available on the GLA website.
28. The loan offered by the GLA at the end of the due diligence process will be based on the GLA's view of the minimum financial support necessary for the project to proceed. The quantum and the type of investment offered by the GLA will be based on the GLA's appraisal of the project and may be less than the funding sought.
29. Loans will be on a commercial basis to be repaid as homes/plots are sold. Each agreement will have a longstop date by which time all the loan must be repaid. The interest rate will be calculated using the EC Reference rate plus a margin calculated on the basis of an assessment of creditworthiness and security offered. For more information see appendix two.
30. Other key terms include:
 - a. The agreement will set out milestones for project delivery including longstop dates for starts and completions of homes or serviced plots.
 - b. It is required that all schemes in which the GLA advances loans will be managed on an open book basis. Borrowers will be required to provide regular reports on progress including construction progress, homes started, and quarterly project cash flow updates.
 - c. It is anticipated that funding will usually be drawn down against defined qualifying expenditure.
 - d. The GLA will lend no more than the amount agreed following due diligence (up to 75% per cent of the agreed costs). Successful applicants will be expected to exercise rigorous cost control. No additional loan funding will be made available and any additional costs incurred over those anticipated at application stage will need to be met by other sources of finance.
 - e. A commitment to the number of jobs and apprenticeships to be created, in line with the information submitted in application for funding
 - f. A commitment to the level of design to be achieved in the development, in line with the information submitted in application for funding
 - g. The GLA loan will be secured through a charge on the land.
31. It is envisaged that for some projects partly financed by bank loans, an intercreditor deed (ICD) will be required. A standard form ICD will be made available to shortlisted applicants.

Relationship to other funding

32. Projects that benefit from public sector capital funding to support housing development such as from Get Britain Building will not be eligible. Projects which have benefited from resource funding for Community Right to Build (see chapter four) may apply and will be considered for the fund. However, receipt of Community Right to Build funding does not guarantee that an application for a Custom Build loan would be successful.
33. Custom Build loans can be accessed by projects with existing grant allocations from the 2011-15 Affordable Homes Programme. If the proposed Custom Build Homes are part of an allocation within this programme, the landlord must be a Registered Provider and the terms of the Custom Build loan do not alter the obligations of the 2011-15 Affordable Homes Programme framework delivery agreement i.e. the tenures that can be provided and the conditions precedent for grant payment are unaffected. In this context, Custom Build

will be the procurement route for Registered Providers of social housing and Custom Build loan funding (if an application is successful) is a potential source of development finance.

How to apply for funding

34. In subsequent chapters this guidance outlines a showcase site and other land opportunities offered by certain London Boroughs, but this funding is not restricted to these sites. We are therefore also calling for expressions of interest to use this funding on other sites throughout London. The sites could be in the ownership of the bidding organisation or a different public or private land-owner. Deliverability of proposals will be a key assessment criteria
35. Proposals will be assessed upon submission on a case by case basis. Proposals which can clearly demonstrate deliverability, value for money, quality and regard for design, and community demand will be looked upon favourably.
36. There will be no set deadline for applications for further funding but it should be noted that the funding could be exhausted at an early stage. Prospective applicants are therefore encouraged to check the current levels of funding potentially available at any time by e-mailing the GLA at CBH@London.gov.uk before undertaking too much potentially abortive work.
37. The Mayor is keen to promote the Custom Build approach on public land. The GLA will be positively encouraging organisations in contract or engaged in a tendering process on appropriate GLA-owned sites to consider the part that custom build could play. We are also making a general call to any organisation with proposals for GLA-owned land which could be utilised for Custom Build to e-mail CBH@London.gov.uk .
38. We strongly encourage other public sector bodies to consider the role Custom Build could play as part of land disposal plans. Custom Build, on whole sites or parts thereof, could allow land-owners to engage more closely with those living in their communities and achieve a faster rate of market absorption than may be the case with traditional disposal methods.
39. Projects which benefit from deferred payment agreements on GLA or other Government-owned land will be eligible to apply for Custom Build loans. The deferred payments which are forecast will be included in the agreed project budget and cash flow for each Custom Build loan agreement only where they will be paid prior to re-financing by the end purchaser with a retail mortgage (or other funds being used for purchase by the ultimate owner).
40. Throughout the 2012-15 period as loan funding is repaid, the GLA will look to recycle the funding back into Custom Build so further funding could potentially become available on a regular basis.
41. Formal expressions of interest for further sites must be sent to the GLA at CBH@london.gov.uk . The expression of interest must include:
 - a. A completed standard questionnaire which states:
 - i. indicative project costs and financing – including requested GLA loan funding
 - ii. A description of the current ownership status of the land and the bidding organisation's interest in it
 - iii. An indicative development timetable

- b. A design statement setting out how the characteristics of the site are being addressed in terms of a new London vernacular (maximum two pages A4).
- c. A statement setting out the involvement of future occupiers in the project (maximum one page A4)
- d. A construction method statement setting out what methods of construction will be utilised (maximum one page A4)
- e. An experience statement setting out previous involvement in construction of Custom Build homes and/or other relevant expertise of the organisation or associated partner organisations (maximum one page A4)

Assessment process

42. The expressions of interest will be prioritised, if necessary, by the GLA according to the following criteria:
 - a. Meeting general Custom Build eligibility requirements (see paragraph three onwards) – PASS/FAIL; and then
 - b. Design of scheme (using Building for Life criteria);
 - c. Deliverability of the scheme (taking into account timing and expertise)
 - d. Level of GLA loan funding required (lower is better);
 - e. Strength of demonstrated engagement with prospective purchasers and the wider community.
43. Prioritised schemes for which there is potentially funding available will be invited to submit more detailed information for a further assessment which will include
 - a. Bidder and project financial standing;
 - b. A more detailed submission in relation to design;
 - c. Availability, sources and status of other project funding
 - d. Evidence that the scheme cannot proceed without GLA loan funding;
 - e. Commitments in relation to number of jobs and apprenticeships to be created by the investment.
 - f. Information on the level of engagement with prospective purchasers and the wider local community.
 - g. Confirmation of the current land ownership, planning status and deliverability
44. This information will be used to form part of a due diligence process which will determine:
 - a. The amount of GLA loan required and interest rate to be charged;
 - b. That the project delivery risks are at an acceptable level and mitigated by the GLA's security for the funding required.
 - c. The level of funding to be made available.
45. If the applicant is already a GLA Investment Partner it will not be required to undergo a separate assessment of financial standing, although where necessary it may be required to provide updated information such as the last set of audited accounts.
46. Organisations which are not Investment Partners will be asked to undergo a review of financial standing. The GLA expects that the most appropriate form of security for its investment will primarily be a first charge on land but a second charge could be acceptable, noting that this would increase the interest rate for the loan (see above under loan agreement terms). Negotiation with existing finance sources for the project may be required.

47. An assessment of creditworthiness and the level of security available will be required for all loan applicants to set the Custom Build loan interest rate. Organisations with very low levels of creditworthiness may not be viable for investment by the GLA.
48. The GLA reserves the right to request additional financial information from any bidder if necessary. The GLA also reserves the right to take account of a bidder's track record on investment recovery with the GLA through current and previous programmes.

Outside of London

49. Organisations interested in accessing funding for similar projects outside London should contact the Homes and Communities Agency by e-mailing custombuild@hca.gsi.gov.uk or by visiting the Homes and Communities Agency [website](#).

3. Custom Build showcase

Custom Build in Custom House

1. The London Borough of Newham has identified an opportunity for Custom Build on a cleared garage site at Vandome Close in Custom House. The London Borough of Newham will shortly be commencing a land disposal process and running a design competition, experimenting with a new London vernacular. To support the development of this site the GLA will provisionally make available up to £1.5m of Custom Build loan finance on the terms outlined in the previous chapter.

Site context

2. The site offers the potential for the construction of Custom Build homes which are affordable, in terms of their relative open market value, and have good access to Central London. The GLA and London Borough of Newham believe that this site offers the opportunity to attract pioneering new residents who are struggling to purchase a property through traditional routes and offer existing residents the chance to own a home designed to their own specific wants and needs. We wish to use this approach to raise the quality and aspiration of design in the area and attract further investment.
3. The site (see figure 1) is located at Vandome Close, E16 in Custom House and currently consists of a number of garages. The site has excellent access to public transport including bus, DLR and a future Crossrail station at Custom House. It is also close to the Royal Docks. The plot size is 8,160 sqft.



Fig. 1 Plan showing Vandome Close, surrounding area and future Crossrail station.

4. It is thought that the site can accommodate approximately eight three-storey family homes, utilizing a design that is appropriate to its context. The aim is to create a development which improves the character and quality of the area, in particular creating a strong frontage onto Vandome Close and Hartington Road. The development will be expected to follow the building lines of the neighbouring residential terraces and reflect their general standard plot width, scale, proportions, height and massing.

5. Custom House is a historic East End neighbourhood which was built to support heavy industry developed outside the boundaries of the City of London in the mid 1800s, around the Royal (Victoria) Dock. There is now a considerable amount of regeneration ongoing in the area and a Cross Rail station under construction. The London Borough of Newham would like to see this regeneration build on the high level of community spirit that exists within this area and to take this forward to re-position Custom House as a vibrant and exciting neighbourhood within a changing London. The two images below depict the changes expected in the area.

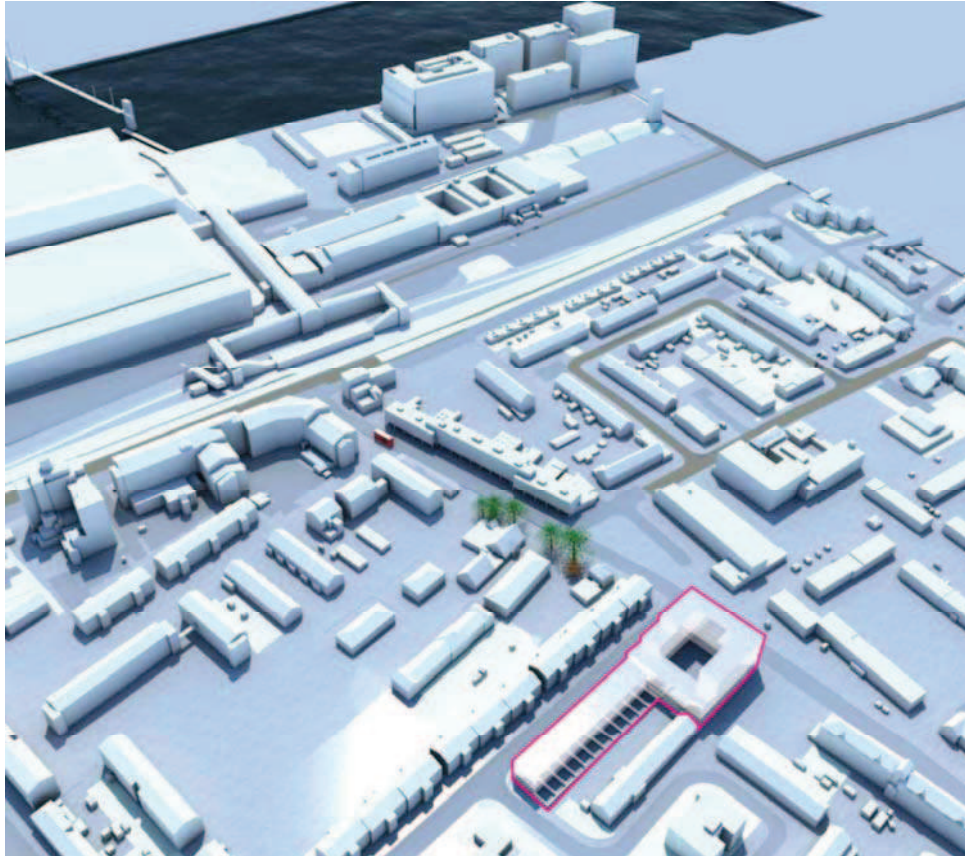


Fig. 2 Image Illustrating the location of the Vandome Close site within Custom House 2012, view from North East.



Fig. 3 Image Illustrating the location of the Vandome Close site within Custom House 2025, view from North East.

6. The London Borough of Newham will shortly be publishing more information on the disposal process for this site. Once a successful organisation is selected there will be considerable further work in terms of engagement with the community, progression of high quality designs and recruitment of individuals to be involved in the Custom Build.
7. In the meantime organisations interested in this site should contact Denise Mulligan at London Borough of Newham by e-mailing Denise.Mulligan@newham.gov.uk

GLA funding

8. The organisation selected to deliver this site by the London Borough of Newham will be invited to submit an application for funding as per the requirements set out in chapter two. All requirements set out in chapter two will have to be met and the level of funding cannot be guaranteed in the face of strong competition.
9. The GLA has provisionally made available up to £1.5m of funding for this site but the successful organisation will be expected to offer the very best value for money and this will be tested through the due diligence process.

Opportunities in other London Boroughs

10. In addition to the showcased site in Newham the GLA has been engaging with London Boroughs keen to support Custom Build Housing through their own land holdings. Some positions of support, as of July 2012, are outlined below. It is expected that this engagement will lead to considerably more support in the near future with a number of other Boroughs. More information on further support, including specific named sites as they become available, will be published on the GLA website on an ongoing basis.

London Borough of Wandsworth

11. The London Borough of Wandsworth is at an early stage of feasibility testing a particular site in its ownership which has the potential for development as Custom Build Housing. Once further progressed Wandsworth will be keen to engage with local residents and communities to develop proposals which meet the needs of the neighbourhood, providing excellent design and a strong sense of street and place. Wandsworth is particularly interested in looking at innovative tenure options that meet a range of requirements – including private renting. It will publish further information on this opportunity, and strongly engage with the local community in late 2012.

Westminster City Council

12. Westminster City Council are keen to engage with groups of custom builders, particularly those interested in developing forms of affordable housing. To support this Westminster City Council has identified a couple of infill sites in its ownership which may be suitable and attractive. Further consultation and detailed design work is required before these sites are ready for disposal and further details will be published on Westminster City Council's website once this work is completed.

London Borough of Newham

13. The London Borough of Newham will determine whether other sites in the Borough will be suitable for self build housing based upon lessons learnt from the Vandome Close site. If the

Council does decide to proceed with other sites, the sites will be advertised on the Council Website.

Custom Build event

14. In order to facilitate engagement between groups interested in Custom Build and landowners, the GLA will be hosting a seminar on Custom Build on Tuesday 11 September 2012 from 9.30am at City Hall. Organisations interested in attending should e-mail CBH@london.gov.uk .

4.Resource funding - Community Right to Build

Overview

1. Complementing the capital funding being used to experiment with a new London vernacular with Custom Build houses we have available a pot of £3m of resource funding to assist community-led groups interested in delivering community aspirations for development in their area. These groups will be encouraged to follow the Community Right to Build Order route to achieve an equivalent to a planning permission.
2. We envisage that this funding will be primarily utilised by tenants and residents of twentieth century housing estates who wish to improve the distinctiveness and design of their area. Thereby creating a new vernacular and adapting their estates to relate more to the local environment at a personal level. To this end, large landlords (including Boroughs and Registered Providers) are encouraged to strongly encourage existing tenant and resident groups on their estates to take up this funding.
3. That said, there is no bar on other groups, with other aims or in different locations applying for this funding, as long as they intend to follow the Community Right to Build Order route to achieve an equivalent to a planning permission.
4. If they want, communities will be able to build:
 - a. family homes to sell,
 - b. affordable housing for rent,
 - c. sheltered housing for older local residents,
 - d. low-cost starter homes for young local families struggling to get on the housing ladder.
 - e. Shops, business, or other community facilities
5. The development will need to meet some basic conditions and have the agreement of local people through a community referendum.
6. Further information regarding Community Right to Build can be found on the [DCLG website](#) and at the [Community Rights](#) website.
7. Organisations interested in accessing this funding are strongly encouraged to think of how the whole of their project (of which the majority may not receive public sector funding) can help to create economic growth and employment opportunities, particularly for young Londoners.
8. We would encourage organisations to attain the highest possible levels of design quality for all development. Where organisations are interested in developing housing we would encourage them to use the [London Housing Design Guide](#) to help to create a high quality development which enhances the local area. The GLA is able to offer design support in terms of briefing, selecting, and steering designers. We are also able to offer such groups a design review session with an expert (chapter five for more information).

What is the funding for?

9. Although many organisations may achieve a Community Right to Build Order without the support of public funding, we wish to provide funding to encourage the Community Right to Build to take-off as quickly as possible in London.

10. The aim of the funding is to kickstart take up of Community Right to Build and to support trail-blazing communities to work up their ideas.
11. The funding will help community organisations by contributing to the costs of preparing an application for a Community Right to Build Order, including consulting in the local area and developing the scheme proposal, thus stimulating the local economy and providing employment opportunities. We recognise that much of the work involved in Community Right to Build is likely to be undertaken by volunteers and hope that some of these opportunities can lead to the acquisition of skills for Londoners not currently in employment, enhancing their future life chances.
12. This funding is not intended to cover the costs of building, land acquisition or any other costs of the development itself. (see paragraph 15 below). However, other funding through separate programmes and schemes may be available. For more information see the [Locality website](#). It should be noted that there is no guarantee that success in applying for seed-corn funding would lead to the award of any further funding towards development costs, including any capital funding sought from the GLA.

Who can apply?

13. Only organisations which are properly formed as a Community Organisation will be able to apply for a Community Right to Build Order and for this funding. Detailed information on the requirements for Community Right to Build can be found in appendix four.
14. In addition to being a Community Organisation, in order to access this funding the organisation must be planning to develop in London. Any Community Organisations interested in developing outside London should contact the HCA by e-mailing CRTB@hca.gsi.gov.uk or read the information available on the HCA's [website](#).

What sort of development is eligible for funding?

15. Most types of development can be covered by either this seed corn funding or a Community Right to Build Order, however, there are some exceptions set out in the Localism Act 2011. (For further details on the regulatory requirements please see appendix four.)
16. This funding is not restricted to housing development and can also be used to develop a variety of schemes including those that will provide shops, businesses or facilities such as a village hall or community centre.

How to apply for funding

17. The funding programme is now open and the GLA welcomes applications from eligible community groups. For more information on eligibility, please see appendix 3 of this document.
18. This is not a one-off bidding opportunity. The programme will remain open to receive new applications until funding is fully committed (or until the end of March 2015, whichever is soonest). This will allow community groups the time to work up their proposals before applying.
19. We expect that it will usually take at least six months to complete the preparation and apply for a Community Right to Build Order. It is therefore unlikely that we will fund new applications received after October 2014, unless we are satisfied that the deadline can be met.

20. There is a fixed budget for the seed corn funding programme of £3m so community organisations are encouraged to submit timely applications to avoid applying after the funding has been fully allocated. In doing so applicants may be eligible for an 'early achievement' payment towards the costs of their proposals. See section 3 for further details.
21. Community groups are advised to contact the GLA by e-mailing CRTB@london.gov.uk with brief details of their plans and local area. They will be put in touch with someone in the GLA knowledgeable about their local area and this funding stream to discuss proposals.
22. An application pack is available for download on the GLA's website.
23. Completed applications should be submitted to CRTB@london.gov.uk.

Assessment criteria

24. The GLA will assess all proposals received to ensure eligibility and value for money.
25. Applicants will be required to demonstrate:
 - a. That the applicant organisation is already a body corporate or has clear plans to become one;
 - b. The extent of community engagement and consultation that can be demonstrated as having been undertaken to date;
 - c. That land for the proposals has been identified or is in the process of being identified and that the community group have considered and, if necessary, secured or will have secured a legal interest in the land which allows for its development;
 - d. That the area has already been designated as a 'neighbourhood area' or that there are clear plans in place to do so;
 - e. That appropriate expertise (including design expertise) is available to the applicants to draw on.
 - f. That the community group and the proposal meet those requirements of the Localism Act 2011 set out in appendix 3.
26. In addition applicants are encouraged to consider a further two factors which will be used to prioritise funding where it is oversubscribed:
 - a. Maximisation of the number of jobs and apprenticeships that will be provided by their plans, paying particular attention to opportunities for young Londoners; and
 - b. Consideration of how to best deliver high quality design which enhances their local area, including through reference to the London Housing Design Guide if housing development is planned.
27. The GLA's assessment will also consider the application against criteria relating to community support, value for money and deliverability.

Community support

28. All applications must include evidence of community engagement and support (e.g. articles in the local newspaper, minutes of community meetings, flyers to promote the proposal).
29. We want to ensure that all applications for funding have the support of the communities they represent. We expect all organisations receiving our funding in this programme to work to

engage and consult with the whole of their local community without prejudice, bias or discrimination.

30. Applications will be assessed on the level of community engagement and support shown. Applications which can show higher levels of community support will be more likely to receive funding than a similar proposal with little evidence of support.

Value for money

31. In order to ensure the funding available supports as many communities as possible, the GLA will expect community groups to only ask for the minimum level of funding required to support the preparation of an application for a Community Right to Build Order, including consulting in the local area and developing the scheme proposal.
32. All applications will be required to submit evidence showing the expected costs of developing their proposal to the point that the group can apply for a Community Right to Build Order.
33. They will also be asked to outline their proposals for raising funds within the community and through other funding sources.
34. Our expectation is that community groups should contribute at least 10% of the estimated costs of developing the proposal to the point that the group can apply for a Community Right to Build Order.
35. The community group funding contribution does not need to be fully in place at the time of applying for seed corn funding, however evidence should be provided with the application to show that an appropriate fund raising strategy is in place.
36. The value for money assessment will consider:
 - a. The proportion of the grant to estimated costs (lower being better – subject to an assessment of the reasonableness of cost estimates);
 - b. The strength of proposals to raise funding and extent to which other funding has been maximised to reduce the cost to the public purse.

Deliverability

37. The funding is provided to support community groups in developing their proposals. It is not expected that groups will have fully worked up schemes before applying, but they should have reached a stage where they can demonstrate that their proposals are deliverable.
38. To demonstrate deliverability, groups will be asked to submit an outline statement of the proposed scheme answering the following questions:
 - a. What is going to be built?
 - b. Where will it be built?
 - c. What land has been identified?
 - d. Who owns the land and are there any restrictions on its use?
 - e. What progress has there been in securing a legal interest in the land?
 - f. If no legal interest is being taken in the land, can the support / commitment of the landowner be demonstrated?
 - g. Who is expected to use/buy/rent the buildings to be developed?
 - h. How will the building work be procured?

- i. How will the building work be financed?

Jobs and growth

39. Groups will be asked to consider how their proposals will deliver additional jobs and employment opportunities for their local communities and describe this as part of their submission.
40. The GLA can offer guidance and support to organisations inexperienced in offering apprenticeships. If you require support or guidance in relation to apprenticeships please e-mail CRTB@london.gov.uk.

High quality design

41. Although the detail of the design is a matter for the community to develop and agree as part of the referendum the GLA encourages groups to aim for the highest quality of design possible. As part of their application groups will be asked to outline how they will ensure a high quality development and any particular features or attributes of development they will seek. If housing development is planned, groups may find it helpful to refer to the London Housing Design Guide.

Unsuccessful bids

42. Community groups which are unsuccessful in applying for funding will not be prevented from applying again, either for a new proposal or by re-submitting their previous proposal after further work has been carried out.
43. The GLA will provide feedback on reasons for the rejection of any application. If the proposal is considered to be strong but doesn't meet some of the criteria set out in this document, for example if it does not offer value for money, Locality may be available to work with groups to improve their application.
44. The GLA are keen that groups from disadvantaged communities are not discouraged from applying by the requirement to contribute 10% of the estimated costs. If groups who have a strong proposal feel they will be unable to raise the funding, they should seek the help of [Locality](#), the Community Right to Build support organisation.
45. If, following support from Locality, the 10% minimum remains impossible to meet groups should apply for funding and provide details of fund raising plans and the amounts raised so far and amounts expected to be raised in the future.

Receiving funding

46. Funding will be paid out in stages once each of four key milestones have been achieved.
47. The key milestones that take a community organisation from initial proposals to applying for a Community Right to Build Order and which trigger payments are:
 - a. Body corporate established;
 - b. Initial proposals developed, project eligibility established and Outline feasibility study produced;
 - c. Detailed proposals developed;

- d. Valid application for a Community Right to Build Order submitted.
- 48. The demonstration of achievement of milestones and therefore the trigger of payments will be as a result of self-certification by applicants and the production, where required, of specific relevant evidence. Self-certification should be carried out by qualified professionals involved with the proposal or someone with a defined role named in the legal documents of the body corporate.
- 49. At each stage organisations will be required to provide an update on community engagement and support and confirm that they intend to apply for a Community Right to Build Order.
- 50. The forms for confirming each milestone has been achieved will be available on www.london.gov.uk from September 2012.

First milestone - Body corporate established

- 51. Before any payments are made, groups must have constituted themselves as a body corporate that meets the requirements of the Localism Act 2011 and related regulations.
- 52. To find out more about setting up a community organisation please see the [Locality website](#).
- 53. Community groups will be asked to submit details about their organisation and provide evidence of its establishment as a legal entity (such as a certification of incorporation).
- 54. Once that evidence has been received and confirmed, the first milestone payment will be made.

Second Milestone - Initial proposals developed, project eligibility established and outline feasibility study produced

- 55. At the second milestone, groups will be required to confirm that they have developed initial proposals for the scheme and that, where appropriate, professionals (for example an architect or quantity surveyor) are involved to ensure proposals have the necessary level of technical expertise to succeed.
- 56. In order to develop an outline feasibility study, it is expected that organisations will need to retain the services of professionals such as architects, surveyors and legal or financial advice (some of which may be on a pro bono basis from interested members of the community).
- 57. Organisations must submit an outline statement of the proposed scheme updating the points covered in the initial application for funding:
 - a. Update of build proposals including:
 - i. approach to financing the works;
 - ii. approach to design.
 - iii. approach to creating apprenticeships
 - b. Progress on securing the land and procuring the building works;
 - c. Results of the feasibility study (i.e. how the development will be funded).
- 58. Groups will also need to confirm that they and their project meet the eligibility criteria set out in appendix 3, including the Environmental Impact Assessment requirements in paragraph 11.

Third milestone - Detailed proposals developed

59. To achieve this milestone, organisations must:

- a. Demonstrate progress towards sufficiently detailed plans to be in a position to submit an application for a Community Right to Build Order to the Local Planning Authority;
- b. Demonstrate that they have carried out the statutory consultation and publicity requirements as set out in Regulation 21 of The Neighbourhood Planning (General) Regulations 2012 (please refer to appendix 3);
- c. Demonstrate that an approach to ensure high quality scheme design has been implemented; and
- d. Have detailed plans for any involvement of apprenticeships in the development of the scheme if the Community Right to Build Order is successfully obtained.

Fourth milestone - Valid Community Right to Build Order application submitted

60. The final portion of the agreed funding will be paid once an application has been made to the local planning authority and the authority have publicised the proposed Community Right to Build Order on their website.
61. In order to achieve this milestone the applicant organisation should notify the GLA when the proposed Community Right to Build Order has been publicised on the local planning authority's website.

Early achievement payment

62. As outlined in the foreword, the Mayor wants to encourage applications from groups able to act as trail blazers for other communities. To that end and to stimulate programme momentum, we are offering an 'early achievement' one-off payment of £2,000, payable to applicants who reach the fourth programme milestone by 31st March 2013³.
63. The payment is to be used by the community organisation towards the cost of the proposed development, for example paying back a development loan. The sum of seed corn funding plus the early achievement payment will not be allowed to exceed 100% of the costs of a proposal. If that is the case (e.g. if 90% funding awarded and the total costs are less than £20,000), the early achievement payment will be reduced accordingly.

Early milestones achievement.

64. There may be occasions where a community organisation has already achieved one or some of the milestones. For example an organisation may already be a body corporate that meets the requirements of the Localism Act 2011 and related regulations or it may also have developed initial proposals and established project eligibility. The GLA will consider those applications in the normal way as set out in this guidance.
65. As set out in paragraph 34 above, our expectation is that community groups should contribute at least 10% of the estimated costs of developing the proposal to the point that the group can apply for a Community Right to Build Order. Costs already disbursed in developing the proposal may count towards this contribution.

Cost of achieving the milestones is higher than expected.

³ Note that the GLA reserves the absolute right to withdraw the bonus payment before this date depending upon take up of the scheme.

66. The total amount of funding available will be agreed as part of the application assessment. In order to ensure that value for money is maintained throughout the development of the proposal it will be important that groups exercise cost control over the costs involved in working up their proposal as there will be no further funding available if additional costs are incurred.
67. If costs exceed those originally anticipated, organisations will need to cover additional costs from other resources.

Unsuccessful application for a Community Right to Build Order

68. The funding from this programme is provided to support community groups in applying for an Order.
69. Submitting a valid application for an Order is the final requirement for grant funding. The funding is not dependent on the application being successful, e.g. a successful outcome, as the result of a referendum cannot be predicted.
70. If a proposal fails to reach a milestone at any stage, funding that has already been paid out will not need to be repaid providing that it has been used appropriately and spent on working up the Community Right to Build proposal.
71. If funding has not been used appropriately the GLA reserves the right to seek repayment. Where a proposal does not achieve a milestone and progress through the stages outlined is not achieved, further payments will not be made.

Shared learning experience

72. It is a condition of the funding that groups which are successful in achieving a Community Right to Build Order will be expected to share their experience and learning with other groups starting out on their journey. This could include mentoring, facilitating a workshop or providing ad-hoc advice.

Equalities

73. The GLA's work is covered by the Equalities Act 2010. This means that we must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in all our work.
74. We want to be sure that all applications for funding have the support of the communities they represent. We expect all organisations receiving our funding in this programme to work to engage and consult with the whole of their local community.

5. A new London vernacular

Why a new London vernacular?

1. London has a long and rich history of high quality housing defining the strong character of particular areas from the Georgian squares exemplified in Barnsbury and Bloomsbury to Victorian terraces, sublimely versatile, found from Archway to Streatham and Wanstead to Isleworth. For much of the twentieth century London's housing lost touch with its streetscene and local environment. For housing at volume to work in the twenty-first century it is important that it strongly relates back to the neighbourhoods in which it is located, defining their streets with a strong sense of place.
2. Although this programme has a range of other objectives the GLA would also like to see proposals which address these issues. The GLA sees this funding as an opportunity to experiment in a new vernacular for London housing. One that should be durable, distinctive, and well loved with the potential to become as emblematic of new neighbourhoods as Georgian squares and Victorian terraces. Although the sites developed with this funding are likely to be small in scale, we would like the lessons that we and our partners will learn in developing them to be able to be applied at much greater scale.
3. The mayor's ambition with regard to the quality of housing to be delivered in the capital is set out in the London Housing Design Guide⁴ and all applicants should carefully consider how to realise these ambitions. The maximum benefit for this programme will be achieved if replicable and adaptable models can be found which can be applied at volume across the capital. Schemes which are able to demonstrate flexibility and adaptability are strongly encouraged.

Design support

4. The GLA, with support from the Royal Institute of British Architects, has been working on these proposals with Ben Derbyshire (HTA), Peter Murray (New London Architecture) and David Birkbeck (Design for Homes), who have agreed to provide design review sessions on a pro-bono basis.
5. These sessions will be offered to organisations who have been successful in applying for funding from the GLA and have proposals which have been developed to a stage suitable for constructive challenge by a suitably qualified design expert. The review will explore different typologies which could be utilised as part of high quality design and help to ensure that all proposals are sympathetic, in terms of form and massing, to the local street scene.

⁴ <http://www.london.gov.uk/who-runs-london/mayor/publications/housing/london-housing-design-guide>

6. The sessions can take place in the evening, to allow flexibility for individuals working on proposals in addition to their day-job and will most likely be held at City Hall. The experts will be able to offer support in the following areas, amongst others:
 - a. Masterplanning,
 - b. Urban design,
 - c. Housing design
 - d. Technical regulations
 - e. Planning
 - f. Sustainability
 - g. Innovation (including knowledge of housing kits and volumetric methods of construction)
 - h. Landscape design
7. The design expert may be able to offer further sessions and expertise, the arrangements and payments for which can be agreed between the organisation and the design expert.
8. Organisations who are not yet ready for or not interested in a formal design review are encouraged to explore the Building for Life [website](#). Building for Life contains a plain English set of questions designed to create communication and consensus over design quality between all parties involved in housing delivery. The GLA can provide additional support in terms of practical advice on scoping projects, writing briefs, selecting and steering designers. Other sources of information which may be useful in terms of creating high quality design include the [Design Council](#) website, the Mayor's [London Housing Design Guide](#), the draft [London Housing Supplementary Planning Guidance](#) and the [Design for Homes](#) website.
9. Organisations who have not yet been awarded GLA funding for their project will not normally be considered for a design review because, until proposals are sufficiently advanced, the value of the exercise would be limited. If you feel that your project would benefit from a design support at an earlier stage due to specific issues, constraints or opportunities please e-mail CBH@london.gov.uk . In your e-mail please provide a brief outline of your project, the kind of design support which may be useful and the stage in developing your proposals which you have reached.

Appendices

Appendix one- Custom Build interest rates

Interest rates are assessed using European Commission guidance as set out in the Communication of 19/01/81.

The EC Reference rate is used as the variable base rate (1.74% from 1 January 2012) which is increased by a Margin (to reflect the creditworthiness of the borrower and the level of collateral offered), which produces the overall rates set out below:

Creditworthiness	Collateralisation		
	High	Normal	Low
Strong (AAA-A)	2.34%	2.49%	2.74%
Good (BBB)	2.49%	2.74%	3.94%
Satisfactory (BB)	2.74%	3.94%	5.74%
Weak (B)	3.94%	5.74%	8.24%
Financial Difficulties (CCC or below)	5.74%	8.24%	11.74%

Assessment of interest rates will be carried out by the GLA as part of the due diligence process and the GLA's decision will be final.

Rates will vary in line with EC reference rate base rate changes.

Appendix two – Custom Build worked example

(for illustrative purposes only)

An eight-plot Custom Build loan application is agreed. This will produce three serviced plots which will be sold for their owners to complete and five plots that will be built to owner specifications and purchased at practical completion.

The GLA is able to secure the Custom Build loan with a fixed first charge on the whole development site. The applicant is judged by the GLA to have “weak” financial standing and “normal” collateralisation (“normal” collateralisation will usually be assessed if the GLA can place a first, fixed charge on the development site). The interest rate to be charged in this example is therefore 6% per annum.

The total cost of building is £1.15m, the Custom Build loan agreed is £862,500 and the interest rate is 6% per annum. The project will be completed (all plots and homes completed and sold) after two years.

The Custom Build loan agreement includes a cash flow forecast (summarised below) and this is updated at regular intervals by the Custom Build borrower and agreed by the GLA. At the outset the total loan including interest to be repaid is forecast to be £902,085, based on the timing of the advances and repayments.

The project commences with the borrower purchasing land and the first Custom Build loan advance of £215,625 is drawn down. After the first quarter, Q1 (when the site is purchased), it is assumed that the borrower is spending an estimated £110,000 per quarter thereafter on construction.

At the end of Q2 the first serviced plots are ready and sold. On legal completion of the disposals the borrower repays £116,000 of Custom Build loan. The final serviced plot is sold in Q3 and a further repayment of £58,000 is made in Q3.

In Q3 and Q4 the borrower makes further loan draw downs of £215,625 in each quarter as plot development progresses and construction starts on the five homes. At the end of year 1, £646,875 has been drawn down. The borrower has spent over £780,000, repaid £174,000 of Custom Build loan and the loan amount outstanding at the end of year 1 is £484,958.

Construction continues in year 2 and the borrower makes the final loan draw down of £215,625 by the end of Q2 as fit-out of the five homes remaining commences. At the end of Q2, the first completed home is sold and a further £150,000 of loan is repaid.

Three more completed homes are sold in Q3 and another £450,000 repaid. The final home is completed and sold in Q4, the final repayment of £128,045 made and the loan account fully repaid.

Worked example Custom Build cash flow

Year 1

NB - CB loan rate 6%

	Yr 1 Q1	Yr 1 Q2	Yr1 Q3	Yr1 Q4	Yr 1 total
Expenditure	£452,881	£110,071	£110,071	£110,071	£783,095
Plot sale receipts	£-	£180,000	£90,000	£ -	£270,000
CB loan advances	£215,625	£ -	£215,625	£215,625	£646,875
CB loan repayments	£ -	£116,000	£58,000	£ -	£174,000
CB Loan outstanding	£217,787	£105,070	£265,360	£484,985	£484,985

Year 2

	Yr2 Q1	Yr2 Q2	Yr2 Q3	Yr2 Q4	Yr 2 total
Expenditure	£110,071	£110,071	£110,071	£ 36,690	£ 366,905
Plot sale receipts	£ -	£230,000	£690,000	£230,000	£1,150,000
CB loan advances	£ -	£215,625	£ -	£ -	£215,625
CB loan repayments	£ -	£150,000	£450,000	£128,085	£728,085
CB Loan outstanding	£492,296	£567,504	£126,067	£0	£0

Total

	Grand total
Expenditure	£1,150,000
Plot sale receipts	£1,420,000
CB loan advances	£862,500
CB loan repayments	£902,085
CB Loan outstanding	-

Worked example plot assumptions

	Plot 1	Plot 2	Plot 3	Plot 4	Plot 5	Plot 6	Plot 7	Plot 8	Total
Est. market value	£90,000	£90,000	£90,000	£230,000	£230,000	£230,000	£230,000	£230,000	£1,420,000
Cost	£75,000	£75,000	£75,000	£185,000	£185,000	£185,000	£185,000	£185,000	£1,150,000
CB loan	£56,250	£56,250	£56,250	£138,750	£138,750	£138,750	£138,750	£138,750	£862,500
CB loan % cost	75%	75%	75%	75%	75%	75%	75%	75%	

All assumptions and examples are for illustrative purposes only.

Appendix three – Community Right to Build requirements

1. The requirements that must be met by a community organisation which wishes to use the Community Right to Build are set out in sections 61E to Q of, and Schedules 4B and 4C to the Town and Country Planning 1990 (these provisions were inserted by the [Localism Act 2011](#).. There are also associated [Neighbourhood Planning \(General\) Regulations 2012](#).
2. The Department for Communities and Local Government have also published a plain English guide to the Localism Act that applicants can find on the DCLG [website](#).
3. Further advice about the legislative requirements can be found on Locality's [website](#).
4. The GLA will not be assessing whether a community organisation meets all the Community Right to Build legislative requirements such as whether a proposal meets the conditions set out in paragraph 8 of schedule 4B to the Town and Country Planning Act 1990. However, for the purposes of the seed corn funding programme community organisations will need to demonstrate that they meet certain legislative requirements. These are outlined below.

Area eligibility

5. Applications for Community Right to Build Orders are only possible within formally designated neighbourhood areas.
6. If the area an organisation is working in has not been designated as a neighbourhood area it is recommended that they apply for designation of the area early on in the development of their proposals.
7. Guidance on applying for a Neighbourhood Area designation can be found on [Locality's website](#).

Applicant eligibility

8. Schedule 4C requires a community organisation to be a body corporate that is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area.
9. Parish councils meet this requirement and so are able to use the Community Right to Build and apply for seed corn funding.
10. In addition to the requirement in paragraph 8 all community organisations, other than Parish Councils, must ensure they meet the additional conditions for community organisations set out in the Neighbourhood Planning (General) Regulations 2012 before they apply for a Community Right to Build Order. The following is the condition as they exist at the date this document is published (we recommend you check the legislation in case the provisions have been amended).
 - a. Any person who lives or works in the particular area must be able to become a voting member of the community organisation;
 - b. The constitution of the community organisation must also:
 - i. Provide that the people who live in the particular area:
 1. Hold majority voting rights, and

2. Have the majority on the board of directors or governing body of the community organisation.
 - ii. Includes a statement that the organisation will carry out its activities for the benefit of the community in the particular area and indicate how the community will benefit.
 - iii. Provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation considers to be for the benefit of the community;
 - iv. Provide that any profits from the organisation's activities may only be used to benefit the community in the particular area;
 - v. Provide that in the event the winding up of the organisation or in any circumstances where the organisation ceases to exist, its assets must be transferred to another body corporate that has similar objectives; and
 - vi. Provide that the organisation has at least ten members who live in the particular area covered by the organisation and who live in separate dwellings from each other.

Scheme eligibility

11. Community organisations must confirm that the proposed scheme does not fall within Annex 1 of the Environmental Impact Assessment directive and does not fall within Annex 2 of the directive and is not likely to have significant effects on the environment or on a European Site or a European offshore marine site. Further information about these requirements is set out in [DCLG's environmental impact assessment guide](#).
12. Community organisations must also confirm that the proposed scheme is not 'excluded development'. The types of development which are excluded are set out in section 61K of the Town and Country Planning Act 1990 eg development of a nationally significant infrastructure more details are available in the [1990 Town and Country Planning Act Schedule 1](#).

Community Consultation

13. Before community organisations can apply for a Community Right to Build Order they must consult on the details of their proposal with the people who live, work or carry out business in the neighbourhood area. The requirements for consultation are specified in the [regulations](#).
14. The consultation must include:
 - a. Details of the proposals for the Community Right to Build Order;
 - b. Details of where and when the proposals can be inspected;
 - c. Details on how persons respond to the consultation; and
 - d. The date, by which responses must be received, which must not be less than six weeks from the date the first draft proposal was first publicised.
15. Community organisations must also consult certain bodies that are specified in the schedule to the regulations. In addition, an owner or tenant of the land to which the proposal relates must be consulted. The Local Planning Authority must also be sent a copy of the proposals.

State Aid

16. State Aid refers to funding from a public or publicly-funded body given to organisations, which has the potential to distort competition and affect trade between member states of the European Union.
17. There are various legislative requirements in relation to State Aid. However small amounts of funding are allowed under the 'de minimis' rules.
18. The total amount of grants received over a three year period, including any funding allocated through this programme, must not cumulatively exceed €200,000⁵. In order to ensure that all payments through this funding comply with the 'de minimis' rules, all applicants must declare in their application any other grants they have received in the last three years from any European (not just UK) grant-giving bodies. Any applicants that would exceed the 'de minimis' limit will not be eligible for funding.
19. Applicants are asked to note that funding available under the Community Right to Build seed corn fund, is anticipated to make up only a very small proportion of the €200,000 limit.
20. The GLA will provide a grant notification letter to all successful applicants. Organisations are required to retain this notification for three years and to include any grant received through this programme in any future State Aid declarations to other grant giving bodies to whom they make a grant application.

⁵ The European Central Bank publishes Euro-Sterling exchange rates on its [website](#) as of 13 July 2012 the exchange rate was 0.7875 meaning €200,000 is equivalent to £157,500.

Appendix four – Community Right to Build glossary

Community organisation

As defined in Schedule 4C to the Town and Country Planning Act 1990 (DN: Build link), a community organisation is a body corporate which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area and which meets such other conditions in relation to its establishment or constitution as may be prescribed, including those set out in the [Neighbourhood Planning \(General\) Regulations 2012](#).

Body corporate

A body corporate is any body which has been formally incorporated, usually by registration as a company with Companies House under the requirements of the Companies Act 2006.

Note that organisations such as charities, Industrial and Provident Societies and others can apply for the CRtB, but the legislation requires that such organisations must also be a body corporate.

Community Right to Build Order

A Community Right to Build Order is a special kind of Neighbourhood Development order brought forward under the Community Right to Build. A Community Right to Build Order will directly grant planning permission for certain specified kinds of development within a 'Neighbourhood Area.' Permission can be full or outline, and could have conditions attached and is site specific.

'De minimis' rule

Allowance under State Aid legislation for small amounts of funding (not more than €200,000 over any three year period) to be agreed without the need for formal State Aid notification and approval, but subject to certain reporting requirements.

Environmental Impact Assessment (EIA)

Environmental impact assessment is a procedure that must be followed for certain types of project before they can be given 'development consent'. The procedure is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the relevant competent authority before it makes its decision.

Independent Examiner

An independent body or individual (ie separate from the Local Planning Authority and the organisation submitting a Community right to Build Order), who determines whether the Order meets the requirements of the legislation and provides a report on the Order for the Local Planning Authority. The examiner must have no interest in any land affected by the draft order and have appropriate qualifications and experience.

Neighbourhood Area

An area designated by the Local Planning Authority following an application from a qualifying body for the purpose of enabling a neighbourhood development plan or a neighbourhood development order (including a Community Right to Build Order) to be made within the designated

area. A qualifying body may be a Community Organisation for the purposes of Community Right to Build or a Parish Council or a Neighbourhood forum for the purposes of neighbourhood planning.

State Aid

State Aid refers to forms of assistance from a public body, or publicly-funded body, given to selected undertakings (any entity which puts goods or services on the given market), which has the potential to distort competition and affect trade between member states of the European Union.

Other formats and languages

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Chinese

如果需要您母語版本的此文件，
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Hindi

यदि आप इस दस्तावेज की प्रति अपनी
भाषा में चाहते हैं, तो कृपया निम्नलिखित
नंबर पर फोन करें अथवा नीचे दिये गये
पते पर संपर्क करें

Vietnamese

Nếu bạn muốn có bản bản tài liệu
này bằng ngôn ngữ của mình, hãy
liên hệ theo số điện thoại hoặc địa
chỉ dưới đây.

Bengali

আপনি যদি আপনার ভাষায় এই দলিলের প্রতিলিপি
(কপি) চান, তা হলে नीचेर फोन नम्बर
বা ঠিকানায় অনুগ্রহ করে যোগাযোগ করুন।

Greek

Αν θέλετε να αποκτήσετε αντίγραφο του παρόντος
εγγράφου στη δική σας γλώσσα, παρακαλείστε να
επικοινωνήσετε τηλεφωνικά στον αριθμό αυτό ή ταχυ-
δρομικά στην παρακάτω διεύθυνση.

Urdu

اگر آپ اس دستاویز کی نقل اپنی زبان میں
چاہتے ہیں، تو براہ کرم نیچے دئے گئے نمبر
پر فون کریں یا دیئے گئے پتے پر رابطہ کریں

Turkish

Bu belgenin kendi dilinizde
hazırlanmış bir nüshasını
edinmek için, lütfen aşağıdaki
telefon numarasını arayınız
veya adrese başvurunuz.

Arabic

إذا أردت نسخة من هذه الوثيقة بلغتك، يرجى
الاتصال برقم الهاتف أو مراسلة العنوان
أدناه

Punjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੀ ਕਾਪੀ ਤੁਹਾਡੀ ਆਪਣੀ ਭਾਸ਼ਾ
ਵਿਚ ਚਾਹੀਦੀ ਹੈ, ਤਾਂ ਹੇਠ ਲਿਖੇ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਹੇਠ
ਲਿਖੇ ਪਤੇ 'ਤੇ ਰਾਬਤਾ ਕਰੋ:

Gujarati

જો તમને આ દસ્તાવેજની નકલ તમારી ભાષામાં
જોઈતી હોય તો, કૃપા કરી આપેલ નંબર ઉપર
ફોન કરો અથવા નીચેના સરનામે સંપર્ક સાધો.

DRAFT



The Community Land Trust Handbook



CLT Handbook

Edited by Catherine Harrington, National CLT Network, and Rose Seagrief, Wiltshire CLT.

This guide has been produced by the National CLT Network. It is a revised and updated version of the CLT step by step guide, produced by Dr Bob Patterson, Steve Bendle and Tom Moore, Community Finance Solutions. The National CLT Network would like to thank the following authors of the handbook:

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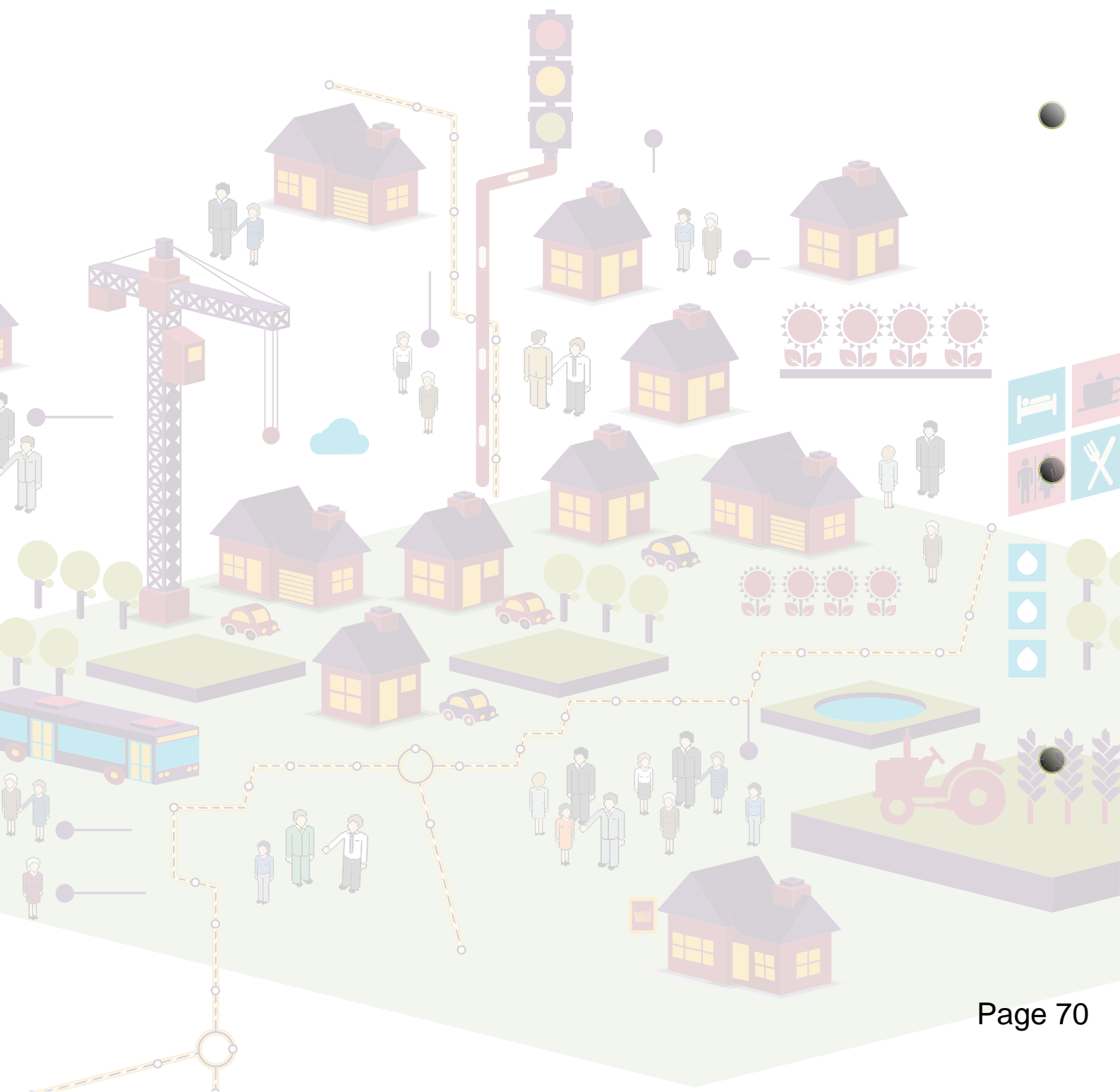
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CHAPTER 1

Introduction

1.1 Introduction to the CLT Handbook

CASE STUDY Lyvennet CLT

1.2 What is a Community Land Trust?

1.3 Brief history of the CLT movement

1.4 Policy context

'Brick by brick, loaf by loaf, we build ourselves'

Homebaked CLT

1.1 Introduction to the CLT Handbook

Setting up a Community Land Trust (CLT) is an exciting opportunity but it can be a daunting task, especially once you start delving into the more technical aspects of governance, funding or development. This handbook provides a helping hand throughout the process. It provides **up to date and essential information** on the stages of setting up and running a successful CLT, from engaging with the community and the initial stages of formation right through to managing and stewarding the homes, workspaces, community hall or community pub.

The chapters refer primarily to the process of forming a CLT with the purpose of providing affordable housing but they do also provide information for CLTs set up for other purposes and there are chapters on community energy generation, community food and farming.

Who is the handbook for?

This handbook is designed for use by communities wishing to set up a CLT to develop homes and other assets as well as to provide a key reference guide for those CLTs that are already part way along the journey. It is also a useful source of reference for those that work with communities, including local authorities, housing associations, developers and consultants.

The content of the handbook will be updated and more topics will be added to over time, with new information made available via the National CLT Network website **www.communitylandtrusts.org.uk**. Updates can be referred to online or downloaded and printed off.

How to use the handbook

The handbook sets out the steps involved in order of how they may be taken, and can therefore be read from cover to cover. However, because many of the steps may in practice be taken simultaneously or some returned to again at a later stage, each fact sheet is self-contained and can be referred to at any point.

The handbook is accompanied by **model policies** and **examples of best practice**, where appropriate. These are available on the National CLT Network website: **www.communitylandtrusts.org.uk**

Each section of the handbook has been prepared with care and attention. The handbook should be treated as general information, not as instructive, and communities should take in-depth legal and technical advice where appropriate and prior to following any guidance contained here. They should also be aware that the issues discussed are subject to a changing political and legal environment and we do not assume responsibility or liability for the content of any third party websites or resources referenced in the guidance.



CASE STUDY

CLTs in Action: Lyvennet Community Trust

Whilst every CLT is unique, Lyvennet Community Trust really encapsulates what a community can achieve when they do something for themselves. With ingenuity, passion, resourcefulness and a certain opportunism, Lyvennet Community Trust has secured a sustainable future for the village of Crosby Ravensworth in Cumbria.



It all started back in 2008 when a group of residents set about to explore what their village could look like in ten years time. They discovered that there was evidence of a need for 23 affordable homes in the parish of Crosby Ravensworth. High house prices and low average incomes had created a barrier to the housing ladder for many local people, especially younger people.

Instead of thinking about who could solve the housing problem for them, the local residents were galvanised into action and decided that a CLT would be the best way to deliver the much needed new homes. They were convinced by the fact that the homes would be kept in community ownership and control and would be affordable for future generations.

Since then, the Trust has been on a rapid but steep journey towards building 20 homes in the parish. In 2009, it registered as a company, with membership open to the whole community, and started the process of development. A former stone works in the village provided the site for the new homes. The Trust took it over in December 2010.

In 2010 the Trust's work took on a new dimension. When the village pub closed, a rescue plan was put in place. It set up Lyvennet Community Pub Ltd in February 2011, raising £300k through a community share issue. People bought into the scheme from right across the community, including parents buying shares

on trust for their children, and right across the world, and by August 2011 the pub was re-opened. A £75,000 refurbishment included over 4000 hours of volunteer input.

The 20 plots on the stone works site include eight self-build plots, for local residents who wanted to be more involved in the design of their own homes. The Trust has built ten houses for affordable rent and two shared-equity properties. All the plots have local occupancy restrictions, keeping the properties available for people with a connection to their community, to build a thriving village. The Trust was the first CLT in the UK to become a Registered Provider with the Homes and Communities Agency, so that it can manage the homes themselves.

The development process has presented its own challenges. Perseverance has seen the Trust deal with everything from asbestos and "nesting bat" surveys, to securing grants from the Homes and Communities Agency and moving a local electricity substation. The process has also seen events from a "design your dream house" competition at the local primary school, to a sponsored abseil down the church spire. The village is now planning a community-owned shop, along the lines of the pub, and a separate scheme is working on an anaerobic digester, to provide power and income for the community. As Lyvennet Community Trust has shown, when a community puts their mind to something, anything is possible.

1.2 What is a Community Land Trust?

As the example of Lyvennet Community Trust encapsulates, Community Land Trusts are powerful examples of communities taking control and transforming the future of their local community. They are non-profit, community-based organisations run by volunteers to develop housing, workspaces or other assets that meet the needs of the community and are owned and controlled by the community.

CLTs have a transformational effect on the fabric of their local areas, bringing new homes and facilities that become the centrepiece of their community and a forum for new enterprise.

And, by members of the community working together to deliver homes or assets for their village or neighbourhood, CLTs also build stronger and more resilient communities.

CLTs are defined in Statute as a corporate body which satisfies conditions laid out in Section 79 of the Housing and Regeneration Act (these are spelled out in Chapter 4 Forming a CLT – governance and legal structures).

The statutory definition is purposefully broad and encompasses the diverse range of CLT activity. All CLTs share five **key features**:

Key features of a CLT

Community-controlled and community-owned

A CLT is set up by the community and for the community. The members of the CLT will control it and the assets can only be sold or developed in a manner which benefits the local community. If the CLT decides to sell a home, the cash realised is protected by an asset lock and is re-invested into something else that the trust's members think will benefit the local community.

Open democratic structure

People who live and work in the defined local community, including occupiers of the properties that the CLT owns, must have the opportunity to become members of the CLT. The CLT should actively engage members of the community in its work and ensure that they remain engaged in the development and operation of the CLT.

Permanently affordable housing or other assets

This is a crucial defining feature of a CLT. A CLT will endeavour to keep the homes or assets permanently affordable. This means that the home or asset is not just made affordable for the first buyer but that the CLT maintains the affordability of the housing or asset in perpetuity.

Not-for-profit

All CLTs are not-for-profit and any profits generated by the CLT cannot be paid by way of dividend or otherwise to its members but must be used to further the community's interests.

Long-term stewardship

A CLT does not disappear when a home is sold or let but has a long-term role in stewarding the homes. In some cases, they will remain the landlord of the rental homes or will retain an element of unsold equity in the homes.

Why set up a CLT?

The stimulus to set up a CLT is the desire to provide land or buildings to meet specific local needs. The most common aim is usually to create affordable homes that are available to local people who cannot afford open market housing. However, once a community has established a CLT and delivered its first project, people often feel empowered to take on whatever the next challenge might be that faces their community, such as purchasing the local pub when it is about to close, or setting up a community shop.

There are a number of benefits to setting up a CLT. CLTs can:

- Help meet local housing need;
- Lock in public or private subsidy, due to the commitment to permanent affordability, ensuring the homes do not leak out onto the open market;

- Bring forward land that might not otherwise be available;
- Achieve wider social and economic benefits for the community: development by a CLT does not only bring new homes but also creates stronger communities.

Complementary role:

CLTs and housing associations have a lot in common and CLTs can complement the role of housing associations by bringing community-led solutions to housing and other needs. Many CLTs have successfully partnered with a housing association to deliver new homes or other assets, as set out in Chapter 8.



1.3 Brief history of the CLT movement

To date there are over 100 CLTs in England. These range from those that are just starting out, to those that have developed several homes or other assets. The majority of CLTs are rural and small scale but there are a number of urban CLTs that are beginning to show that CLTs can work at scale.

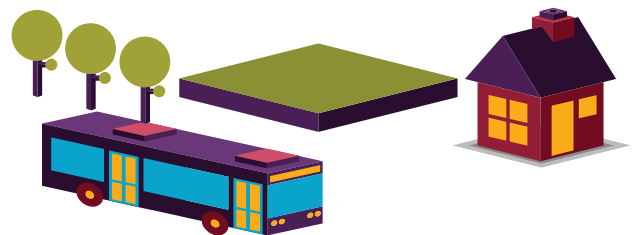
Across the border in Scotland CLTs have bought estates, forests and whole islands and now own over 500,000 acres. These CLTs have brought this land into community ownership and their story is told in the book 'From the Low Tide of the Sea to the Highest Mountain Top' (Hunter, 2012).

Whilst CLTs are a nascent but growing movement in England, they are not an altogether new and unfamiliar concept. There is a long history of community ownership and management of housing and assets in this country. Garden Cities, such as Letchworth Garden City, are based on a model where a community trust owns and manages the assets on behalf of the community, and could be viewed as an early example of a CLT. The CLT model that we know today, however, owes itself to the large scale and inspiring CLT movement in the United States.

With over 240 CLTs in the United States and some 5,000 CLT homes CLTs have become an accepted way to deliver affordable housing in the United States. Unlike in England, where most CLTs are rural, the majority of CLTs in the United States are urban and comparatively large scale, with the largest, Champlain Housing Trust, owning over 2000 homes. There are also a number of city-wide CLTs that have significant plans for development.

The CLT model emerged in the late 1960s in the US as a result of a fusion of older ideas of common ownership and the stewardship of land for wider community benefit, with the pressing needs of African American communities during the civil rights movement. A number of influential figures in the civil rights movement, including Bob Swann and Slater King (cousin of Martin Luther King Jr) wanted to create long-term opportunities for economic and residential independence for African Americans in the rural south and a CLT, where land is held by the community in trust, could do just that. They also looked East and took inspiration from the Gramdan movement in India, where land was gifted to villages and held in trust by the village council for the rural poor, as well as the leased-land agricultural cooperatives in Israel, to inform the CLT model.

The first CLT, New Communities Inc., was created in 1969, but it wasn't until the 1990s that the CLT movement really started to flourish in the U.S, thanks to a favourable policy and funding environment and a lot of shared learning amongst the CLTs. The US CLT movement has proven what community-led development can achieve and at scale and has become a significant source of inspiration for communities in England.



1.4 Policy context

The current policy context for Community Land Trusts is one of significant opportunity, albeit within a wider environment of economic constraint.

CLTs have cross-party support and most critically embody the Government's ambition of shifting power from Whitehall to communities. They are recognised as a proven example of local people taking control and transforming the future of their communities.

The Localism Act 2011 introduced new opportunities for communities to shape their local area. This includes the introduction of Neighbourhood Planning, where local people develop a vision for their area, a 'neighbourhood plan'. This provides an opportunity for CLTs to be identified as part of the solution to locally identified needs. For more information see www.mycommunityrights.org.uk/neighborhood-planning

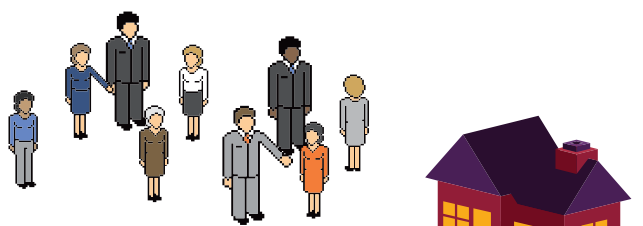
The Act also introduced additional rights for communities, the Community Right to Build, Community Right to Bid and the Community Right to Challenge. These rights provide opportunities to develop new homes or other assets, take over existing assets or take on the delivery of local services as social enterprises. More information on each of these rights and how they can be used by CLTs is set out in Chapter 10.

At the same time, in the face of a severe under-supply of housing and house prices far exceeding what is affordable for local people, the Government is committed to 'reigniting the housing market'. As set out in the Government's housing strategy 'Laying the Foundations: a Housing Strategy for England' (November 2011), there is a shift away from top-down targets and an emphasis on freeing up local areas to provide the homes they want to see. Large scale measures, such as Get Britain Building, the New Homes Bonus and new Garden Cities are joined by an emphasis on community-led housing solutions.

To support the development of community-led housing, the Government has made available a portion of the Affordable Homes Programme for community-led housing schemes. In addition, a £30 million revolving loan fund has been put in place to support group self-build or custom build schemes.

However, despite these opportunities, communities are operating within a challenging economic environment. There is less Government grant available for affordable housing, limited availability of private finance for development and a general tightening in mortgage lending, all of which make the development of new homes or other assets a challenge.

Navigating this landscape is not easy but what communities have at their finger tips is both the capacity and resources of the members of the community themselves and the opportunity and flexibility to explore creative and innovative solutions, as CLTs have proven they can.



Appendix E

East London CLT – Frequently Asked Questions

(Adapted from www.eastlondonclt.co.uk)

The East London Community Land Trust (ELCLT) is a not-for-profit community organisation that specialises in providing Community Land Trust (CLT) housing across East London. It was born out of community organising, and still stays true to those principles, having been formed out of a campaign led by London CITIZENS. ELCLT is, however, an independent organisation with its own membership, governance and Board of Trustees.

In their founding year, they made great progress in their work to establish the UK's first ever urban CLT on the former site of St. Clement's Hospital in Mile End, and for a CLT to be integrated into future plans for the Olympic Park.

FAQ

Are they a business or a developer or a charity?

The East London Community Land Trust (ELCLT) is a not-for-profit Industrial and Provident Society (IPS). It is governed solely by its members, and anyone who lives and works in east London can join. Each year they elect from amongst their number our own Board of Trustees.

An industrial and provident society is an organisation conducting an industry, business or trade, either as a co-operative or for the benefit of the community, and is registered under the Industrial and Provident Societies Act 1965.

Their constitution establishes ELCLT as a 'Benefit of the Community' IPS. Community Benefit Societies ("BenComs") are incorporated industrial and provident societies that conduct business for the benefit of their community. Profits are not distributed among members, or external shareholders, but returned to the community.

Where does their money come from?

Donations and anyone who lives or works in the East End who buys a share.

Unlike a company limited by guarantee, an IPS generally has a share capital. However, in a not-for-profit IPS like ours, shares are not made up of equity shares which appreciate or fall in value with the success of the enterprise. Rather they are par value shares, which can only be redeemed at face value. The profits and losses of the company are therefore the common property of our local members. Shares in the East London Community Land Trust cost just £1, and to ensure parity and fairness amongst members voting is on a "one member one vote" basis, not weighted according to the value of an individual's shares.

Also, the East London Community Land Trust has been the recipient of small individual donations, and funding from the Tudor Trust and the Oak Foundation, which are charitable foundations.

Appendix E

How do they represent the local community?

By bringing together representatives from their local schools and mosques and churches and residents' associations and every type of social institution in east London. Anyone who lives or works here can become a member and influence what they do. They also run public planning sessions and events for non-members.

No organisation can ever claim to totally represent 'the community'. In a place as diverse and as busy as east London, you are unlikely to ever get 100% consensus on anything. But what we can they do is to make membership open and affordable to anyone who wishes to join; they put on public planning events for local residents even if they are not members so they can all feed in ideas to their proposals; and they actively build relationships with local civil society institutions that represent large communities (such as schools and churches and unions) within the areas in which they work.

The CLT operates within the physical boundaries of a targeted locality. It is guided by – and accountable to – the people who call this locale their home. Any adult who resides on the CLT's land and any adult who resides within the area deemed by the CLT to be its "community" can become a voting member of the CLT.

They currently have nearly 1,000 individual local members in the East End, and work closely with representatives from Central Foundation Girls' School, Bow Boys School, Mile End Residents' Association, Epainos Ministries on Litchfield Road, Queen Mary University of London, Tower Hamlets UNISON, the East London Mosque, Mile End Cemetery Park and many others.

Are they a front to a commercial developer?

No. They are a community organisation made up of local residents. And they are the only independent CLT in East London.

The East London Community Land Trust is a totally independent organisation, driven and governed solely by its members who live and work in East London. They were established without any input by any developer or housing association.

With each project they undertake, their members and their Board debate and then elect any partnerships they wish to enter into. However, these are open commercial arrangements – decided upon through a clear and transparent tender process – and based upon the Trust and local people's interests above anything else. Their commercial partners differ according to our needs for each project.

Who will own the CLT?

Members of the local community will own it forever.

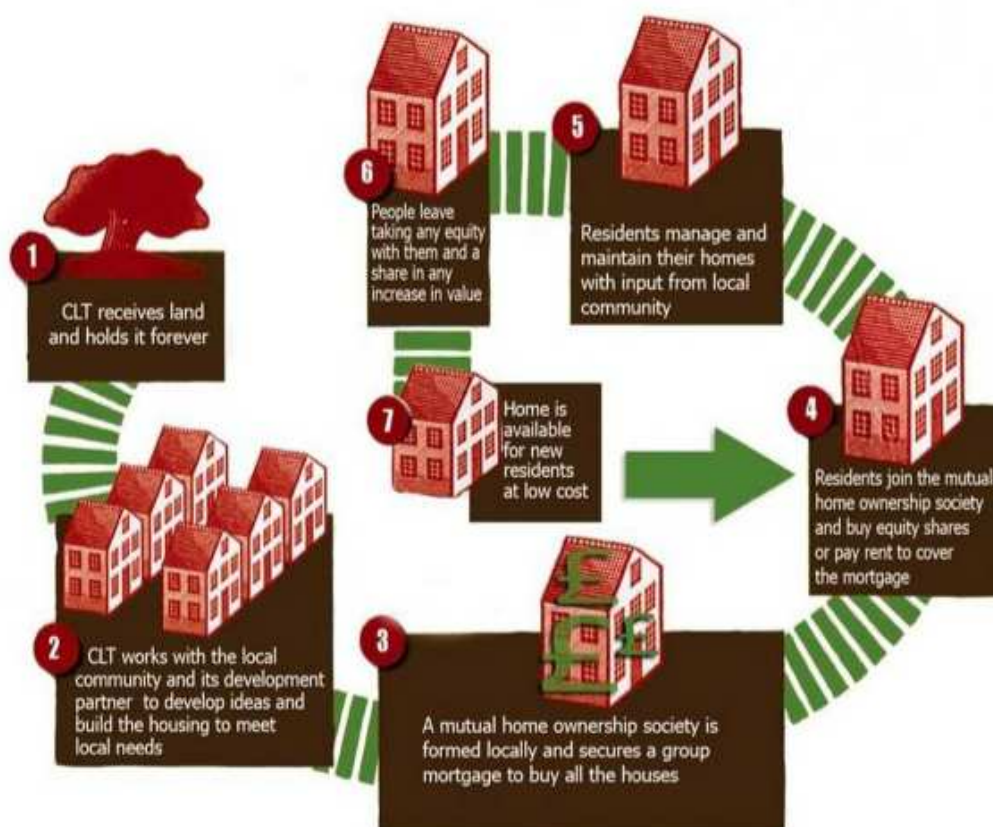
The CLT does not disappear once a building is sold. As owner of the underlying land and as owner of an option to re-purchase any buildings located on its land, the local community through the CLT has an abiding interest in what happens to the structures and to the people who occupy them. The ground lease requires owner-occupancy and responsible use of the premises.

Appendix E

How can they promise permanently affordable homes?

Unlike other 'shared equity' or 'part-rent, part-buy' schemes they promise to build permanently affordable housing.

The CLT retains an option to repurchase any structures located upon its land, should their owners ever choose to sell. The resale price is set by a formula contained in the ground lease that is designed to give present homeowners a fair return on their investment, while giving future homebuyers fair access to housing at an affordable price. By design and by intent, the CLT is committed to preserving the affordability of housing (and other structures) – one owner after another, one generation after another, in perpetuity.



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Agenda Item 4

Select Committee	Housing Select Committee		
Report Title	The Localism Act 2011 – complaints about social housing		
Wards	All	Item No.	4
Contributors	Corporate Complaints Manager		
Class	Open	Date	6 th March 2013

1. Summary and Purpose of this report

- 1.1 The Localism Act has introduced changes to the way complaints against a social landlord are handled. The purpose of this report is to provide an overview of the changes to the way that social housing complaints will be dealt with, whilst highlighting the impact the changes will have on the Council. The report will provide details of the draft Housing Ombudsman Scheme, key areas of interest for the Council and confirm the approach the Council is currently considering in implementing the required changes. This will ensure the complaints process remains clear, timely and transparent to ensure complaints are handled in the most effective and efficient way.
- 1.2 Currently, the Local Government Ombudsman (LGO) deals with all social housing complaints including Arm's Length Management Organisations (ALMO's). However, from 1 April 2013, the responsibility of dealing with complaints about social landlords will fall under the jurisdiction of the Housing Ombudsman Service. The Housing Ombudsman Service already deals with complaints about other Registered Social Landlords.
- 1.3 The Localism Act 2011 introduces, changes to the way complaints against social landlords are handled prior to referral to the Housing Ombudsman Service. The referral to the Housing Ombudsman (HO) must now be through a 'designated person' (DP) in writing, once the landlords existing complaints procedure has been exhausted. A designated person can be a Member of Parliament, a local councillor or a Tenant Panel. The HO has produced a series of frequently asked questions (FAQs) available on their webpage <http://www.housing-ombudsman.org.uk/>. See **Appendix 1** for further information on the role of the DP.
- 1.4 In order to manage this process efficiently it is proposed that the Chair of Housing Select Committee will undertake the role of the designated person. In addition, two other members of the Housing select Committee will need to be appointed to ensure that this role can continue, in the Chairs absence or if there is a conflict of interest regarding a particular complaint.
- 1.5 All other housing complaints, for example complaints about homelessness issues, allocation policy etc. will continue to be dealt with by the internal complaints process and if the complainant remains dissatisfied, they are advised to approach the Local Government Ombudsman as is currently the case.

2. Policy Context

- 2.1 The Secretary of State under section 51 of and Schedule 2 to the Housing Act 1996 approves the Housing Ombudsman Scheme. The Act requires social landlords, as defined by s.51(2) of the Act, to be members of an approved scheme.
- 2.2 Paragraph 7A of Schedule 2 of the Housing Act 1996 (inserted by the Localism Act 2011) outlines the new process for referring complaints against a social landlord to the HO. It confirms that, "A complaint against a social landlord is not "duly made" to a housing ombudsman under an approved scheme unless it is made in writing to the Ombudsman by a 'designated person' by way of referral of a complaint made to the designated person."
- 2.3 Lewisham's Sustainable Community Strategy 2008-2020 contains the shared priorities for the borough. It sets out a framework for improving the quality of life and life chances for all who live in the borough. This approach works towards meeting the 'empowered and responsible' priority where people are actively involved in their local area and contribute to supportive communities.
- 2.4 The Council has outlined ten corporate priorities, which enables the delivery of the Sustainable Community strategy. The introduction of the Housing Ombudsman's Scheme meets the corporate priority of community leadership and empowerment'.

3. Recommendations

Members are recommended to:

- 3.1 note the contents of the report.
- 3.2 agree that the Housing Ombudsman's changes should be implemented by the Council in the way proposed in section 7.
- 3.3 agree that Chair of Housing Select committee is appointed as the designated person.
- 3.4 agree that in the absence of the chair or if a conflict of interest arises in the consideration of a complaint, two additional members of the Housing select Committee be appointed to deputise as required in the role of the designated person.

4. Housing Ombudsman Scheme

- 4.1 On 1st April 2013 the new process for complaints handling, as outlined in the Localism Act 2011, will come into effect, which will bring all social landlords under the jurisdiction of the Housing Ombudsman (HO). It is anticipated that this will provide a consistent approach in the handling of complaints for residents whether their landlord is a council or housing association.

This will also include complaints from leaseholders of social landlords and the Council's managing agents; for example, Lewisham Homes and Regenter B3. However, complaints from leaseholders disputing their service charges will not be considered under this process but will instead be considered by a Leasehold Valuation Tribunal (LVT) as is currently the case.

- 4.2 The financing of the Scheme will be through a subscription payable to the HO by each member with the subscription calculated by reference to the total number of units of accommodation owned or managed by a member. Although for local housing authorities, this subscription will be met by grant-in-aid from the Secretary of State.
- 4.3 The main purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members of the scheme investigated by a Housing Ombudsman. The Scheme comes into effect on 1st April 2013 and replaces the Independent Housing Ombudsman Scheme (HOS).
- 4.4 The intent is that the Housing Ombudsman Scheme should add value to the complaints process with a focus on resolving complaints at a local level wherever possible. The HO's approach will be outcome focussed and may consider wider issues than those raised by the complainant. In order to ensure that localism is at the centre of the process, the HO may refer cases back to the 'designated person' for resolution. The draft HOS also proposes introducing a finding of service failure to reflect a lower level of maladministration, which again emphasises the push towards resolving disputes locally and changing service delivery where necessary.

Designated Person

- 4.5 The Localism Act 2011 states that tenants of housing associations, local authorities, and ALMO's will be able to ask for their complaints to be considered by a 'designated person' (DP) once the complainant has exhausted their landlord's internal complaints procedure. By introducing the role of the DP the intention is to involve local politicians and local people in resolving local housing issues.
- 4.6 A DP can be an MP, a local Councillor, or a Tenant Panel. Landlords do not have to set up tenant panels but they are expected to support their formation and activities if their tenants want them. To be effective, the tenant panel must be 'recognised' by the landlord. The contact details of all recognised Tenant panels must be forwarded to the HO who will include this information on their national register of recognised Tenant Panels.
- 4.7 Although the Housing Ombudsman (HO) can advise DPs on good practice in complaint handling, the HO has no jurisdiction over DPs and has no authority to regulate or produce guidance for their selection, activity or conduct.

- 4.8 A DP does not have power over an organisation's policies and procedures, although they may suggest ways they could be improved. A DP would not be expected to make a formal judgement about the merits of a complaint, but if they do, their judgement would not be binding. They are not a tribunal, they do not carry out the role of the Ombudsman and they are not an additional bureaucratic stage in a complaints procedure. Their role is to facilitate resolution of tenant complaints, which may involve them providing advice to tenants; advocating on their behalf; discussing matters with the landlord.

5. Current Process

- 5.1 The Council currently has a robust complaints process in place, which is auditable at each stage. Our internal auditor has formally recognised that the Council has in place, a comprehensive process for managing complaints and procedures that are consistently improved. Lewisham Homes and Regenter B3 have adopted the Council's three-stage complaints process.

- 5.2 As defined by the Localism Act, the internal complaints process is transparent and accessible and is available on the Council's website detailing the various stages:

Stage 1: The service manager will investigate and send a response within 10 working days.

Stage 2: If the complainant is unhappy with the response that they received at stage 1, they can ask for a review of their complaint. The head of the service will write to them within 20 working days with their decision.

Stage 3: If the complainant remains unhappy with the response that they received at stage 2, they can ask the independent adjudicator to carry out an review of their complaint. The Independent Adjudicator will send a response within 30 working days.

5.3 The role of the Independent Adjudicator

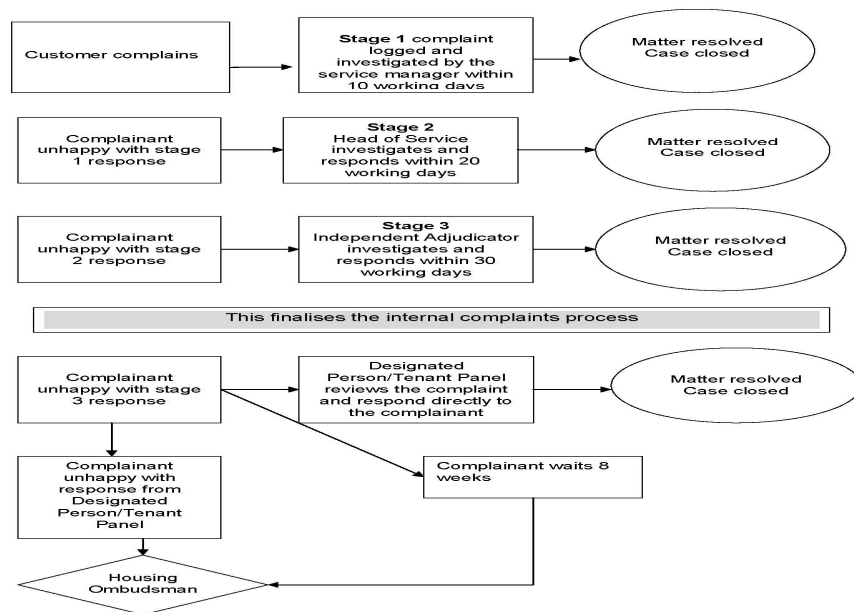
The Independent Adjudicator (IA) deals with complaints at stage three of the Council's complaints process and provides a free, independent and impartial service. The IA considers complaints about the administrative actions of the Council and its partners, for example, Lewisham Homes and Regenter B3. She cannot question what actions these organisations have taken simply because someone does not agree with it. However, if she finds something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the IA aims to get it put right by recommending a suitable remedy.

- 5.4 Under the current process, if the complainant remains unhappy after exhausting the Council's complaints process they can approach the Local Government Ombudsman.

6. New Process

6.1 Should a complainant exhaust the Council's (Lewisham Homes or Regenter B3's) complaints process, instead of approaching the Local Government Ombudsman directly, the complainant must now approach a DP. The response for the final stage of the internal complaints process for Lewisham Homes and Regenter B3, will clearly advise the complainant of the next steps and signpost them to the DP. Alternatively, the complainant can just wait 8 weeks, then approach the Housing Ombudsman directly. It is envisaged that the other housing providers in the borough will do the same. For tenants of the other registered social landlords (RSL's), they will be guided by their RSL's complaints procedures. The DP will review their case and if appropriate, refer it to the Housing Ombudsman.

6.2 See below for a process map of how this will work.



7. Implications for Members

7.1 Following liaison with other local authorities and RSLs (detailed in paragraph 8 below) it is recommended that the Council implement the Housing Ombudsman Scheme by introducing members as the Council's designated person. As it stands this will mean that any member may be called upon to review a complainant's case as a designated person (DP). In order to manage this process efficiently it is proposed that the Chair of Housing Select Committee will undertake this role. In addition, two other members of the Housing select Committee will need to be appointed to ensure that this role can continue, in their absence or if there is a conflict of interest.

Expectation and role of the designated person (DP)

- 7.2 Upon a request, a member acting as a DP will consider a complaint and should seek some form of dispute resolution between the different parties. The DP will then decide whether to refer the complaint to the HO or not. If the DP refers a case the HO it must be in writing.
- 7.3 The Localism Act does not require the DP to actually investigate the complaint but to merely read through the various complaint stages. Their role is to provide fresh and independent insight on the complaints, from a tenant, councillor or MP perspective – playing a critical friend role suggesting views and approaches that may not have been considered by the landlord and others in handling the complaint. However, should they so wish, it will be perfectly acceptable for the DP to simply forward the complaint on to the Ombudsman, having received consent to do so from the complainant, in writing. Similarly, there is no formal timescale in which the DP must deal with the matter, but if the matter takes longer than eight weeks to conclude the complainant will be entitled to refer the matter direct to the Housing Ombudsman.
- 7.4 The DP has the powers of persuasion, negotiation and conciliation. They do not have any formal ‘powers’ other than the right to refer complaints to the Ombudsman once the landlord complaints procedure has been exhausted. Complaints can be referred to the Housing Ombudsman at any time once the landlords internal procedures have been exhausted.
- 7.5 Current figures of such cases across the top 9 housing providers in Lewisham reaching stage 3 of the complaints process showed that only a third were referred to the Ombudsman. Accordingly, it is not considered that the DP will have to deal with high volumes of cases. Figures are likely to be in the region of 20 cases a year. (see **Appendix 3**)
- 7.6 The Corporate Complaints Team in the Council will support the DP role and will provide administrative support including preparing each case file and outcome letter. The Corporate Complaints Team will review the process in September 2013 and make recommendations back to the Housing Select Committee if changes to the scheme are appropriate.

8. Comparisons between the Registered Social Landlords within Lewisham and other Local Authorities

- 8.1 The Council has liaised with the ‘top 9’ housing providers within the borough of Lewisham. Views were sought and comparisons made on how each one intended to implement the changes and in particular if they intended to introduce a Tenant Panel. The consensus is that they do not intend to set up a Tenant Panel as a DP, as there was a lack of interest for this approach from their residents.

- 8.2 The ability for the resident to approach their MP and Councillor appears to be the preferred option.
- 8.3 Comparisons were also made with some of the other London Boroughs, Southwark, Greenwich, Hackney and Islington have all confirmed they are not planning to set up a tenant panel. Others such as Lambeth and Camden are still deciding on the most effective way to implement these changes.
- 8.4 Further comprehensive details relating to the comparisons between the RSL's and Local authorities can be found in **Appendix 2**.
- 8.5 Both Lewisham Homes and Regenter have consulted with their residents and/or Board members to ascertain whether they would be interested in their organisations having a Tenant Panel. Feedback from these discussions have concluded that Tenant Panel will not be set up in their organisations, at this time. This will be reviewed following the changes being implemented on the 1st April 2013.

9 Comparison of complaints from the Registered Social Landlords

- 9.1 The Council liaised with the 'top 9' housing providers in the borough to pre-empt the volume of cases that could potentially be referred to the DP.
- 9.2 On analysing the information received, the volume of complaints received at the final stage of the complaints process is relatively low. Furthermore, the volume of cases that were referred to the Ombudsman was minimal.
- 9.3 Further information relating to the volume of stage 3 complaints and subsequent referrals to the Ombudsman from the 'top 9' housing providers can be found in **Appendix 3** and a comprehensive list of housing providers in the borough can be found in **Appendix 4**.
- 9.4 In order to ensure consistency, meetings will be held with all the housing providers in the borough, to brief them on the new proposals.

10. Financial Implications

- 10.1 There are no direct financial implications arising from this report.

11 Legal Implications

- 11.1 The Housing Ombudsman Scheme is an approved national scheme, pursuant to s.51 of and Schedule 2 to the Housing Act 1996, as amended by section 180 of Part 6 to the Localism Act 2011. The national Scheme will come into effect on 1st April 2013.
- 11.2 The Council, as a Local Housing Authority in England (being a registered provider of social housing) is a "social landlord" (s. 51(2) of and Schedule 2 to the Housing Act 1996) and therefore must be a member of the Housing Ombudsman Scheme in connection with:

1. our housing activities, re: provision or management of social housing; and
 2. the management of dwellings which the Council owns and lets on any long leases.
- 11.3 As a condition of membership of the Scheme, a member must:
- Agree to be bound by the Scheme
 - Establish and maintain a complaints procedure
 - As part of that complaints procedure, inform complainants of their right to bring complaints to the Housing Ombudsman under the Scheme and
 - Publish its complaints procedure and its membership of the Scheme, and make information about them available to those entitled to complain to the Housing Ombudsman.
- 11.4 Under the Scheme, “a Complaint against a social landlord is not “duly made” to a housing ombudsman ...unless it is made in writing to the Ombudsman by a “designated person” by way of referral of a complaint made to the designated person”. (para 7A(1)). Complaints must be referred by a designated person unless any of the specific exceptions set out within paragraph 7B applies. See numbered paragraph 11.7 below for the exceptions.
- 11.5 A designated person under the scheme means:
- a) member of the House of Commons;
 - b) a member of the local housing authority for the district in which the property concerned is located; or
 - c) a designated tenants panel for the social landlord.
- 11.6 The published draft Housing Ombudsman Scheme states that “A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman.
- 11.7 Complaints that do not need to be made by way of referral by a designated person are those, which meet any of the exceptions specified within para. 7B(1) or 7B(2), as follows:-
- 7B(1) paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing association under an approved scheme if the ombudsman is satisfied that –
 - (a) the social landlord has procedures for considering complaints against the social landlord,
 - (b) the matter that forms the subject of the complaint has been submitted to those procedures,
 - © those procedures have been exhausted, and
 - (d) the complaint has been made to the ombudsman after the end of the eight weeks beginning with the day on which those procedures were exhausted.

- 7B(2) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if-
 - (a) the ombudsman is satisfied that a designated person –
 - (i) has refused to refer the complaint to a housing ombudsman under an approved scheme, or
 - (ii) has agreed to the complaint being made otherwise than by way of a referral by a designated person
 - And
 - (b) the refusal, or agreement, is in writing or the ombudsman is satisfied that it has been confirmed in writing.”

11.8. Decisions of the Ombudsman may become enforceable as if they were orders of the Court, pursuant to anticipated secondary legislation.

12 Equalities Implications

12.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

12.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

12.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value.

The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

12.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

12.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

13. Environmental Implications

13.1 There are no environmental implications.

14. Conclusion

14.1 It is proposed that the contents of this report are noted.

15 Background documents and originator

15.1 The Housing Ombudsman Scheme provides further background information pertaining to these changes.

15.2 If you require more information on this report please contact Jennifer Greaux, Corporate Complaints Manager on 0208 314 6340.

Appendix 1



DESIGNATED PERSONS – DECEMBER 2012

A new role for MPs, Councillors, and Tenant Panels in resolving complaints

What is a designated person?

The Localism Act 2011 provides that tenants of housing associations, local authorities, and ALMO's will be able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure is finished. This provision will start on 1 April 2013.

Why have designated persons?

Designated persons were introduced by the Government to improve the chances of complaints about housing being resolved locally. The idea behind 'localism' is that local people know best how to decide on local issues. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues. It follows from this that there is to be no central control or regulation of the development of local resolution mechanisms.

The Housing Ombudsman is not a regulator and cannot define the expected role or processes for designated persons. That would be contrary to the purpose of localism.

Who can be a designated person?

A 'designated person' can be an MP, a local Councillor, or a Tenant Panel. Landlords do not have to set up tenant panels but they are expected to support their formation and activities if their tenants want them. To be effective the tenant panel must be 'recognised' by the landlord.

What does the designated person do?

A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman. If they refuse to do either the tenant can contact the Ombudsman directly.

The designated person can try to put things right in which ever way they think may work best. If the problem is still not resolved following the intervention of the designated person either they or the tenant can refer the complaint to the Ombudsman.

Complaints to the Ombudsman do not have to be referred by a designated person, but if they are not there must be at least 8 weeks from the end of the landlord's complaint process before the Ombudsman can consider the case.

The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

What is the impact of designated persons on complaints procedures?

Designated persons have no direct impact on a landlord's internal complaints procedure. MPs and local councillors have always been involved in complaints procedures as advocates for tenants. They will continue to have that role. Their specific role as designated persons is different as they play a more specific part in the procedure. The detail of that role is not spelt out in the Localism Act, but a part of it is to refer complaints to the Ombudsman.

In practice this means that if a complaint is not resolved at the end of the landlord's complaints procedure, the tenant can:

- refer the matter to a designated person OR
- wait 8 weeks and refer the matter directly to the Ombudsman.

A designated person has no legal authority over a landlord's policy or procedure.

The Housing Ombudsman and designated persons

Early and local resolution is the best possible outcome to a complaint. We will encourage positive relationships between landlords and tenants and the designated persons to achieve this. We will also provide information and advice to support designated persons in improving the methods and approaches they might use to resolve a dispute. Whilst we will not comment on designated persons' decisions we will feedback on referrals from designated persons to improve complaints handling at all levels.

Although we can advise designated persons on good practice in complaint handling, the Ombudsman has no jurisdiction over designated persons and has no authority to regulate or produce guidance for their selection, activity or conduct.

The Ombudsman will be required to maintain a register of recognised Tenant Panels (from April 2013, information on how to do this will be available on our new website). However, we do not oversee the involvement of panels or any other designated person in the local resolution of complaints.

Change to our service from April 2013

From April 2013, when we receive a complaint we will always ask if it has been referred to a designated person and if not we will clarify the reasons for this. We will either then refer the matter to a designated person or if a tenant is clear that they do not want to make use of that opportunity for local resolution, (if it is more than eight weeks from the end of the landlords complaint process) we will consider the case.

Appendix 2 - Comparisons between the Registered Social Landlords within Lewisham and other Local Authorities

Housing Provider	In terms of the Designated Person will you be using all three options (MP, Members, Tenant Panel)	Current complaints procedure	How will the process work with the MP's and Members	Will you be assigning the role to one dedicated MP and Member	What administration support will you be providing for the DP?
L & Q	L&Q said that the MP and local councillor are designated persons. It would be up to the complainant if they wished to further their complaint to an MP or Councillor. L&Q did not feel it was up to them to set up a Tenants Panel. But if residents approached them to have a designated panel they would be guided by this.	L&Q have 3 stages: 1. customer relations team 2. Review by Senior Manager 3. Panel made up of board members Then if necessary the complaint goes to Ombudsmen	Complaints pack will be given to MP/Cllr. If further policies/info required, they will provide	No	Complaints pack will be given to MP/Cllr. If further policies/info required, they will provide
Hyde Housing	The general feeling from tenants who have been consulted on the options is that they want it as simple as possible and are not keen on the changes. At the moment Hyde's stage 3 complaints are dealt with by a tenant group who are lead by Hyde and supported by Directors.	Hyde have a 3 Stage complaints process	Still in discussion	No	The Tenants Panel will be supported by Hyde but left to organise themselves
Family Mosaic	All three. Trying to set up a scrutiny panel but very little interest at the moment.	We currently have a three stage process. Service failures are acknowledged by our Customer Care Line and managed to resolution by individual business units. Where official complaints are lodged, a response and action plan is agreed with the complainant at Stage 1. Stage 2 is a review by our Customer Relations Management Team with a final panel hearing (Stage 3).	Still in discussion	No	

Housing Provider	In terms of the Designated Person will you be using all three options (MP, Members, Tenant Panel)	Current complaints procedure	How will the process work with the MP's and Members	Will you be assigning the role to one dedicated MP and Member	What administration support will you be providing for the DP?
Phoenix	All three. Considering reconfiguring their existing Panel but mindful that they won't have the same amount of control.	Currently informal, stage 1,2,3 then Ombudsman. Stage 3 is a panel of residents.	Still in discussion	Have not considered but will look	Already offer support to existing TP so will review and adapt accordingly
Amicus Horizon	All three but working on a criteria for recruiting Panel members	Three stages	Still in discussion	No	Still in discussion
Hexagon	All three. Trying to set up a scrutiny panel	Three stages	Still in discussion	Still in discussion	They create an information pack at stage 3, and would probably just offer the complainant an extra copy of that, so that the complainant can keep their photocopying costs down etc, if they want to take their complaint to a DP.
Affinity Sutton	We've been considering various options. We haven't had an option ratified by our board yet but we're thinking the following; we feel we should avoid including the designated person function within the internal final stage appeal but question the value/ see potential conflicts in having a Tenant panel becoming involved after the hearing, particularly if residents have already been involved in decision making at final stage hearing. So, it could be that local MPs are best placed to act as designated persons. In the meantime we are strengthening our final stage procedures.	Two stages .First stage a manager attempts to resolve the complaint amicably and second stage is a complaints panel. The complainant is then advised of his/her opportunity to refer the complaint to the Independent Housing Ombudsman			
Lambeth	At the moment, they are planning on having Councillors briefed by 1st April. They are still deciding on whether to use Tenant	Three stages	To be decided. Their preference would be that councillors refer back to the	To be decided	This will be the role of the councillor and will not be funded by the

Housing Provider	In terms of the Designated Person will you be using all three options (MP, Members, Tenant Panel)	Current complaints procedure	How will the process work with the MP's and Members	Will you be assigning the role to one dedicated MP and Member	What administration support will you be providing for the DP?
	<p>Panels. Some of their tenant groups have made it clear that they would like to set up a panel but the council is still deciding whether to go down this route. There is a lot of work involved in setting up and maintaining panels and they don't know if this is something the council wants to get into at the moment, if purely from a financial point of view. As far as MPs are concerned, they have taken the approach that they are going to be briefed centrally. They will be contacting our local MPs but at the moment I am concentrating on our own councillors.</p>		<p>council so they can resolve them (although there is a risk that this becomes another level of the complaints process).</p>		<p>Council</p>
Southwark	<p>Initial report was taken to the senior management team, recommending that they do not set up a tenant panel. Can't see the benefit of setting up a panel and will only do so, if approached.</p>	<p>Three stages</p>	<p>Still deciding</p>	<p>No</p>	<p>Same as they do now. Provide information on request.</p>
Newham	<p>MP and Members. Still in discussion about Tenant Panel.</p>		<p>Corporate Complaints Team will offer support</p>	<p>All members are Labour, so are considering assigning this role to one Member</p>	<p>Corporate Complaints Team will offer support</p>
Hackney	<p>We are also still in the process of consulting with Members on the process for dealing with delegated person referrals and have given them a number of options to consider. The Business Analysis Team deal with all stage 3 investigations for Council Services, including our ALMO. Here at Hackney we don't intend to use Tenant Panels.</p> <p>I think the main reason was financial, ie cost and resources involved in setting them up. We will assess the situation again in 6</p>	<p>Three stages</p>	<p>We are also still in the process of consulting with Members on the process for dealing with delegated person referrals and have given them a number of options to consider. The Business Analysis Team deal with all stage 3 investigations for Council Services, including our ALMO.</p>	<p>No</p>	<p>Corporate Complaints Team will provide copies of complaints paperwork where requested and hold case conferences with Members to discuss cases,. Where tenants of other Registered Social Landlords approach our</p>

Housing Provider	In terms of the Designated Person will you be using all three options (MP, Members, Tenant Panel)	Current complaints procedure	How will the process work with the MP's and Members	Will you be assigning the role to one dedicated MP and Member	What administration support will you be providing for the DP?
	months to a year's time.				Members as a delegated person, we advise that the Member makes contact with the landlord direct for complaints paperwork or our Members Services team can assist them with this process.
Islington	MPs and Members. No Tenant Panel. Main reason for not wanting a tenant panel is cost and the resources involved in setting up. Which will require setting up, training, support and expenses. Possible delays when members or complainants cannot attend. To be reviewed in 6 months.	Two stages	It is likely that the referrals will be channelled through the Corporate Complaints Team. They will be provided with the necessary paperwork.	No	It is likely that the referrals will be channelled through the CC team. They will be provided with the necessary paperwork.
Greenwich	Not looking to set up a TP. Concerns that there will be a huge Data Protection issue. The 'usual suspects' will volunteer. Members are not keen on having a TP.	Three stages	Members Support Team will support the process	no	Members Support Team will support the process
Cambridge City	Still in discussion but are consulting with residents regarding the Tenant panel.	Two stages First stage – Service Manager Second Stage – Independent Person	Still un discussion	Still in discussion	Still un discussion

Appendix 3

Data for the 'top 9' housing providers in Lewisham borough for the period 2011/2012

Registered Provider	Housing	Number of Properties	Stage 3 Complaints	Complaints referred to the Ombudsman
Lewisham Homes		18,553	37	16
Regenter B3		1,838	5	0
London and Quadrant		6,256	3	0
Phoenix		5,449	12	2
Hyde Housing		2,212	0	0
Affinity		580	0	0
Family Mosaic		851	2	0
Hexagon		1009	2	2
Amicus		635	0	0
TOTALS		37383	61	20

Appendix 4

List of registered housing providers in Lewisham borough ('top 9' in bold)

Registered Housing Provider	Number of Properties
A2Dominion Homes Limited	28
Affinity Sutton Homes Limited	580
AmicusHorizon Limited	635
ASRA Greater London Housing Association Limited	120
Central and Cecil Housing Trust	1
Family Mosaic Housing	851
Gallions Housing Association Limited	21
Habinteg Housing Association Limited	20
Hexagon Housing Association Limited	1009
Hyde Housing Association Limited	2212
Lewisham Homes	18553
London & Quadrant Housing Trust	6256
Metropolitan Housing Trust Limited	16
Moat Homes Limited	11
Notting Hill Housing Trust	299
Orbit South Housing Association Limited	3
Peabody Trust	119
Phoenix Community Housing Association	5449
Raglan Housing Association Limited	5
Regenter B3	1,838
Southern Housing Group Limited	33
The Riverside Group Ltd	135
Viridian Housing	197
Wandle Housing Association Limited	253

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Executive decision required by	Housing Select Committee		
Report Title	Annual Lettings Plan 2013/14		
Key Decision	Yes		
Wards	All	Item No.	5
Contributors	Executive Director, Customer Services		
Class	Open	Date	6 th March 2013

1. Summary and Purpose of this report

- 1.1 This report sets out the proposed number of lettings of Council and other providers for 2013/14. The changes to the plan are proposed in order to continue to achieve strategic Council priorities as laid out in the Housing, Homelessness Prevention and Youth Homelessness Strategies. The priorities include, reducing under occupation and severe overcrowding, moving single vulnerable households on from supported accommodation to independence, supporting the regeneration of designated housing estates and reducing the number of homeless households in temporary accommodation.
- 1.2 This report also presents the final lettings outcomes for 2011/12 and the position for the first three quarters of 2012/13 (to the end of December 2012). It also shows the current demand position on the housing register. This reflects performance in supply and demand management since April 2011 and informs the proposed lettings plan for 2013/14.

2. Policy Context

- 2.1 The aim of this report links to Lewisham's Sustainable Community Strategy 2008-2020 which contains the shared priorities for the borough. It sets out a framework for improving the quality of life and life chances for all who live in the borough. This approach works towards meeting the 'Clean, green and liveable' priority to enable people to live in high quality housing and can care for and enjoy their environment.

3 Recommendations

The Members are recommended to:

- 3.1 Note the lettings outcomes for 2011/12 and 2012/13 and the position on the housing register.
- 3.2 Agree the proposed Lettings Plan for 2013/14.

4. Background

- 4.1 Housing Allocations schemes are governed by legislation which requires housing authorities to determine and publish a lettings scheme setting out how it will

prioritise applications for social housing. It is a requirement that certain groups are given “reasonable preference” within the policy. These groups are:

- People who are homeless
- Those living in unsatisfactory housing, e.g. overcrowded or lacking amenities
- Those who need to move on medical grounds
- Those who need to move to a particular locality within the district where it would cause hardship if they were unable to do so
- Those owed a duty under other relevant legislation such as a prohibition order on a property.

4.2 Allocation policies must give preference to these groups above others. There is no requirement to give an equal weighting to all of the reasonable preference categories.

4.3 A key element of the allocations scheme is the Annual Lettings Plan which should be agreed by Members each year. This outlines the distribution between applicants with differing needs of the supply of lettings expected over the coming year.

4.4 Lewisham extensively reviewed its Housing Allocation Scheme during 2012 to ensure it focused on service priorities, complied with the latest legislative and case-law developments and was transparent and clear. The policy was approved by Mayor & Cabinet in June 2012 and implemented in October 2012. An amendment regarding the former members of the Armed Forces personnel was approved in January '13.

4.5 The government made a number of changes to the approach to allocations and homelessness in the Localism Act which has allowed us to better manage our waiting list and promote mobility for social tenants.

4.6 In June 2012 they published a new Code of Guidance on the “Allocation of Accommodation” which Lewisham used as a framework when implementing the new Allocation Policy; we tailored the allocation priorities to meet local needs and local circumstances, to encourage work and mobility and to assist people who genuinely need social homes. Changes made to Lewisham’s Allocation Policy included:

- Only register households that have a recognised housing need, either as a result of that need being amongst the statutory reasonable preference categories or as a local need recognised within our own allocations scheme
- The participation of a pan-London mobility scheme
- Deal with social housing transfers with no recognised need outside of the allocations scheme
- Awarding additional preference to former members of the armed forces within 5 years of them leaving service and relaxation of the local connection criteria
- Consider an out of borough applicant if they work within the borough
- Consider an applicant who gives or receives care in the borough

4.7 There is a separate report on the agenda for this Mayor & Cabinet meeting to consider the new statutory guidance on homelessness and statutory instrument of the suitability of private rented offers (rather than a social housing offer) in discharge of our homelessness duty.

4.8 It is noted that the introduction of new Affordable Rents and Flexible Tenancies (AF/FT) is bringing about changes to the nature of social housing allocations and has an impact on the achievement of the Lettings Plan. Of the properties that have currently been advertised on these new terms:

- From 1st April – 31st December we have advertised 1313 properties, 220 of which were AF/FT properties representing 16.75% AR/FT adverts. To date 184 have been let.
- 'Preference to' is shown in Appendix 6.

Indications are that mobility could be affected for tenants with target rent levels and secure or assured tenancies and this may lead to fewer re-lets overall and more of those re-lets being made available at the new rent levels and on Flexible tenancies with fixed terms.

4.9 The Mayor of London launched housingmoves a pan-London mobility scheme in May 2012. Lewisham has signed up and actively participates. Lewisham's contribution is 51 lets across 1-3 bed units. To date Lewisham has offered their entire quota to the scheme. The contribution offers an opportunity for Lewisham applicants to obtain the same number of lets to properties elsewhere in London. There is no net loss in available lettings to Lewisham applicants. Priorities for moves include employment and under-occupation, which are also key priorities for Lewisham.

5. Lettings Outcomes 2011/12 and 2012/13

5.1 A summary of the main outturn results in lettings is shown below. Appendices 2 & 3.

	2011/12	2012/13 (projected)
General needs lets	1486	1382
Special lets *	336	361
housingmoves	0	4
Total lets	1822 (1509 re-lets; 304 new build)	1774 (1457 re-lets & 317 new build)

(*Note - special lets include, sheltered lets, disabled units and temporary to permanent tenancy sign ups).

The projected outturn for 12/13 is 1774, 48 below the previous year.

5.2 An analysis of the overall percentage of lettings to each band shows the following:

	Percentage of lets 11/12	Percentage of lets Apr-Dec12
Band 1	11.4%	20.1%
Band 2	25.2%	25.7%
Band 3	37.3%	32.9%
Band 4	7.7%	1.7%
Special lets*	18.4%	19.5%

(*Note - special lets include, sheltered lets, disabled units and temporary to permanent tenancy sign ups)

The increase in lets to band 1 and 2 is in line with the policy objective to ensure more properties go to households in the highest priority bands. Lets to band 4

(prior to the new Allocation Policy implementation of 29th October '12) were all in the bedsit and one bed category and 5 properties that either did not receive bids from the higher bands or were refused by those in the higher bands.

- 5.4 In 2012/13 five priorities were set from all the categories in the 4 bands. These priorities were where we decided to target a number of allocations in order to ensure a minimum level of rehousing from these groups. The remainder of allocations went to the other categories within the banding scheme.
- 5.5 Overall it is projected the letting plan for 2012/13 will perform broadly to target. Decants are the main area performing below target this is largely due to the allowance made for potential Registered Provider decants that have not been required. The Council's regeneration schemes have been very successful this year.

Scheme	Target number of households to move	Households moved	Households to move by March '13
Heathside & Lethbridge	61	60	1
Excalibur	15	15	3
Milford Towers	160	140	20

- 5.6 An analysis of waiting times for lettings broken down by the various categories of need is shown at Appendix 4 and 5. The shortest waiting time in 11/12 was in band 1 at 3.6 weeks and in the current year also in band 1 at 2.4 weeks. So far in 12/13 the overall average wait for 1 bed needs across all bands is 107 weeks and for 4 or more bedrooms is 285 weeks. This analysis also provides a framework for advice to housing applicants; the average wait for each category of applicant for different bedroom requirements representing a guide to future rehousing prospects.

6 Proposed Plan for 2012/13

- 6.1 The current housing register has 7,593 households. One bed or bedsit need represents 21.8% (1653) of all those registered. 12.4% (939) households registered require four or more bedrooms, which is a concern given the small number of available lettings in this bedroom size and the future difficulties with developing new build properties of this size.
- 6.2 There are 567 households registered in band 1 as under occupiers and this is likely to increase once the bedroom tax in April '13 sets in. Increasing the number of lettings to this group in order to release larger homes remains a key priority for 2012/13.
- 6.3 There are currently 117 cases registered with a decant need. The number of decants needing rehousing next year is lower than last year but still requires a high percentage of lettings to account for future phases on several of the council's major regeneration schemes on Excalibur, Heathside & Lethbridge and Milford Towers. The Lettings Plan targets in the proposed plan for the coming year reflect the decant need expected next year.

Additionally, there is a hostel capital decant programme of 68 units across 7 hostels, 23 require decant by February '13 and the remainder 45 by May '13.

- 6.4 There is also a continuing need to decant single vulnerable households from a number of supported housing schemes in 12/13 as a number of services are decommissioned as a result of not getting on the supporting people framework. The need to ensure schemes are not silted up also makes this a continuing priority particularly given the challenges of the welfare benefit changes in moving younger single households into the private rented sector if they require self-contained homes. Currently 123 households are registered as supported housing move on.
- 6.5 There are 476 serious overcrowded cases registered that lack 2 or more bedrooms a slight increase despite having moved 113 severely overcrowded households to date. Targets will continue to be set for this group in 13/14 as it remains a priority area.
- 6.6 There were 1,168 households in temporary accommodation at the end of December 2012 again an increase from last year of 13.02% (1,032 households). It is proposed to retain targets for this group given the real pressures on homelessness as a result of the economic downturn, the market for private renting and the welfare benefit changes. The council has not yet made a decision to discharge the homeless duty into the private rented sector in 2013, a cautious approach is being taken given the difficulties with procuring private rented accommodation currently and the possibility of increased homeless approaches and acceptances.

The Lettings Plan proposed is set out at Appendix 1. It projects a decrease in the overall supply of accommodation taking into account an expected reduction in re-lets, assumed at 13% for 12/13 based on calculating reduction over the past 3 years. New build completions are projected to perform at a slightly lower level – 4.3% than 2012/13.

- 6.7 Five priority areas (in no priority order, below) have been identified for the plan:
- Decants – based on projected need from schemes due to go on site imminently, in order to ensure schemes start on time and the council maximises the benefit from funding secured for current regeneration schemes
 - Under-occupation – a national priority, there are a high number of under occupiers registered. Targeting allocations to this group will work in conjunction with further discussion with Registered Housing Providers to identify other ways to reduce the levels of under-occupation in social housing stock.
 - Severe overcrowding (2 bedrooms or more) – a key local and national priority
 - Move-on from supported housing schemes – to cater for the need to decant a number of supported schemes, moving vulnerable households into independent homes and to free up supported housing bed spaces for those with support needs waiting for accommodation
 - Homeless households in temporary accommodation – in order to sustain the numbers in temporary accommodation at a manageable level and ensure that possible pressures from homeless demand as a result of the welfare benefit changes being introduced are contained
- 6.8 The retention of these 5 priorities reflects a continuing need to focus on these groups and ensure rehousing in these areas is supported. The remaining let's not targeted to these groups have been spread across bands 1-3 to ensure that we maximise rehousing opportunities to those in the highest need. Groups in bands 1-3 who will benefit from the remaining lets include emergency cases, for example we

agreed to move as a result of violence, care leavers, homeless prevention, medical needs and households who are one bedroom overcrowded.

- 6.9 The introduction of a detailed Lettings Plan, targeting a range of priorities in each band is a more proactive and focused way of addressing lettings priorities. It is however, administratively intensive and requires ongoing monitoring of performance against targets in order to ensure that targets within the plan are reached. It is proposed to formally review progress against the lettings plan targets at six months.

7 Financial Implications

- 7.1 There are no direct financial implications associated with the proposed changes to the Lettings Plan. There are significant costs associated with housing generally, including managing the allocations service, managing the provision of council housing and providing services to those experiencing homelessness. All of these are affected over time by the demand for housing. However, the lettings is merely the means by which that demand is allocated to existing properties, and so changes to it do not have direct financial implications.
- 7.2 As referred to in paragraph 4.5, Council regeneration schemes are currently performing successfully. It is worth noting, however, that the Council's financial plans in respect of these schemes are dependent on the timely and effective operation of decant programmes and any delays in such programmes would have a negative impact on those plans.

8 Legal and Human Rights Implications

- 8.1 Section 159(1) of the Housing Act 1996 requires a local authority to comply with Part 6 of the Act (sections 159 to 174) in allocating housing accommodation. Section 159(7) provides that "subject to the provisions of this Part, a local housing authority may allocate housing accommodation in such manner as they consider appropriate." Section 169 provides that, when exercising their functions under Part 6 of the 1996 Act, as amended by the 2002 Homelessness Act, local housing authorities "shall have regard to such guidance as may ...be given by the Secretary of State" when carrying out their role in allocating social housing.
- 8.2 In compliance with section 167,(1) (of the 1996 Act,) Lewisham Housing Authority has an Allocations Policy, "... for determining priorities,..." which sets out the procedure to be followed when allocating housing accommodation.
- 8.3 The 'Allocation of accommodation; guidance for local housing authorities in England' was published on 29th June 2012. It replaces all previous guidance on social housing allocations. It expressly aims to assist local housing authorities to take advantage of the provisions within the Localism Act 2011. It also encourages authorities to make use of the existing flexibilities within the allocation legislation to ensure that social homes are allocated to people who are deemed to need and deserve them the most, such as "hard working" families and members of the Armed Forces.
- 8.4 The Localism Act 2011 received royal assent on 15th November 2011. The Localism Act 2011 introduces a number of significant amendments to Part 6 of the 1996 Act. Of particular relevance here are the following provisions: Section 160ZA replaces s.160A in relation to allocations by housing authorities. Social housing

may only be allocated to ‘qualifying persons’ and housing authorities are given the power to determine what classes of persons are or are not qualified to be allocated Housing (s.160ZA(6) and (7)).

- 8.5 Section 166A requires housing authorities in England to allocate accommodation in accordance with a scheme which must be framed to ensure that certain categories of applicants are given reasonable preference for an allocation of social housing. Section 166A(9) includes a new requirement for an allocation scheme to give a right to review a decision on qualification in s.160AZ(9), and to inform such affected persons of the decision on the review and the grounds for it. This is in addition to the existing right to review a decision on eligibility.
- 8.6 Section 166A(12) provides that housing authorities must have regard to both their homelessness and tenancy strategies when framing their allocation scheme. The requirement for an allocation scheme to contain a statement of the authority’s policy on offering a choice of accommodation or the opportunity to express preferences about their accommodation is retained. (s.166A(2)). However, the requirement to provide a copy of this statement to people to whom they owe a homelessness duty (under s.193(3A) or s.195(3A) of the 1996 Act) is repealed by s.148(2) and s.149(3) of the Localism Act 2011. This is because, following the changes to the main homelessness duty made by the Localism Act 2011, there can no longer be a presumption that the homelessness duty will be brought to an end in most cases with an allocation under Part 6.
- 8.7 The European Convention on Human Rights states in Article 8 that “Everyone has the right to respect for his private and family life, his home and correspondence”. The Human Rights Act 1998 incorporates the Convention. Whilst it does not, however, necessarily mean that everyone has an immediate *right* to a home, (because Article 8 is a “qualified” right and therefore is capable in certain circumstances, of being lawfully and legitimately interfered with,) the provision by an Authority of a relevant proactive Allocations Policy and Lettings Plan does assist to reinforce the Article 8 principles.
- 8.8 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.9 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 8.10 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.11 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.12 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.13 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

9 Crime and Disorder Implications

9.1 The allocations scheme recognises the importance of housing in responding to the needs of victims of crime who can be awarded emergency priority where their life is in danger and their case is supported by the police. These include applicants under the witness protection programme. Furthermore, the scheme contributes to reducing offending and awards priority for offenders (dependent upon the nature of their offence), imprisoned for over 13 weeks who relinquish their existing social tenancy.

10 Equalities Implications

10.1 An assessment of the equalities issues arising from the Lettings Plan has been carried out in order to comply with the council’s duties under the Equalities Act 2010.

10.2 The lettings plan priorities have generally positive impacts, covered in point 5 above and reflect the need to focus targets on key local and national priorities around

housing need. The allocation of targets to each band ensures that all groups with priority under the allocations scheme receive a percentage of lettings.

- 10.3 Applicants who join the housing register are asked to complete monitoring in relation to their gender, age, ethnicity, disability, sexual orientation and religion or belief. Appendix 7 and 8 show the ethnic profile of lettings by bedroom size for 2011/12 and 2012/13 so far.
- 10.4 The lettings outturn for different ethnic groups showed a similar profile to previous periods and there were no significant increases or reduction across groups. The number of households not disclosing their ethnicity remains. When implementing the new Allocation Policy in October '12 we also introduced a new housing application with an updated ethnic monitoring form which will help us improve the data we capture.

11 Environmental Implications

- 11.1 There are no environmental implications.

12 Conclusion

- 12.1 It is proposed that the outcomes data and proposed lettings targets for the coming year are noted.

13 Background documents and originator

- 13.1 There are background documents to this report showing the housing register analysis and another document the equalities issues associated with the plan.
- 13.2 If you require more information on this report please contact Genevieve Macklin, Head of Strategic Housing on 0208 314 6057.

Appendix 1 – Draft Lettings Plan 2013/14

Band and Priority Reason	Bed Size Need					
	Bedsit	1 bed	2 bed	3 bed	4+ bed	Total
Band 1						
Decants	0	67	30	30	8	135
Under Occupiers	0	58	76	15	0	149
All other band 1	0	30	65	22	10	127
Total band 1	0	155	171	67	18	411
Band 2						
Supported housing move-on	53	102	0	0	0	155
Serious Overcrowding	0	0	55	73	15	143
All other band 2	1	35	40	45	10	131
Total band 2	54	137	95	118	25	429
Band 3						
Homeless in temporary accommodation	15	60	180	60	25	340
All other band 3	4	10	18	10	1	43
Total band 3	19	70	198	70	26	383
Total general lets	73	362	464	255	69	1223
Temp to perm sign-up	0	1	108	17	0	126
Sheltered						
Under occupiers	0	15	0	0	0	15
Medical High	0	5	0	0	0	5
General sheltered need	10	60	0	0	0	70
Disabled adapted						
Decants	0	2	2	0	0	4
Medical High	0	5	6	6	0	17
General disabled need	0	2	0	2	0	4
Total special lets	10	90	116	25	0	241
Contribution to pan-London Mobility	7	23	14	7	0	51
Overall total lets	90	475	594	287	69	1515

Appendix 2 - Total Lettings – 2011/12

Band and Priority Reason	Bed Size Need					
	Studio	1 bed	2 bed	3 bed	4+ bed	Total
Band 1						
Decants	0	24	20	16	2	62
Under occupiers	0	23	27	4	0	54
All other band 1	1	49	22	9	10	91
Total band 1	1	96	69	29	12	207
Band 2						
Supported housing move-on	22	124	0	0	0	146
Serious overcrowding	0	0	34	89	27	150
All other band 2		30	98	33	2	163
Total band 2	22	154	132	122	29	459
Band 3						
Homeless in temporary accommodation	6	56	171	52	13	298
All other band 3	35	171	98	77	0	381
Total band 3	41	227	269	129	13	679
Total general lets*	116	561	471	284	54	1486
Temp to perm (2010) sign-up						
Sheltered	1	6	138	50	5	200
Under occupiers	0	10	1	0	0	11
Medical High	0	6	0	0	0	6
General sheltered need	13	67	0	0	0	80
Disabled adapted						
Decants	0	0	0	1	0	1
Medical High	0	4	7	7	0	18
General disabled need	0	13	3	3	1	20
Total special lets	14	106	149	61	6	336
Overall total lets	130	667	620	345	60	1822

Appendix 3 – Total Lettings April 2012 – December 2012

Band and Priority reason											
	Bedsit	1 bed	2 bed	3 bed	4+ bed	Total	%age of all lets	%age general let	Target %age of all lets	Target %age general let	Target for No. lets available
Band 1											
Decants	2	104	42	13	3	164	12.4%	15.4%	15.8	19.1	263
Under occupiers	0	24	23	3	0	50	3.8%	4.7%	5.7	6.9	95
All other band 1	0	32	12	4	3	51	3.9%	4.8%	10	12	166
Total band 1	2	160	77	20	6	265	20.1%	25.0%	31.5	38	524
Band 2											
Supported housing move on	17	72	1	0	0	90	6.8%	8.5%	9.3	11.2	155
Serious overcrowding	0	0	23	60	30	113	8.6%	10.6%	8.8	10.5	146
All other band 2	0	16	95	23	2	136	10.3%	12.8%	9.2	11.1	153
Total band 2	17	88	119	83	32	339	25.7%	31.9%	27.3	32.9	454
Band 3											
Homeless in temporary accommodation	3	31	175	23	8	240	18.2%	22.6%	21.1	25.4	351
All other band 3	10	75	46	64	0	195	14.8%	18.4%	3.06	3.7	51
Total band 3	13	106	221	87	8	435	32.9%	41.0%	24.1	29.1	402
Band 4											

All other band 4	11	10	2	0	0	23	1.7%	2.2%	0%	0%	0
Total band 4	11	10	2	0	0	23	1.7%	2.2%	0%	0%	0
Total general lets*	43	364	419	190	46	1062	80.4%	100.0%	82.8	100	1380
							%age of all lets	%age special lets	%age of all lets	%age special lets	
Temp to perm (2010) sign up	0	10	111	20	10	151	11.4%	58.8%	7.6	53.6	126
Sheltered											
Under occupiers	1	9	1	0	0	11	0.8%	4.3%	0.3	2.1	5
Medical High	0	4	0	0	0	4	0.3%	1.6%	0.3	2.1	5
General sheltered need	7	28	0	0	0	35	2.6%	13.6%	4.4	31.6	74
Disabled adapted											
Decants	0	6	2	0	0	8	0.6%	3.1%	0.2	1.7	4
Medical High	0	5	7	2	2	16	1.2%	6.2%	1.02	7.2	17
General disabled need	0	9	17	3	3	32	2.4%	12.5%	0.2	1.7	4
Total special lets**	8	71	138	25	15	257	19.5%	100.0%	14.1	100	235
Contribution to Pan London Mobility	0	0	2	0	0	2	0.2%		3.1		51
Overall total	51	435	559	215	61	1321	100.0%				1666

lets**

Appendix 4 - Average waiting times based on lettings outcomes (weeks) 2011/12

Average waiting times based on lettings outcomes (weeks) 2011/12

Band and Priority Reason	Studio	1 bed	2 bed	3 bed	4+ bed	All
Band 1						
Decant		75.3	98.6	83.1	78.3	84.9
Emergency		6.0	19.3	39.3	90.1	38.0
Exceptional Homeless		3.6	129.7		178.3	134.3
Exceptional Medical		16.7				16.7
Leaving Care	202.9	113.1	90.2			112.5
No Long Req Spe Unit		104.9				104.9
Retiring LBL Tnt Emp		24.6				24.6
Success Too Large Pr		31.2		205.7		89.4
Un Occ High Demand		206.7	245.3	223.3		226.8
Total Band 1	202.9	115.5	151.9	98.9	117.5	125.6
Band 2						
Homeless Prevention		14.9	21.8	94.7		27.9
Medical High		65.8	106.2	112.9	296.8	107.5
Overcrowded by 2 bed or more			79.9	80.5	339.5	125.0
Supported Housing Move On	22.8	20.6		19.4		20.9
Total Band 2	22.8	24.8	48.1	87.2	335.1	67.3
Band 3						
Medical Low	41.9	100.8	214.1	299.7		119.5
Overcrowded By 1 Bed	84.8	96.0	241.2	301.6		202.1
Priority Homeless	70.9	72.0	147.0	122.9	239.2	130.9
Welfare		26.4				26.4
Total Band 3	57.7	91.5	179.1	229.7	239.2	153.5
Band 4						
No Rehousing Reason	220.8	348.0	349.3	355.6		302.3
Total Band 3	220.8	348.0	349.3	355.6		302.3
Total General Lets	123.7	116.7	138.5	156.9	263.6	137.1
Special Lets						
Disabled		191.7	136.9	113.9	287.1	157.6
Sheltered	27.9	73.9	951.1			76.7
Total Special Lets	27.9	93.5	204.8	113.9	287.1	100.0
Overall total lets	114.2	113.1	140.1	155.4	264.1	134.0

Appendix 5 - Average waiting times based on lettings outcomes (weeks) – April 12 – Dec 12

Average waiting times based on lettings outcomes (weeks) April - Dec 2012

Band and Priority Reason	Studio	1 bed	2 bed	3 bed	4+ bed	All
Band 1						
Decant	82.9	70.8	74.2	70.0	39.5	71.4
Emergency		12.4	22.2	90.0	337.9	68.5
Exceptional Homeless				241.7	132.7	187.2
Exceptional Medical			2.4			2.4
Leaving Care		106.0	92.5			104.8
Priority Homeless			92.2	137.4		107.3
Starred decant priority			7.9		3.1	5.5
Un Occ High Demand		413.4	310.3	24.5		340.3
Unauthorised Occupant		15.4				15.4
Total band 1	82.9	124.8	137.8	78.2	110.5	124.4
Band 2						
Homeless Prevention		10.9	14.9	30.5		15.3
Medical High		50.8	54.3	93.0	458.0	88.4
Overcrowded by 2 bed or more			58.5	75.4	322.6	127.9
Supported Housing Move On	8.5	13.5	11.4			12.5
Total band 2	8.5	17.8	28.5	77.7	333.0	62.1
Band 3						
Medical Low	40.2	119.7	246.3	250.5		143.4
Overcrowded By 1 Bed	93.9	132.8	243.4	327.8		254.1
Priority Homeless	24.6	50.7	95.4	75.3	284.9	93.3
Welfare	66.3	49.3				53.5
Total band 3	58.3	100.3	126.6	254.2	284.9	147.8
Band 4						
No Rehousing Reason	286.5	209.5	173.9			243.2
Total band 4	286.5	209.5	173.9			243.2
Total General Lets	98.1	94.5	101.9	160.9	294.6	117.5
Special Lets						
Disabled		86.5	202.8	92.6	210.9	151.0
Sheltered	357.1	217.4	813.0			248.2
Total Special Lets	357.1	174.4	225.4	92.6	210.9	196.9
Grand Total	134.4	106.6	109.9	159.2	285.1	125.1

Appendix 6

Overview of Preferential Lets to AF/FT properties

	Preference Adverts	Studio	1 Bed	2 Bed	3 Bed	Total Lets to Rehousing Reason
	Decant					
Rehousing Reason	Decant		6	1		7
	Emergency		1	1		2
	Homeless Prevention		2	4		6
	Leaving Care		5			5
	Medical High			1		1
	Medical Low		2	1		3
	Overcrowded By 1 Bed		3	2		5
	Overcrowded by 2 bed or more				4	4
	Supported Housing Move On		7			7
	Un Occ High Demand		2	1		3
	Total Decant Adverts		28	15		43
	Disabled					
	Exceptional Medical				1	1
	Homeless Prevention		1			1
	Medical Low				1	1
	Overcrowded By 1 Bed				1	1
	Un Occ High Demand				1	1
	Total Disabled Adverts		1	3	1	5
	Overcrowded by 2 bed or more					
	Homeless Prevention				1	1
	Overcrowded by 2 bed or more					2
	Total Overcrowded 2 bed Adverts				1	2
	Priority Homeless	3	8	26	5	42
	Decant			1		1
	Homeless Prevention				1	1
	Medical Low			1		1
	Overcrowded By 1 Bed			1	2	2
	Priority Homeless	1	5	23	3	32
	No Rehousing Reason	2				2
	Total Priority Homeless Adverts					
Supported Housing Move On						
Decant	1	1			2	
Medical High		2			2	
Medical Low		2			2	
Overcrowded By 1 Bed		2			2	
Supported Housing Move On	3	10			13	

Un Occ High Demand		1			1
Welfare		1			1
Total Supported Housing Adverts	4	19			23
Un Occ High Demand					
Homeless Prevention		1	3		4
Leaving Care		3			3
Medical Low		1			1
Overcrowded By 1 Bed		1			1
Overcrowded by 2 bed or more			1		1
Priority Homeless			1		1
Un Occ High Demand		1	1		2
Total Un Occ Adverts		7	6		13
No Preference					
Decant		3	1		4
Emergency			1		1
Homeless Prevention			15		15
Leaving Care		1			1
Medical High		1			1
Medical Low	1	1	3	1	6
Oob Employment Conn	1				1
Overcrowded By 1 Bed	1	4	6	1	12
Overcrowded by 2 bed or more			2	1	3
Priority Homeless			1		1
Supported Housing Move On	1	2			3
Un Occ High Demand		4			4
No Rehousing Reason	2	1			3
Total No Preference Adverts	6	17	29	3	55
Total or all Adverts	13	80	80	11	184

Appendix 7 - Ethnicity Monitoring of Lettings 2011/12

Ethnic monitoring of lettings 2011/12

	Studio		1 beds		2 beds		3 beds		4+ beds		All Lettings	
	No.	%age	No.	%age	No.	%age	No.	%age	No.	%age	No.	%age
BANGLADESHI	0	0.00%	1	0.06%	1	0.06%	0	0.00%	0	0.00%	2	0.12%
BLACK AFRICAN	13	0.79%	88	5.35%	64	3.89%	55	3.34%	7	0.43%	227	13.79%
BLACK CARIBBEAN	24	1.46%	133	8.08%	87	5.29%	54	3.28%	3	0.18%	301	18.29%
BLACK OTHER	4	0.24%	22	1.34%	12	0.73%	11	0.67%	1	0.06%	50	3.04%
BRITISH IRISH	1	0.06%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.06%
CHINESE	0	0.00%	7	0.43%	3	0.18%	5	0.30%	0	0.00%	15	0.91%
CHINESE OTHER	0	0.00%	2	0.12%	0	0.00%	0	0.00%	0	0.00%	2	0.12%
CZECH REPUBLIC	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.06%	1	0.06%
ENGLISH	0	0.00%	2	0.12%	0	0.00%	1	0.06%	0	0.00%	3	0.18%
INDIAN	1	0.06%	3	0.18%	1	0.06%	2	0.12%	2	0.12%	9	0.55%
IRISH	0	0.00%	0	0.00%	1	0.06%	0	0.00%	0	0.00%	1	0.06%
LATVIA	1	0.06%	1	0.06%	0	0.00%	0	0.00%	0	0.00%	2	0.12%
LITHUANIA	0	0.00%	2	0.12%	0	0.00%	0	0.00%	0	0.00%	2	0.12%
NORTHERN IRISH	0	0.00%	1	0.06%	0	0.00%	0	0.00%	0	0.00%	1	0.06%
NOT DISCLOSED	50	3.04%	208	12.64%	176	10.69%	95	5.77%	31	1.88%	560	34.02%
OTHER	6	0.36%	15	0.91%	13	0.79%	13	0.79%	4	0.24%	51	3.10%
OTHER ASIAN BACKGRND	0	0.00%	9	0.55%	3	0.18%	6	0.36%	1	0.06%	19	1.15%
OTHER EEA NATIONAL	1	0.06%	0	0.00%	1	0.06%	0	0.00%	0	0.00%	2	0.12%
OTHER MIXED	0	0.00%	4	0.24%	2	0.12%	1	0.06%	0	0.00%	7	0.43%
PAKISTANI	1	0.06%	1	0.06%	0	0.00%	1	0.06%	1	0.06%	4	0.24%
POLAND	0	0.00%	1	0.06%	1	0.06%	1	0.06%	0	0.00%	3	0.18%
TURKISH	0	0.00%	2	0.12%	1	0.06%	2	0.12%	0	0.00%	5	0.30%
TURKISH CYPRIOT	0	0.00%	2	0.12%	3	0.18%	0	0.00%	0	0.00%	5	0.30%
VIETNAMESE	0	0.00%	2	0.12%	5	0.30%	2	0.12%	1	0.06%	10	0.61%
WELSH	0	0.00%	1	0.06%		0.00%	0	0.00%	0	0.00%	1	0.06%
WHITE	6	0.36%	20	1.22%	22	1.34%	12	0.73%	1	0.06%	61	3.71%

WHITE & ASIAN	0	0.00%	2	0.12%	2	0.12%	0	0.00%	0	0.00%	4	0.24%
WHITE BRITISH	15	0.91%	110	6.68%	63	3.83%	22	1.34%	2	0.12%	212	12.88%
WHITE IRISH	1	0.06%	1	0.06%	1	0.06%	2	0.12%	0	0.00%	5	0.30%
WHITE OTHER BACKGRND	2	0.12%	10	0.61%	14	0.85%	9	0.55%	0	0.00%	35	2.13%
WHITE&BLACK AFRICAN	1	0.06%	5	0.30%	2	0.12%	1	0.06%	0	0.00%	9	0.55%
WHITE&BLACK CARIBBEAN	4	0.24%	14	0.85%	10	0.61%	6	0.36%	0	0.00%	34	2.07%
WHITE&OTHER BACKGRND	0	0.00%	1	0.06%	1	0.06%	0	0.00%	0	0.00%	2	0.12%
Total of Ethnic Origin	131	7.96%	670	40.70%	489	29.71%	301	18.29%	55	3.34%	1646	100.00%

Appendix 8 - Ethnicity Monitoring of Lettings April 2012 - Dec 2012

Ethnic monitoring of lettings Apr - Dec 2012

	Studio		1 beds		2 beds		3 beds		4+ beds		All Lettings	
	No.	%age	No.	%age	No.	%age	No.	%age	No.	%age	No.	%age
BANGLADESHI	0	0.00%	2	0.18%	2	0.18%	0	0.00%	0	0.00%	4	0.35%
BLACK AFRICAN	5	0.44%	51	4.50%	48	4.24%	38	3.35%	11	0.97%	153	13.50%
BLACK CARIBBEAN	4	0.35%	62	5.47%	77	6.80%	24	2.12%	2	0.18%	169	14.92%
BLACK OTHER	1	0.09%	7	0.62%	18	1.59%	5	0.44%	4	0.35%	35	3.09%
CHINESE	1	0.09%	5	0.44%	4	0.35%	1	0.09%	0	0.00%	11	0.97%
CHINESE OTHER	0	0.00%	0	0.00%	0	0.00%	1	0.09%	0	0.00%	1	0.09%
INDIAN	0	0.00%	0	0.00%	1	0.09%	1	0.09%	0	0.00%	2	0.18%
IRISH	0	0.00%	0	0.00%	0	0.00%	1	0.09%	0	0.00%	1	0.09%
LITHUANIA	0	0.00%	0	0.00%	1	0.09%	0	0.00%	0	0.00%	1	0.09%
NOT DISCLOSED	25	2.21%	199	17.56%	139	12.27%	73	6.44%	15	1.32%	451	39.81%
OTHER	2	0.18%	4	0.35%	10	0.88%	7	0.62%	2	0.18%	25	2.21%
OTHER ASIAN BACKGRND	1	0.09%	5	0.44%	2	0.18%	4	0.35%	0	0.00%	12	1.06%
OTHER MIXED	0	0.00%	1	0.09%	2	0.18%	1	0.09%	0	0.00%	4	0.35%
PAKISTANI	0	0.00%	1	0.09%	1	0.09%	0	0.00%	0	0.00%	2	0.18%
POLAND	0	0.00%	1	0.09%	0	0.00%	0	0.00%	1	0.09%	2	0.18%
SCOTTISH	0	0.00%	1	0.09%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
TURKISH	0	0.00%	0	0.00%	1	0.09%	1	0.09%	0	0.00%	2	0.18%
TURKISH CYPRIOT	0	0.00%	0	0.00%	1	0.09%	1	0.09%	0	0.00%	2	0.18%
VIETNAMESE	0	0.00%	2	0.18%	4	0.35%	1	0.09%	1	0.09%	8	0.71%
WHITE	0	0.00%	1	0.09%	4	0.35%	6	0.53%	1	0.09%	12	1.06%

WHITE & ASIAN	0	0.00%	1	0.09%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
WHITE BRITISH	10	0.88%	62	5.47%	71	6.27%	20	1.77%	6	0.53%	169	14.92%
WHITE IRISH	0	0.00%	5	0.44%	2	0.18%	0	0.00%	0	0.00%	7	0.62%
WHITE OTHER BACKGRND	0	0.00%	6	0.53%	14	1.24%	6	0.53%	1	0.09%	27	2.38%
WHITE&BLACK AFRICAN	0	0.00%	1	0.09%	3	0.26%	3	0.26%	0	0.00%	7	0.62%
WHITE&BLACK CARIBBEAN	1	0.09%	7	0.62%	12	1.06%	1	0.09%	0	0.00%	21	1.85%
WHITE&OTHER BACKGRND	0	0.00%	1	0.09%	1	0.09%	1	0.09%	0	0.00%	3	0.26%
Total of Ethnic Origin	50	4.41%	425	37.51 %	418	36.89 %	196	17.30 %	44	3.88%	1133	100.00 %

Agenda Item 6

Executive decision required by	Housing Select Committee		
Report Title	Cash Incentive Scheme (CIS) 2013/14		
Key Decision	Yes		
Wards	All	Item No.	6
Contributors	Executive Director, Customer Services		
Class	Open	Date	6 th March 2013

1. Summary and Purpose of this report

- 1.1 This report sets out the proposed changes to the Cash Incentive Scheme grant allowance for 2013/14. The changes to the scheme are proposed in order to assist Lewisham Council tenants to buy a property of their own on the open market.

The proposals will focus on making the scheme a more attractive product particularly in light of the increase in Right to Buy (RTB) incentives. The 2013/14 budget would be used to support the introduction of a revised scheme. This report seeks approval for the Cash Incentive Scheme (CIS) for 2013/14.

- 1.2 This report also presents information regarding CIS moves and RTB moves in the first three quarters of 2012/13 (to the end of December 2012). It also shows the current demand position for both schemes.

2. Policy Context

- 2.1 The aim of this report links to Lewisham's Sustainable Community Strategy 2008-2020 which contains the shared priorities for the borough. It sets out a framework for improving the quality of life and life chances for all who live in the borough. This approach works towards meeting the 'Clean, green and liveable' priority to enable people to live in high quality housing and care for and enjoy their environment.

3. Recommendations

The Members are recommended to:

- 3.1 Note the proposed changes to grants provided through the Cash Incentive Scheme.

4. Background

- 4.1 The Cash Incentive Scheme can help Lewisham council tenants who are just short of the money they need to buy a home in the private sector. If an application is successful, a cash grant is available to help buy a property on the open market anywhere in the United Kingdom. By helping Council tenants become homeowners their empty Council home will be let to a family in priority housing need. There is no restriction on what type of property the tenant will be releasing.

- 4.2 The grant must be used to purchase a property and the payment of the grant is made on the date that the purchase is completed. The grant cannot be used to buy:

- a mobile home or houseboat
- a property sold at auction
- a business or part business property
- the applicant's current Council property under the RTB scheme

- a property abroad

4.3 The Cash Incentive grant cannot be combined with Homebuy, Shared Ownership or any similar scheme. The grant cannot buy into an existing mortgage.

4.4 History of Cash Incentive Scheme Completed Moves:

- 08/09 8
- 09/10 12
- 10/11 16
- 11/12 10
- 12/13 1 to date

4.5 At present the level of the grant depends on:

- the type and size of a property
- whether the property purchased is in the London Borough of Lewisham
- the length of time the occupant has been a public sector tenant

Type of property returning to the Council	Buying within the Lewisham borough	Buying outside the Lewisham borough	Fast mover bonus*
4 bed (or larger) ground floor flats and houses	£29,000	£27,000	£1,000
3 bed ground floor flats and houses	£25,000	£23,000	£1,000
2 bed ground floor flats and houses	£22,000	£20,000	£1,000
3 bed (1st, 2nd, 3rd floor) with lift	£20,000	£18,000	£1,000
2 bed (1st, 2nd, 3rd floor) with lift	£19,000	£17,000	£1,000
2 and 3 bed other	£16,000	£15,000	£1,000
1 bedroom	£14,000	£12,000	£1,000

* *Fast Mover bonus* – If an application is successful and the applicant moves within 4 months of the application being accepted they are eligible for this bonus.

3.6 There are currently 5 approved applications on the CIS register, all of which have been rolled over from last year.

3.7 7 approved applications withdrew as they have been unable to secure a mortgage.

3.8 The CIS grant allowance has not changed since the inception of the scheme despite the economic changes and subsequent difficulties in households obtaining mortgages.

3.9 The CIS has an annual budget of £200,000. The scheme has been permitted to roll forward unspent balances from previous years which means that the scheme currently has £565,869 available to spend in 2013/14.

3.10 The introduction in April 2012 of the revised Right to Buy Scheme saw some major policy changes including the maximum discount allowed increased from £16,000 to £75,000 depending on the type and size of property purchased.

3.11 The RTB scheme gives tenants the opportunity to buy the Council home they currently live in.

3.12 Since the new RTB discount rules were applied Lewisham Homes have received 155 applications (as at 8th January 2013), compared to 58 applications received for the whole of 2011/12 an increase of 167%.

- 3.13 In 2011/12 there were 18 RTB completions, to date there has been 12 completions and 13 cases with Legal that are likely to complete by the 31st March 2013. Of the 12 completions 11 have been for the purchase of flats and 1 for a house.
- 3.14 Despite the increase of the RTB grant there is still a drop in the number of completions from 31.03% in 2011/12 to 16.13% 2012/13 (this is based on the 12 completions and the 13 cases currently with Legal and expected to complete this financial year). This is largely due to rising property prices, high deposits required by mortgage lenders, difficulty getting a low interest mortgage, unable to get a mortgage on the type of property they want the RTB for i.e. high rise and job insecurity.
- 3.15 The advantages of the CIS versus RTB scheme are that the Council retain their housing stock, the CIS applicant can locate anywhere within the UK, meeting their housing need and in an area where they are more likely to secure a mortgage.

4. Proposal and Plan

- 4.1 The proposal is to increase the CIS to approximately 15% of the average market value based on the size of property they are releasing. The amount of grant would no longer depend on whether the property purchased is a house or flat or within the borough or not. An extra £4,000 has been added in addition to the 15% to the 4 bedroom property to reflect that value of this size property to Lewisham compared to a 3 bedroom.
- 4.2 The grant will continue to be used as assistance to bridge the shortfall for a household to buy a property on the open market.
- 4.3 There will be a maximum grant level of £44k, to maximise the number of moves from the available budget. The total number of CIS moves will depend on the size of the properties released.
- 4.5 An average market value has been taken from flats currently for sale - as at 8th January '13 in the SE6 area. (www.zoopla.co.uk)

Property Type	1 bed	2 bed	3 bed	4 bed	5 bed
Flat	£142k	£175k	£197k	£200k	None for sale

- 4.6 Based on the above sample, the proposal is to award a CIS mover the following grant based on the property returning to the Council.

Type of property returning to the Council	Grant for releasing a flat	Additional £5,000 grant if releasing a house
5 bed	£39,000	£44,000
4 bed	£34,000	£39,000
3 bed	£29,000	£34,000
2 bed	£26,000	£31,000
1 bed	£21,000	£26,000

- 4.7 The CIS mover will be liable for all disbursements costs.
- 4.8 There will be planned targeted advertising promoting the scheme.
- 4.9 A new CIS policy and procedure will be drafted.
- 4.10 If necessary, priority will be given to households in the first instance releasing larger properties and secondary priority will be property type, e.g. a 4 bed house will take priority

over a 4 bed flat, but a 4 bed flat will take priority over a 3 bedroom house. The number of bedrooms is what is most valuable to Lewisham.

5. Financial Implications

- 5.1 The CIS has an annual budget of £200,000. The scheme has been permitted to roll forward unspent balances from previous years which means that the scheme currently has £565,869 available to spend in 2013/14.
- 5.2 Increased grant values, without a corresponding increase in budget means that, in the long term, there is the potential to issue less grants. The broadening of the eligibility criteria and the impact of Housing Benefit regulations in respect of under occupation may increase demand. The additional demand will, therefore, need to be managed to ensure the scheme stays within the allocated budget.
- 5.3 The increased grants may result in greater availability of Council housing properties for families with a priority need and may also reduce temporary accommodation costs

6. Legal and Human Rights Implications

- 6.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 6.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
 1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making

3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

6.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7. Crime and Disorder Implications

7.1 There are no crime and disorder implications.

8. Equalities Implications

8.1 The changes being recommended to the Cash Incentive Scheme (CIS) will enable more Lewisham residents living in social housing to buy their own home, either within the borough or elsewhere. This will provide them with more stability and choice in where they live whilst also freeing up valuable social housing for those in need, supporting vulnerable residents currently living in temporary or unsuitable homes to access settled accommodation for themselves and their families.

8.2 This is likely to have a positive equalities impact for the majority of protected characteristic groups within the Equality Act 2010, particularly ethnicity, gender and disability (previous equality analysis assessments have demonstrated that residents on Lewisham's Housing Register, for example, are more likely to be female, from a black/minority ethnic background and to have a disability/life-limiting illness) as well as positive benefits in wider socio-economic terms.

8.3 A full EAA has not been undertaken at this stage as there are no negative equalities impacts anticipated, but officers will collect equalities data from successful and unsuccessful applicants in order to monitor the outcomes of the revised CIS on an ongoing basis, undertaking action to mitigate any adverse effects as required.

9. Environmental Implications

9.1 There are no environmental implications.

10 Conclusion

10.1 In conclusion, the current CIS grants are out of date and no longer fit for the purpose they were intended; to bridge the gap (financial shortfall) and enable Lewisham Council tenants in buying properties on the open market.

11 Background documents and originator

12.1 If you require more information on this report please contact Nina Morris, Lettings & Support Services Manager on 0208 314 6567.

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Housing Select Committee			
Title	Select Committee Work Programme	Item	7
Contributor	Scrutiny Manager		
Class	Part 1	Date	6 March 2013

1 Purpose

- 1.1 To advise the Select Committee of the work programme for the municipal year 2012/13 and ask Members to suggest items for inclusion in next year's annual work programme. The process for setting, monitoring, managing and delivering the work programme is outlined at **Appendix B**.

2 Summary

- 2.1 The Business Panel considered the proposed work programmes of each of the select committees on 22 May 2012 and agreed a co-ordinated overview and scrutiny work programme, avoiding duplication of effort and facilitating the effective conduct of business.
- 2.2 This report provides an update on the work carried out this year and asks members to begin thinking about next year's programme.

3 Recommendations

- 3.1 The Select Committee is asked to:
- note this year's completed work programme attached at **Appendix D** and discuss any issues arising from the programme;
 - consider the draft work programme for 2013/14 attached at **Appendix E** and suggest items for inclusion in next year's programme;
 - note the Council's notice of forthcoming decisions programmed for the next four months, attached at **Appendix F**, and consider any Council business for further scrutiny.
 - agree a draft work programme for 2013/14

4. The 2012/13 work programme

The Committee has completed its 2012/13 work programme (**see Appendix D**) except for the item on "Discharge into the PRS / Out of Borough Procurement" that has been added to the draft work programme for 2013/14 (**See Appendix E**)

5. Next year's work programme

- 5.1 The Committee will have eight meetings in the next municipal year. The dates will be agreed at the Council's annual general meeting on the 20th of March.
- 5.2 It will be up to the Committee to agree a provisional work programme for 2013/14 at its first meeting of the next municipal year. Once regular items and items carried over from the previous year have been included in the work programme (if the Committee is minded to add them); there will be some capacity for adding additional items.
- 5.3 When considering adding additional items, Members are asked to have regard to the available space within the work programme for accommodating new items. The Committee will have eight scheduled meetings in the 2013/14 municipal year and the Committee's work programme will need to be achievable in terms of the amount of meeting time available. It might also be helpful to hold some capacity in reserve for any urgent issues that might arise during the course of the year.
- 5.4 The following suggestions have been put forward by Council officers:
 - Inclusion of a Housing Matters update in May and October
 - The continuation of the Key Housing Issues item
- 5.5 At its meeting on 11 February 2013 the Overview and Scrutiny Committee considered a scoping report, which set out the terms of reference for a review into emergency services in Lewisham. It was agreed that the review would be co-ordinated across all select committees. Members of the O&S Committee considered the proposed terms of reference and they agreed that the review would aim to:
 - clarify the key policy initiatives and financial constraints impacting on emergency services locally
 - identify the local implications for services
 - consider the potential impact of any service changes
- 5.6 As part of the review, the Committee resolved that it would assign the Safer Stronger Communities Select Committee the following work:
 - To clarify the policy initiatives and financial circumstances impacting on the Metropolitan Police Service and the London Fire Brigade;
 - identify the related impact on services and performance locally
 - and to consider the potential impact of any service changes.
- 5.7 The Safer Stronger Communities Select Committee is asked to consider what evidence it might need in order to carry out this review. A brief scoping paper could be provided to the April meeting to support

members in deciding how best to undertake this work, if members felt this would be helpful. The draft programme (**Appendix E**) currently includes space at three meetings for this review.

- 5.8 The Committee might wish to reschedule the items currently proposed within the draft work programme and change the meeting dates to which they are currently assigned. Officers can advise the Committee, at the meeting, of when the items might best be scrutinised in 2013/14, so items can be assigned to the most appropriate meetings.
- 5.9 If the Committee chooses to conduct an in-depth review it is suggested that this is spread over at least four meetings so at least two evidence sessions can be held:
- Meeting one - scoping paper
 - Meetings two and three - evidence sessions
 - Meeting four - consideration of the draft report and recommendations.
- 5.10 It is suggested that, because this is the last year of the administration, in depth reviews are scheduled for the first half of the year

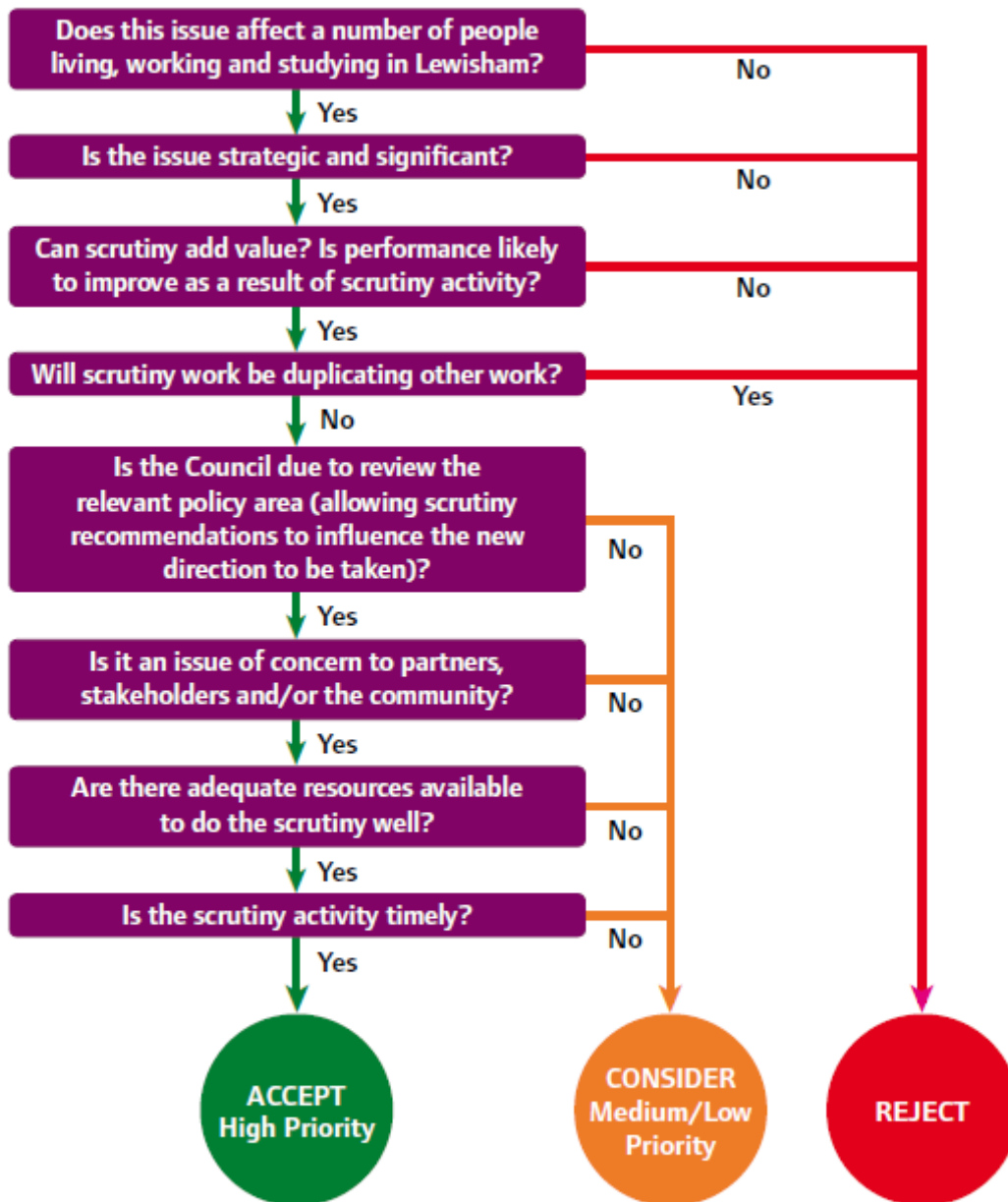
6 Deciding what to add to the provisional work programme.

- 6.1 When deciding on additional items to add to the work programme, the committee should have regard to:
- The criteria for selecting topics (see below – paragraphs 6.2 and 6.3).
 - The capacity for adding items (see above – paragraphs 5.3 and 5.4)
 - The terms of reference for the Committee (**Appendix C**).

Criteria

- 6.2 In order to maximise the potential impact of any recommendations made by the committee, Members may wish to put forward items for the work programme which focus on (a) issues or policy areas where the Council is looking to review or change its approach and where scrutiny recommendations can influence the new direction to be taken; or (b) policy areas where there are performance risks or areas of consistent under-performance (in which case the Council should, in any event, be looking to review its approach).
- 6.3 The Centre for Public Scrutiny (CfPS) has developed a useful set of questions to help committees prioritise items for scrutiny work programmes. This is attached at **Appendix A**. The flow chart below summarises that advice and may help members decide which additional items should be added to the work programme, and their priority:

Scrutiny work programme – prioritisation process



7. Different types of scrutiny

- 7.1 It will be important to agree how each work programme item will be scrutinised. Some items may only require an information report to be presented to the Committee and for others, performance monitoring data to be presented. It is envisaged that the majority of items will take the form of single meeting reviews, where members (a) agree what information and analysis they wish to receive in order to achieve their desired outcomes; (b) receive a report presenting that information and analysis; and (c) agree a series of recommendations following discussion of the report. There will also be space for an in-depth review. For each potential item the Committee should consider (a) what type of scrutiny is required and (b) whether the item is high or medium/low priority (using the flow chart tool if required).
- 7.2 If the Committee would like to designate one of its work programme items as an in-depth review, this should be done at the first meeting of the municipal year to allow sufficient time to carry out the review. A scoping paper for the review will then be prepared for the next meeting.

8. Approving the work programme

- 8.1 In accordance with the Overview and Scrutiny Procedure rules outlined in the Council's Constitution, each scrutiny select committee is required to submit their annual work programme to the Overview and Scrutiny Business Panel. The Business Panel will meet at the start of the next municipal year to consider each select committee's work programme and agree a co-ordinated overview and scrutiny work programme, which avoids duplication of effort and which facilitates the effective conduct of business.

9. How the work programme will be monitored and developed

- 9.1 The work programme is a "living document" and as such will be reviewed at each meeting of the Committee. This allows urgent items to be added to the work programme and items which are no longer a priority to be removed. Each additional item added should first be considered against the criteria outlined above. If the committee agrees to add additional item(s) because they are high priority, it must then consider which medium/low priority item(s) should be removed in order to create sufficient capacity for the new item(s). The Committee will have eight scheduled meetings in the 2013/14 municipal year and the Committee's work programme will need to be achievable in terms of the amount of meeting time available.
- 9.2 At each meeting of the Committee there will be an item on the work programme. When discussing this item, the committee will be asked to consider the items programmed for the following meeting. Members will be asked to outline what information and analysis they would like in

the report for each item, based on the outcomes they would like to achieve, so that officers are clear about what they need to provide.

10. Financial Implications

- 10.1 There may be financial implications arising from some of the items that will be included in the 2013/14 work programme (especially in-depth reviews) and these will need to be considered when preparing those items/scoping those reviews.

11. Legal Implications

- 11.1 In accordance with the Council's Constitution, all scrutiny select committees must devise and submit a work programme to the Business Panel at the start of each municipal year.

12. Equalities Implications

- 12.1 There may be equalities implications arising from items on the work programme and all activities undertaken by the select committee will need to give due consideration to this.

Appendices

Appendix A - CfPS criteria for selecting scrutiny topics

Appendix B - Work Programme Process overview

Appendix C - Select Committee terms of reference

Appendix D – 2012/13 Work Programme

Appendix E – Draft 2013/14 Work Programme

Appendix F – summary of forthcoming business

Appendix A:

Criteria for selecting topics

The Centre for Public Scrutiny (CfPS) has developed a useful set of questions to help committees prioritise items for scrutiny work programmes:

General questions to be asked at the outset

- is there a clear objective for scrutinising this topic – what do we hope to achieve?
- does the topic have a potential impact for one or more section(s) of the population?
- is the issue strategic and significant?
- is there evidence to support the need for scrutiny?
- what are the likely benefits to the council and its customers?
- are you likely to achieve a desired outcome?
- what are the potential risks?
- are there adequate resources available to carry out the scrutiny well?
- is the scrutiny activity timely?

Sources of topics

The CfPS also suggest that ideas for topics might derive from three main sources: the public interest; council priorities; and external factors. These are described below.

Public interest

- issue identified by members through surgeries, casework and other contact with constituents
- user dissatisfaction with service (e.g. complaints)
- market surveys/citizens panels
- issue covered in media

Internal council priority

- Council corporate priority area
- high level of budgetary commitment to the service/policy area (as percentage of total expenditure)
- pattern of budgetary overspend
- poorly performing service (evidence from performance indicators/ benchmarking).

External Factors

- Priority area for central government
- new government guidance or legislation
- issues raised by External Audit Management Letters/External Audit Reports.
- key reports or new evidence provided by external organisations on key issue.

Criteria to reject items

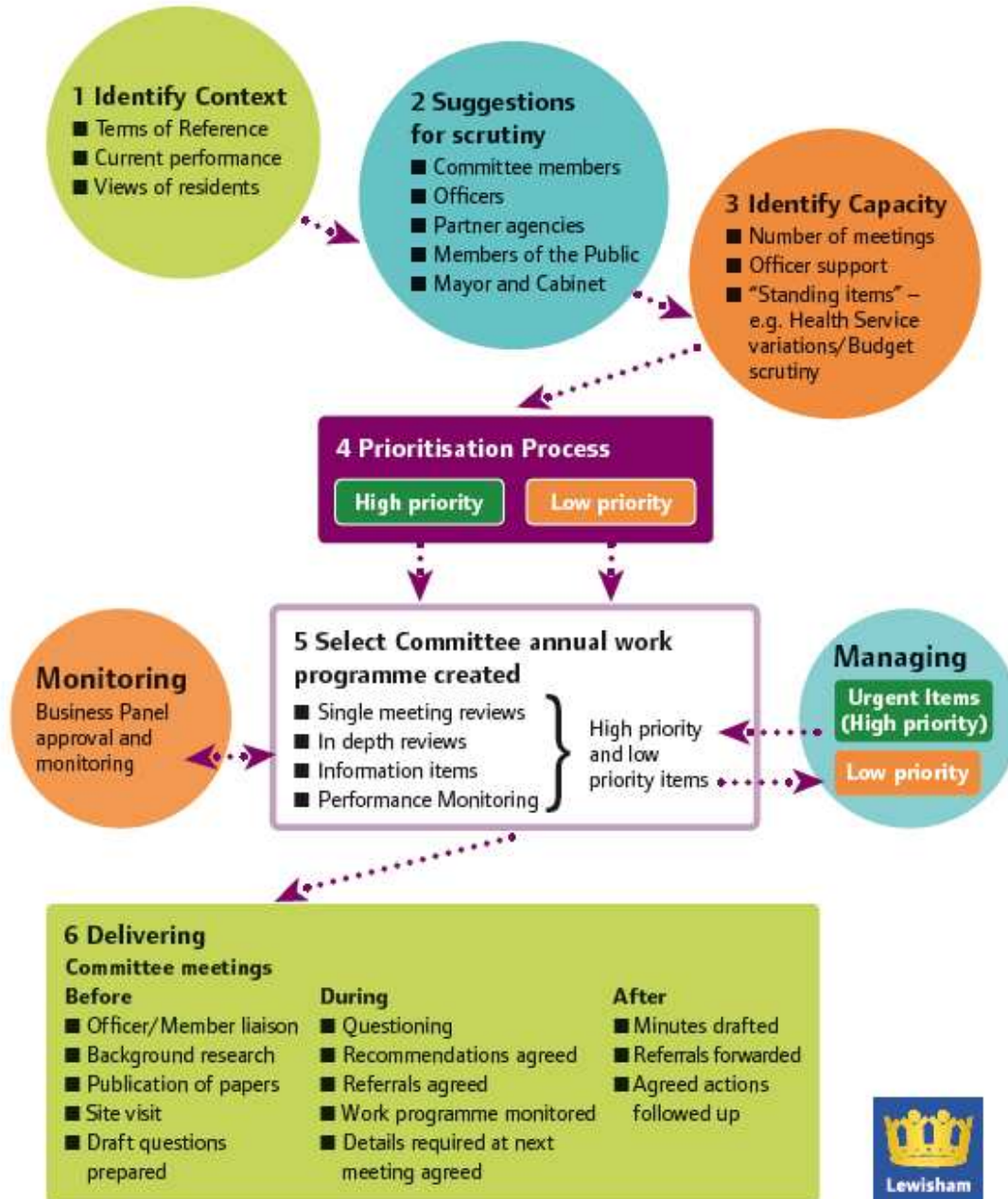
Finally, the CfPS suggest some criteria for rejecting items:

- issue being examined elsewhere - e.g. by the Cabinet, working group, officer group, external body
- issue dealt with less than two years ago
- new legislation or guidance expected within the next year
- no scope for scrutiny to add value/ make a difference
- the objective cannot be achieved in the specified timescale.

Appendix B:

Work Programme: Setting, monitoring, managing and delivering

Setting



Appendix C:

Select Committee Terms of Reference

The following roles are common to all select committees:

(a) *General functions*

- To review and scrutinise decisions made and actions taken in relation to executive and non-executive functions
- To make reports and recommendations to the Council or the executive, arising out of such review and scrutiny in relation to any executive or non-executive function
- To make reports or recommendations to the Council and/or Executive in relation to matters affecting the area or its residents
- The right to require the attendance of members and officers to answer questions includes a right to require a member to attend to answer questions on up and coming decisions

(b) *Policy development*

- To assist the executive in matters of policy development by in depth analysis of strategic policy issues facing the Council for report and/or recommendation to the Executive or Council or committee as appropriate
- To conduct research, community and/or other consultation in the analysis of policy options available to the Council
- To liaise with other public organisations operating in the borough – both national, regional and local, to ensure that the interests of local people are enhanced by collaborative working in policy development wherever possible

(c) *Scrutiny*

- To scrutinise the decisions made by and the performance of the Executive and other committees and Council officers both in relation to individual decisions made and over time
- To scrutinise previous performance of the Council in relation to its policy objectives/performance targets and/or particular service areas
- To question members of the Executive or appropriate committees and executive directors personally about decisions
- To question members of the Executive or appropriate committees and executive directors in relation to previous performance whether generally in comparison with service plans and targets over time or in relation to particular initiatives which have been implemented
- To scrutinise the performance of other public bodies in the borough and to invite them to make reports to and/or

address the select committee/Business Panel and local people about their activities and performance

- To question and gather evidence from any person outside the Council (with their consent)
- To make recommendations to the Executive or appropriate committee and/or Council arising from the outcome of the scrutiny process

(d) *Community representation*

- To promote and put into effect closer links between overview and scrutiny members and the local community
- To encourage and stimulate an enhanced community representative role for overview and scrutiny members including enhanced methods of consultation with local people
- To liaise with the Council's ward assemblies so that the local community might participate in the democratic process and where it considers it appropriate to seek the views of the ward assemblies on matters that affect or are likely to affect the local areas, including accepting items for the agenda of the appropriate select committee from ward assemblies.
- To keep the Council's local ward assemblies under review and to make recommendations to the Executive and/or Council as to how participation in the democratic process by local people can be enhanced
- To receive petitions, deputations and representations from local people and other stakeholders about areas of concern within their overview and scrutiny remit, to refer them to the Executive, appropriate committee or officer for action, with a recommendation or report if the committee considers that necessary
- To consider any referral within their remit referred to it by a member under the Councillor Call for Action, and if they consider it appropriate to scrutinise decisions and/or actions taken in relation to that matter, and/or make recommendations/report to the Executive (for executive matters) or the Council (non-executive matters)

(e) *Finance*

- To exercise overall responsibility for finances made available to it for use in the performance of its overview and scrutiny function.

(f) *Work programme*

- As far as possible to draw up a draft annual work programme in each municipal year for consideration by the overview and scrutiny Business Panel. Once approved by the Business Panel, the relevant select committee will

implement the programme during that municipal year. Nothing in this arrangement inhibits the right of every member of a select committee (or the Business Panel) to place an item on the agenda of that select committee (or Business Panel respectively) for discussion.

- The Council and the Executive will also be able to request that the overview and scrutiny select committee research and/or report on matters of concern and the select committee will consider whether the work can be carried out as requested. If it can be accommodated, the select committee will perform it. If the committee has reservations about performing the requested work, it will refer the matter to the Business Panel for decision.

The following roles are specific to the Housing Select Committee:

This select committee is responsible for fulfilling all the overview and scrutiny functions in relation to housing. This includes:

- reviewing and scrutinising decisions made by the Council in relation to housing and making reports or recommendations to the authority and/or Mayor and Cabinet with respect to housing
- reviewing housing policy
- reviewing initiatives put in place by the Council in relation to achieving the Decent Homes Standard
- establishing links with housing providers in the borough which are concerned with the provision of social housing.

Appendix D:

Housing Select Committee Work Programme 2012/13

Date of Meeting	Agenda Item	Review Type	Link to Corporate Priority	Priority
Wed 4 April 2012	1. Confirmation of Chair and Vice-Chair	Constitutional requirement	-	-
	2. Work Programme 2012/13	Constitutional requirement	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Update on implementation of recommendations arising from the Damp and Mould review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	4. Affordable Housing and the Planning process	Standard Review	Decent homes for all	High
	5. The Future of Housing In Lewisham : Self financing framework	Presentation/in-depth scrutiny	Decent homes for all	Medium
Thursday 17 May 2012	1. Brockley PFI – end of year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	2. Lewisham Homes Delivery Plan – end of year review (to include info on the void policy)	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. The Future of Housing In Lewisham : Alternative models - experts	In-depth scrutiny	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
Wednesday 20 June 2012	1. Review of Allocations Policy and Strategic Policy on Tenancies (SPOT)	Standard item	Decent homes for all	High
	2. The Future of Housing In Lewisham : Alternative model case studies	In-depth scrutiny	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Key housing Issues	Information item	Decent homes for all	Medium

Wednesday 4 July 2012 (extra meeting)	1. The Future of Housing In Lewisham : Options appraisal	In-depth scrutiny	Decent homes for all	High
Tuesday 11 September 2012	1. Family Mosaic: Heathside and Lethbridge	Standard item	Decent homes for all	High
<i>Visit to Heathside and Lethbridge prior to meeting</i>	2. Impact of welfare and housing reform (affordable rent regime, security of tenure etc.). Possibly including a presentation from RSLs on the affordable rent regime and fixed term tenancies (incl. plans for 'moving people on').	Standard item	Decent homes for all	High
	3. Update on corporately held housing and disposals	Information item	Decent homes for all	Medium
	4. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 31 October 2012	1. Savings proposals 2013/14 (and CSR report)	Standard item	Inspiring efficiency, effectiveness and equity	High
	2. Update on the implementation of agreed PRS review recommendations (to include info on the new Social Lettings Agency)	In depth review follow up	Decent homes for all	Medium
	3. Scoping paper – low cost home ownership	In depth review	Decent homes for all	High
	4. Key housing Issues (incl. Housing Matters update)	Information item	Decent homes for all	Medium
Tuesday 8 January 2013	1. Brockley PFI - mid year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High

	2. Lewisham Homes - mid year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Proposed rent and service charge increases	Standard item	Inspiring efficiency, effectiveness and equity	High
	4. Housing Matters: results of consultation and way forward	In-depth scrutiny	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
Monday 4 February 2013	1. Revenue Budget Savings Proposals 2013/16	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	2. Evidence session one - low cost home ownership	In depth review	Decent homes for all	High
	3. Use of temporary accommodation for homeless households	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	4. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 6 March 2013 <i>Visit to a Hostel and decent homes Work beforehand</i>	1. Evidence session two- low cost home ownership	In depth review	Decent homes for all	High
	2. Annual Lettings Plan 2013-14	Standard item	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	3. Discharge into the PRS/Out of Borough Procurement	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. New arrangements for social housing complaints	Standard item	Decent homes for all	High
	5. Key housing Issues	Information item	Decent homes for all	Medium

Information item

An information note on key housing issues has been scheduled for each meeting but will only form part of the agenda if there are significant, new legislative and policy developments to report, that are not covered by an existing work programme item.

**Appendix E:
Draft Housing Select Committee Work Programme 2013/14**

Date of Meeting	Agenda Item	Review Type	Link to Corporate Priority	Priority
Wednesday 3 April 2013	1. Confirmation of Chair and Vice-Chair	Constitutional requirement	-	-
	2. Work Programme 2012/13 / Scoping of HSC involvement in Review into Emergency Services	Constitutional requirement	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Housing Matters Update	Standard Review as agreed at O+S Business Panel (Jan 2013)	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. In depth review into low cost home ownership report and recommendations	In depth review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	5. Key housing Issues	Information item	Decent homes for all	Medium
Thursday 16 May 2013	1. Review into Emergency Services in Lewisham?	In depth review	Inspiring efficiency, effectiveness and equity	High
	2. Housing Matters Update	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Brockley PFI – end of year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. Lewisham Homes Delivery Plan – end of year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	5. Discharge into the PRS / Out of Borough Procurement	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	6. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 19 June 2013	1. Review into Emergency Services in Lewisham?	In depth review	Inspiring efficiency, effectiveness and equity	High

	2. Preparation for Housing Benefit Cap in Lewisham	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	3. Discharge into the PRS / Out of Borough Procurement	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. Key housing Issues	Information item	Decent homes for all	Medium
Tuesday 10 September 2013	1. Update on implementation of PRS review recommendations – Love Lewisham Lets	In depth review follow up	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	2. Review into Emergency Services in Lewisham – Recommendations?	In depth review	Inspiring efficiency, effectiveness and equity	High
	3. Family Mosaic: Heathside and Lethbridge	Standard Item	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. Response to Low Cost Home Ownership Review	In depth review follow up	Decent homes for all; Inspiring efficiency, effectiveness and equity	Medium
	5. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 30 October 2013	1. Housing Matters	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	2. Review of Housing Complaints Process	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 4 December 2013	1. Impact of Housing Benefit Cap on Lewisham Residents	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	2. Brockley PFI - mid year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Lewisham Homes - mid year review	Performance monitoring	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	4. Proposed rent and service charge increases	Standard item	Inspiring efficiency, effectiveness and equity	High
	5. Key housing Issues	Information item	Decent homes for all	Medium

Monday 3 February 2014	1. Use of Temporary Accommodation for Homeless Households	Standard Review	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	2. Low Cost Home Ownership Update	In depth review follow up	Decent homes for all; Inspiring efficiency, effectiveness and equity	High
	3. Key housing Issues	Information item	Decent homes for all	Medium
Wednesday 5 March 2014	1. Key housing Issues	Information item	Decent homes for all	Medium

Information item

An information note on key housing issues has been scheduled for each meeting but will only form part of the agenda if there are significant, new legislative and policy developments to report, that are not covered by an existing work programme item.

Appendix F:**Summary of Forthcoming Business**

MAYOR & CABINET March 6 2013	
Title and details of Item	Directorate responsible
Community Right to Challenge	Resources & Regeneration
Youth Task Force - allocation of £500,000 of funding	Resources & Regeneration
Surrey Canal Road Land Exchange	Resources & Regeneration
Reinstatement works at Hatcham Temple Grove	Resources & Regeneration
Building School for the Future Sydenham School - Stage 2	Resources & Regeneration
Management Report	Resources & Regeneration
Designation of an Additional Air Quality Management Area	Customer Services
Outcomes of the consultation on the proposal to enlarge Rushey Green Primary School from 2 to 3 fe and to enlarge John Stainer Primary School from 1 to 2fe.	Children & Young People
Request for Permission to launch consultation on proposals 1) enlarge Coopers Lane Primary School from 2 to 3 forms of entry 2) enlarge Forster Park Primary School from 2 to 3 forms of entry.	Children & Young People

MAYOR & CABINET (CONTRACTS) March 6 2013	
Title and details of Item	Directorate responsible
Reprocurement of the Learning Disability Framework Agreement: Recommendation of shortlisted providers.	Community Services
Local Assembly Fund – Rushey Green ward.	Community Services

Textile Collection Bring Bank Service	Customer Services
Awards of contracts for the construction of primary phase accommodation at Rushey Green, and Knights Temple Grove, 2013 Bulge class programme.	Children & Young People
Award of contract for Phase 2 of the refurbishment of Forster Park Primary School	Children & Young People
Award of contract for the construction of Primary phase accommodation for the primary phase of Trinity CE Lewisham	Children & Young People

Overview & Scrutiny Business Panel March 12 2013	

Overview & Scrutiny Education Business Panel March 12 2013	

Sustainable Development SC March 13 2013	
Title and details of Item	Directorate responsible
Impact of localism on Lewisham	Resources and Regeneration
Employment and Business development in Lewisham	Resources & Regeneration
Recycling Contract	Customer Services

Healthier Communities SC March 19 2013	
Title and details of Item	Directorate responsible
NHS Reform and Public Health Update	Community Services
Adult Safeguarding Report (CQC Compliance Manager update)	Community Services
Social Care White Paper	Community Services

QIPP –QIPP plans going forward: 12/13 and developing plan for 13/14 and beyond.	Community Services
Alcohol Delivery Plan	Community Services
Update on HIV services	Community Services
Update on Outcomes of premature mortality Review	Community Services

Council March 20 2013

Title and details of Item	Directorate responsible
AGM	Resources & Regeneration
Pay Statement 2013/14	Resources & Regeneration
Annual Standards Committee Report	Resources & Regeneration

Public Accounts SC March 26 2013

Title and details of Item	Directorate responsible
Response to Procurement Recommendations from Fairness Review and Update	Resources & Regeneration
Asset Management Strategy update	Resources & Regeneration
Managing contracts review – final report	Resources & Regeneration
Financial Aspects of Health Reforms Evidence Session	Community Services
Audit Panel Update	Resources & Regeneration

MAYOR & CABINET April 10 2013

Title and details of Item	Directorate responsible
Parking Policy Review	Customer Services
Housing Matters Update	Customer Services
Heathside and Lethbridge Phase 4 CPO	Customer Services
Annual Lettings Plan 2013-14	Customer Services

Local Support Scheme: Service Standards for Refuse & Recycling	Customer Services
Excalibur - Regeneration update & Phase 3 decant - parts 1 & 2	Customer Services
Annual Lettings Plan	Customer Services
Cash Incentive Scheme	Customer Services
Financial Forecasts for 2012/13	Resources & Regeneration
New Cross Gate Healthy Living Centre Scheme	Resources & Regeneration
Statement of Community Involvement	Resources & Regeneration
Council process for neighbourhood forum and plans	Resources & Regeneration
Building School for the Future Brent Knoll Stage 1 & 2	Resources & Regeneration
Appropriation of Kender Phase 4 (Kender Triangle) New Cross SE14 for planning purposes	Resources & Regeneration
Variations to Kender Phase 4 Disposal.	Resources & Regeneration
Transport Prudential Borrowing _ Programme of investment 2013-14	Resources & Regeneration
Variations to 2 -4 River Park Gardens and Fellowship Inn disposals.	Resources & Regeneration
Service Improvements in Development Management - Planning	Resources & Regeneration
Permission to consult on proposals to enlarge 1) Coopers Lane Primary School from 2 to 3FE 2) Forster Park Primary School from 2 to 3FE	Children & Young People
Adoption Statement of Purpose	Children & Young People
Admission Arrangements 2013/14	Children & Young People

Response to Safer Stronger Communities Select Committee Promoting a Sense of Belonging Referral	Community Services
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MAYOR & CABINET (CONTRACTS) April 10 2013	
Title and details of Item	Directorate responsible
Parking Contract Award	Customer Services
Fleet Vehicle replacement 2013/14	Customer Services
Learning Disability Request to extend specific contracts	Community Services
Contract seeking tender for Boroughwide Management Organisation for community premises	Community Services
Investment Fund – Employment Strand	Community Services
Recommendations for the awards of contracts for the construction of additional primary school accommodation to meet demand in 2013	Children & Young People

MAYOR & CABINET May 1 2013	
Title and details of Item	Directorate responsible
Disposal of the Premises officer house – Lee Green	Resources & Regeneration
Acquisition of freehold interests in Nos. 4 & 15 Parkcroft Road SE12	Resources & Regeneration

MAYOR & CABINET May 22 2013	
Title and details of Item	Directorate responsible
Response to Children & Young People Select Committee - 'Falling through the gaps' in-depth review	Children & Young People
Response to Children and Young People Select Committee and the	Children & Young People/ Community Services

Safer Stronger Communities Select Committee on Reshaping Youth Services	
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MAYOR & CABINET(CONTRACTS) May 22 2013	
Title and details of Item	Directorate responsible
Awards of contracts for the construction of 1) the Primary Phase of Prendergast Ladywell Fields College 2)the enlargement of Adamsrill from 2 to 3FE	Children & Young People
Main Grants Programme – Community Centres	Community Services

MAYOR & CABINET June 19 2013	
Title and details of Item	Directorate responsible
Reprocurement of the Learning Disability Framework Agreement - Appointment of providers to Framework	Community Services

MAYOR & CABINET(CONTRACTS) July 10 2013	
Title and details of Item	Directorate responsible
Agree the selection/approval of (Fire, Asbestos & Water Hygiene) Contract	Resources & Regeneration
Awards of contracts for the enlargement of John Stainer Primary from 1 to 2 FE	Children & Young People

MAYOR & CABINET September 18 2013	
Title and details of Item	Directorate responsible
Discharge into the Private Rented Sector/Out of Borough	Customer Services