

Cabinet Member for Housing and Jobs

Agenda

Date: Thursday, 6th November, 2014
Time: 10.00 am
Venue: Fred Flint Room, Westfields, Middlewich Road, Sandbach
CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relating to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Cheshire Homechoice Allocations Policy Review (Pages 1 - 10)**

For requests for further information

Contact: Cherry Foreman

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E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

To consider a report on the proposed changes to the Homechoice Allocations Policy and authorise consultation on these changes.

5. **Congleton Neighbourhood Area Application** (Pages 11 - 16)

To consider designating Congleton Parish as Congleton Neighbourhood Area, for the purposes of preparing Congleton Neighbourhood Plan

CHESHIRE EAST COUNCIL

Portfolio Holder for Housing and Jobs

Date of Meeting:	6 November 2014
Report of:	Homechoice and Homelessness Manager
Subject/Title:	Cheshire Homechoice Allocations Policy Review
Portfolio Holder:	Councillor Don Stockton

1 Report Summary

- 1.1 The Cheshire Homechoice Allocations Policy was launched in April 2010 and is a partnership approach to allocating social housing in the Borough alongside the three largest social housing providers: Wulvern Housing, Plus Dane and Cheshire Peaks and Plains Housing Trust. The Allocations Policy was reviewed during 2012 in response to the lessons learnt from the first 18 months, as well as to take into account some changes that had been introduced in legislation. The partners and Members of Cheshire East Council have identified that there are further adaptations which need to be made to the policy following economic changes both nationally and locally and we would like the policy to be reviewed again with input from a wide spectrum of organisations, providers and the public. This will be to ensure that the policy is robust and reflects the current and future local and national environment for social housing.
- 1.2 We are proposing to review 5 key areas of the Policy which will impact on the residents of Cheshire East and therefore will need to consult on the proposed changes to the scale and significance of the impact.

2 Recommendations

- 2.1 It is recommended that:

The risk and benefit analysis of the proposed changes is noted.

Officers are approved to publically consult on the proposed changes before incorporating into the new Allocations Policy.

3 Reasons for Recommendations

3.1 It is a statutory requirement that Local Authorities have an Allocations Policy place under Part VI of the Housing Act 1996.

3.2 The Policy needs to reflect changes in legislation.

1.1.1 It is important that the Policy is regularly reviewed to ensure that it remains fit for purpose and continues to ensure that the limited resource of social housing is allocated fairly, in line with legislation and with local and national priorities.

3.4 Reviewing the Allocations Policy will be the catalyst enabling the Council to:

Realise Outcomes 3 and 5 of the Council's Three Year Plan:
*People have the life skills and education they need to thrive
People Live Well and For Longer.*

Realise Priority 5 of the Council's Three Year Plan: *Securing housing that is locally-led, community-based, and meets local needs.*

3.5 Public consultation is required to:

Ensure that the findings and priorities identified within the Strategy are representative of the views of affected constituents and wider stakeholders.

Ensure that the Council is transparent and participatory in the formation of its strategic direction.

4 Wards Affected

4.1 All

5 Local Ward Members

5.1 All

6 Policy Implications

6.1 The Allocations Policy is a key deliverable to achieving priority 5 within the Council's Three Year Plan framework:

- Outcome 5: *People Live Well and for Longer*
 - Priority 5: *Securing housing that is locally-led, community-based, and meets local needs.*

- 6.2 Social housing in the borough is a very limited resource in comparison to owner occupation and privately rented properties and demand significantly outstrips supply with approximately 1,100 social rented properties becoming available each financial year compared to around 5,500-6000 households registering with Cheshire homechoice in order to access social housing. It is therefore imperative that the Policy is able to adequately balance the availability of the resource with the needs that people have for rehousing into social housing. The Policy will drive customer expectations and also reflect the Local Authority and Housing Association priorities.

7.0 Implications for Rural Communities

- 7.1 For most of the suggested policy changes that are outlined in the Analysis report there is limited or no impact on Rural Communities, however the introduction of the Local Connection on new build properties would have a detrimental affect on rural communities as it would limit their choice for moving into properties outside of the rural areas. Affordable properties in rural areas are already in short supply for people who wish to stay in their village / locality. By introducing the local connection on new build properties we could potentially be further restricting people in rural communities from accessing some accommodation. They would not be excluded entirely from accessing other options but would have a further restriction placed on their choice and opportunity for rehousing in affordable properties.

8 Financial Implications

- 8.1 There are some potential financial implications associated with introducing the proposed changes to the Policy as there will be extra demand on the Cheshire homechoice staffing to verify and evidence the needs and backgrounds of the applicants.

There would be an initial 'one off' cost for all applicants who are currently on the register to ensure that they are then aligned with the new policy. This cost is estimated to be £13,738.50 for staff time, printing and postage and would be shared equally between the Council and the Housing Providers. The Council's share of the cost (£6,869.25) can be contained within the 2014/2015 Service budget.

Depending on the level of changes made to the policy and if capacity cannot be found from within existing resources, there may be a need for an additional post in the staffing structure; this will be considered in future base budget planning for the Service.

9 Legal Implications

- 9.1 Under Part VII of the Housing Act 1996 it is a statutory requirement that the Local Authority has an Allocations Policy in place which will prescribe who is eligible for an allocation of social housing as well as identifying and prioritising different needs.

There may be legal considerations in relation to ensuring that proposed changes do not override the legal responsibilities of the Local Authority in terms of an applicants eligibility for social housing nor the reasonable preference criteria.

10 Risk Management

- 10.1 There are risks associated with each proposed change to the Policy which have been highlighted in the analysis report. The Housing Department will manage those risks in the manner highlighted on the document but will need assistance and support from other agencies and internal departments for example the Legal Department.
- 10.2 Determination of the allocation of social housing is complex in nature and impacts on a wide range of services including social services, health authorities, statutory agencies as well as third and voluntary sector partners involves a large number of agencies, and is a deeply emotive and fundamental issue that has wide implications across individuals, families, and communities. As such, it is vital that affected individuals and agencies have the opportunity to comment on any relevant strategic direction, to ensure that the full range of opinions, experiences, and knowledge are incorporated. By publically consulting on the draft Strategy, the Council negates the risk of implementing a strategic direction that does not properly reflect the range of needs and views within the Borough, ensuring it is representative.
- 10.3 In terms of the risks associated with developing and implementing a new strategy, there are a number of associated and inherent risks:
- *Timescale slippage*: depending on the extent of comments received during the public consultation, there is the potential for time pressure in making any alterations. However, this has been mitigated by a well-monitored approval timescale, factoring in potential risks and charting all approval gateways.

11 Background and Options

- 11.1 We are required to regularly review our policy and due to recent legislation changes plus local and economic impacts that have and will affect people's eligibility for social housing as well as ensuring our housing market remains vibrant and creates sustainable communities, it is now felt to be an appropriate time to review the policy.
- 11.2 A policy review at this stage aligns with the timescales of the production of a Housing Strategy and Homelessness Strategy.
- 11.3 The Homelessness Strategy is now ready to progress to the consultation stage. Following this 6 week stage any required amendments will be made and then the strategy will be ready for Cabinet approval.

- 11.4 The options for progressing forward will depend on the feedback from the consultation period and which sections of the proposals are felt to be appropriate for residents and housing providers.

12 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Analysis of proposed changes to CHC Allocations Policy

Proposed change	Benefits	Issues to consider
<p>New build properties and local connection. <i>To introduce a local connection criteria whereby on new build properties and first let only successful applicants would be able to demonstrate a connection to the town that the property is being built in.</i></p>	<ul style="list-style-type: none"> • Applicants who are struggling to be allocated a property near to their work, support networks or where they have previously lived will have a greater chance of being allocated a property in the locality that they have a connection instead of having to move further afield. • Some areas in CE have high house prices which can exclude people from securing properties in areas where they have a connection. This policy change would increase their chances of securing a more affordable property in a location that they have a connection. • Turn over of stock for Housing Providers could be lower as people are accessing accommodation where they have links and therefore are more likely to stay put. 	<ul style="list-style-type: none"> • The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166A(3), over those who do not. We need to ensure that introducing this policy change does not place us in contravention of this legal requirement (legal advice) • Social housing is aimed at delivering housing for people in housing need. We would essentially be prioritising local connection over and above need if we were to introduce local connection to all areas. This may have legal implications (same as above) • This change may decrease the chance for households who need to move as a result of fleeing violence, access new employment opportunities or to meet our obligations to rehouse homeless households under Part VII of the Housing Act. • Could limit the availability of options available to people in Band A and B who have an urgent need to move and could result in people being in unsuitable accommodation for increased periods (this will incur additional costs to CEC where a household is in Temporary Accommodation or Bed and Breakfast under a homeless duty). • The Allocations scheme currently enable customers to have significant choice over where they live in the Borough. This policy would change that position and would limit all applicants choice (change the policy to reflect the updated position in relation to choice) • This policy change would incur additional costs to both CEC and partners due to increased costs due to the need to verify evidence to demonstrate people's connection to the area

		<p>which they are interested in being rehoused. This would delay assessment and allocation processes potentially increasing void costs for providers.</p>
<p>Key workers <i>To introduce a keyworker scheme so that applicants who can demonstrate that they are a keyworker would be given preference on new build properties at first let only.</i></p>	<ul style="list-style-type: none"> • Attracts and retains a vibrant workforce • Key Workers have a fundamental role to play within our communities but high house prices often exclude key workers from living in the community in which they serve. • Local Plan Strategy specifies under Policy SC4 – Residential Mix that the mix of housing will be expected to include properties for key workers 	<ul style="list-style-type: none"> • Currently no evidence that this policy change is needed. (data gathering exercise to be completed) • If approved, the number given would need to be proportionate to ensure legal requirements for giving reasonable preference to certain households in Sectn 166A of Housing Act Part VI are still met (legal advice). • Additional costs to CEC and Housing Providers due to detailed assessment and verification to be carried out. • Detailed work to be carried out to determine who will count as meeting the criteria for key worker e.g. weighing up does an agency worker at a hospital receive the priority or only if the applicant has a permanent offer.
<p>Capital limits and income checks. <i>To introduce checks and assessments to ensure that applicants who hold significant capital are given reduced preference for social housing. To introduce affordability checks</i></p>	<ul style="list-style-type: none"> • Households who are able to afford an alternative within the open market are prevented from taking up the valuable and scarce resource of social housing, thereby leaving social housing accommodation as more accessible to people whose other options are limited. • Ensures that households can afford the property that they are 	<ul style="list-style-type: none"> • Would need to ensure that the capital limit and income limits that we are looking to set are fair and in line with other capital and income limits (e.g. HB limit of £16,000 capital) and is not set at a level that would leave households with no other housing option (financial impact assessment to be completed). • The income checks would need to ensure that they are reasonable and again, take into account a household's ability to afford alternative properties either in the private sector or under low cost home ownership options. (as above)

<p><i>to ensure that households can afford the property they move into.</i></p>	<p>moving into so doesn't lead to eviction at a later date due to rent arrears.</p>	<ul style="list-style-type: none"> • Additional costs to CEC and Housing Providers due to detailed assessment and verification to be carried out.
<p>Eligibility. <i>To ensure that the policy is conforming legally to who should be allowed access to the housing register.</i></p>	<ul style="list-style-type: none"> • Ensures all applicants accessing the housing register and being allocated a property are entitled to do so. • Ensures applicants have means to pay for their accommodation. 	<ul style="list-style-type: none"> • Make sure policy is in line with current Government guidance and legal changes. (legal advice) • Make sure Policy is clear around those EEA nationals who are not entitled to housing benefit but may be eligible for an allocation of social housing. Cannot exclude them from the register but would need to evidence that they can self fund their accommodation. • This will incur additional costs to CEC and Housing Providers due to detailed assessment and verification to be carried out.
<p>Bankruptcy and debt relief orders <i>To ensure that applicants who no longer have any debt attributed to them are awarded the appropriate level of priority on the housing register.</i></p>	<ul style="list-style-type: none"> • Applicants who no longer have any debt attributed to them can receive a banding priority to reflect their housing need (rather than being allocated a Band E for reduced preference) 	<ul style="list-style-type: none"> • Need to ensure that applicants can evidence that the debt is no longer theirs. • Need to ensure that applicants can evidence that they can manage finances and a property going forward.
<p>Care leavers <i>To give care leavers a better</i></p>	<ul style="list-style-type: none"> • Care leavers up to the age of 26 will be given additional priority 	<ul style="list-style-type: none"> • None

<i>chance of being rehoused by awarding additional priority for a longer period of time.</i>		
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CHESHIRE EAST COUNCIL

Date of Meeting: 06.11.14
Report of: Strategic Planning & Housing Manager
Subject/Title: Congleton Neighbourhood Area Application
Portfolio Holder: Councillor Don Stockton

1.0 Report Summary

1.1 The report requests designation of the Congleton Neighbourhood Area. An application to designate this neighbourhood area was submitted by Congleton Town Council in August 2014. Discussions on the extent of the neighbourhood area have been held; the extent of the neighbourhood area is proposed to reflect the extent of the parish boundary for Congleton.

2.0 Recommendations

2.1 Approve and designate Congleton Parish as Congleton Neighbourhood Area, for the purposes of preparing Congleton Neighbourhood Plan, as per the map attached at Appendix 1.

3.0 Reasons for Recommendations

3.1 It is considered that the Congleton neighbourhood area application has been prepared in accordance with existing regulations and guidance and is desirable to designate for these reasons:

- The application submitted meets the requirements as presented at Part 2 (5) of the Neighbourhood Planning (General) Regulations 2012
- Congleton Parish Council is the relevant body to undertake Neighbourhood Planning
- The Neighbourhood Plan Area follows the existing political and administrative boundary for the Parish of Congleton and does not include land in any adjoining Parish
- No other applications have been made for Neighbourhood Areas covering all or part of the area
- Issues concerning strategic interests in the Parish have been discussed; relevant strategic issues have been identified, these are Local Plan Strategy Strategic Locations SL6, SL7, SL8 and Local Plan Strategy Site CS17. These Strategic Sites and Locations are located partially within the Congleton Parish boundary and partially in neighbouring parishes. The proposed route of the Congleton Link Road is outside Congleton Parish boundary.

4.0 Wards Affected

4.1 Congleton

5.0 Local Ward Members

5.1 Councillor Gordon Baxendale; Councillor David Brown; Councillor Roland Domleo; Councillor Peter Mason; Councillor David Topping; Councillor Andrew Thwaite.

6.0 Policy Implications

6.1 The designation of Congleton Parish as a neighbourhood area will allow Congleton Parish Council to prepare a neighbourhood plan with formal statutory powers. Once completed, the plan will be adopted by Cheshire East Borough Council and form part of the Development Plan for the Borough. Once adopted, the policies eventually held in the Congleton Neighbourhood Plan will be used for decision making purposes within the parish of Congleton alongside those other relevant policies from the Cheshire East Development Plan.

7.0 Implications for Rural Communities

7.1 A neighbourhood plan enables rural communities in Congleton (a parish containing a significant urban centre and also a large rural area) to participate in the plan making process and develop policies to address those planning matters that affect their interests and well being. The process allows greater engagement of rural communities and for such communities to take part in the formation of planning policy which directly affects their futures.

8.0 Financial Implications

8.1 The designation of a neighbourhood area for Congleton Parish will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services. A package of technical support has been made available to Congleton Parish Council toward preparing a neighbourhood plan. This support is being made available within the existing budget for the Spatial Planning team. There are also other grants available from Cheshire East council that may be awarded and from external bodies such as Locality.

8.2 At a later stage direct costs will be incurred as the Council is required to hold an independent examination of the proposed neighbourhood plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. Such costs will be met through existing budgets and through grant funding from central government (£20,000 payable to the authority from central government in recognition of the costs of referendums and payable upon successful examination of a neighbourhood plan)

8.3 The Community Infrastructure Levy (CIL) is a charge levied on new development. Where an adopted CIL is in place, 15% of all CIL payments must be allocated to the local council which hosts development. Where such a local council has an adopted neighbourhood plan, this figure rises to 25% of CIL charges.

9.0 Legal Implications

9.1 Neighbourhood area applications must be made in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012. Any qualifying body (including a parish council) is entitled to initiate the process. Applications must be publicised in compliance with Regulation 6 of those regulations. Section 61G of the Town and Country Planning Act 1990 sets out the requirements for determining applications for an area to be designated a neighbourhood area. Section 61G(5)(c) of the 1990 Act provides that a 'neighbourhood area' must be an area which the local planning authority considers "appropriate". In determining an application, the local planning authority must also have regard to the desirability of designating the whole of the area of a parish council as the neighbourhood area.

9.2 Neighbourhood Development Plans and Orders, which may follow the making of a Neighbourhood Area, are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.

- 9.3 A “neighbourhood area” can be an area within the Local Planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the Local Planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5): In determining an application the authority must have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area. Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 9.4 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

10.0 Risk Management

- 10.1 Neighbourhood plans will, once formally adopted (‘made’) by the Council, form part of the Development Plan for Cheshire East. The content of the Congleton Neighbourhood Plan is as yet unknown and will only be determined by the community through the process of plan making. The content may include site allocations for development or policies that relate to the development of land. Neighbourhood plans are increasingly scrutinised by the development industry and are becoming the subject of legal challenge. As any future neighbourhood plan would form part of the Development Plan for Cheshire East, if legally challenged it is the responsibility of Cheshire East Council to respond.
- 10.2 Managing this risk means carefully following the relevant guidance on process established in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 and any further updated guidance.

11.0 Background and Options

- 11.1 The Localism Act 2011 introduced new legal rights that enable communities to prepare local development plans (neighbourhood plans) with equal weight to the Local Plan for decision making purposes on development proposals.
- 11.2 Such plans have the power to allocate land for development purposes and establish local policies applicable to the development of land. Any future neighbourhood plan must be prepared in accordance with the National Planning Policy Framework (NPPF) and the strategic policies held within the Development Plan of the host local authority.
- 11.3 The first stage in establishing a neighbourhood plan is the designation of a neighbourhood area (the geographic extent within which future policies and land designations will apply).
- 11.4 Congleton Parish Council has applied to designate the full extent of Congleton Parish as the Congleton Neighbourhood Area.
- 11.5 In considering this application Cheshire East Council must give regard to whether the application has been prepared in accordance with existing regulations and guidance and whether such a designation is desirable and appropriate for future planning in Congleton and its surrounding locality.
- 11.6 There are strategic interests located in the Parish as identified by the emerging Local Plan Strategy and existing Development Plan including Local Plan Strategy Strategic Locations SL6, SL7, SL8 and Local Plan Strategy Site CS17. These Strategic Sites and

Locations are located partially within the Congleton Parish boundary and partially in neighbouring parishes. Due to the clear functional relationship these sites will have with Congleton and to ensure local input into the detailed aspects of site delivery, it is considered appropriate to include such strategic interests within the neighbourhood area.

- 11.7 Congleton plays an important role in the local area and as a Key Service Centre is identified in the emerging CEC Local Plan to accommodate significant growth and deliver an important piece of infrastructure in the form of the Congleton Link Road. Given that most of the growth associated with Congleton will be accommodated at the town's periphery, in neighbourhood parishes to the north, there may be a desire for the surrounding parishes to contribute to, or work directly with Congleton Town Council in the preparation of the Congleton neighbourhood plan. Should formal proposals emerge to establish a greater, joint neighbourhood area, existing legislation and regulations enable such an approach to take place.

12.0 Conclusions

- 12.1 For the reasons set out in section 3 above, it is recommended to approve and designate Congleton Parish as Congleton Neighbourhood Area, for the purposes of preparing Congleton Neighbourhood Plan, as per the map attached at Appendix 1.

13.0 Access to Information

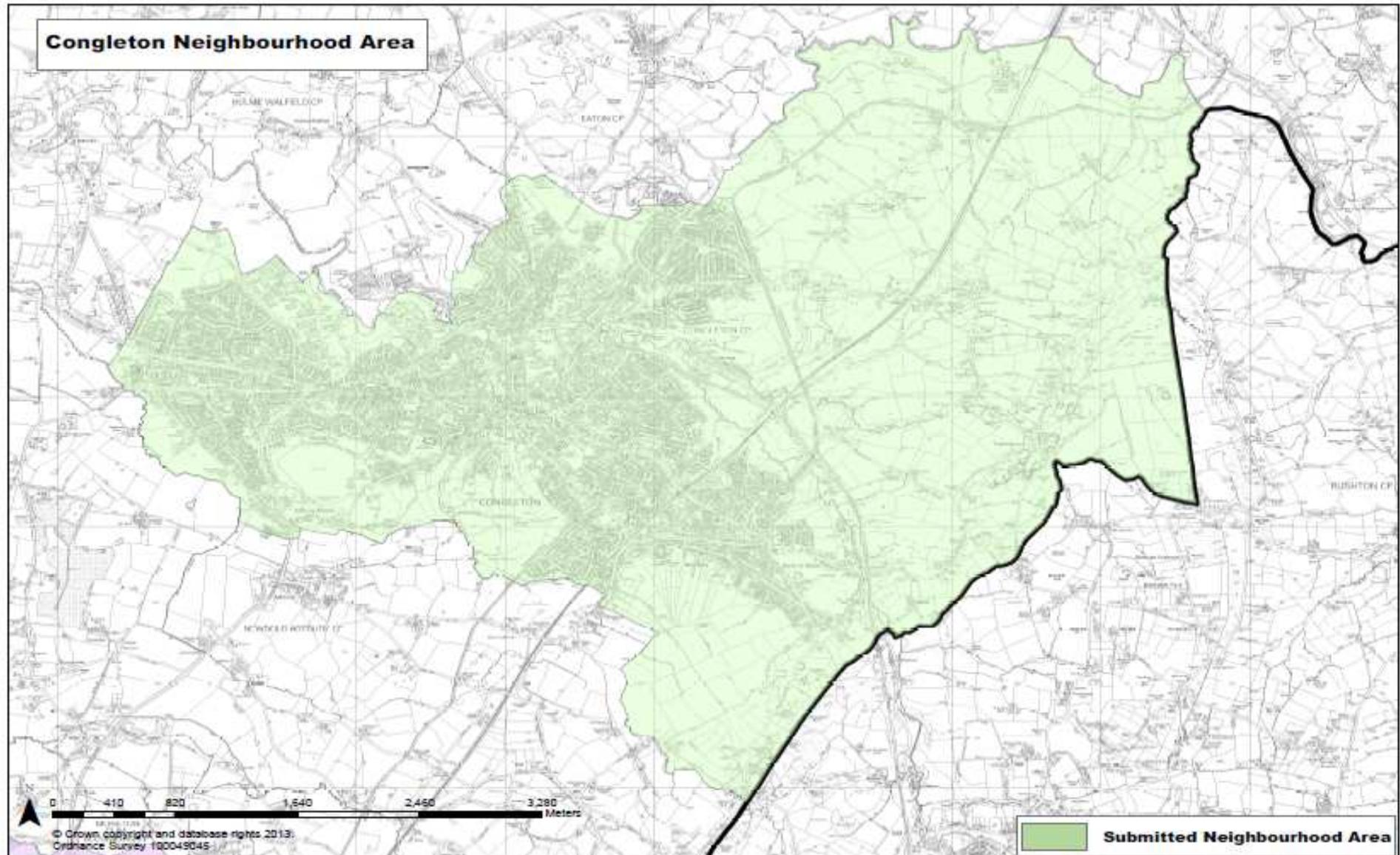
The background papers relating to this report can be inspected by contacting the report writer:

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14.0 Appendix 1: Proposed Congleton Neighbourhood Area

15.0 Appendix 2: Results of Consultation

Appendix 1: Proposed Congleton Neighbourhood Area



Appendix 2: Results of Consultation

10 responses were received to the consultation. Of these, 3 supported the proposed neighbourhood area, 1 objected to the neighbourhood area and 6 submitted comments only.

All comments are available via this link:

http://cheshireeast-consult.limehouse.co.uk/portal/planning/np/congleton_neighbourhood_area_application