

Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 31 August 2011



Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: Members of the Scrutiny Commission

Mr MR Lay (Chairman)
Mr PAS Hall (Vice-Chairman)
Mr C Ladkin (Vice-Chairman)
Mr PR Batty
Mr PS Bessant
Mrs A Hall

Mrs L Hodgkins
Mr DW Inman
Mr K Morrell
Mr K Nichols
Mrs S Sprason
Miss DM Taylor

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor

There will be a meeting of the **SCRUTINY COMMISSION** in the Council Chamber, Council Offices, Hinckley on **THURSDAY, 8 SEPTEMBER 2011** at **6.30pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

SCRUTINY COMMISSION - 8 SEPTEMBER 2011

AGENDA

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 28 July 2011 attached marked 'SC8'.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. ENVIRONMENTAL IMPROVEMENT PROGRAMME FOR 2011/12

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC9' (pages 1 - 3).

A maximum of 5 minutes has been allocated for this item.

7. IMPLEMENTING SOCIAL HOUSING REFORM: DIRECTIONS TO THE SOCIAL HOUSING REGULATOR - CONSULTATION

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC10' (pages 4 - 43).

A maximum of 10 minutes has been allocated for this item.

8. ATKINS AND GREENFIELDS DEVELOPMENTS YIELD AND TENANT LOCATION

Report of the Deputy Chief Executive (Corporate Direction) attached marked 'SC11' (pages 44 - 48).

A maximum of 10 minutes has been allocated for this item.

9. SHARED SERVICES – CURRENT AND MEDIUM TERM POSITION

Report of the Chief Executive attached marked 'SC12' (pages 49 - 53).

A maximum of 15 minutes has been allocated for this item.

RESOLVED 10. SCRUTINY COMMISSION WORK PROGRAMME 2011-12

To agree items for the Commission's work programme for 2011-12.

A maximum of 20 minutes has been allocated for this item.

11. FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

Copy of the Forward Plan for September – December 2011 attached marked 'SC13' (pages 54 - 61).

12. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

13. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 10 of Schedule 12A of the 1972 Act.

14. ARGENTS MEAD

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC14' (pages 62 - 98).

A maximum of 30 minutes has been allocated for this item.

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMISSION FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

28 JULY 2011 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mr PAS Hall - Joint Vice-Chairman
Mr C Ladkin - Joint Vice-Chairman

Mr PR Batty, Mr PS Bessant, Mrs L Hodgkins, Mr M Hulbert, Mr DW Inman, Mr JS Moore, Mr K Nichols, Mrs S Sprason and Miss DM Taylor.

Mr Cartwright was also in attendance for item 9 on the agenda (minute 86 refers)

Officers in attendance: Mr S Atkinson, Mr Michael Brymer, Mr M Evans, Miss L Horton, Mr S Jones, Mr P Langham, Mr S Merry, Ms J Neachell, Miss R Owen and Ms J Sturley.

83 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Mrs Hall and Mr Morrell with the substitutions of Mr Hulbert for Mrs Hall and Mr Moore for Mr Morrell authorised in accordance with Council Procedure Rule 4.3.

84 MINUTES (SC1)

On the motion of Mrs Sprason, seconded by Mr Nichols, it was

RESOLVED – the minutes of the meeting held on 14 April 2011 be confirmed and signed by the Chairman.

85 DECLARATIONS OF INTEREST

Mrs Sprason declared a personal interest in report SC7 as a Council tenant.

86 MEMBERS' ICT UPDATE (SC4)

Members were updated on the current status of the Members' IT project and heard that, whilst there were 12 Members currently on the pilot, electronic delivery of information was not being enforced. It was reported that a meeting to review the project was planned for the following week.

During discussion, Members expressed the following concerns:

- that laptops were not being used in meetings which meant that the savings were reduced as paper copies were still required;
- that the project required clear objectives;

- that an IT skills audit for Members was required;
- that information was currently duplicated and sent on paper and by email.

The Scrutiny Commission requested that the review group take account of the concerns expressed and feed back to the Commission.

87 CLIMATE CHANGE STRATEGY AND ACTION PLAN 2011-14 (SC3)

The Scrutiny Commission received the draft Climate Change Strategy and Action Plan 2011-14 which was a refresh of the existing 2008-11 strategy.

In response to Members' questions the following was noted:

- the aim for the new council offices was an 'excellent' BREEAM rating for sustainability and cost effective operation;
- meetings were being held with planning officers to ensure they were taking the Climate Change Strategy into account in their considerations;
- HBBC's performance in relation to climate change measures was similar to other authorities.

RESOLVED – the Climate Change Strategy and Action Plan 2011-14 be endorsed.

88 MEMBERSHIP OF THE SCRUTINY ENVIRONMENT GROUP

The Commission was reminded that the group had previously been appointed by the Scrutiny Commission but any interested non-Executive Member could become a member of the group. It was agreed that Political Group leaders would be asked to nominate members to the group and to inform the Democratic Services Officer of these nominees.

89 ENVIRONMENTAL IMPROVEMENT PROGRAMME (SC2)

The Environmental Improvement Programme for 2011/12 was outlined for Members. The Commission expressed concern that funding for the scheme had been reduced due to reductions in county council funding. Information was requested on the amount that the County Council had withdrawn from the programme and any amount withdrawn by the Borough Council. Members were also concerned about the large number of schemes on the reserve list and whether the position of these would be further affected when the Burbage and Hinckley Conservation Areas had been reviewed over the next few months.

RESOLVED –

- (i) information on the breakdown of withdrawn funding be provided to the Commission;
- (ii) the Scrutiny Commission's concern with regard to the reduction in funding be expressed to the County Council.

90 CAPITAL PROJECTS

Members were provided with updates on the Atkins development, Greenfields, Council Offices, Argents Mead enhancements, the Bus Station redevelopment, Hinckley Club for Young People and the Leisure Centre.

Atkins Building

The Estates & Asset Manager reported that the first tenant had moved into the building in August 2010, the offices were 76% occupied and there was a waiting list for Creative Hinckley units. Members requested information on the financial breakdown before the next meeting of the Commission. Concern was expressed that businesses had moved from other parts of the borough to move into the Atkins Building which had been detrimental to the economy outside of Hinckley.

Greenfields

The units were fully occupied and receiving further interest. Members requested information on the yield of the development. Members suggested offering an incentive for businesses from outside of the borough moving into a unit at Greenfields. However in response it was suggested that this may discourage new businesses moving to the units.

Council Offices

It was intended that this would be a gateway development to the town and would be a shared location with other agencies. Strong disappointment was expressed that the Police Authority had not supported a move to the site despite agreements having been met with regard to the requests they had made. It was stated however that there were many other interested partners and discussions were continuing with them.

Argents Mead Enhancements

It was reported that consultation on this site was moving forward. Those Members who had previously sat on the Finance & Audit Services Select Committee expressed concern that the recommendation of the Select Committee to secure a substantial capital receipt had not been implemented and the financial target which was required to fund a future capital programme would not be met. Members also felt they had not been given the opportunity to see the options or to scrutinise the plans. It was requested that details be brought to the next meeting.

Bus Station redevelopment

It was noted that the development was due to open in 2014 and an agreement had already been made with the anchor tenants.

Hinckley Club for Young People

The Cultural Services Manager reported that the facility had opened on time and on budget and now had a large membership. It had received two awards for the best community facility in the East Midlands and had been shortlisted for a national award. Members offered their congratulations on the success of the project. During discussion the following issues were raised:

- The possibility that the wide membership of the Club could detract from smaller facilities outside of Hinckley;
- The ongoing maintenance of the building, bearing in mind the fact that the construction company was no longer operating;
- The financial information for the operation not having been made available to Members.

Mr Nichols, who had recently been appointed to the Management Committee of the Club, stated that the accounts would be prepared in September, and it was agreed that these would be requested for a future meeting when available subject to the consent of the HC4YP charity.

Leisure Centre

It was reported that options for the procurement of a new leisure centre were currently being scoped as the current contract would expire in 2015. Concern was expressed that whilst the lifespan of the current Leisure Centre had been extended slightly following a recent investment, there would still be a need for a new facility or for a significant sum to be spent on the current Centre. It was agreed that a report would be brought to a future meeting outlining the options and timescales.

RESOLVED –

- (i) The Scrutiny Commission be provided with information on the yield of the Greenfields Development;
- (ii) The options with regard to Argents Mead Enhancements and the Leisure Centre be brought to the next meeting of the Commission;
- (iii) A financial summary for Hinckley Club for Young People be brought to a future meeting of the Commission.

91 BARWELL & EARL SHILTON SCRUTINY GROUP (SC5)

Members were reminded of the Terms of Reference of the Barwell and Earl Shilton Scrutiny Group to facilitate a discussion on the future of the group. It was agreed that there was a continued need for the group and that the Ward Councillors for Barwell and Earl Shilton should meet to discuss objectives for the group and consider any changes required to the Terms of Reference.

92 SCRUTINY COMMISSION WORK PROGRAMME 2011/12

Following the Scrutiny Workshop held on 7 July members were thanked for their input and informed of the next stage of the process in prioritising highlighted topics for review by the Commission. It was agreed that the areas highlighted as priorities would be considered by the Chairman and Vice-Chairmen and the list of priority topics would be sent to Members as soon as available and would be used to create a work programme.

93 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC6)

Members received the Forward Plan of Executive and Council decisions. It was requested that items on Regent Street, Charnwood Forest Regional Park and the Protocol for Section 106 contributions be brought to the Commission before any final decision was made.

RESOLVED – the Forward Plan be noted and the abovementioned items be brought to the Commission.

94 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in Paragraphs 3, 4 and 10 of Part I of Schedule 12A of that Act.

95 INTERNAL DELIVERY OF THE RESPONSIVE REPAIRS CONTRACT (SC7)

Members were advised of progress regarding the future delivery of an in-house responsive repairs service. It was reported that benefits would not only be financial, but also tangible, particularly in reducing time taken to manage the partnership arrangements which were currently in operation. Information was requested on the options for use of any money saved as a result of the changes. It was agreed that an update would be brought back to the Commission on a six monthly basis.

RESOLVED –

- (i) the report and progress be noted;
- (ii) an update be brought to the Scrutiny Commission in six months.

(The meeting closed at 9.11 pm)

SCRUTINY COMMISSION – 8 SEPTEMBER 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: ENVIRONMENTAL IMPROVEMENT PROGRAMME FOR 2011/12

1. PURPOSE OF REPORT

- 1.1 This report has been prepared following the request at the previous meeting of the Scrutiny Commission that information be provided on the breakdown of funding available for the Environmental Improvement Programme.

2. RECOMMENDATION

- 2.1 The report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 In February 2008, there was a proposal to reduce the budget from £50,000 to £35,000 but this was not carried forward.
- 3.2 In October 2009, the Capital Programme was revised reducing the HBBC contribution to £35,000 with external contribution at £10,000 to take gross funding to £45,000. This gross funding is now £50,000. This was approved as part of the capital programme by the Finance and Audit Committee, Executive and full Council as part of the 2011/12, 2012/13 and 2013/14 capital budget setting process.
- 3.3 It was also agreed that the HBBC contribution would remain at £35,000 and Housing and Planning Delivery Grant would be used to provide some of that funding. This has been carried over to 2011/12.
- 3.4 The breakdown of funding for this, 2011/12, year Environmental Improvement Programme is as follows:

Estimated Expenditure £52,742
External Contributions (£17,742)
Net funding from HBBC £ 35,000 (including HPDG funding of £15,000)

- 3.5 Council have already agreed the Environmental Improvement Programme's base budget for 2012/13 and 2013/14 at a net for each year of £35,000 (£50,000 gross with expected £15,000 from external income).
- 3.6 The Executive at its meeting on 17th August 2011 resolved that the Environmental Improvement Programme for 2011/12 be agreed and
- 1) The Chief Executive write to National Rail re the updating of Hinckley Railway Station ; and
 - 2) A supplementary request of £2,742 be met from additional external contributions. This is included in the breakdown within section 3.6 above.
- 3.7 With regard to the commissions query over Leicestershire County Council's involvement. Leicestershire County Council has never allocated a fixed annual sum to the Borough Council's Environmental Improvement Programme. Instead, the Borough Council's Project Officer has sought funding on individual projects where the County Council might have an interest. In the past, schemes have been part funded by the County Council concerning highway matters, library sites and heritage projects.

4. FINANCIAL IMPLICATIONS (IB)

- 4.1 The gross budget of £50,000 and the net budget of £35,000 were agreed by Council in February 2011. The additional £2,742 expenditure and external contribution have been approved separately during this financial year.

5. LEGAL IMPLICATIONS

- 5.1 None raised directly by this report

6. CORPORATE PLAN IMPLICATIONS

- 6.1 This report contributes to the following Strategic Aims and Objectives of the Council

Strategic Aim – Proud of our achievements for the Community

Strategic Objective – Secure a healthy, safe, respectful and attractive environment

- 6.2 The report also contributes towards the Community Plan Objective of:

'Protecting our environment, relevant aims, heritage - protecting and enhancing the Borough's heritage'.

7. CONSULTATION

7.1 None identified arising directly from this report.

8. RISK IMPLICATIONS

8.1 There are no significant risks associated with this report.

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 Projects put forward in the Environmental Improvement Programme are generally spread over the whole of the Borough and includes the rural area.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety Implications
- Environmental Implications
- ICT Implications
- Asset Management Implications
- Human Resources Implications

Background papers: File CS/P/0819

Contact Officer: Alan Davies, Project Manager ext. 5916

SCRUTINY COMMISSION – 8 SEPTEMBER 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: IMPLEMENTING SOCIAL HOUSING REFORM:DIRECTIONS TO THE SOCIAL HOUSING REGULATOR – CONSULTATION.

1 PURPOSE OF REPORT

- 1.1 To provide Members with information relating to the content of the above consultation paper, and to notify members of the proposed corporate response to the consultation.

2 RECOMMENDATION

- 2.1 That Members note the content of this report and the proposed corporate consultation response. Members are invited to make comment for Executive to consider.

3 BACKGROUND TO THE REPORT

- 3.1 At present, regulation of social housing providers is carried out by the Tenants Services Authority (TSA). Registered Providers with the TSA include housing associations and local authorities who still own and manage their own stock. From April 2012, regulation of Registered Providers will move to the Homes and Communities Agency and the TSA will be disbanded.
- 3.2 The Government is proceeding with the introduction of the Localism Bill, which makes a number of changes affecting housing and the devolvement of decision making to a more local level. However in order to do this, the regulatory framework needs to be amended to set the standards for the new reforms relating to social housing.
- 3.3 The consultation document seeks stakeholders views on the changes to existing standards regarding
- Quality of accommodation
 - Rent
 - Tenant involvement
- And two new standards covering the new guidance on
- Tenure
 - Mutual exchange.
- 3.4 Covered within these categories are a number of new initiatives which include:
- Affordable rent – the ability for registered providers to charge rent at up to 80% of market rent for new build properties, and where registered providers hold a contract with the HCA for the years 2011-15, to convert existing properties to affordable rent on relet;

- Tenant panels – the creation of tenant panels to scrutinise the performance of their registered providers;
- Flexible tenancies – registered providers may now grant time limited tenancies, from a minimum of 5 years upwards. They must set out a tenancy strategy which sets out the circumstances under which a flexible tenancy will be granted;
- Tenant cashback – the ability for tenants to either carry out, or engage someone else to carry out, repairs to their property. The tenant will take a share of any savings achieved as a result of taking responsibility for repairs.

3.5 The full consultation document can be found at appendix 1. using the following link:

<http://www.communities.gov.uk/publications/housing/socialhousingregulator>

4 **SUMMARY OF RESPONSE**

4.1 Appendix 2 shows the Council's proposed response to the consultation. The key benefits and opportunities of the changes are:

- The introduction of flexible tenancies gives registered providers an increased opportunity to manage their stock to respond to changes in tenants circumstances.
- Conversion of a fixed term tenancy to shared ownership will assist tenants who aspire to become owner occupiers.
- Opportunities for increased involvement of tenants in scrutinising the work of the registered provider builds on the work already begun by the council.
- The council welcomes an opportunity to increase the amount of affordable housing in the Borough to help to meet the high levels of need.

4.2 The key challenges of the consultation are as follows:

- There is no guidance on how inequalities of tenure length can be addressed to avoid pressure on registered providers offering lifetime tenancies, which will be more attractive to tenants.
- Conversion of fixed tenancies to shared ownership will lead to loss of rented stock, and therefore it should be a requirement that a new rented property replaces any conversion to shared ownership.
- Without this guidance, it is not possible to judge the extra staff and financial capacity required to implement these changes.
- Tenant cashback schemes will require inspection of all completed works and may require the registered providers intervention if they fail to come up to the required standard. There may also be implications in future for planning repair programmes and resources via the 'in-house' repairs service due to the uncertainty that may arise.
- Social rented stock (which includes all of the council's stock) may become the tenure for the least well off and highest need tenants, and more desirable than the higher affordable rented properties.

- Conversion of RSL properties to affordable rent may favour more family accommodation and properties in rural areas as they attract the highest market rents.
- The added borrowing generated from affordable rent does not have to be spent in the Borough, so does not necessarily lead to increased affordable housing overall.
- Consideration needs to be given to the staffing and financial implications of these changes when there is more clarity on how these initiatives will operate in practice.

4.3 The Government’s clarification on the following issues would be welcomed:

- Where a fixed term tenancy is ended by the landlord, whether the tenant would have a right to appeal and how this would be administered.
- There is no consideration of the impact of shorter tenancies on sustainable communities. People may not have a commitment to their community or locality if they are only there for a short time.
- It is not clear whether the introduction of tenant panels is mandatory or whether existing tenant involvement structures can incorporate the activity of a tenant panel function.
- There is no indication of how tenant panel roles will fit in with existing member scrutiny roles.

5 **FINANCIAL IMPLICATIONS (DB)**

None

6 **LEGAL IMPLICATIONS (AB)**

None

7 **CORPORATE PLAN IMPLICATIONS**

7.1 This meets priority 5 of the Corporate Plan “Decent, well managed and affordable housing”.

8 **CONSULTATION**

8.1 No consultation required at this point.

9 **RISK IMPLICATIONS**

9.1 It is the Council’s policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None		

10 **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

10.1 This paper, if implemented, will change the way that affordable housing is delivered and therefore has implications for the least well off in the Borough. It may also have an adverse impact on the rural areas of the Borough where rents are traditionally higher and therefore less affordable.

11 **CORPORATE IMPLICATIONS**

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications – none identified.
- Environmental implications – none identified
- ICT implications – none identified.
- Asset management implications – tenant cashback may devalue the Council’s stock unless high standards are enforced.
- Human Resources implications – changes to flexible tenancies and tenant cashback both have staffing implications to administer them effectively.
- Planning implications – the new affordable rent option will affect negotiations on affordable housing on qualifying sites.
- Voluntary sector – none identified.

Background papers: Appendix 1: Implementing Social Housing Reform: Directions to the Social Housing Regulator – consultation.

Appendix 2: Officer response to the consultation paper

Contact Officer: Valerie Bunting, Housing Strategy and Enabling Officer x5612



Implementing social housing reform: directions to the
Social Housing Regulator
Consultation



Implementing social housing reform: directions to
the Social Housing Regulator
Consultation

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Foreword

Over the last few decades waiting lists for social housing have grown to record proportions. At the same time a deepening sense of unfairness has grown about how this fundamental publicly-funded asset is used. We have allowed a lazy consensus to develop that failed to address these problems.

This Government has made it a top priority to make the system of social housing in England do what it is meant to do. We have introduced the most radical shake up of social housing for 50 years to create a fairer system that will allow us to build more affordable homes.

I am determined that good, affordable housing should be available for those who genuinely need it and that people who live in it should have the opportunity to achieve their aspirations. I believe that this is best done by trusting local authorities and social landlords to run their own businesses and by giving tenants more control over the decisions they make about their lives.

We are devolving power from the State to the people. Tenants will have more of a say in how their services are provided and we will give greater freedoms and flexibilities to landlords to provide these services. The Localism Bill, when enacted, will bring about many of the changes necessary to deliver our package of reforms but we also need to bring about regulatory changes to make the reforms work in practice.

This consultation outlines the areas on which the Secretary of State proposes to direct the social housing regulator to set standards. These are:

- **Tenure reform:** to allow social landlords to issue flexible tenancies, subject to conditions, to make better use of existing and future stock. In implementing these reforms, we will respect the rights of existing secure and assured tenants.
- **Mutual exchange:** to require landlords to enable access to internet-based mutual exchange schemes allowing tenants who want to move the best possible opportunity of finding a match, making the scheme truly national for the first time.
- **Tenant involvement:** to strengthen landlord accountability to tenants and support the Tenant Cashback model, providing new opportunities for social housing tenants to get involved in commissioning repair and maintenance services for their homes.
- **Rent:** to make changes to reflect the introduction of the Affordable Rent model.
- **Quality of accommodation:** to clarify that providers are expected to maintain their stock at a decent level.

These new flexibilities will help local authorities, social landlords and tenants to work together to make the system of social housing in this country fairer and help people stand on their own two feet. A system that does not block aspiration but instead acts as a springboard to help people make a better life for themselves and for their communities.

I look forward to reading your response to this consultation.

A handwritten signature in black ink, reading "Grant Shapps". The signature is written in a cursive, flowing style with a period at the end.

Rt. Hon. Grant Shapps MP, Minister for Housing and Local Government

Scope of the consultation

<p>Topic of this consultation:</p>	<p>Section 197 of the Housing and Regeneration Act 2008 ('the 2008 Act') gives the Secretary of State for Communities and Local Government certain powers to direct the Social Housing Regulator ('the Regulator') to set standards and about the content of standards. Once formally issued, the directions will be binding on the Regulator when it consults on and sets standards. Standards set by the Regulator will apply to registered providers of social housing ('registered providers'), commonly known as social landlords.</p> <p>The Secretary of State is proposing to use these powers to implement key elements of the Government's package of reforms to social housing. These reforms were outlined in the Government's summary of responses to a previous consultation document: <i>Local Decisions: a fairer future for social housing</i>¹ ('<i>Local Decisions</i>') and in its <i>Review of social housing regulation</i>².</p> <p>The Localism Bill currently before Parliament includes amendments to the Secretary of State's powers under section 197 of the 2008 Act. This consultation includes some proposals that are contingent upon these statutory changes being approved by Parliament. This is explained in more detail later in the document.</p>
<p>Scope of this consultation:</p>	<p>Section 197 of the 2008 Act requires the Secretary of State to consult on draft directions. This consultation paper proposes that the Secretary of State should:</p> <p>(a) withdraw all previous directions issued to the Regulator (directions were issued by the previous government on 10 November 2009 and 17 March 2010³); and</p> <p>(b) direct the Regulator to set standards (and about the content of those standards) on tenure, mutual exchange, tenant involvement and empowerment, rents and quality of accommodation. The draft directions are attached at Annex A.</p> <p>We are proposing to direct the regulator on tenure, mutual exchange and tenant involvement and empowerment in order to implement the Government's social housing reforms (as set out in the summary of responses to the <i>Local Decisions</i> consultation, the <i>Review of Social Housing Regulation</i> and elsewhere). In implementing these reforms, we will respect the rights of existing secure and assured tenants.</p> <p>The proposed direction on tenant involvement and empowerment also</p>

¹ <http://www.communities.gov.uk/publications/housing/localdecisionsresponse>

² <http://www.communities.gov.uk/publications/housing/socialhousingregulation>

³ <http://www.communities.gov.uk/publications/housing/tsadirectionresponses>

	<p>encompasses the Government's Tenant Cashback proposals, which are designed to enhance the opportunities available to social housing tenants to commission repairs and maintenance services for their homes.</p> <p>The proposed direction on rents reflects the creation of the Government's Affordable Rent model. It does not include any changes to the existing policy for traditional social rent. The proposed direction on quality of accommodation reflects the same policy as that which underpinned the previous direction.</p> <p>The scope of the consultation is limited to the proposed directions outlined later in this document.</p>														
Geographical scope:	This power affects the whole of England.														
Impact assessment:	<p>With one exception, impact assessments have already been published for all of the policy changes that the proposed directions would implement:</p> <table border="1" data-bbox="416 965 1417 1417"> <thead> <tr> <th data-bbox="416 965 916 1115">Proposed direction</th> <th data-bbox="916 965 1417 1115">Policy change (with link to accompanying Impact Assessment)</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 1115 916 1151">Tenure</td> <td data-bbox="916 1115 1417 1151">Tenure reform⁴</td> </tr> <tr> <td data-bbox="416 1151 916 1227">Mutual exchange</td> <td data-bbox="916 1151 1417 1227">Nationwide homeswap programme⁵</td> </tr> <tr> <td data-bbox="416 1227 916 1339">Tenant involvement and empowerment</td> <td data-bbox="916 1227 1417 1339">Reform of social housing regulation⁶</td> </tr> <tr> <td data-bbox="416 1339 916 1375">Rents</td> <td data-bbox="916 1339 1417 1375">Tenant Cashback</td> </tr> <tr> <td data-bbox="416 1375 916 1417">Quality of accommodation</td> <td data-bbox="916 1375 1417 1417">Affordable Rent⁷</td> </tr> <tr> <td data-bbox="416 1417 916 1453"></td> <td data-bbox="916 1417 1417 1453">No policy change</td> </tr> </tbody> </table> <p>The exception is the Government's Tenant Cashback proposals, for which an impact assessment is being published alongside this consultation document.</p>	Proposed direction	Policy change (with link to accompanying Impact Assessment)	Tenure	Tenure reform ⁴	Mutual exchange	Nationwide homeswap programme ⁵	Tenant involvement and empowerment	Reform of social housing regulation ⁶	Rents	Tenant Cashback	Quality of accommodation	Affordable Rent ⁷		No policy change
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⁴ www.communities.gov.uk/publications/localgovernment/localismsocialhousingfuture (see p.28-50)

⁵ www.communities.gov.uk/publications/localgovernment/localismsocialhousingfuture (see p.51-65)

⁶ www.communities.gov.uk/publications/localgovernment/localismsocialhousingreform

⁷ www.communities.gov.uk/publications/housing/rentimpactassessment

Basic information

<p>To:</p>	<p>Statutory consultees:</p> <ul style="list-style-type: none"> • the Regulator (currently the Tenant Services Authority) • the Homes and Communities Agency • the Audit Commission • bodies representing the interests of local housing authorities • bodies representing the interests of tenants of social housing • bodies representing the interests of registered providers • the Charity Commission <p>The Department will consider any consultation responses received from other interested bodies and individuals.</p>
<p>Body/bodies responsible for the consultation:</p>	<p>The Affordable Housing Regulation and Investment Division in the Department for Communities and Local Government is responsible for this consultation.</p>
<p>Duration:</p>	<p>The consultation starts on 7 July 2011 and finishes on 29 September 2011.</p>
<p>Enquiries:</p>	<p>For further information on this consultation document please email Directions@communities.gsi.gov.uk or telephone 0303 444 3779 or 0303 444 3653.</p>
<p>How to respond:</p>	<p>Consultation responses should be submitted by email to: Directions@communities.gsi.gov.uk</p> <p>Or by post to:</p> <p>Social Housing Directions Consultation Department for Communities and Local Government Zone 1/A4 Eland House Bressenden Place London SW1E 5DU</p>
<p>Additional ways to become involved:</p>	<p>Following the directions consultation, the Regulator intends to hold a consultation on the contents of its standards later in 2011. Bodies with an interest in those standards are advised to participate.</p>
<p>After the consultation:</p>	<p>The Government will publish all responses to the consultation and the final directions to the Regulator on the Department for Communities and Local Government website. This is expected in autumn 2011.</p>

Compliance with the code of practice on consultation:	This consultation document and consultation process have been planned to adhere to the Government code of practice on consultation issued by the Department for Business, Innovation and Skills and is in line with the seven consultation criteria. The period of consultation will be 12 weeks.
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Introduction

1. This is a consultation on draft directions proposed to be given by the Secretary of State for Communities and Local Government to the Social Housing Regulator ('the Regulator') under section 197 of the Housing and Regeneration Act 2008 ('the 2008 Act'). These directions are needed in order to implement important elements of the Government's planned reforms to social housing. The Localism Bill, currently before Parliament, will deliver other elements of the reform programme.
2. The previous government issued directions to the Regulator in November 2009 and March 2010⁸. We are proposing to withdraw these directions and replace them with the draft directions attached at Annex A. Once issued formally, the directions will be binding on the Regulator when it consults on and sets standards for registered providers of social housing ('registered providers'). The Regulator will set standards in accordance with the directions.
3. The Localism Bill includes certain amendments to the Secretary of State's powers under section 197 of the 2008 Act. The proposed directions on tenure and mutual exchange are contingent on these statutory changes and therefore cannot be issued formally until the Bill has received Royal Assent and the relevant clauses have been commenced. However the Government intends to publish the indicative final form of the directions in autumn 2011 following this consultation, with the directions being issued formally in the event that the necessary powers are available.
4. The only organisation directly affected by the proposals included in this consultation is the Regulator. Two groups will be indirectly affected, via the standards set by the Regulator in accordance with these directions: registered providers and their social housing tenants.
5. The proposed directions have no pre-determined end date but they may be subject to change or revision. Any further amendments or changes will require a consultation.
6. The text in this consultation paper is not binding. The 'context' and 'commentary' sections are intended to enable a better informed consultation by explaining the rationale for the directions. **We invite your views on the questions listed in the 'commentary' section, and on the draft directions themselves, by 29 September 2011.**

⁸ www.communities.gov.uk/publications/housing/tsadirectionresponses

Context

Regulation of social housing

7. Social housing (as defined by the 2008 Act) is subject to regulation where it is provided by registered providers. Registered providers are local authorities or private bodies (known as private registered providers – these are mostly housing associations) that are registered with the Regulator. The current regulatory system, provided by Part 2 of the 2008 Act, has been in place since 1 April 2010. The current Regulator, the Tenant Services Authority, was established on 1 December 2008.
8. The principal regulatory tool is standards set by the Regulator. The Regulator currently has two standard-setting powers under the 2008 Act. Section 193 enables the Regulator to set standards for registered providers *“as to the nature, extent and quality of accommodation, facilities or services provided in connection with social housing.”* Section 194 permits the Regulator to set standards for private registered providers in *“matters relating to the management of their financial and other affairs.”*
9. Section 197 of the 2008 Act provides that the Secretary of State may direct the regulator to (a) set a standard under section 193; (b) about the content of standards under section 193; and to (c) have regard to specified objectives when setting standards under section 193 or 194. Directions to set a standard or about the content of standards can currently only be given where they relate to quality of accommodation, rent, or tenant involvement. A previous Secretary of State issued directions on these three issues in November 2009 and March 2010.
10. The Regulator currently has a range of monitoring powers which it can use to assess registered providers’ performance against the standards. Where a registered provider breaches one or more of the standards, the regulator can use its enforcement powers.

Reform of social housing regulation

11. The Government is taking forward significant reforms to the existing regulatory system. These reforms were outlined in our Review of Social Housing Regulation ('the Review'), published in October 2010⁹.
12. In line with the Government’s commitment to reduce the number of quangos, the Tenant Services Authority will be abolished and responsibility for regulation will be transferred to the Homes and Communities Agency. In order to ensure the continued independence of regulation, regulatory functions and powers will be vested in a separate statutory Regulation Committee within the Homes and Communities Agency. The Committee’s members will be appointed by the Secretary of State.

⁹ www.communities.gov.uk/publications/housing/socialhousingregulation

13. The Review also recommended a significant refocusing of regulatory activity. Proactive economic regulation of housing associations will continue, in order to safeguard public investment in social housing and support social housing supply (including by retaining lender confidence in the sector). However consumer regulation will in future focus on setting clear service standards, with the Regulator's monitoring and enforcement powers only used where necessary to address failures against those standards that give rise to actual or potential serious detriment to tenants (or potential tenants). Instead there will be greater emphasis on local mechanisms to scrutinise performance and stronger tools for tenants to hold registered providers to account on service delivery. The Review also recommended a localist approach to the resolution of routine service problems, with an enhanced role for elected councillors, MPs and tenant panels in the complaints process.
14. To help drive the shift to local challenge and scrutiny, the Review recommended that the Secretary of State should direct the Regulator to issue a new standard on tenant involvement and empowerment. This standard would require registered providers to ensure that tenants are given the opportunity to form tenant panels (or equivalent groups) that will enable them to hold registered providers to account and scrutinise service delivery. In order to support effective scrutiny by tenants, the standard would require registered providers to provide timely, useful information about their performance in a form which providers should seek to agree with their tenants. The proposed direction on tenant involvement and empowerment is designed to deliver these outcomes.

Delivering regulatory reform

15. Our planned reforms to regulation will be delivered through a mixture of statutory and administrative changes.
16. Part 6 of the Localism Bill will, subject to the approval of Parliament, deliver the necessary changes to legislation. As noted above, the proposed direction on tenant involvement and empowerment will help to strengthen registered provider accountability to tenants. The Regulator has indicated that it intends to consult later in 2011 on changes to its regulatory framework that arise from these reforms. In doing so, the Regulator would take account of any indicative final form directions published by the Secretary of State.

Reform of social housing

17. In November 2010, the Government published *Local Decisions: a fairer future for social housing*, setting out plans for radical reform of the social housing system¹⁰. The paper made clear the Government's intention to change the legislation governing the types of tenancies granted to social housing tenants; the way social housing is allocated; how local authorities discharge their main homelessness duty; as well as legislating to improve mobility for social tenants.

¹⁰ www.communities.gov.uk/publications/housing/socialhousingreform

18. These changes are intended to provide greater freedoms and flexibilities for local authorities and registered providers to meet local needs and local priorities; make better use of resources; promote fairness; and ensure that support is focused on those who need it for as long as they need it.
19. The statutory reforms to the social housing system which were set out in *Local Decisions* are being taken forward in the Localism Bill which is currently being considered by Parliament. However, in some cases, regulatory changes are also needed in order to deliver the reforms, as outlined below.

Tenure reform

20. Registered providers currently have very little flexibility over the types of tenancy they offer. Local authority providers are obliged by law to provide secure lifetime tenancies in most cases. Private registered providers (typically housing associations) have much more flexibility in statute but are constrained by regulatory requirements. The Regulator's Tenancy Standard, which applies to all registered providers, requires them to 'offer and issue the most secure form of tenancy compatible with the purpose of the housing and the sustainability of the community'. In practice this means that private registered providers are required to grant periodic assured tenancies to the vast majority of new tenants in general needs social rented housing.
21. The Government wants to give all registered providers much greater flexibility, enabling them to offer lifetime security where it is needed but also to set shorter terms for social rent as well as Affordable Rent properties where that makes more sense.
22. Through the Localism Bill, the Government is seeking to:
 - create a new local authority flexible tenancy with a minimum fixed term of two years with similar rights to secure tenants
 - respect the rights of existing secure and assured tenants
 - provide that all new secure and flexible tenancies include a right to one succession for spouses and partners, while giving registered providers the flexibility to grant whatever additional succession rights they choose
 - place a new duty on local housing authorities to publish tenancy strategies, to which registered providers should have regard when formulating their own tenancy policies
 - give the Secretary of State a power to direct the Regulator on the content of a Tenancy Standard
23. We are proposing to use the new power of direction, if approved by Parliament, to allow greater flexibility for registered providers on the types of tenancies that they may grant. That includes clarifying that private registered providers have the same flexibility on probationary tenancies as local authority landlords currently enjoy. Our aim is to support and encourage their use as an important tool for tackling anti-social behaviour, alongside, as required, interventions to help tenants change their behaviour and maintain their tenancy.

Mobility

24. The Government is committed to introducing a nationwide social home swap programme to ensure that social tenants wishing to move can maximise their chances of securing a suitable match. Our aim is to make it easier for tenants to see possible exchange partners and to increase tenants' choice and control over where they live.
25. If this ambition is to be delivered, it is important that all registered providers provide their tenants with access to good internet-based home swap services and ensure that appropriate support is provided for those tenants who do not have internet access.
26. The Localism Bill therefore provides a power for the Secretary of State to direct the Regulator on the content of a standard for registered providers on "*methods of assisting tenants to exchange tenancies.*" We are proposing to use this new power of direction, if approved by Parliament.

Affordable Rent

27. The Government's new Affordable Rent model, announced at the Spending Review, is designed to maximise the delivery of new social housing by making the best possible use of constrained public subsidy and the existing social housing stock. It will also provide a more diverse offer for the range of people accessing social housing.
28. Affordable Rent homes will be made available to tenants up to a maximum of 80 per cent of local market rent, with the option to offer flexible tenancies. Affordable Rent homes will be allocated in the same way that social rent properties are now, and existing lettings arrangements operated by local authorities and registered providers will continue to apply. Where appropriate, Affordable Rent properties will be made available through choice based lettings. The statutory and regulatory framework for allocations provides scope for local flexibility, and local authorities and registered providers may wish to exercise this discretion in relation to Affordable Rent in order to meet local needs and priorities in the most effective way possible. The 2011-15 Affordable Homes Programme framework provides full details of the Affordable Rent model¹¹.
29. In December 2010 the Regulator launched a consultation on a number of changes to its Tenancy Standard that were necessary in order to give registered providers the freedom to benefit from the opportunities that Affordable Rent provides¹². In April 2011, following the conclusion of the consultation, the Regulator issued a revised Tenancy Standard which is now in effect¹³.
30. Although the regulatory framework has already been amended to allow

¹¹ www.homesandcommunities.co.uk/affordable-homes

¹² www.tenantservicesauthority.org/server/show/ConWebDoc.20976

¹³ www.tenantservicesauthority.org/server/show/ConWebDoc.21239

registered providers to offer Affordable Rent properties, the Government considers that it makes sense to update the existing direction on rents to reflect the introduction of the new model. The proposed revisions are consequential upon the introduction of Affordable Rent and are therefore unlikely to have a material impact on the regulatory framework.

31. The Minister for Housing and Local Government has confirmed that the existing inflation-linked formula, inherited from the previous government, for annual rent increases in traditional social rented housing will continue to apply throughout the 2011-15 period as part of the Government's rent restructuring policy¹⁴. Therefore we are not proposing any other changes to the rents direction.

Tenant Cashback

32. The purpose of the Tenant Cashback model is to give social housing tenants opportunities to be involved in the management of repair and maintenance services for their homes. Rather than registered providers always carrying out or commissioning repairs, the model would give tenants opportunities to undertake or commission routine repair tasks themselves, as agreed with their landlords.
33. Tenants who choose to take up these opportunities will be able to take more responsibility for the upkeep of their homes and neighbourhoods. They will have a chance to share in resulting efficiencies, potentially building up worthwhile savings through the scheme. They may also gain practical and transferable skills.
34. We recognise that local circumstances, including the age, condition and type of housing, will need to be taken into account in each locality. We do not therefore propose to prescribe how registered providers should run local Tenant Cashback schemes. However we are proposing that registered providers should offer opportunities to their tenants to be involved in managing repairs and maintenance services and to share in savings made.
35. We are piloting the Tenant Cashback model to work through the detailed practicalities of how a scheme will work in practice. We envisage that evidence from pilot schemes will be made widely available to help registered providers to run their own schemes successfully.

Decent Homes programme

36. The target was for all social homes to meet the Decent Homes standard by December 2010. The great majority of social housing met the standard before this date and registered providers' statistical returns show that 92 per cent was expected to meet the standard by April 2011. Some landlords, particularly in the local authority sector, had formal agreements with the Regulator that some of their stock would be made decent after this date. (Some agreements had

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www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110214/wmstext/110214m0001.htm#110214600020

been granted by the Government Offices and were inherited by the Regulator with the introduction of cross-domain regulation.)

37. The extensions granted to these registered providers still stand. Providers should make every effort to revise their spending plans and improve their procurement efficiency to meet their agreed deadline before seeking to renegotiate it. In the Spending Review the Government earmarked £2.1bn to help tackle the backlog of non-decent homes in the social sector. This funding is essential in helping to ensure all social homes meet the Decent Homes standard and will help registered providers meet their commitments. Some providers with less than 10 per cent of their homes non-decent may have expected to receive further funding but will not do so following the Spending Review settlement. However it is expected that through effective use of other resources and procurement efficiencies they will still be able to improve their non-decent homes.
38. In future registered providers are expected to maintain their stock at a decent level, investing capital and using their asset management strategy to ensure pre-emptive improvements are delivered so that their homes do not fall into a non-decent state. Our expectation is that temporary exemptions to the standard for specific homes will only be given in exceptional circumstances.

Localism Bill: changes to direction powers

39. The Secretary of State has a power to direct the Regulator to set a standard and on the content of a standard. However he can only use this power in relation to the specific matters listed in subsection (2) of section 197 of the 2008 Act. Currently these matters are the quality of accommodation, rent and tenant involvement. As noted above, the Bill will add two further categories to this list – tenure (clause 133) and mutual exchange (clause 154). This consultation includes proposals to issue directions on tenure and mutual exchange, in the event that these clauses are approved by Parliament.
40. The Bill makes only one other change to this power – to provide that it can be used in relation to standards set under section 194 (i.e. economic standards) as well as standards set under section 193 (i.e. consumer standards). This change is necessary because, as part of the re-classification of the standards into 'consumer' and 'economic', standards on rents will – in future – be set under section 194 rather than under section 193 (as is provided by paragraph 4(5) of Schedule 17 to the Bill). The classification of the standard on rents as 'economic' will ensure that the Regulator can continue to monitor and enforce compliance with the standard on a proactive basis.
41. In relation to rents, our proposal is therefore to issue a direction in relation to a standard set under section 194, in the event that Parliament approves this clause.

Commentary on proposed directions

General principles

42. The Government is proposing to issue five directions, on tenure, mutual exchange, tenant involvement and empowerment, rents and quality of accommodation. In the case of the latter three, our approach is to revise and reissue the existing directions on these issues. The draft directions are attached at Annex A.
43. The Government's intention is that the standards resulting from these directions should apply to all registered providers, with the exception of rents (which will apply to private registered providers only).
44. The directions are intended to apply only to the low cost rental accommodation of registered providers, as defined by the 2008 Act. Low cost rental includes Affordable Rent as well as traditional social rented housing. However it is intended that the directions will not apply to intermediate rent (which is technically a form of low cost rental) or to low cost home ownership accommodation. It continues to be for the Regulator to decide within its statutory framework what standards are appropriate for these groups.
45. The Government believes that the draft directions should contain the minimum amount of detail needed to achieve the desired goals, and where possible should be set at a high level (while setting clear boundaries where necessary).

Direction on tenure

46. In framing the draft direction on tenure, we have carefully considered the right balance between central prescription and flexibility. The draft direction begins by setting an overall outcome that we are seeking to achieve, but then offers flexibility for registered providers to decide how to deliver this outcome locally. However it is essential that this is done in a transparent way (hence the proposed requirement on registered providers to publish and maintain a clear and accessible tenancy policy) and that there are certain minimum guarantees that all tenants can expect.
47. The proposed overall outcome at the start of the direction (*"that registered providers offer and issue tenancies which are compatible with the purpose of the housing, the needs of individual households, the sustainability of the community and the efficient use of their housing stock"*) is intended to replace the required outcome on tenure in the Regulator's existing Tenancy Standard. The current required outcome (*"registered providers shall offer and issue the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community"*) effectively requires providers to grant lifetime tenancies to the vast majority of new tenants in general needs social rent housing.

Question 1: Does the draft direction on tenure set out the relevant factors that registered providers should consider when deciding what type of tenancy they should offer and issue?

48. The proposed requirement on registered providers to “*publish clear and accessible policies which outline their approach to tenancy management*” is of a similar form to the requirement in the existing Tenancy Standard. It also incorporates tackling tenancy fraud and preventing unnecessary evictions, issues covered in the ‘specific expectations’ section of the existing Standard. We propose that tenancy policies should set out how tenants or prospective tenants can appeal or complain against tenancy decisions – we envisage that registered providers will normally wish to refer to their existing complaints procedures, taking account, in respect of local authority landlords, of the statutory provisions for appeals which we are planning to introduce.
49. We expect that in developing, communicating and implementing their tenancy policies, registered providers will pay particular regard to the needs of more vulnerable tenants and their children, for example through the provision of tailored interventions where tenancy conditions are not being met and by providing additional support through any complaints or appeals process.

Question 2: Does the draft direction on tenure set out the right minimum requirements for a registered provider’s tenancy policy?

50. The Government believes that the minimum guarantee should be a two-year tenancy. However we would expect, and responses to the *Local Decisions* consultation suggest, that the vast majority of tenancies will be provided on longer terms – particularly for vulnerable households or those with children. Paragraph 2(3)(f) of the draft direction reflects that expectation. We are proposing that registered providers’ tenancy policies should explain how they will take account of the needs of vulnerable households, including through the provision of tenancies which provide a reasonable degree of stability for those households.
51. The draft direction makes clear that for new tenants, a flexible tenancy may be preceded by a probationary tenancy. Probationary tenancies are used by the majority of registered providers, prior to the grant of secure or assured tenancies, as an important tool to identify and deal with anti-social behaviour at an early stage. For the same reason, the Government wants to ensure that landlords are able to grant probationary tenancies prior to the fixed term of a flexible tenancy for new tenants.
52. The Government also wants to ensure that all registered providers have the same level of flexibility on the use of probationary tenancies, as part of encouraging their use for new tenants as standard practice. The draft direction therefore clarifies that private registered providers can extend probationary tenancies to up to 18 months (as local authority landlords can already).
53. The draft direction incorporates a requirement that the Standard must include a guarantee of a tenancy of no less security for existing social tenants who choose to move to another social rent home. This guarantee does not apply

where a tenant chooses to move to an Affordable Rent home, although registered providers will have discretion to provide the same level of security in this situation should they wish to do so. This approach matches the Government's proposals in paragraph 2.51 of the *Local Decisions* consultation. The guarantee will apply where tenants are decanted to another property (regardless of whether it is a social rent or Affordable Rent property).

Question 3: Does the draft direction set out the right minimum protections for tenants of registered providers?

54. As noted above, the Regulator published a revised Tenancy Standard on 13 April 2011 in order to enable registered providers to participate in Affordable Rent. The revised Standard provides greater flexibility for registered providers on the types of tenancy they can grant on Affordable Rent properties. The proposed direction will extend these flexibilities to traditional social rented housing as well. In doing so, the direction seeks to build on the requirements in the existing Standard. The key differences between the proposed direction and the current Standard are as follows:
- the draft direction provides more detail about the matters that tenancy policies should set out
 - the draft direction makes clear that, in relation to general needs housing, the alternative to Assured or Secure periodic tenancies is to offer fixed term tenancies. The draft direction also clarifies the maximum length of probationary tenancies
 - the draft direction sets out the circumstances in which existing social tenants are guaranteed the same level of security where they move home

Direction on mutual exchange

55. In formulating the draft direction on mutual exchange we have sought to build on the existing regulatory requirement to participate in mobility and mutual exchange schemes where available, and make clearer our expectation that registered providers should offer a better mutual exchange service to tenants.
56. The purpose of sub-paragraph 3(2)(a) of the draft direction is to require registered providers to subscribe to an internet based mutual exchange service which enables tenants to register their details for a mutual exchange and search for reciprocal matches.
57. Paragraphs 8.25-8.29 of the *Local Decisions* consultation document described work by Government and existing providers of internet-based mutual exchange services to develop a new national scheme which would enable tenants wishing to identify a mutual exchange to see all available matches. It is our intention that registered providers should subscribe to a provider who is part of this scheme (as provided by sub-paragraph 3(2)(b)(i)), but the draft direction retains the choice for landlords to subscribe to a number of individual providers if they prefer (see sub-paragraph 3(2)(b)(ii)). The intended outcome is that tenants

should be able to access easily the details of as many available reciprocal matches as possible.

58. We want also to ensure that registered providers proactively promote the option of mutual exchange to tenants, including access to a service which the registered provider has subscribed to on their behalf. This is provided for in sub-paragraph 3(2)(c) of the draft direction. Registered providers will need to provide support for tenants who may not have access to a computer, or may not be able to use a computer without assistance (see subparagraph 3(2)(d)). This point was made particularly in relation to older or more vulnerable tenants in response to our earlier consultation on *Local Decisions*. We are not seeking to prescribe how support might be offered but suggest this could include access to computers in public buildings, or housing officer support to register and search for matches on behalf of a tenant.
59. It is our intention that all registered providers should subscribe to a service on behalf of their tenants, and in the majority of cases this is likely to prove the most cost effective option. However it may be the case for smaller registered providers, where they perceive a full subscription to not offer value for money, that they would consider paying the subscription fee for individual tenants on request. Individual registered providers will have the flexibility to make this choice.
60. This new direction is intended to replace the required outcome on mobility in the Regulator's existing Tenancy Standard.

Question 4: Do you agree with the principle and detail of our proposed direction on mutual exchange?

Direction on tenant involvement and empowerment

61. We are proposing to amend the existing tenant involvement and empowerment direction in order to:
- implement several recommendations set out in the Review of Social Housing Regulation on strengthening the ability of tenants to hold registered providers to account¹⁵; and
 - reflect the Government's Tenant Cashback scheme
62. The draft direction reflects three key recommendations set out in the Review. Firstly, that there should be a clear expectation in regulation that tenants are able to scrutinise registered providers' performance. The text in sub-paragraph 4(2)(a) of the proposed direction is designed to deliver this outcome. In particular we are proposing that tenants should have a wide range of opportunities to influence and be involved in "*the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved.*" Alongside effective scrutiny, the Government

¹⁵ The draft direction is a further iteration of the indicative direction on tenant involvement and empowerment that was published as an annex to the *Review of Social Housing Regulation*.

wishes to ensure that registered providers provide further opportunities for tenants to take responsibility for managing their homes, and support tenants in exercising this choice, including through the Right to Manage where this is appropriate. Sub-paragraph 4(2)(b)(i) reflects this policy.

63. Secondly, that registered providers should welcome scrutiny via a tenant panel (or equivalent group). The text in sub-paragraph 4(2)(b)(ii) of the draft direction reflects this recommendation. The proposed text is designed to sit alongside the provisions in the Localism Bill for tenant panels that have been recognised as a designated person for the purpose of referring complaints to the Housing Ombudsman. It is recognised that tenant panels will not necessarily choose to fulfil the function of a designated person for the purpose of referring complaints.
64. Thirdly, that there should be a clear regulatory obligation on registered providers to provide timely, useful performance information to tenants in order to support effective scrutiny. The Review also proposed that the Regulator's statutory power to require registered providers to submit an annual report of their performance should be replaced with a regulatory obligation to provide an annual report of performance to tenants. The text in sub-paragraph 4(2)(b)(iii) of the draft direction reflects these commitments.
65. Sub-paragraph 4(2)(a)(v) of the draft direction reflects the Tenant Cashback model. The intention is to give tenants opportunities to be involved in the commissioning or carrying out of routine repairs, as agreed with their landlord, and to share in any financial savings made as a result. We believe that the publication of information about repair and maintenance budgets will help tenants to judge whether local schemes are sufficiently ambitious. Sub-paragraph 4(2)(b)(iii) is designed to achieve this outcome via registered providers' annual reports.

Question 5: Do you agree with the principle and detail of our proposed revisions to the direction on tenant involvement and empowerment?

Question 6: What type of models for involving social tenants in repair and maintenance services are registered providers likely to offer, how many tenants might participate in these and what costs and benefits might they result in?

Direction on rents

66. The Government is proposing to update the existing direction on rents to reflect the introduction of the new Affordable Rent model. The formula for traditional social rents will remain unchanged. The Government intends that the resulting standard will continue to apply to private registered providers only.
67. Our proposed amendments to the direction are consistent with the 2011-15 Affordable Homes Programme Framework. The wording is very similar to that already used by the Regulator in its recent amendments to the rent element of its Tenancy Standard. The revised direction is therefore unlikely to result in material changes to the existing regulatory framework.

68. In particular, the draft direction provides that:

- properties are to be treated as Affordable Rent where they are provided pursuant to a housing supply delivery agreement with the Homes and Communities Agency under the 2011-15 Affordable Housing Programme
- in line with the Housing Minister's statement to Parliament on 9 December 2010¹⁶, Affordable Rent properties are outside the Government's rent restructuring policy and the social rent formula
- Affordable Rent properties are subject to separate requirements relating to initial rent setting, annual increases and periodic rebasing as set out in the direction

Question 7: Do the proposed revisions to the rent direction adequately reflect the introduction of Affordable Rent?

Direction on quality of accommodation

69. We are proposing some minor revisions to the existing quality of accommodation direction. These changes are needed to reflect the fact that the original date for compliance with the Decent Homes Standard (31 December 2010) has now expired.
70. We are proposing to remove the fixed date for compliance from the direction. The resulting Quality of Accommodation Standard would instead work in much the same way as other standards, where compliance is required with immediate effect rather than within a certain period.
71. The existing direction gives the Regulator's scope to provide 'extensions' to the date by which registered providers must comply with the Quality of Accommodation Standard. The draft direction attached at Annex A retains this flexibility in a slightly modified form. As registered providers are expected to maintain their stock at a decent level on an ongoing basis, the direction would give the Regulator scope to grant a temporary exemption for specific properties where the requirements of the standard should be met by an agreed date. Our expectation is that such an exemption would only be granted to local authorities with a backlog of work now and then only in exceptional circumstances in the future.

Question 8: Do you agree with the proposed revisions to the Quality of Accommodation direction to reflect the expiry of the original target date for compliance?

Question 9: Energy efficiency is implicit in the revisions to the Quality of Accommodation Direction; should we make it more explicit?

¹⁶

www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101209/wmstext/101209m0001.htm#10120948000017

Annex A: Proposed directions

The Directions on Regulatory Standards

The Secretary of State, in exercise of the powers conferred by section 197 of the Housing and Regeneration Act 2008 (“the 2008 Act”) makes the following Directions:

Citation, application and interpretation

1.—(1) These Directions may be cited as the Directions on Regulatory Standards and shall apply to registered providers from 1 April 2012.

(2) The Regulatory Standards set by the Regulator of Social Housing (“the Regulator”) pursuant to these Directions shall apply to low cost rental accommodation of registered providers but shall not apply to—

- (a) in relation to a registered local authority, accommodation not accounted for within the local housing authority's Housing Revenue Account; and
- (b) in relation to private registered providers, rental accommodation to which grant has been given on the basis that the accommodation is intermediate rent, or accommodation specified as exempt from the rent influencing regime in the Rent Influencing Regime Guidance.

(3) In these Directions—

“category 1 hazard” has the meaning given by or under section 2 of the Housing Act 2004,

“Decent Homes Guidance” means A Decent Home: Definition and guidance for implementation published by the Department for Communities and Local Government in June 2006 and any guidance issued by the Department or its successors, in relation to that document,

“Housing Revenue Account” means the account a local housing authority is required to keep by virtue of section 74 of the Local Government and Housing Act 1989,

“internet based” means a service which is accessed through the internet,

“let on Affordable Rent terms”, in relation to accommodation, means provided pursuant to a housing supply delivery agreement entered into between a registered provider and the Homes and Communities Agency under the Agency's 2011-15 Affordable Housing Programme Framework,

a “match” occurs where a property is identified which fulfils the required property details entered and there is a reciprocal match for the tenant of that identified property,

“mutual exchange” means an agreement between tenants to swap homes, whether or not the tenants are tenants of the same registered provider,

“mutual exchange property” means a property the tenants of which have registered an interest in arranging a mutual exchange with a mutual exchange service,

“mutual exchange service” means a service which enables tenants who have registered an interest in arranging a mutual exchange to search for other mutual exchange properties,

“property” means any low cost rental accommodation of a registered provider,

“property details” include the property type (flat, bungalow, house, etc), address and number of bedrooms,

“Rent Influencing Regime Guidance” means the Rent Influencing Regime Guidance published by the Housing Corporation in October 2001, the Rents guidance in the Explanatory Note to Decision Instrument 5 (Revision to the Tenancy Standard: Affordable Rent) published by the Regulator in April 2011 and any other guidance issued by the Housing Corporation, the Regulator or its successors, in relation to those documents,

“Right to Manage” means the exercise of the rights in relation to the management of premises provided for under sections 27 and 27AB of the Housing Act 1985,

“RPI” means the general index of retail prices (for all items) published by the Office for National Statistics or, if that index is not published for any month, any substituted index or index figures published by that Office,

“set” in relation to a standard, includes revise, and cognate expressions shall be construed accordingly,

“Social Rent Guidance” means the Guide to Social Rent Reforms published by the Department of Environment, Transport and the Regions in March 2001, the Written Ministerial Statement on Affordable Rent made on 9 December 2010 and any guidance issued by the Department or its successors, in relation to that document, and

“tenant” means a tenant of a registered provider of social housing.

(4) Expressions which are used, but not defined, in these Directions shall have the same meaning as in the 2008 Act.

(5) References in any document referred to by these Directions to—

(a) registered social landlords, or cognate expressions, shall be treated as references to private registered providers,

(b) the Housing Corporation shall be treated as references to the Regulator.

Tenure

2.—(1) The Regulator must set a standard relating to types of tenure and relating to the content of registered providers’ tenancy policies (“the Tenure Standard”).

(2) The Regulator must set the Tenure Standard with a view to achieving, so far as possible, that registered providers issue tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

(3) The Regulator must also set the Tenure Standard with a view to achieving, so far as possible, that registered providers publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, tackling tenancy fraud and granting discretionary succession rights, and set out—

(a) the kinds of tenancies they will grant;

(b) where they grant tenancies for a fixed term, the length of those terms;

(c) the circumstances in which they will grant tenancies of a particular type;

(d) the circumstances in which tenancies may or may not be reissued at the end of the fixed term, in the same property or in a different property;

- (e) the way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term;
- (f) their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability; and
- (g) the advice and assistance to tenants on finding alternative accommodation they will give in the event that they decide not to reissue a tenancy.

(4) The Regulator must also set the Tenure Standard with a view to achieving, so far as possible, that—

- (a) where registered providers grant general needs tenancies, these are for a minimum fixed term of two years⁽¹⁷⁾, in addition to any probationary tenancy period;
- (b) where registered providers use probationary tenancies, these are for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review;
- (c) registered providers grant those who were social housing tenants on the day on which section 132 of the Localism Act 2011 comes into force, a tenancy with no less security where they choose to move to another social rented home (this requirement should not apply where tenants choose to move to accommodation let on Affordable Rent terms); and
- (d) registered providers grant tenants who have been moved into alternative accommodation during any redevelopment works a tenancy with no less security of tenure on their return to settled accommodation.

Mutual exchange

3.—(1) The Regulator must set a standard relating to methods of assisting tenants to exchange tenancies, in particular the provision of access to an internet based mutual exchange service (“the Mutual Exchange Standard”).

(2) The Regulator must set the Mutual Exchange Standard with a view to achieving the following, so far as possible—

- (a) registered providers must subscribe to an internet based mutual exchange service which allows—
 - (i) a tenant to register an interest in arranging a mutual exchange through the mutual exchange service without payment of a fee;
 - (ii) the tenant to enter their current property details and the tenant’s requirements for the mutual exchange property they hope to obtain;
 - (iii) the tenant to be provided with the property details of those properties where a match occurs;
- (b) registered providers must subscribe to either—
 - (i) an internet based mutual exchange service which, with the consent of the tenant, shares the property details of each such tenant registered with that service with other providers of mutual exchange services, or
 - (ii) as many internet based mutual exchange services as necessary to provide tenants with access to as many mutual exchange properties as possible;

⁽¹⁷⁾ This does not apply where registered providers grant periodic secure or assured tenancies

- (c) registered providers must take reasonable steps to publicise the availability of any mutual exchange service(s) to which it subscribes to the attention of its tenants; and
- (d) registered providers must provide reasonable support to tenants who do not have access to the internet.

Tenant involvement and empowerment

4.—(1) The Regulator must set a standard relating to the involvement by tenants in the management by registered providers of accommodation (“the Tenant Involvement Standard”).

(2) The Regulator must set the Tenant Involvement Standard with a view to achieving the following, so far as possible—

- (a) that tenants are given a wide range of opportunities to influence and be involved in—
 - (i) the formulation of their landlord’s housing related policies and priorities,
 - (ii) the making of decisions about how housing related services are delivered, including the setting of service standards,
 - (iii) the scrutiny of their landlord’s performance and the making of recommendations to their landlord about how performance might be improved,
 - (iv) the management of their homes, where applicable, and
 - (v) the management of repair and maintenance services, such as commissioning and undertaking a range of repair tasks, as agreed with landlords, and the sharing in savings made,
- (b) that registered providers support their tenants to develop and implement the opportunities in sub-paragraph (2)(a), including by—
 - (i) supporting their tenants to exercise their Right to Manage or otherwise exercise housing management functions, where appropriate;
 - (ii) supporting the formation and activities of tenant panels or equivalent groups and responding in a constructive and timely manner to them; and
 - (iii) the provision of timely and relevant performance information to support effective scrutiny by tenants of their landlord’s performance in a form which registered providers seek to agree with their tenants; such provision must include the publication of an annual report which should include information on repair and maintenance budgets.

Rent

5.—(1) The Regulator must set a standard relating to rent (“the Rent Standard”)

(2) The Rent Standard is to apply to private registered providers only.

(3) The Rent Standard is to apply in relation to the setting of rents in the financial year beginning on 1 April 2012 and subsequent financial years.

(4) In setting the Rent Standard the Regulator must have regard to the Social Rent Guidance.

(5) Subject to sub-paragraph (8), the Regulator must set the Rent Standard with a view to achieving the following, so far as possible—

(a) rents conform with pattern produced by the rents formula set out in the Rent Influencing Regime Guidance (“target rents”) with a 5% tolerance on individual rents (10% for supported housing and sheltered housing) (“rent flexibility level”) but subject to the maximum rent levels specified in that Guidance (“rent caps”),

(b) weekly rent for accommodation increases each year by an amount which is no more than—

$$\text{RPI} + 0.5\% + \text{£}2,$$

until it reaches the upper limit of the rent flexibility level or the rent cap, whichever is lower,

(c) weekly rent for accommodation which has reached or is above the upper limit of the rent flexibility level increases each year by an amount which is no more than the increase to the target rents,

(d) rent caps increase annually by—

$$\text{RPI} + 1\%,$$

(e) target rents increase annually by—

$$\text{RPI} + 0.5\%.$$

(6) Sub-paragraphs (4) and (5) do not apply to accommodation let on Affordable Rent terms.

(7) Subject to sub-paragraph (8), where accommodation is let on Affordable Rent terms the Regulator must set the Rent Standard with a view to achieving the following, so far as possible—

(a) rent for accommodation (inclusive of service charges) is set at a level which is no more than 80% of the estimated market rent for the accommodation (inclusive of service charges), based on a valuation in accordance with a method recognised by the Royal Institute of Chartered Surveyors,

(b) rent for accommodation increases each year by an amount which is no more than—

$$\text{RPI} + 0.5\%,$$

(c) rent for accommodation is re-set, based on a new valuation each time the accommodation is let to a new tenant or re-let to the same tenant.

(8) Where the application of the Rent Standard would cause providers to be unable to meet other standards, particularly in respect of financial viability including the risk that a reduction in overall rental income causes them to risk failing to meeting existing commitments such as banking or lending covenants, then the Regulator may allow extensions to the period over which the requirements of the Rent Standard are met.

Quality of accommodation

6.—(1) The Regulator must set a standard relating to the quality of accommodation (“the Quality of Accommodation Standard”).

(2) In setting the Quality of Accommodation Standard, the Regulator must have regard to the Decent Homes Guidance.

(3) The Regulator must set the Quality of Accommodation Standard with a view to achieving the following, so far as possible—

(a) that accommodation—

(i) contains no category 1 hazard,

- (ii) is in a reasonable state of repair,
- (iii) has reasonably modern facilities and services, and
- (iv) includes facilities or services for the provision of a reasonable level of thermal comfort,

(b) that accommodation which is at the standard set out in the Decent Homes Guidance is maintained by the registered provider at that standard.

(4) Where, in relation to a registered provider, the application of the Quality of Accommodation Standard would not be reasonable the Regulator may agree a temporary period with the registered provider during which the requirements of the Quality of Accommodation Standard need not be fully met.

Annex B: Consultation criteria

The seven consultation criteria and this consultation

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Better Regulation Executive in the Department for Business, Innovation and Skills and is in line with the seven consultation criteria, which are:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Please note that section 197(8)(b) of the 2008 Act requires the Secretary of State to publish each response to this consultation. Information provided in response to this consultation, including personal information, may also be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained

in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please inform the DCLG Consultation Co-ordinator.

The postal address is:

Zone 4/J2
Eland House
London
SW1E 5DU

The email address is consultationcoordinator@communities.gsi.gov.uk

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28th July 2011

Dear Consultee,

Implementing social housing reform: consultation on directions to the Social Housing Regulator

I am writing to let you know that, following further consideration, particularly in light of concerns expressed during debate on the tenure reform provisions in the Localism Bill at Lords Committee, we are making a small but important change to our proposed direction to the Social Housing Regulator on tenure.

We have consistently said (and have repeated this in the directions consultation) that whilst, to provide maximum flexibility to best respond to specific circumstances, a minimum tenancy term of two years should be available to registered providers, we would expect the vast majority of tenancies to be provided on longer terms. We are now proposing that this expectation that tenancies of this length should only be used exceptionally should become a requirement within the Tenure Standard itself. If social landlords decide that there are exceptional circumstances where tenancies of less than five years may be appropriate, then they will be required to set out in their tenancy policy what those circumstances will be.

The revised draft tenure direction is annexed to this letter, with changes in bold. When you respond to the directions consultation document, you should do so on the basis that this draft direction represents the Government's proposed text. The consultation document remains unchanged in all other respects, including the consultation deadline of 29 September.

A handwritten signature in cursive script, appearing to read "Grant Shapps".

GRANT SHAPPS MP

Tenure

1.—(1) The Regulator must set a standard relating to types of tenure and relating to the content of registered providers' tenancy policies ("the Tenure Standard").

(2) The Regulator must set the Tenure Standard with a view to achieving, so far as possible, that registered providers issue tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock.

(3) The Regulator must also set the Tenure Standard with a view to achieving, so far as possible, that registered providers publish clear and accessible policies which outline their approach to tenancy management, including preventing unnecessary evictions, tackling tenancy fraud and granting discretionary succession rights, and set out—

- (a) the kinds of tenancies they will grant;
- (b) where they grant tenancies for a fixed term, the length of those terms;
- (c) the circumstances in which they will grant tenancies of a particular type;
- (d) any exceptional circumstances in which they will grant tenancies for a term of less than five years⁽¹⁾ in general needs housing following any probationary period.**
- (e) the circumstances in which tenancies may or may not be reissued at the end of the fixed term, in the same property or in a different property;
- (f) the way in which a tenant or prospective tenant may appeal against or complain about the length of fixed term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed term;
- (g) their policy on taking into account the needs of those households who are vulnerable by reason of age, disability or illness, and households with children, including through the provision of tenancies which provide a reasonable degree of stability; and
- (h) the advice and assistance to tenants on finding alternative accommodation they will give in the event that they decide not to reissue a tenancy.

(4) The Regulator must also set the Tenure Standard with a view to achieving, so far as possible, that—

- (a) where registered providers grant general needs tenancies, these are for a minimum fixed term of **five years⁽¹⁾**, **or exceptionally for a minimum term of no less than two years**, in addition to any probationary tenancy period;
- (b) where registered providers use probationary tenancies, these are for a maximum of 12 months, or a maximum of 18 months where reasons for extending the probationary period have been given and where the tenant has the opportunity to request a review;
- (c) registered providers grant those who were social housing tenants on the day on which section 132 of the Localism Act 2011 comes into force, a tenancy with no less security where they choose to move to another social rented home (this requirement should not apply where tenants choose to move to accommodation let on Affordable Rent terms); and
- (d) registered providers grant tenants who have been moved into alternative accommodation during any redevelopment works a tenancy with no less security of tenure on their return to settled accommodation.

⁽¹⁾ This does not apply where registered providers grant periodic secure or assured tenancies

**Implementing social housing reform: directions to the Social Housing Regulator -
Consultation Response**

<p>Question 1: Does the draft direction on tenure set out the relevant factors that registered providers should consider when deciding what type of tenancy they should offer and issue?</p>
<p>Officers comments: The introduction of flexible tenancies gives registered providers an opportunity to manage their stock in response to tenants changing circumstances. The draft direction sets out the relevant factors but does not give any indication as to how much weight should be given to each factor. There is no direction on how any inequalities of tenure length between different registered providers should be addressed. As a stock holding local authority, there are implications for the authority if it is decided not to offer flexible tenancies when RSL partners choose to offer them as it will make the Council's secure tenancies more desirable and increase pressure on our stock. Whilst the ability to convert tenancies to shared ownership assists those tenants who aspire to owner occupation, there is concern as this will remove a property from the rented sector. It should therefore be a requirement that any conversion to shared ownership should require a new rented property to be provided within the same local authority area.</p>
<p>Question 2: Does the draft direction on tenure set out the right minimum requirements for a registered provider's tenancy policy?</p>
<p>Officers comments: No. There should be a clear requirement for registered providers to set out the rights of appeal and the appeal procedures for those whose fixed term tenancies will not be renewed.</p> <p>There is no direction on how the complexities of different tenure lengths and different rented products should be explained to potential tenants to ensure that they are able to make an informed decision about the possible implications for them in bidding under Choice Based Lettings processes.</p> <p>There is no direction on how these changes will impact on sustainable communities. The effect of shorter term tenancies on communities where flexible tenants have no long term commitment or buy in to the local community could be immense and could affect staffing requirements for registered providers both in housing management terms, dealing with potential increases in anti social behaviour and in administrative terms in carrying out assessments to review those tenancies coming to an end. This may also have a "knock on" effect on housing options teams in local authorities who have to deal with a greater number of homelessness enquiries, particularly if there is no right of appeal against a tenancy end.</p> <p>These issues should all be addressed in a tenancy policy but need a steer from central government as to which of the potentially conflicting policies should be given priority.</p>
<p>Question 3: Does the draft direction set out the right minimum protections for tenants of registered providers?</p>
<p>Officers comments: The direction on probationary tenancies is clear and brings consistency of approach by registered providers. If the Government wishes to encourage the ability of tenants to move, for example to take up work opportunities, they should guarantee that any exchange or transfer should be on their existing security of tenure and not exclude affordable rent from this process.</p>
<p>Question 4: Do you agree with the principle and detail of our proposed direction on mutual exchange?</p>
<p>Officers comments: Yes. Although it would be administratively less complex if the mutual exchange provider worked on the same basis as Homebuy agents - that is, that one agent is appointed for a region or area and handled all applications for that area.</p>
<p>Question 5: Do you agree with the principle and detail of our proposed revisions to the direction on tenant involvement and empowerment?</p>
<p>Officers comments: Opportunities for increased involvement by tenants in scrutinising the work of the council builds on work already begun in this authority. The guidance is unclear whether it will be mandatory for registered providers to have tenant panels, or whether there is discretion to use existing or alternative structures. It is not possible therefore to judge how much change this will impose on existing tenant involvement mechanisms within the organisation, nor how much extra</p>

<p>staff capacity will be required to implement the tenant panels. It is unclear how tenant panels would complement/ conflict with members scrutiny panels.</p>
<p>Question 6: What type of models for involving social tenants in repair and maintenance services are registered providers likely to offer, how many tenants might participate in these and what costs and benefits might they result in?</p>
<p>Officers comments: The opportunity for savings to the council on its repairs bill under tenant cashback would be welcomed. The authority is currently working towards bringing its repair service in house, and this initiative clearly has implications for the negotiation of contracts, as it is uncertain how popular this initiative will be. It is not anticipated that there will be high levels of take up from local authority tenants as the local authority has high customer satisfaction with its repairs service, and can achieve economies of scale which make it very competitive with maintenance costs. However there are concerns of the administrative burden this will place on registered providers both in the need to provide guidance and quality standards for tenants, and in the follow up after completion of repairs as it is expected (at least initially) that this will involve 100% inspection of repairs carried out under this initiative to ensure the work is carried out to a satisfactory standard. There is no guidance for what happens if despite repeated attempts a repair fails to come up to a satisfactory standard. This would have financial and staffing considerations for dealing with such situations.</p>
<p>Question 7: Do the proposed revisions to the rent direction adequately reflect the introduction of Affordable Rent?</p>
<p>Officers comments: They reflect the process but have no guidance or consideration of the impact of affordable rents. The assumption by Government seems to be that people who are going to apply for affordable rents will be working, which means that social rented properties will again become the tenure for the least well off /highest need people. The Borough Council has not applied to be a development partner with the JCA and therefore will not be able to charge affordable rent on its stock, therefore this revision would increase pressure on the Council housing stock and on housing management staff who have to manage tenants with high needs. It is uncertain how RSLs intend to implement their affordable rent charges, but areas with higher market rents will be more attractive to conversion by RSLs, as will larger properties with higher rents. This may adversely affect the availability of social rented properties in the Borough by more family housing or housing in rural areas being targeted for conversion to affordable rent, putting additional pressure on Council stock. The additional borrowing generated by affordable rent does not have to be spent in the Council area that the affordable rent charge is made, so they may not contribute to an increased supply of affordable housing in the Borough. There are indications that partners with no intention of developing in the Borough are considering converting properties within the area to affordable rent, which means a loss of a social rented property with no gain for the Borough. The imposition of affordable rent therefore leads to an inequitable outcome for the Borough which has high levels of affordable housing need.</p>
<p>Question 8: Do you agree with the proposed revisions to the Quality of Accommodation direction to reflect the expiry of the original target date for compliance?</p>
<p>Officers comments: As the local authority has already met its target it has no comments on this issue.</p>
<p>Question 9: Energy efficiency is implicit in the revisions to the Quality of Accommodation Direction; should we make it more explicit?</p>
<p>Officers comments: This issue is adequately covered by the current direction.</p>

SCRUTINY – 8 SEPTEMBER 2011**REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)****RE: ATKINS AND GREENFIELDS DEVELOPMENTS YIELD AND TENANT LOCATION****1.0 PURPOSE OF REPORT**

- 1.1 To advise the Scrutiny committee on further financial and tenant location details in relation to Greenfields Business Park and the Atkins Building, as requested during the last Scrutiny meeting on 28/07/2011.

2.0 RECOMMENDATIONS

- 2.1 That the Scrutiny Committee note the detail within this report.

3.0 ATKINS DEVELOPMENT

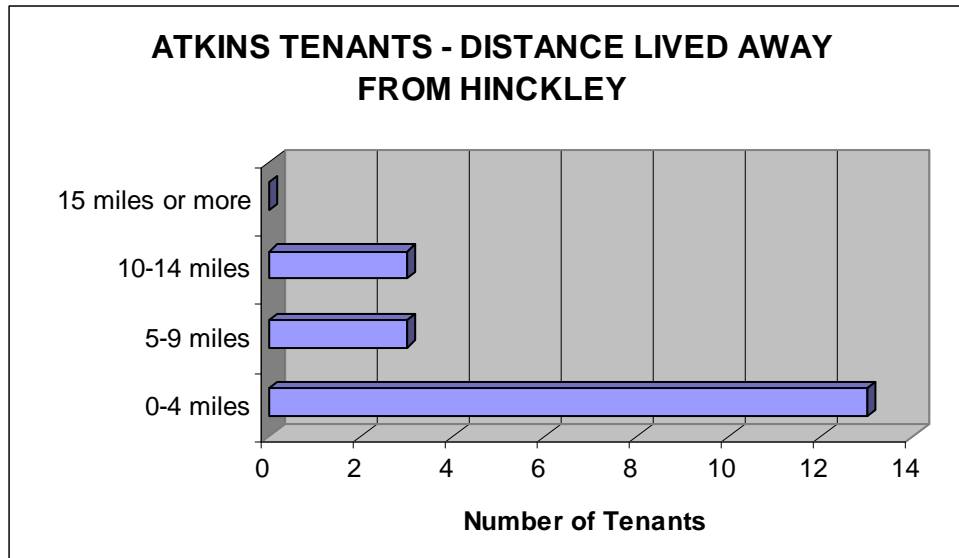
- 3.1 The Atkins Building is currently experiencing an occupancy rate of 76%. The details of these tenants and their business type can be found in the table below:

TENANT	BUSINESS TYPE	Unit Size Sq Ft	Former Location	Lease Length
Café Impressions	Café	1100	New Venture	5
Creative Hinckley	Creative Arts Body	4099	New Venture/The Lawns	15
Panda Art	Children/Adult Art Clubs	202	New Venture	CH Tenants
Chapter 7 Design	NWHC Graphic Design	202	New Venture	CH Tenants
Ballet UK	Dress Design and Production	157	House	CH Tenants
KHA	Print and Design Solutions	157	House	CH Tenants
Sporting Dream	Sports Coaching	202	Sparkenhoe	CH Tenants
WB Arts	Children Art Clubs	338	House	CH Tenants
Artography	Photography	457	House	CH Tenants
Magick Minx	Jewellery Maker	457	Various	CH Tenants
LCC	Registrars and drop in centre	2567	Mount Road	5
Abrahamson Foster	Accountants	173	Dennis House	3
Acorn Process Controls	Electrical Engineers	295	The Borough	1
Bailey Punshon	Accountants	349	Constitutional House	1
Dusty Durham	Financial Planner	173	New Venture	1
Source	Web Design	325	Regent Street	3
P and F Plant	Plant Hire	296	New Venture	1
Coles Recruitment	Recruitment Consultant	252	House	6 months
Revenues and Benefits	Revenues and Benefits	4125	New Partnership	5
One Roof Financial	Financial Planner	202	Earl Shilton	3
My Mortgage Place	Mortgage Consultant	202	Earl Shilton	3
Scout Mag	Scooter Magazine Designers	202	New Venture	1

Corporate Mergers	Company Merger Specialist	202	Constitutional House	1
Acorn Training	Training and Recruitment	606	New Venture	3
Andrea Sheehy	Marriage Counsellor	175	Regent Street	3
20C	Renewable Energy Solutions	3110	Desford Coach House	5

3.2 The tenants are located within the Borough with the majority pulled from within a 4 mile radius of the Town Centre, enabling businesses to be retained within Hinckley and reducing the number of out commuters, which has represented a problem in the past.

3.3



3.4 With the building currently being let at 76% and producing a projected rental income for 2011/12 of circa £188,000 a Net Yield of 8% will be produced which with increased rents in 2012/13 will rise to a yield of 10%.

3.5 The yield has been calculated by utilising the income, costs and market value figures. At the financial year ending 31/3/11 the value for the property was £1.81 million. Rents are expected to reach £188,426 2011/12 whilst costs will be in the region of £100,000 (majority recouped through service charge)

The Net Yield is then calculated by:

$$((\text{Income} - \text{costs}) / \text{market value}) \times 100$$

$$((£188,426 - £100,000) / £1,810,000) \times 100 = 4.9\% \text{ 2011/12}$$

$$((£220,000 - £110,000) / £1,810,000) \times 100 = 6.1\% \text{ 2012/13}$$

3.6 The occupancy figure of 76% includes Net Lettable Areas. As stated within the table of occupiers, 20C have been included within the calculations, with their lease having been signed but yet to complete. This is due to the surrender of their existing premises which is being ratified by their current landlord. They expect to move in on September 2nd 2011.

3.7 The areas of the building that are currently not let on a permanent basis include the basement Education Room and Partridge Suite (circa 4,500

square feet for both), 1 x 338 square feet office and open plan office space in Building 2 totalling circa 3,200 square feet.

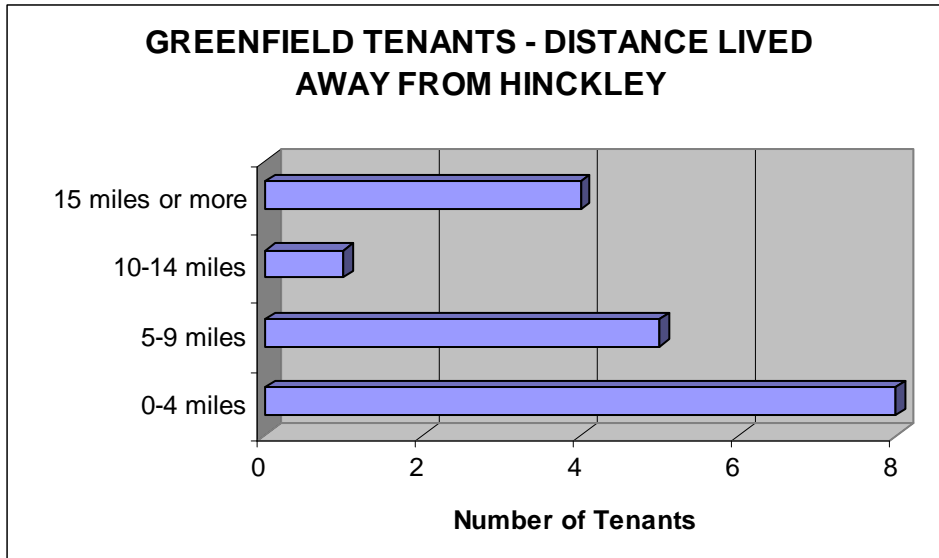
- 3.8 The office space is being marketed by Wards Surveyors, Office Broker and Flexi Offices whilst the basement rooms are marketed via HBBC. The Education Room although not having any long term tenants, has been successful in attracting various events such as the forthcoming beer festival (£1,000 rental fee charged) whilst a tie up with North Warwickshire and Hinckley College has been achieved for 2 days a week over a 32 week period. This amounts to £3,200 in rental charges. The Partridge Suite has and continues to have various meetings within the room with events also being arranged with the café.

4.0 GREENFIELDS

- 4.1 Greenfields Business Park, which opened in October 2010 has proved to be a popular estate in the current depressed market and is currently 100% let. The tenant mix within the estate is strong with no replication involved with both new and existing businesses represented.

TENANT	BUSINESS TYPE	Unit Size sq ft	Former Location	Lease Length
MWM Interiors	Interior Design	5250	Sketchley Meadows	3
Apex	Window Installers	1000	Hinckley Field Ind Park	3
Broxbourne Leisure	Nightclub Fit Outs/Managers	2250	Hinckley Elements	3
Microdigita	IT Support Specialists	7250	Barlestone	3
Envo Graphics	Graphic Printers	2250	Market Bosworth	3
Kim Lord	Storage	1500	New Venture	3
123IT	IT/CCTV Install/Support	1250	New Venture	3
Graphics to Go	Signwriter	1250	Sunnyside	3
EEC	Food Machinery Maintenance	3000	Barleyfields	3
AEC	Electrical Engineer	2650	Nuneaton	3
Lean Flexibles	Environmental Packaging	7000	New Venture	3
PRB Drainage	Drainage	5000	Hinckley Business Park	3

- 4.2 The tenants for this estate are drawn from a wide catchment area with almost 30% of tenants coming from areas situated 15 miles or more from Hinckley. The estates design, aesthetic appeal and green credentials will all play a major role in attracting new tenants.



- 4.3 With the estate currently being let at 100% and producing a projected rental income for 2011/12 of circa £187,000 a Net Yield of 5% which will be replicated in 2012/13.
- 4.4 This has been calculated by utilising the income, costs and market value figures. The market value for the property of £4 million was valued in 06/07. Rents are expected to reach £187,830 2011/12 whilst costs will be in the region of £7,500 (majority recouped through service charge)

The Net Yield is then calculated by:

$$((\text{Income} - \text{costs}) / \text{market value}) \times 100$$

$$((£187,830 - £7,500) / £4,000,000) \times 100 = 5\% \text{ 2011/12}$$

$$((£200,000 - £15,000) / £4,000,000) \times 100 = 5\% \text{ 2012/13}$$

5.0 FINANCIAL IMPLICATIONS (IB)

5.1 Revenue projections have been included in Section 2 and 3.

5.2 Atkins Capital Project

The gross capital cost for the renovation was £6,258,598. Funding from EMDA amounted to £3,685,296 and other contributions amounted to £25,953. The balance of £2,542,034 was funded by the Council. The valuation as at 31st March 2011 was £1,810,000.

Net expected income for 2011/12 is £88,426. The yield based on net capital expenditure is therefore 3.48 per cent.

5.3 Greenfields Capital Project

The gross capital cost of the build is expected to be £4,172,000 (Final retention payments are still outstanding). EMDA funding for the project amounts to £2,086,000 and the Council's funding is £2,086,000.

Net expected income for 2011/12 is £180,330. The yield based on net capital expenditure is therefore 8.64 per cent.

6.0 LEGAL IMPLICATIONS (AB)

6.1 None raised directly by this report as it is for noting only

7.0 CORPORATE PLAN IMPLICATIONS

7.1 Corporate Plan implications will have been considered within each individual projects business case.

8.0 CONSULTATION

8.1 Consultation will have been considered within each individual projects feasibility study.

9.0 RISK IMPLICATIONS

9.1 Risks will be considered within each projects risk register.

10 KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 Community / Equality / Rural implications will have been considered within each individual projects business case.

11 CORPORATE IMPLICATIONS

11.1 Corporate implications will have been considered within each individual projects business case.

Contact Officer: Malcolm Evans 5614 (Atkins, Council Relocation,
Greenfield's)

Executive Member Cllr Keith Lynch Finance & ICT

SCRUTINY COMMISSION - 8 SEPTEMBER 2011

REPORT OF CHIEF EXECUTIVE RE SHARED SERVICES - CURRENT AND MEDIUM TERM POSITION

1. PURPOSE OF REPORT

To update members of the Scrutiny Commission on existing joint working/shared services with other Councils in Leicestershire and the surrounding areas and of the outcomes achieved and planned in terms of efficiencies, resilience and improved services.

2. RECOMMENDATION

That Members recognise the effective joint working initiatives on which Hinckley and Bosworth Borough Council is involved/leading and make any suggestions for further initiatives and improvements.

3. BACKGROUND

3.1 This report has been requested by the Chairman of the Scrutiny Commission so that Members can be more fully aware of the extent of the joint working on which officers of this authority are involved and, in many cases, leading.

3.2 Hinckley and Bosworth Borough Council has been involved in a variety of shared service initiatives over the past few years, driven by a variety of factors: the opportunity arising from a vacant post, external investment potential (e.g. RIEP), opportunity to learn/transfer good practice and the need to save money.

3.3 Appended to this paper at Appendix A is the strategic direction on shared services. Appendix B lists a summary of the initiatives on which the Council is currently involved, with details of the desired outcomes from joint working and the partnership status of the Council ('lead' or 'partner').

3.4 Appendix B sets out also the group of services and activities which will be given priority for future shared service initiatives, should the opportunity arise or be brought upon us, with decisions being based on the decision-tool attached at Appendix C. This process will support a strategic direction, whereby service management will be joined with one or more other councils on a service by service basis, not driven top-down.

3.5 Members are invited to discuss the effective contributions being made by existing and proposed shared services and acknowledge the future potential

4. FINANCIAL IMPLICATIONS

None arising directly from this report.

5. **LEGAL IMPLICATIONS**

None arising directly from this report.

6. **CORPORATE PLAN IMPLICATIONS**

The process of shared working allows (and should continue to facilitate) the Council to work on the basis of one of our values of 'improved effectiveness working in partnership at a competitive price'.

7. **KNOWING YOUR COMMUNITY - EQUALITY AND RURAL IMPLICATIONS**

This report refers to services across the whole of the area covered by the Council.

8. **RISK IMPLICATIONS**

No significant risks.

9. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- * Community Safety implications
- * Environmental implications
- * ICT implications
- * Asset Management implications
- * Human Resources implications
- * Planning Implications
- * Voluntary Sector

Background papers: None

Contact officer: Steve Atkinson, 01455 255606

Shared Services - Strategic Direction for HBBC

This Strategy has been prepared to provide a clear steer and direction for our work on shared services with other councils/agencies, in order to avoid abortive or duplicated work and to ensure that the Council and its taxpayers secure maximum net benefit (service and financial) from shared service activities.

1. **Strategic Objectives**

- * Secure more cost-effective services for local taxpayers.
- * Improve service quality and performance, by sharing and adopting 'best practice'.
- * Reduce overall costs (operational and managerial).
- * Improve resilience and sustainability of local, front-line services.
- * Promote transformational 'challenge' to existing operational arrangements.

2. **Delivering the Strategy**

In delivering the Strategy and its objectives, the Council will give priority to those services detailed in the 'route map' attached to this Strategy, so that work is focussed on those services which rank most highly in relation to:

- * overall cost
- * unit cost
- * taxpayer priority
- * comparative performance
- * process improvements

3. **Future Developments**

By following a service-based approach to sharing/partnering with other councils and agencies, the Council will be able to concentrate on its customers and their priorities/satisfaction. This will lead to efficiencies at both operational and managerial levels, the latter of which, over time and in response to service changes, will result in a more service-based consideration of joint/shared management at senior levels; an evolutionary approach which will better integrate management and operation than a single 'top-down' approach.

Shared Services Priorities
'Route Map' / Forward Plan

The following services are set out as a group of priorities, as a means of clarifying which activities should be given priority when promoting or responding to opportunities for shared working. This schedule will be circulated to councils and other agencies operating within the East Midlands, to ensure the widest realistic promotion of shared working. It is not a strict schedule, but will guide what we do in the next three years. Services already shared/under development are listed first, to detail areas for expansion on an already-developed foundation.

EXISTING

Service Areas	Partner(s)	Reason (HBBC)
Revenues/Benefits	HDC / NWL *1	Reduced costs
IT	BDC / O&W	Reduced costs
Building Control	O&W	Reduced costs / resilience
Legal Services	BDC / O&W / N Works	Improved services/income generation
Procurement	NWL	Reduced costs
Regeneration	O&W	Sustainability / reduced costs
Internal Audit	O&W	Reduced costs
Waste Management	NBBC	Reduced costs
Domestic Violence	BDC	Resilience
S151 Officer	O&W	Reduced costs
Land Charges	BDC	Resilience
Emergency Planning	Sub-regional	Resilience
Car Parking Management	Sub-regional	Resilience

POTENTIAL

Service Areas		Reason (HBBC)
Waste Collection/Recycling	}	Frontline priority/reduced costs
Street Cleansing		
Green/Public Space/Cemeteries		
Housing Repairs		
Asset Management/co-location		Reduced costs
Support Services		Reduced costs
Housing Management		Frontline priority
Cultural Services		Reduced costs
Planning (Devt Control)		Reduced costs/resilience
Finance (Accountancy) *2		Resilience/reduced costs
Homelessness		Frontline priority
Community Safety		Resilience
Planning (Policy)		Improved wider co-ordination
Environmental Health/Licensing		Resilience
Elections		Resilience

*1 From August 2011 fully operational

*2 Under consideration with O&W

Shared Services Decision Tool

The Council will identify and deliver efficiencies using a variety of means. The Council's Transformation Board is tasked with quantifying savings from the delivery of all Council projects. A key method of delivering efficiencies is through the development of shared services with like minded organisations.

Prior to any significant investment (in terms of resources, i.e. office time, consultancy costs) on a shared service, the following decision making matrix must be used.

Criteria	Response
Will this project delivery savings/increased revenue of 15% pa or more of relevant existing budgets within two years?	Yes / No
Does it support an existing strategic partnership?	Yes / No
Will the project create or release resource/capacity or improve resilience within the Council to the equivalent of 1.0fte (£20k pa) minimum?	Yes / No
Will the project improve the customer experience based upon robust evidence of customer demand/perceptions/satisfaction?	Yes / No
Is there evidence that the costs of the current service are significantly out of line with comparable services in other authorities or increasing disproportionately compared with previous years?	Yes / No
Will it reduce the requirement for external support (e.g. agency staff/ consultancy) by the minimum equivalent of 1.0fte or £20k pa?	Yes / No
Will performance improve by over 10% on current levels?	Yes / No

If there are three or more 'Yes' responses, this indicates that the shared service option should be pursued and a robust Business Case developed. The Business Case must include reference to all above criteria and include evidence.

The ongoing delivery of the shared service project is to be monitored and reported to the Transformation Board.



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

SEPTEMBER – DECEMBER 2011

Hinckley & Bosworth Borough Council
Council Offices, Argents Mead
Hinckley, LE10 1BZ

HINCKLEY & BOSWORTH BOROUGH COUNCIL

INFORMATION ABOUT THE FORWARD PLAN

WHAT IS THE FORWARD PLAN?

The Forward Plan contains decisions which are due to be taken by Council, Executive or under delegated powers to individual Executive members or senior officers. Each plan covers a four month period and is updated monthly. The plan includes all decisions to be taken both “key decisions” (definition opposite) and non-key decisions.

WHAT INFORMATION IS CONTAINED IN THE FORWARD PLAN?

The Forward Plan details:

- The nature of the decision to be made and whether it is a key decision (definition opposite);
- The committee or individual who will take the decision;
- The date or period when the decision is to be taken;
- The stages which will be undertaken prior to the decision, both consultation and presentation to committees;
- The documents which will be presented to the decision maker(s);
- The author of the report.

You can view copies of the current Forward Plan on our web site (www.hinckley-bosworth.gov.uk) or alternatively at:

The Main Reception, Council Offices, Argents Mead, Hinckley

WHAT IS A KEY DECISION?

A key decision is an Executive decision which:

- involves expenditure (of reduction of income) of over £20,000 on any particular scheme/project;
- adopts a policy or strategy (which the Executive has the power to adopt);
- involves the adoption or amendment of the Scale of Fees and Charges;
- is one that affects the whole of the Borough and is one which the residents of Hinckley & Bosworth would normally expect to be notified or consulted; or
- involves a recommendation by the Executive to a Partnership organisation which will take the ultimate decision.

Decisions by the regulatory committees (ie Planning, Regulatory, Licensing and Standards) and Personnel Committee are never key decisions.

A copy of this Forward Plan can be downloaded from our website (www.hinckley-bosworth.gov.uk) or can be obtained by telephoning 01455 255879, sending a fax to 01455 635692 or emailing democraticsupport@hinckley-bosworth.gov.uk

RESPONSIBILITY FOR DECISIONS

Part 3 of the Council’s Constitution sets out which committee/individual has responsibility for taking decisions.

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

1 SEPTEMBER TO 31 DECEMBER 2011

SEPTEMBER 2011

Details of Decision to be taken (* denotes key decision)	Portfolio/ Service	Decision Maker and Date(s)	Reporting Pathway and Date(s)	Consultees and Consultation Process	Documents to be submitted <i>(Report Author)</i>
Statement of Accounts	Finance	Special Council 21 September 2011	Finance, Audit & Performance Cttee, 12 September		Committee Report <i>(David Bunker)</i>

OCTOBER 2011

Details of Decision to be taken (* denotes key decision)	Portfolio/ Service	Decision Maker and Date(s)	Reporting Pathway and Date(s)	Consultees and Consultation Process	Documents to be submitted <i>(Report Author)</i>
Refresh of Carbon Management Plan 2011-14	Environmental Health	Executive 12 October 2011		Internal and external	Committee report Rob Parkinson
Council Housing Tenancy Conditions Review	Housing	Executive 12 October 2011	Scrutiny Commission	Consultation with tenants	Committee Report <i>(Sharon Stacey)</i>
Broadband	Planning	Executive 12 October 2011			Committee Report (Judith Sturley)
EMDA Town Centre Regional Support Completion	Planning	Executive 12 October 2011			Committee Report <i>(Claire)</i>
Enterprise Zone and Regional Growth Fund re MIRA	Planning	Executive 12 October 2011			Committee Report (Judith Sturley)

Regent Street	Planning	Executive 12 October 2011			Committee Report <i>(Duncan Elliott)</i>
Protocol for section 106 contributions, including affordable housing	Planning	Council 25 October 2011			Committee Report <i>(Valerie Bunting)</i>

NOVEMBER 2011

No decisions to be taken

DECEMBER 2011

Details of Decision to be taken (* denotes key decision)	Portfolio/ Service	Decision Maker and Date(s)	Reporting Pathway and Date(s)	Consultees and Consultation Process	Documents to be submitted <i>(Report Author)</i>
Environmental Health General Enforcement Policy 2011	Environmental Heath	Executive 7 December 2011		Internal and external	Committee report <i>(Rob Parkinson)</i>
Argents Mead	Planning	Executive 7 December 2011			<i>Committee Report (Duncan Elliott)</i>

To Be Programmed

HRA Subsidy Reform	Housing / Finance	Executive	Scrutiny Commission		Committee Report (Sharon Stacey)
Tenant Consultation Feedback	Housing	Executive	Scrutiny Commission		Committee Report (Sharon Stacey)
Resident involvement strategy	Housing				Committee Report (Sharon Stacey)
Leicestershire Waste Partnership Strategy	Business, Contracts & Streetscene Services				Committee Report & Strategy (Michael Brymer)
Discounted open market sale properties	Planning				Committee Report (Valerie Bunting)
Fees – Legislation coming out in October 2011	Planning	Council December/January	Executive		Committee Report (Cathy Horton)
Earl Shilton & Barwell AAP	Planning	Exec April/May 2012			
Argents Mead	Planning	Council June 2012	Executive		
Introduction of full cost recovery for Licensing	Environmental Health	July 2012			
Environmental Health Commercial Services - Enforcement Service Delivery Plan 2012/2013	Environmental Health	Executive June 2013	Executive	Internal	Committee report Steve Merry

Constitution – review SoD (EH)					
Charities Act 2006 Policy	Environmental Heath	Executive 7 December 2011	Executive	Licensing Committee Internal and external	Committee report Mark Brymer

DETAILS OF COUNCIL DECISION MAKERS

The table below details the Council's Service Areas and the Executive Member responsible for each with the Council Official responsible for service management.

AREA OF RESPONSIBILITY / SERVICE AREA	EXECUTIVE MEMBERS AND CHIEF OFFICERS	HEAD OF SERVICE CONTACT DETAILS
Strategic Leadership	Councillor SL Bray (Leader) Mr S Atkinson (Chief Executive)	Tel: 01455 255606 Fax: 01455 890229 Email: steve.atkinson@hinckley-bosworth.gov.uk
Community Direction (including Housing, Community Safety, Partnerships, Environmental Health, Planning & Cultural Services)	Councillor D Bill (Deputy Leader) (Community Safety) Councillor SL Bray (Leader) (Planning) Councillor DS Cope (Housing & Environmental Health) Councillor MT Mullaney (Culture, Leisure, Parks & open spaces) Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk
Corporate Direction (including Corporate & Customer Resources, Scrutiny, Ethical Standards, Finance, ICT, Estates & Asset Management)	Councillor KWP Lynch (Finance, ICT & Asset Management) Councillor Ms BM Witherford (Corporate Services, Equalities) Mr S Kohli (Deputy Chief Executive, Corporate Direction)	Tel: 01455 255607 Fax: 01455 251172 Email: sanjiv.kohli@hinckley-bosworth.gov.uk
Business, contract & Streetscene Services (including Refuse Collection, Street Cleansing, Car Park Management, Housing repairs, Neighbourhood Wardens)	Councillor SL Bray (Leader) (Car Parks) Councillor DS Cope (Housing Repairs) Councillor WJ Crooks (Refuse and Recycling, Street Cleansing) Councillor MT Mullaney (Green Spaces, Grounds Maintenance) Mr M Brymer (Head of Service)	Tel: 01455 255852 Fax: 01455 234590 Email: michael.brymer@hinckley-bosworth.gov.uk
Rural Issues (across all portfolios and including Village Centres)	Councillor WJ Crooks Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk

Further clarification and representations about any item included in the Forward Plan can be made to the appropriate Executive Member and Head of Service either using the contact details above or in writing to: Hinckley and Bosworth Borough Council, Council Offices, Argents Mead, Hinckley, Leicestershire, LE10 1BZ. Representations should be made before noon on the working day before the date on which the decision is to be taken.

DECISION MAKING ARRANGEMENTS

The views of local people are at the heart of decision making at Hinckley & Bosworth Borough Council, because major decisions are made by Councillors who are elected every four years by local people. Councillors work with the communities that they represent to ensure that local priorities are reflected in the work that the Council does.

The Council is made up of 34 Councillors representing 16 wards. If you want to know which Councillor(s) represents your area or you would like to contact your Councillor(s) concerning an issue, you will find contact details on our website (www.hinckley-bosworth.gov.uk) or alternatively you can contact the Council on 01455 238141.

The Council is committed to the principle of open government and everyone is welcome to attend meetings (except for confidential business) and to receive details of non-confidential items. Below are further details of the Council's democratic decision making arrangements.

The Council

The Council is responsible for setting the budget and the policy framework. Each year there is an Annual Meeting, which selects the Mayor and Deputy Mayor (who are the Chairman and Vice-Chairman of the Council) and decides the membership of the Scrutiny Commission and Regulatory Committees. There are six ordinary meetings of the Council per year, which make strategic, policy and major budget decisions. This Forward Plan details decisions to be taken by the Council over the next four months.

Executive Functions

Many day to day policy and operational decisions are taken by Executive, a group of seven Councillors comprising of the Leader, Deputy Leader and five Executive Members each responsible for an area of Council policy and activity. The Executive members and their responsibilities are detailed in the previous table.

Overview and Scrutiny Functions

Decisions of the Executive are subject to scrutiny by the Scrutiny Commission and the Finance, Audit & Performance Committee. The Scrutiny Commission and Finance, Audit & Performance Committee also have a role in Policy development. In addition, Scrutiny Panels are established to oversee ad-hoc projects. The Scrutiny Commission publishes an Annual Report and a Work Programme; this is available on the Council's website and from the Council on request.

Regulatory Functions

In addition the Council has established committees to deal with regulatory issues, these committees are Planning Committee, Licensing Committee, Regulatory Committee and the Standards Committee.

Further information about the Council's Decision Making Arrangements can be obtained from Democratic Services on 01455 255879.