

## NOTICE OF MEETING

# CABINET

**Tuesday, 18th October, 2016, 6.30 pm - Civic Centre, High Road,  
Wood Green, N22 8LE**

**Members:** Councillors Claire Kober (Chair), Peray Ahmet, Jason Arthur, Eugene Ayisi, Ali Demirci, Joe Goldberg, Alan Strickland, Bernice Vanier and Elin Weston

Quorum: 4

### 1. FILMING AT MEETINGS

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

### 2. APOLOGIES

To receive any apologies for absence.

### 3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items of Urgent Business will be considered under the agenda item where they appear. New items of Urgent Business will be dealt with under Item 28 below. New items of exempt business will be dealt with at Item 32 below).

#### **4. DECLARATIONS OF INTEREST**

A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

#### **5. NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATIONS RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS**

On occasions part of the Cabinet meeting will be held in private and will not be open to the public if an item is being considered that is likely to lead to the disclosure of exempt or confidential information. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the "Regulations"), members of the public can make representations about why that part of the meeting should be open to the public.

This agenda contains exempt items as set out at **Item [29] : Exclusion of the Press and Public**. No representations with regard to these have been received.

This is the formal 5 clear day notice under the Regulations to confirm that this Cabinet meeting will be partly held in private for the reasons set out in this Agenda.

#### **6. MINUTES (PAGES 1 - 10)**

To confirm and sign the minutes of the meeting held on 13 September 2016 as a correct record.

#### **7. MATTERS REFERRED TO CABINET BY THE OVERVIEW AND SCRUTINY COMMITTEE**

For Cabinet to note the Overview and Scrutiny Reviews on Cycling and Community Safety in Parks contained at items 8&9 on the agenda . Cabinet will be further be asked to approve the responses to the recommendations set out in Appendix 2 of the reports included at items 8&9.

**8. CYCLING - SCRUTINY REVIEW AND CABINET RESPONSE TO RECOMMENDATIONS (PAGES 11 - 56)**

To consider the Cycling Scrutiny Review and agree the Cabinet's response to the recommendations.

Councillor Jogee to introduce the Scrutiny Review.

Councillor Ahmet to provide the Cabinet Response to the Scrutiny recommendations.

**9. COMMUNITY SAFETY IN PARKS - SCRUTINY REVIEW AND CABINET RESPONSE TO RECOMMENDATIONS (PAGES 57 - 76)**

To consider the Overview and Scrutiny Recommendations on Community Safety in Parks and Cabinet to agree the responses to the recommendations at appendix 2.

- Councillor Jogee to introduce the Scrutiny Review
- Councillor Ahmet to introduce the Cabinet Response.

**10. DEPUTATIONS/PETITIONS/QUESTIONS**

To consider any requests received in accordance with Standing Orders.

**11. FOR CABINET TO ENDORSE THE DECISION FOR THE COUNCIL TO ACCEPT CLG'S PROPOSAL FOR A 4 YEAR SETTLEMENT (PAGES 77 - 80)**

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Finance and Health.] The CLG has given Council's the opportunity to accept a 4-year settlement for 17/18-20/21. In exchange the Council must provide CLG with an efficiency plan. The report is proposing that Cabinet submit the agreed and published Medium Term Financial Plan agreed in February 2015

**12. FINANCIAL BUDGET MONITORING UPDATE[AUGUST 2016 POSITION] (PAGES 81 - 90)**

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Finance and Health.] Cabinet will consider a Monitoring report on the forecast of spend against the budget and any required decisions on re-profiling and adjustment of capital expenditure.

**13. APPROVAL OF COUNCIL TAX REDUCTION SCHEME (CTRS) FOR 2017/18 (PAGES 91 - 320)**

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Finance and Health.] Review of proposed Council Tax Reduction Scheme for 2017/18. The Scheme needs to be approved each year by Full Council regardless of any changes.

**14. SHARED DIGITAL SERVICE - APPROVAL FOR CLOUD PROCUREMENT (PAGES 321 - 328)**

[Report of the Chief Operating Officer. To be introduced by the Cabinet Member for Corporate Resources.] Cabinet to note the approach, in the attached draft Joint committee report, as an example of the way the Shared Service will operate and be governed.

**15. RECOMMENDATION OF A PREFERRED BIDDER TO SECURE THE FUTURE OF HORNSEY TOWN HALL (PAGES 329 - 384)**

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and Planning.] In June 2015 Cabinet agreed objectives and delivery parameters for the Hornsey Town Hall project and approved the site to be taken to market through a public procurement process. This report will update on the procurement and recommend to Cabinet a preferred bidder who the Council will enter into a long lease with for the Hornsey Town Hall site.

**16. ADOPTION OF HOUSING STRATEGY [ 2017- 2222] (PAGES 385 - 474)**

[The report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and Planning.] Cabinet to agree the Housing Strategy and put this forward to Full Council in November for adoption.

**17. HOUSING SUPPLY PLAN AND TEMPORARY ACCOMMODATION PLACEMENTS POLICY (PAGES 475 - 544)**

[The report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and Planning.] To adopt a Housing Supply Plan, including the Temporary Accommodation Placements Policy following consultation.

**18. STOCK INVESTMENT AND ESTATE RENEWAL POLICY (PAGES 545 - 574)**

[The report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and



Planning.] To approve an updated Stock Investment and Estate Renewal Policy for council owned housing and land.

**19. HOUSING ALLOCATIONS SCHEME, TENANCY STRATEGY AND HOMELESSNESS DELIVERY PLAN (PAGES 575 - 630)**

[The report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and Planning.] To seek authority to consult on: (a) proposals to update the Housing Allocations Scheme and Tenancy Strategy b) draft Homelessness Delivery Plan.

**20. INTERMEDIATE HOUSING POLICY (PAGES 631 - 646)**

[The report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Housing, Regeneration and Planning.] To seek authority to consult on a draft Intermediate Housing Policy which includes the criteria for the allocation of new shared ownership homes.

**21. ADMISSION TO SCHOOLS - PROPOSED ADMISSION ARRANGEMENTS FOR 2018/19 (PAGES 647 - 724)**

[Report of the Assistant Director for Schools and Learning. To be introduced by the Cabinet Member for Children and Families.] To consider the proposed arrangements for admission to the Borough's community settings at nursery, primary, junior and secondary level and to St Aidan's Voluntary Controlled School and for sixth form admission for the year 2018/19, for consultation.

**22. PROPOSED CONSULTATION ON AN ADJUSTMENT TO THE PANS OF THE BOROUGH'S COMMUNITY SECONDARY SCHOOLS TO MOVE THEM TO PANS DIVISIBLE BY 30, REPLACING THE CURRENT PANS THAT ARE DIVISIBLE BY 27 (PAGES 725 - 748)**

[Report of the Assistant Director for Schools and Learning. To be introduced by the Cabinet Member for Children and Families. The Borough's secondary community schools currently have PANs (Published Admission Numbers) divisible by 27 but it is expected that the emerging National Schools Funding Formula (NSFF) will be based on secondary school intakes of 30 and a funding ration close to the national average. the Haringey secondary school intake needs to come in to line with other local authorities to prevent Haringey secondary schools being financially disadvantaged by the continuation of historical practices.

**23. LOCAL IMPLEMENTATION PLAN ANNUAL SPENDING SUBMISSION 2017/18 (PAGES 749 - 770)**

[Report of the Assistant Director for Planning. To be introduced by the Cabinet Member for Environment.] The report seeks approval for the Council's proposed Transport LIP spending submission for 2017/18.

**24. APPOINTMENT OF A SOCIAL SUPERMARKET PROVIDER (PAGES 771 - 782)**

[Report of the Director for Tottenham. To be introduced by the Cabinet Member for Economic Development, Social Inclusion & Sustainability] To confirm the appointment of Community Shop as the social supermarket provider for Northumberland Park.

**25. OFFICE ACCOMMODATION STRATEGY (PAGES 783 - 794)**

[Report of the Director for Planning, Regeneration and Development. To be introduced by the Cabinet Member for Corporate Resources.] Cabinet to consider the Council's Future office accommodation requirements and recommendations.

**26. MINUTES OF OTHER BODIES (PAGES 795 - 808)**

To note the minutes of the following:

Leader's Signing 4<sup>th</sup> October 2016  
Corporate Parenting Advisory Committee – 4<sup>th</sup> July 2016

**27. SIGNIFICANT AND DELEGATED ACTIONS (PAGES 809 - 818)**

To note significant and delegated actions taken by Directors in September 2016.

**28. NEW ITEMS OF URGENT BUSINESS**

To consider any items admitted at Item 2 above.

**29. EXCLUSION OF THE PRESS AND PUBLIC**

Note from the Democratic Services & Scrutiny Manager

Items 30, 31 and 32 and allow for the consideration of exempt information in relation to items, 15, 25 and 3 respectively.

**RESOLVED:**

That the press and public be excluded from the remainder of the meeting as the items below contain exempt information, as defined under paragraph, 3 and 5 Part 1, schedule 12A of the Local Government Act 1972.

**30. RECOMMENDATION OF A PREFERRED BIDDER TO SECURE THE FUTURE OF HORNSEY TOWN HALL (PAGES 819 - 822)**

As per item 15.

**31. OFFICE ACCOMMODATION STRATEGY (PAGES 823 - 828)**

As per item 25.

**32. NEW ITEMS OF EXEMPT URGENT BUSINESS**

To consider any items admitted at Item 3 above.

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Bernie Ryan  
Assistant Director – Corporate Governance and Monitoring Officer  
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Monday, 10 October 2016

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## **MINUTES OF THE MEETING OF THE CABINET HELD ON TUESDAY, 13TH SEPTEMBER, 2016, 6.30pm**

### **PRESENT:**

**Councillors: Claire Kober (Chair), Peray Ahmet, Jason Arthur, Eugene Ayisi, Ali Demirci, Joe Goldberg, Alan Strickland, Bernice Vanier and Elin Weston**

**Also Present - Councillors: Engert, Newton, Wright and G Bull.**

### **56. FILMING AT MEETINGS**

The Deputy Leader referred to agenda item 1 as shown on the agenda in respect of filming at this meeting and Members noted this information. The Leader entered the meeting at 6.33pm and continued to chair the meeting.

### **57. APOLOGIES**

There were no apologies for absence received.

### **58. URGENT BUSINESS**

There were no items of urgent business considered.

### **59. DECLARATIONS OF INTEREST**

There were no declarations of interest put forward.

### **60. NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE, ANY REPRESENTATIONS RECEIVED AND THE RESPONSE TO ANY SUCH REPRESENTATIONS**

There were no representations received.

### **61. MINUTES**

The minutes of the Cabinet meeting held on the 12<sup>th</sup> of July 2016 were agreed as a correct record of the meeting.

### **62. DEPUTATIONS/PETITIONS/QUESTIONS**

There were no deputations, petitions or questions received.

**63. MATTERS REFERRED TO CABINET BY THE OVERVIEW AND SCRUTINY COMMITTEE**

There were no matters put forward.

**64. FINANCIAL (BUDGET) MONITORING – QUARTER 1**

The Cabinet Member for Finance and Health introduced the report which set out the projected financial position of the Council for 2016/17 as at quarter 1[April-June 2016]. The report covered significant operating and capital revenue variances and had been compiled on a forecast full year basis.

The Cabinet Member for Finance and Health drew attention to the significant budget pressures in the demand led areas of Adults, Children and Temporary Accommodation which were leading to a current forecast of £28m budget over spend for the Council. He continued to outline the ongoing measures to bring down the overspend including the work at the corporate centre to reduce spend in the organisation and further highlighted the necessity to keep up the pace with the transformational activities in these demand led areas.

Actions to bring down spend would involve: managing demand at the ‘front door’ of Adult Services, reviewing care packages, continuing to focus on homelessness prevention, by increasing the number of AST’s[ Assured Tenancies] including building modular housing. These types of interventions would help to reduce overspend in short, medium and long term.

Cabinet noted the difficult financial picture for all local authorities and the importance of focusing on reducing cost in the centre whilst also focusing on transformation activities for the demand led areas.

In response to questions from Cllr Engert, the Cabinet Member for Finance and Health set out the following:

- The budget overspend figure was, as outlined, in the attached report.
- Councillor Engert would receive a written response setting out the planned savings to be made from the reduction of agency and interim staff.
- The envisaged revenue savings to be made in energy costs from adding LED bulbs to street lights had not been achieved as the implementation had not been completed at the required pace to make the saving.

**RESOLVED**

1. That the Council’s 2016/17 Quarter 1 financial position in respect of revenue and capital expenditure be noted.
2. To note the risks and mitigating actions identified in this report in the context of the Council’s on-going budget management responsibilities;
3. To endorse the measures in place to reduce the overspend in service areas; and

4. To approve the virements over £250k in Table 1 - **Appendix 1** and note other virements;

### **Reasons for decision**

A strong financial management framework, including oversight by Members and senior management, is an essential part of delivering the Council's priorities and statutory duties.

### **Alternative options considered**

This was the 2016/17 Quarter 1 Financial Report as such there were no alternative options.

## **65. PARTNERSHIP LOCAL AGREEMENT BETWEEN THE COUNCIL AND CCG**

The Cabinet Member for Finance and Health introduced the report which proposed taking forward a partnership agreement to allow the Council and Haringey CCG [Clinical Commissioning Group] to pool their relevant social care budgets and take forward a model of commissioning which would better support providing joined up care and, in turn, better outcomes for Adults with health and social care needs. The report included details of the framework to be followed and the areas which the Council or CCG would lead on commissioning activities.

Cabinet were asked to note that the pooling of budgets would formally start in April 2017 and, until then, there would be work on unifying budgets.

In response to Councillor Engert's questions, the following information was noted:

- The lead commissioning role for long term conditions and older people would be decided over the next month as the Council and CCG were awaiting the outcome of Better Care Fund allocations for the year.
- There were a number of different mechanisms in place for Members to understand what will happen in the areas of social care spend. The Cabinet Member reported that: the Adults Scrutiny Panel will have specific session looking at detail of spend in Adults in October, the Overview and Scrutiny Committee will consider the draft Medium Term Financial Plan for 2017 -2222 as well as looking at budget performance of 2016/17.
- In terms of monitoring the use of the pooled budgets, it was the Cabinet Member's role and responsibility to relay information about the performance of the Council's partnership with CCG to Cabinet and the Overview and Scrutiny Committee.

### **RESOLVED**

1. To approve the S. 75 Partnership Agreement between the Council and the CCG which provides for:

- a) Lead commissioning and the establishment and maintenance of pooled fund for the commissioning of learning disability services for eligible adults resident in Haringey;
  - b) Lead commissioning and the establishment and maintenance of a pooled fund for the commissioning of mental health services for eligible adults resident in Haringey;
  - c) Lead commissioning and the establishment and maintenance of a pooled fund for the commissioning of older people's services, including those services identified in the Better Care Fund 2016/17, for eligible adults resident;
  - d) Joint commissioning and the establishment and maintenance of a pooled fund for the commissioning of children and adolescent mental health services for the residents of the London Borough of Haringey;
  - e) Lead commissioning and the establishment and maintenance of a pooled fund for the commissioning of the Independent Domestic Violence Advocacy Service and the Identification and Referral to Increase Safety Service for eligible adults resident in Haringey.
2. To delegate to the Deputy Chief Executive, in consultation with the Chief Operating Officer and the Cabinet Member for Finance and Health, the authority to finalise and agree the draft S.75 Partnership Agreement between the Council and the CCG which is attached as Appendix 1.

### **Reasons for decision**

There had been previous work on developing joint commissioning across the CCG and the Council and recently there has been an appetite for working up proposals for greater integration at pace and scale. To this end, the Council and the CCG were now proposing to implement strategic plans for more integrated commissioning through the establishment of a partnership agreement, under s. 75 of the National Health Services Act 2006.

The proposals support a shared vision for integration of the commissioning activities of the CCG and the Council through a transformational approach which enables the shared strategic objectives of a shift towards community based provision; greater involvement of residents in their care and treatment; a focus on enablement and person centred provision; and the active promotion of independence to be achieved within an efficient, value for money framework.

Local residents have frequently called for greater integration of health and care arrangements locally to support a better experience and to improve outcomes. The proposals set out in this report and draft partnership agreement are designed to improve services to local residents but focus on arrangements for pooling funding and integrating commissioning. Whilst these arrangements will create greater efficiencies and a more joined up approach, they will not directly affect or change models of service delivery and consultation has not been undertaken on the detail of the s. 75 partnership agreements at this time.



Alongside the work to develop more fully integrated partnership arrangements in Haringey, the wider health and care landscape has been undergoing significant reshaping in light of the development of the NHS led Sustainability and Transformation Plan for North Central London (a footprint covering Barnet, Enfield, Haringey, Camden and Islington). The Plan requires planning and transformation of the health and care landscape across the five borough area but also requires articulation of integrated models locally to ensure that arrangements for commissioning and budgets meet local need, based on local requirements and existing local plans. The draft s. 75 Partnership Agreement supports this approach.

By implementing the partnership agreement in a phased way, focusing on different care groups, the CCG and the Council together will have the flexibility to respond to changing need and to focus on areas of greatest need, demand and pressure.

### **Alternative options considered**

Consideration was given by officers to containing the joint working between the CCG and the Council within the scope of the current arrangements for joint working, which are concentrated around the Better Care Fund. This approach, however, fails to respond to the changes in the wider health and care landscape and restricts fully joined up working to areas of provision largely for older people.

Consideration was also given to immediate implementation of the approach across all adults' services but this was felt to leave both the CCG and the Council open to uncertainty and some level of risk.

## **66. RESPONSE TO THE HARINGEY STEM COMMISSION**

The Leader introduced the STEM [Science Technology, Engineering, Maths] commission's report and recommendations which was an outstanding and comprehensive piece of work which set out how the local authority can lead schools, and education providers to work on increasing the opportunities for young people to have access to STEM related jobs which were likely to remain part of a growing London economy.

The Leader referred to the action plan responding to the recommendations of the review. The actions would involve partnership working across a number of different areas and the plan set out the individuals who will co-ordinate this work.

In response to Councillor Engert's questions, it was noted that: the contributors to the STEM commission report had worked with the Council on a voluntary basis and the annual cost for the action plan would be met within existing resources. The Leader would provide Councillor Engert with a written update on the actual set up cost of this project.

### **RESOLVED**

1. To welcome the Haringey STEM Commission's Report and their recommendations, which was attached as Appendix B;

2. To agree the Commission's recommendations and the Council's Action Plan in response set out in Appendix A;
3. To agree the internal governance arrangement as set out in paragraphs 6.12 and 6.13 of this report to monitor progress with delivery against the recommendations; and
4. To agree that there be a further report to Cabinet in September 2017, setting out progress against the Action Plan.

### **Reasons for decision**

The recommendations of the Haringey STEM Commission set out how a modern, ambitious local authority should support and lead our education system by strengthening schools' leadership and teaching, building partnerships that can drive improvement, and acting as a champion for parents and children.

This was a challenge that the Council must respond to. In order to do so, the report sets out an action plan at Appendix A detailing how we will respond to each of the Commission's recommendations. This includes working closely with schools and other education providers. In order to achieve the desired outcomes, school leaders will also need to prioritise STEM in their strategic and financial planning.

### **Alternative options considered**

The alternative option in this scenario would be not to bring a report to Cabinet. However, given the level of stakeholder engagement and partnership that has been involved in the work of the Commission itself – and that will be required to deliver on the actions – it was felt that the Council should be transparent and open, setting out publicly how the Council can play a leading role in implementing the recommendations.

## **67. HOUSING ZONE PHASE 2**

The Cabinet Member for Housing, Regeneration and Planning was pleased to introduce the report which took forward a new exciting phase for the regeneration of Tottenham. The GLA had already agreed £44m for the Housing Zone phase 1 in Tottenham Hale and were now agreeing a further £62m to support High Road West regeneration in, Northumberland Park, with Phase 2 of the Housing Zone. This would fund housing infrastructure costs, land assembly, including affordable housing, ensuring a continued mix of housing in Tottenham.

The report set out the key elements of the Housing Zone phase 2 funding package and sought approval to enter into an overarching Borough Agreement[OBA] and BIA[all Borough Intervention agreements[ BIA] flowing from the OBA with the GLA.

In response to Councillor Engert's questions, the following information was noted:

- The Council's continued aspiration was for a higher ratio, than the 30% listed in the report, of affordable housing. It was noted that the 30% figure included the

use of the affordable housing grant, and other grants, demonstrating the challenges faced with building affordable housing in North Tottenham. The Council would like to maximise the percentage of affordable housing in North Tottenham but this depended on land values secured and also taking into account a need to rebuild properties in this area as this would push up cost and further affect the level of affordable housing units available.

- Bids on a set of development proposals will be taken forward for the scheme. Firstly, the Council will acquire the land in the scheme and divide this up for development. Land would then be released in phases to the agreed developer allowing the financial viability for each stage of development to be assessed and the Council's vulnerability to any cost to be understood. Should the market valuation at each phase show a problem with financial viability then there would be an opportunity to look again at each of the phases, as this would be part of the contractual arrangement. The Director for Planning, Regeneration and Development assured Councillor Engert that the Council would not take forward a deficit position in the development of this land for housing.
- The length and timing of Brexit negotiations were uncertain and land values had not currently seen an impact. Therefore, the Cabinet were being recommended to capture the opportunity provided by GLA funding and to take forward the competition for the development of land for housing in North Tottenham.

## **RESOLVED**

1.To agree to the funding from the Greater London Authority ("GLA") set out in paragraph 6.6 of this report and give delegated authority to the Chief Operating Officer and the Director of Regeneration, Planning and Development after consultation with the Cabinet Member for Regeneration and Housing to:

- 1.1 Finalise and agree the Overarching Borough Agreement ("OBA") for Tottenham Housing Zone Phase 2 (North Tottenham) based on the core terms set out in paragraphs 6.7- 6.11 of this report and associated legal documents, including all Borough Intervention agreements ("BIA");
- 1.2 Bid for and agrees any further funding from the GLA for the Housing Zones; and agrees, and/or varies, and finalise any Housing Zone Overarching Borough Agreements and associated legal agreements, including BIAs, in respect of the core terms set out in this report and in respect of any further funding from the GLA for the Housing Zones.
- 1.3 Agree, and/or vary, and finalise any Housing Zone Overarching Borough Agreements and associated legal agreements, including BIAs, in respect of the core terms set out in this report and in respect of any further funding from the GLA for the Housing Zones.

### **Reasons for decision**

The Phase 2 Housing Zone funding for North Tottenham is critical in ensuring the High Road West Regeneration Scheme and the wider North Tottenham regeneration objectives can be delivered. The High Road West Regeneration Scheme will provide the key place-making investment and infrastructure required to ensure that North Tottenham becomes a new residential and leisure destination, which will then secure the necessary up-lift in place and value to support the future regeneration of North Tottenham.

As set out in the December 2015 High Road West Cabinet report, GVA Bilfinger had completed a financial model for the High Road West Scheme. The financial model has shown that the scheme has a significant funding gap due to the substantial upfront costs associated with land assembly and infrastructure. The High Road West Scheme cannot be delivered unless this funding gap is reduced. The Housing Zone Phase 2 funding will reduce this gap by providing a mix of grant funding and borrowing to fund and cash flow the land assembly costs and infrastructure costs.

The Council is seeking to enter into an OBA with the GLA now, to ensure that the contractual framework for the funding is agreed. It is only once the contractual framework is agreed that the funding will be secured and can be released. The Council is aware that the Housing Zone Phase 2 funding allocation is oversubscribed, it is therefore imperative that the funding for High Road West and North Tottenham is secured as early as possible. It is also the case that the procurement process to select a development partner for the High Road West Scheme is underway and the Council will need to be able to demonstrate that it has the public sector funding required to support the delivery of the scheme.

### **Alternative options considered**

It has been demonstrated via the financial model for the scheme that it has a significant funding gap. The Council's commercial consultants, GVA Bilfinger, have advised that the Council will not be able to deliver the regeneration scheme unless this funding gap is reduced. Officers have sought to reduce the funding gap, by reviewing the masterplan and testing the number of homes which can be delivered and revisiting the land use.

Officers have also explored other options to reduce the funding gap, including Council prudential borrowing and HM Treasury funding. In autumn 2015, the Council commissioned GVA to produce a business case to support negotiations with HM Treasury to provide financial assistance to bridge the funding gap. However, both options have proved unviable. Consequently, seeking Housing Zone funding is the best feasible option for the Council.

## **68. MINUTES OF OTHER BODIES**

### **RESOLVED**

To note the minutes of the following meetings:

Cabinet Member Signing – 4<sup>th</sup> July 2016  
Cabinet Member Signing – 12<sup>th</sup> July 2016  
Cabinet Member Signing - 15<sup>th</sup> July 2016  
Leader of the Council Signing – 22<sup>th</sup> August 2016

## **69. SIGNIFICANT AND DELEGATED ACTIONS**

In response to Councillor Engert's questions on this report, it was noted that:

- The recruitment and staffing contract listed at page 257, was associated with staffing and remuneration which was aiding social worker recruitment .Further specific information on the contract could be provided to Councillor Engert if required.
- The acquisition of a 10 year lease on unit 2 Fountayne business park and sub lease to the National College of Digital Skills [ADA] provided economic value and was an important part of attracting investment to the borough. Noted that ADA will only use the building for 2 to 3 years before moving to a larger local site and they would have renovated and updated the building before moving allowing the building to remain an attractive acquisition. Securing this College's placement in the borough was likely to attract the interest of technology businesses and be somewhere for young people to attend and to develop ideas for their own start up tech related businesses. There were already conversations with organisations about tech start ups and potential decisions on an incubator project would be brought to a future Cabinet meeting.

### **RESOLVED**

To note the significant and delegated decisions taken by directors in July and August 2016.

## **70. NEW ITEMS OF URGENT BUSINESS**

There were no new items of urgent business to consider.

## **71. EXCLUSION OF THE PRESS AND PUBLIC**

### **RESOLVED**

That the press and public be excluded from the remainder of the meeting as the items contained exempt information , as defined under schedule 12, Paragraph 3 and 5 of the Local Government Act 1972.

## **72. HOUSING ZONE PHASE 2**

As per item 67.

## **73. NEW ITEMS OF EXEMPT URGENT BUSINESS**

CHAIR: Councillor Claire Kober

Signed by Chair .....

Date .....

**Report for:** Cabinet 18 October 2016

**Item number:** 8

**Title:** Cycling – Response to Environment and Community Scrutiny Panel

**Report authorised by:** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Malcolm Smith, Team Manager, Transportation Planning

**Ward(s) affected:** ALL

**Report for Key/  
Non Key Decision:** N/A

## 1. Describe the issue under consideration

1.1 Under the agreed terms of reference, scrutiny panels can assist the Council and the Cabinet in its budgetary and policy framework through conducting in-depth analysis of local policy issues and can make recommendations for service development or improvement. The panels may:

- Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- Conduct research to assist in specific investigations. This may involve surveys, focus groups, public meetings and/or site visits;
- Make reports and recommendations, on issues affecting the authority's area, to Full Council, its Committees or Sub-Committees, the Executive, or to other appropriate external bodies

1.2 In this context, the Environment and Community Scrutiny Panel (ECSP) conducted a review of Cycling in the borough. The panel chose this topic as it is relevant to the Council's aim of building a happier and healthier Haringey and increasing the use of cycling as a mode of transport is one of the Council's key priorities in the Corporate Plan. The review was intended to complement and support the work being done by the Council and its partners. The panel conducted this review through research documentation and relevant local and national guidance, interviews with key stakeholders and local organisations and visits to and investigation of practice in other local authority areas including Cambridge and Waltham Forest.

1.3 The final report, attached at Appendix 1, details the conclusions and recommendations of the ECSP, and the Comments of the Planning Service and Environmental and Community Safety Service to the recommendations.

## **2. Cabinet member introduction**

2.1 The Corporate Plan is explicit in setting out the Council's aspiration to become one of the most cycle friendly boroughs in London. The vast majority of recommendations made in the scrutiny review have been agreed and I am confident that they will assist us in delivering on this pledge.

2.2 Reducing private car journeys by increasing cycling rates can play a key part in achieving improvements to air quality, noise reduction and support sustainable development particularly in the regeneration areas of Tottenham and Wood Green.

2.3 I support and share the Mayor of London's vision for cycling in London and am determined to play a part in making that a reality in Haringey. The panel's work will be integral to the preparation of our Cycling and Walking Strategy which will set out how we will deliver an ambitious template for increasing cycling rates throughout the borough.

## **3. Recommendation**

3.1 That the Cabinet accept the response to the recommendations of Scrutiny Panel as outlined in Appendix 2.

## **4. Reasons for decision**

4.1 The evidence supporting the Panels' recommendations is outlined in the main body of the report (Appendix 1).

## **5. Alternative options considered**

5.1 The evidence supporting the Panels' recommendations is outlined in the main body of the report (Appendix 1). The Cabinet could choose not to accept the recommendations, despite endorsement by both the Planning Service and Environmental and Community Safety Service.

## **6. Background information**

6.1 Promoting cycling is one of the Council's key priorities. Objective 3 within Priority 3 of the Corporate Plan states "We will make Haringey one of the most cycling and pedestrian friendly boroughs in London". The Corporate Plan details how the Council will promote and improve cycling such as by providing more cycle racks, increasing the network of dedicated cycle lanes, providing more cycle training and improving signage and safety.



6.2 The Council has invested considerable sums through the TfL funded Local Implementation Plan [LIP] and Borough Cycling Programme to support more cycling in the borough, either physical measures such as cycle lanes or softer measures such as cycle training. Over the three year period between 2014/15 and 2016/17 investment in specific cycle facilities including cycle parking is £570,000. On softer measures such as cycle training, safer driving training, cycle grants to schools investment is more than £460,000. Cyclists would also benefit from the introduction of the 20mph speed limit in residential roads across the borough as well as from the completion of Cycle Superhighway 1 in April 2016.

6.3 The panel established the terms of reference for the review as follows:

To consider how and make recommendations on how the Council can develop further its strategy on for increasing the use of cycling for travel and in particular:

- The targeting of investment in the cycling infrastructure in order to achieve maximum benefit;
- How can the Council maximise the take up of cycling;
- The balance between work to develop the cycling infrastructure and encouraging behaviour change;
- Successful initiatives undertaken by other local authorities and especially other London boroughs; and
- To what extent cycling can help address the borough's regeneration and growth agenda.

6.4 In responding to these objectives the panel collated evidence from a wide range of sources including:

- Research documentation and relevant local and national guidance
- Interviews and presentations with officers from Planning, Regeneration and Environmental and Community Safety
- Key stakeholders such as Met Police and local organisations representing cyclists
- Transport for London
- Other local authorities

6.5 On the evidence received, the panel have made 20 recommendations which it hoped will contribute to increasing the use of cycling as a mode of transport.

## **7. Contribution to strategic outcomes**

7.1 The work of the panel will contribute to Priority 3 of the Corporate Plan for a clean, well maintained and safe borough where people are proud to live and work.

## **8. Statutory Officers comments (Chief Finance Officer [including procurement], Assistant Director of Corporate Governance, Equalities)**

Finance and Procurement

It is envisaged that the recommendations shown as agreed in Appendix 2 can be delivered within existing budgets. However, before implementation of recommendations can take place, each agreed recommendation should be fully costed to ensure budget provision exists. If it proves not possible to deliver the recommendations within the existing budget then Cabinet approval for the required additional budget would be required before the relevant recommendation could be fully implemented.

### Legal

The Assistant Director of Corporal Governance has been consulted on the content of this report. The report raises no legal issues.

### Equalities

The Council has a public sector equality duty under the Equalities Act (2010) to have regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under Section 4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not

Evidence presented as part of the review noted that the current demography of those that cycle does not reflect the diversity of London's population. In particular the review points to the need to increase the number of women cyclists and increase cycling within certain communities, such as Asian and Turkish communities, where cycling levels are currently low. The review notes that a long-term objective for Haringey's cycling strategy will be increasing levels of cycling amongst residents from all backgrounds and communities.

The Council will be identifying how it can encourage more cycling among all communities as part of developing a new Transport Strategy.

It should be noted that at the time the Scrutiny review was carried out it was envisaged that the Council would be producing a Cycling and Walking Strategy in the near future. A decision has now been made to follow a different approach and to produce a Transport Strategy with a number of delivery plans. A Cycling and Walking Delivery Plan will be one of these.

**9. Use of Appendices**

Appendix 1 – Report of Scrutiny Panel

Appendix 2 – Response by the Planning and Environmental and Community Safety services to the recommendations

**10. Local Government (Access to Information) Act 1985**

N/A

## Appendix 1

# Scrutiny Review: Cycling

**A Review by the Environment and Community Scrutiny Panel**

**2015/16**

|                         |                                |
|-------------------------|--------------------------------|
| <b>Panel Membership</b> | Cllr Adam Jogee (Chair)        |
|                         | Cllr Pat Berryman              |
|                         | Cllr John Bevan                |
|                         | Cllr Barbara Blake             |
|                         | Cllr Sarah Elliott             |
|                         | Cllr Bob Hare                  |
|                         | Cllr Sheila Peacock            |
|                         | Mr I Sygrave (Co-opted Member) |
|                         |                                |

Lead Officer: Robert Mack, Principal Scrutiny Support Officer

[Rob.mack@haringey.gov.uk](mailto:Rob.mack@haringey.gov.uk)

0208 489 2921

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## **CHAIR'S FOREWORD**

The wide remit of the Environment and Community Safety Scrutiny Panel is such that we could have chosen any one of very many topics to look into over the past year.

We chose an area that would not only fall under remit but was relevant to the Council's aim of building a happier and healthier Haringey.

Cycling can often be viewed as a niche issue for our families and communities but it is, in many ways, a debate about the sort of streets that we want and the neighbourhoods we live in.

Cycling can play a significant part in making our streets clean, welcoming, safe and healthy places. There have been massive increases in cycling in London over recent years but there is still huge untapped potential for further increases in bike use in the suburbs. Realising this potential could mean fewer cars, less congestion, cleaner air and a more active population so the benefits may very well be considerable.

There is significant work being undertaken to regenerate parts of Haringey, especially in Tottenham and the east of the borough, and this should provide particular opportunities to develop further the cycling infrastructure across the borough.

There is an element of truth in the stereotypical view of cyclists being "middle aged men in lycra" but this is only because cycling is still viewed by many as being just for the quick and brave. In order to increase cycling significantly, it needs to become viewed as a normal activity undertaken by a wide range of people in terms of age, gender, class, economic background and ethnicity.

This means people cycling to meetings in their work clothes, to the shops, to meet friends and to travel to school. Before this can happen, people need to feel secure and able on their bikes and safe spaces for them need to be created. There is clear evidence from elsewhere that once people feel safe, they will cycle and in large numbers too.

Proposed improvements to the cycling infrastructure elsewhere have not always met with universal approval though and at times have been more than controversial. The evidence is that they often have the support of the majority of people though and in many cases are frequently viewed as improvements to streets where the various infrastructure works have been implemented. However, it is clear that these works require strong political commitment to see them through.

The committee and I believe that Overview and Scrutiny can play a very useful role in this process because of its bi-partisan make up and its focus on consensus led results.

This review is intended to complement and support the work that is being done by the Council, its partners and recognises that making cycling a more frequent and accessible part of life in Haringey is a long term objective. The Dutch cycling infrastructure was not created overnight and it would therefore be realistic to view improvements as being incremental.

Most other local authorities are also taking action to increase the use of cycling as a mode of transport and we have tapped into some of their experience in our review so we can hopefully benefit from emulating some of the things that have worked well elsewhere.

We have worked hard to ensure that all relevant stakeholders have been included and received input from Haringey Cycling Campaign, schools and areas, including Cambridge and Waltham Forest.

I am grateful to the Panel, Councillor Toni Mallett, the Council Cycling Champion, and Councillor Stuart McNamara, the former Cabinet Member for Environment.

I hope that our recommendations can make a useful contribution to further developing cycling in Haringey.



Councillor Adam Jogee  
Chair

## RECOMMENDATIONS:

### *Haringey's Strategic Approach*

1. That, as part of the forthcoming Cycling and Walking Strategy, a transformational vision for cycling be developed by the Council for the borough and promoted as part of a wider "Living Streets" strategy, encompassing both walking and cycling and backed up with strong and committed political will. *(Paragraph 4.6)*
2. That the overriding priority of the cycling content of the Council's forthcoming Cycling and Walking Strategy be to create a high quality cycle network that is, as far as possible, segregated from road traffic where speed differences between cycles and motor vehicles are large or where traffic volume is heavy. *(4.8)*
3. That, in order to promote and develop cycling in the borough further, a dedicated post of cycling officer be created, with an overarching responsibility for all aspects of the development of cycling within the borough. *(4.9)*
4. That quarterly meetings regarding cycling issues be scheduled between relevant officers, the Cabinet Member for Environment and Haringey Cycling Campaign and linked into meetings of the Transport Forum. *(4.10)*
5. That the structure of the Transport Forum be reviewed so that it encourages wider involvement of the community, particularly pedestrians and cyclists. *(4.10)*

### *Developing Haringey's Cycling Infrastructure*

6. That the long term cycle route network for the borough and priorities within this be clearly publicised within the new Cycling and Walking strategy. *(5.7)*
7. That the long term cycle route network includes provision for a specific east-west route that crosses the borough. *(5.7)*
8. That cycle infrastructure projects be piloted in the first instance wherever possible in order to provide the necessary flexibility to amend them if necessary so that concerns raised by residents may be responded to effectively. *(5.8)*
9. That the Council's Regeneration, Planning and Development Service undertake a review of cycle pinch points to ensure that these do not compromise the safety of cyclists. *(5.13)*
10. That the Cabinet Member for Environment be requested to confirm that the Council's policy remains that parking on corners is prohibited and, if so, that it is enforced. *(5.13)*



11. That action be taken by the Regeneration, Planning and Development Service to increase the number of exemptions for cyclists from one way restrictions and that these be signposted clearly and trialled in the first instance in order to ensure that they do not compromise the safety of pedestrians. (5.15)
12. That the Regeneration, Planning and Development Service be requested to;
  - (a). Commission a review of cycle paths within the borough where there is shared use with pedestrians; and
  - (b). Investigate methods of slowing cycles and deterring motorcycles and scooters which do not impact on cyclists using trailers, child tag-alongs and cargo cycles. (5.17)
13. That an annual cycle ride around the cycling infrastructure be undertaken by relevant officers with representatives of Haringey Cycling Campaign and interested Councillors to determine any issues relating to it that require attention, particularly signage and repairs. (5.18)

#### *Cycle Parking and Security*

14. That strong support be given to a major expansion by the Council, working with Transport for London, of the amount of secure cycle parking, such as bike hangars. (6.3)
15. That the Environment and Community Safety Service install additional bike racks where genuine demand can be demonstrated. (6.3)
16. That a feasibility study should be undertaken to see if secure and contained cycle parking facilities, similar to that provided by cycle hubs in Waltham Forest and part financed by a charge to users, could be established in Haringey. (6.4)
17. That clarification be provided on the procedure and responsibility for the removal of abandoned bicycle parts from cycle parking facilities and the timescale involved and that specific action be taken to speed up this process. (6.10)

#### *Promoting Behaviour Change*

18. That Haringey Cycling Conference be made into a bi-annual event but with a wider focus, including walking and "living streets" initiatives. (7.4)
19. That a Haringey Cycling Charter for schools should be developed as a way of building and extending the work that had been undertaken by North Harringay School and that this include cycle training and facilities. (7.8)
20. That further efforts be made to engage with secondary schools within the borough and include them in cycle training provided as part of the Smarter Travel programme. (7.9)

## 1. BACKGROUND

- 1.1 The Panel decided to commission a review focussing on increasing the use of cycling as a mode of transport as it is one of the Council's key priorities within the Corporate Plan for 2015-18. Objective 3 within Priority 3 of this states: "We will make Haringey one of the most cycling and pedestrian friendly boroughs in London".
- 1.2 The Council's role is stated as being to promote cycling and walking by introducing a 20 mph speed limit, increasing dedicated cycle lanes and encouraging sustainable forms of transport through a smarter travel campaign.

### *Terms of Reference/Objectives*

- 1.3 The terms of reference for the review were as follows:

"To consider how and make recommendations on how the Council can develop further its strategy on for increasing the use of cycling for travel and, in particular:

- The targeting of investment in the cycling infrastructure in order to achieve maximum benefit;
- How can the Council maximise the take up of cycling;
- The balance between work to develop the cycling infrastructure and encouraging behaviour change;
- Successful initiatives undertaken by other local authorities and especially other London boroughs; and
- To what extent cycling can help address the borough's regeneration and growth agenda."

### *Sources of Evidence:*

- 1.4 Sources of evidence were:

- Research documentation and relevant local and national guidance;
- Interviews with key stakeholders and local organisations; and
- Visits to and investigation of practice in other local authority areas, including Cambridge and Waltham Forest.

- 1.5 A full list of all those who provided evidence is attached as Appendix A.

### *Membership*

1.6 The membership of the Panel was as follows:

Councillors: Adam Jogee (Chair), Pat Berryman, John Bevan, Barbara Blake, Sarah Elliott, Bob Hare and Sheila Peacock

Co-opted Member: Mr I Sygrave (Haringey Association of Neighbourhood Watches)

## 2 INTRODUCTION

### *Growth in Cycling*

- 2.1 Cycling is now being used as a mode of transport by a rapidly increasing number of people in London. Between 2008 and 2014, there was a 33% increase in the number of cyclists on London's roads and growth in 2010 alone was 10.3%. A recent report from the Mayor's office revealed that in Zone 1, 32% of all vehicles on the roads are now bicycles during the morning rush hour. On some main roads, up to 70 per cent of vehicles are bicycles and in three years time it is estimated that the number of people commuting to central London by bike will overtake the number commuting by car.
- 2.2 This London wide growth has been reflected in Haringey, which saw an increase in volume of 73% between 2001 and 2012. 3% of trips are now made by bicycle within Haringey. This compares well to the London average of 2.7% and is above the level of most other suburban boroughs. 8% of Haringey residents are regular cyclists, whilst 14% are "occasional" or "irregular". 49% of residents nevertheless have access to a bike, compared to a figure of 35% for London as a whole. It is also of significance that car ownership across London is declining and only 46% of Haringey residents currently have access to a car.
- 2.3 Whilst the figures for the increase in cycling are impressive, there is still considerable potential for improvement. Pan London statistics do not reflect the position in a large number of London boroughs and particularly outer London as they are distorted by comparatively high levels in a few inner London boroughs, such as Hackney, Lambeth and Southwark. 97% of trips in Haringey are currently not by bicycle and 71% of residents never cycle. A Transport for London report in 2010 illustrated the scope for improvement and estimated that about 37% of trips in Haringey were potentially cyclable. These were journeys which it was considered could reasonably be cycled all the way. Only about 6% of these potential cycle trips were being realised.
- 2.4 Another key issue is that the demography of those people who cycle does not reflect the diversity of London's population;
  - 66% are male;
  - 67% are white and 28% from black and minority ethnic communities (BAME); and
  - 51% are from social class AB.
- 2.5 There is therefore an element of truth in the stereotypical image of cyclists being middle aged, middle class, white men as they are over-represented amongst them. In order to increase the number of trips made by bicycle, it will be necessary to increase the number of cyclists from under-represented groups such as women, BAME communities, older people and children. However,

there is some evidence that the demographic is starting to change especially in respect of BAME communities.

### *Barriers to Cycling*

- 2.6 Safety is the key issue that dissuades people from cycling and the Panel received evidence from Transport for London that 70% of concerns relate to this. The number of reported deaths of cyclists in collisions has reinforced this perception. Evidence from survey data also shows that women are more likely to feel that cycling is too dangerous than men.
- 2.7 Cycling in London has nevertheless never been safer according to statistics. Casualty rates are currently the lowest ever recorded. In 1989, 90 million cycle journeys were made in London, of which 33 ended in death. In 2015, 270 million cycle journeys were made in London, of which only 9 ended in death. This figure of 9 deaths was the second lowest on record in absolute terms and the lowest ever in per journey terms. Figures for serious injury show that 419 people were seriously injured in 2014, which is lower than the figure recorded for 1993 when less than half the number of journeys were made by bicycle.
- 2.8 However, a recent piece of research (the Near Miss Project) on near miss and other non-injury incidents involving cyclists showed that they are widespread in the UK and may have a substantial impact on cycling experience and uptake. It concluded that “policy and research should initially target the most frightening types of incident, such as very close passes and incidents involving large vehicles. Further attention needs to be paid to the experiences of groups under-represented among cyclists, such as women making shorter trips.” This underlines the need for a safe infrastructure so that people feel safe enough to cycle.
- 2.9 The Panel heard that a number of reasons have been given by Haringey residents in surveys as to why they do not cycle. These are as follows:
- Traffic volumes/danger from traffic;
  - Personal security whilst cycling;
  - Bike security;
  - Inadequate cycle parking – lack of/poorly installed/designed parking;
  - Cost of bikes and relevant equipment;
  - Lack of signage;
  - An overly sporty or competitive image;
  - Health issues – people of below average fitness thinking “it’s not for me”;
  - From a motorists’ perspective, cycling looks more dangerous than it is;
  - Car parking – danger and disruption; and
  - Permeability – disruption of direct cycle routes by one way systems etc.
- 2.10 In terms of overcoming barriers to cycling, the following issues were considered by residents as measures that would encourage more cycling:

- |                            |     |
|----------------------------|-----|
| • Cycle lanes              | 42% |
| • Cycle parking/storage    | 20% |
| • Route information        | 17% |
| • Training/equipment loans | 15% |
| • Nothing                  | 6%  |

### *Benefits*

2.11 There are strong and compelling reasons to promote cycling. A number of benefits are very much relevant to the needs of *all* residents and not just cyclists:

- Cycling reduces road congestion on the roads and it is the most space efficient form of transport. More cyclists mean fewer cars on the road and more space on buses and tubes;
- It has clear health benefits. Cycling is a form of exercise that is easily incorporated into a daily routine, especially if undertaken as part of the commute to work. Britain is facing a rapid growth in obesity and cycling can make a significant contribution to addressing this;
- Air pollution kills around 9,500 people per year in London. Reducing the number of car journeys by increasing cycling will help to reduce pollution. Cycling also causes very few CO2 emissions;
- It can assist in improving social inclusion by providing cheap, reliable access to jobs and facilities, especially for young adults;
- As part of overall general measures to reduce traffic and promoting living streets, it can play a role in making streets more pleasant environments for all;
- Cycling offers the least expensive means of travel in London;
- It is quick and convenient for short journeys; and
- It is easy to carry modest loads by cycle.

### 3. ACTION TO INCREASE CYCLING

- 3.1 Increasing the use of cycling as a mode of transport has been a priority for a large number of local authorities. The Panel visited Cambridge and the London Borough of Waltham Forest to see how they had successfully achieved considerable improvements and detailed notes of these are included in the two case studies within this report.
- 3.2 London wide action to realise the Mayor's Vision for Cycling is being undertaken by Transport for London, in partnership with the boroughs. The vast majority of funding for cycling projects comes from Transport for London, mainly from Local Implementation Plan (LIP) funding. This is money this is granted to London boroughs to spend on projects which support the Mayor's Transport Strategy. In addition, London boroughs are also taking action individually to increase cycling. TfL are responsible for London's "red routes" whilst all other roads are the responsibility of the London boroughs.
- 3.3 The cycling budget for the Mayor's Office is £912 million over 10 years. The table below sets out the historic annual expenditure, the draft budget for 2016/17 and business plan allocations for the remainder of the £912m ten year programme:

| <u>Year</u>        | <u>£m</u> | <u>Source</u> |
|--------------------|-----------|---------------|
| 2012/13 to 2015/16 | 302       | Actual spend  |
| 2016/17            | 155       | Draft budget  |
| 2017/18            | 166       | Draft plan    |
| 2018/19            | 124       | Draft plan    |
| 2019/20            | 66        | Draft plan    |
| 2020/21            | 68        | Draft plan    |
| 2021/22            | 31        | Draft plan    |
| Total              | 912       |               |

- 3.4 Cycling accounts for only 4 per cent of TfL's capital spending. The £600 million that is currently being spent on just upgrading Bank Underground station is equivalent to two-thirds of the entire ten-year cycling budget. In addition, the budget is set to reduce in the forthcoming years but there is now a new Mayor and it may therefore be subject to review.
- 3.5 Spending is currently at its peak with £200 million currently being spent to develop the network. The Mayor decided to spend money on the development of a pan London network, particularly the super highways, to address concerns regarding safety. The super highways are already main cycle routes and are

mainly segregated from other traffic. They are built to a high specification and allow cyclists to travel at a range of different speeds.

- 3.6 Funding of over £100m has also been allocated by TfL for radical transformations in three outer London boroughs – Enfield, Kingston and Waltham Forest - as part of the “Mini-Holland” scheme. The aim of this is to encourage more people to cycle, more safely and more often while providing better streets and places for everyone. The programme has specifically targeted people who make short car journeys in outer London that could be cycled easily instead. The Panel noted that Haringey had also made a bid for funding under the scheme but had not been successful and discussed with officer what lessons had been learnt.
- 3.7 In respect of London as a whole, the Panel heard evidence from Andrew Gilligan, the Mayor’s Cycling Commissioner and Mark Trevethan, Principal Strategy Planner at Transport for London. Mr Gilligan stated that the population in London was growing and there are now more people and less room. Cycling represented a quick and cheap way to increase the capacity of the transport network. Promoting cycling was not just about making improvements for cyclists - it was a quality of life issue. Improvements aimed at cyclists, for example those undertaken in Enfield and Waltham Forest, had the potential to make places more pleasant for all. More people cycling meant less people taking up road space, more available seats on buses, improved public health and less pollution.
- 3.8 The Panel noted that the demography of cyclists was starting to change. A recent attitude survey has shown that there are now only marginal differences with the BAME communities. However, there is still considerable resistance or lack of interest in some communities, particularly the Asian and Turkish communities where cycling is considered low in status. People from BAME communities are also more likely to be living in flats and therefore have difficulties in storing bikes. Progress also still needs to be made in increasing the number of women cyclists. This contrasts with the situation in Denmark and Holland where the majority of cyclists are women. Cycling in these countries is also considered to be a normal activity and not just for the elite few.
- 3.9 Mr Gilligan drew attention to the fact that improvements to the cycling infrastructure can be controversial and even modest proposals can provoke a disproportionate reaction from a minority of residents. This was acknowledged by Councillor Stuart McNamara, the Cabinet Member for Environment, who stated that it might be necessary at some stage to upset a few people in order to benefit many in order to develop cycling in the borough further.



- 3.10 He stated that political leadership in such situations was very important. A scheme in Palmers Green had prompted vociferous opposition but the results of consultation on the proposals had shown 60% in favour. Proposals were often controversial initially but people quickly forgot what the concerns had been. For example, a scheme in Railton Road near Herne Hill had been met with a lot of local opposition but many now felt that it had made the area a lot more pleasant. Soft “behavioural change” measures had been undertaken by some local authorities to encourage cycling. These provided easy wins and were met with little opposition but would not ultimately be successful in developing cycling unless people felt safe to cycle.
- 3.11 He felt that trialling schemes was useful and possible where improvements were not on a large scale and did not include changes that were difficult to reverse, such ones that included the use of concrete. This approach had been successful in many places, especially New York. The forthcoming scheme that was being developed in Enfield was a trial and this had helped to overcome some local opposition. Not many boroughs were both willing and capable of taking on and implementing cycling developments effectively. Examples of boroughs that had been successful were Camden, Islington, Hackney, Southwark and Waltham Forest. The Mayor’s Office were happy to help assist with programmes and likely to have to become more involved in the future.
- 3.12 In relation to Haringey, Mr Gilligan stated that he would like there to be more cycle routes in the borough. It had a similar demographic to boroughs with far higher levels of cycling but the roads were not very cycle friendly. He expressed a particular interest in the development of an east-west route across the borough, from East Finchley through to Muswell Hill to Wood Green and Tottenham. This could be done but would require the political will to push it through. The Panel also noted the benefits that could come with regard to bringing people together. If there was a good local project, it might be possible to find the funding from TfL for it. In particular, he would support plans for bike hangars in areas where there were lots of houses in multiple occupation (HMOs) and limited places for people to leave their bikes.
- 3.13 Quietways are also being developed further by TfL in collaboration with the boroughs. These are aimed at overcoming barriers to cycling by targeting cyclists who want to use quieter, low-traffic routes, and providing an environment for those cyclists who want to travel at a gentler pace. They are not specifically segregated from other road traffic. Each Quietway is intended to provide a continuous route for cyclists and each London borough will benefit from the programme. This network will complement other cycling initiatives such as the Cycle Superhighways and the Mini-Hollands. The Panel noted that progress with these had been slow but they had been starting from a low level. In some boroughs, progress has been straightforward but in others a lot of development work had been required.

- 3.14 Mr Trevethan drew particular attention to the adoption of 20 mph speed limits in a number of boroughs which he felt had been helpful. A lot of roads are designed to allow fast speeds and a 20 mph speed limit helped as it meant that roads can be narrowed. Lower speeds can also play a role in making cyclists feel safer and encouraging people to take up cycling.
- 3.15 He felt that there were a number of things that individual boroughs could do to develop cycling further;
- Having a clear cycling strategy that spells out clearly how cycling can benefit the borough and the part that it plays in wider objectives such as health, tackling health inequalities, reducing pollution and planning;
  - Establishing a long term route network with clear priorities and using this as the base for the LIP programme and other projects, as well as the planning process;
  - Integrating other Council processes, especially planning and regeneration, and requiring developers to provide cycle facilities such as high quality parking plus prominent, convenient cycle access and links to the network;
  - Using of Section 106 agreements and the Community Infrastructure Levy (CIL) to invest in improved routes;
  - Considering the potential for new uses for streets in areas with low car ownership e.g. play streets, parklets and look to address complaints about rat running and traffic speeds so that projects are presented as not just for cyclists; and
  - Considering the potential for cycling in other Council programmes such as training for local unemployed people in cycle repairs, cycle training for young parents and cargo bike loan schemes.

## 4. HARINGEY'S STRATEGIC APPROACH

- 4.1 Increasing cycling has already been recognised as a priority for the borough and is a key objective within the Council's Corporate Plan 2015-18. The Panel heard evidence from officers regarding the vision for cycling in 2025;
- Cycle routes and facilities as good as the best in London;
  - An extensive network of safe and attractive cycling routes covering all corners of the borough;
  - High levels of cycling amongst residents from all backgrounds and communities;
  - Access to residential secure cycle parking;
  - Cycle training guaranteed for all residents;
  - Cycling considered a safe form of transport for everyday journeys for people of all ages; and
  - Cyclists and pedestrians will be able to use the road network safely.
- 4.2 Action to increase the level of cycling will be outlined in the Council's upcoming Cycling and Walking Strategy. This will be achieved by a combination of work aimed at improving the infrastructure and changing attitudes. Partnership working and political commitment are considered integral to achieving this.
- 4.3 The Panel received evidence from Councillor Stuart McNamara, then Cabinet Member for Environment, who gave his views on the Council's action to date. He felt that there was a lot that was good with what was currently being done to promote cycling but there were also some areas that could be improved. Some infrastructure projects had been implemented without prior consultation. A large amount of the previous infrastructure had also needed to be removed. However, improvements did not necessarily need to cost much and it was more about smart thinking.
- 4.4 The Panel noted the views of Haringey Cycling Campaign who did not feel that there had been much improvement in the last ten years. They also highlighted the need for political will in order for meaningful change to take place. In addition, they felt that while officers were sympathetic, they often did not see cycling as a priority.
- 4.5 The evidence that the Panel received indicated that a clear transformational vision for cycling is needed for the borough. However, it noted evidence from other local authorities that focussing solely on the needs of cyclists can alienate non cyclists. In response to this, Waltham Forest have now started to promote their Mini Holland scheme initiatives under the "Walk, Cycle, Enjoy" slogan. As previously mentioned, cycling can also have the benefit of improving the environment for all by making our streets safer, cleaner, quieter and more welcoming.

- 4.6 Boroughs that have been successful in increasing the level of cycling are supported by a strong political commitment. This needs to be demonstrated in order to maximise funding opportunities as the evidence shows that TfL and other funders are more likely to provide support if they feel confident initiatives will be followed through and delivered. Initiatives to develop the infrastructure can sometimes be controversial and, in such circumstances, TfL will wish to be reassured that there is sufficient commitment locally to resolve any issues.

**Recommendation:**

*That, as part of the forthcoming Cycling and Walking Strategy, a transformational vision for cycling be developed by the Council for the borough and promoted as part of a wider "Living Streets" strategy, encompassing both walking and cycling and backed up with strong and committed political will.*

- 4.7 The overwhelming evidence is that safety is the single reason why most people do not cycle. Whilst to a certain extent this is based on perception rather than reality, large increases in the number of cyclists are unlikely to take place until people feel safe to cycle. For this to happen, there needs to be safe spaces for cycling. It is also clear that this is essential to reach a wider demographic, particularly women, older people and children.
- 4.8 Cycle routes should provide a safe, welcoming and attractive environment for cyclists. In such circumstances, people will be far more likely to choose to cycle. To achieve this, there are clear benefits in having segregated cycle lanes as they minimise interaction with road traffic which is a major barrier for many potential cyclists. They have been effective in promoting increases in cycling elsewhere and are particularly beneficial where speed differences between cycles and motor traffic are high or where traffic is heavy. The Panel received evidence that there are also a number of different options that can be used to provide segregation which can assist when space is at a premium. These include soft or light methods of segregation such as rugby ball shaped "armadillos", the "Cambridge kerb" or planters.

**Recommendation:**

*That the overriding priority of the cycling content of the Council's forthcoming Cycling and Walking Strategy be to create a high quality cycle network that is, as far as possible, segregated from road traffic where speed differences between cycles and motor vehicles are large or where traffic volume is heavy.*

- 4.9 The Panel noted that many boroughs have a dedicated cycling officer, including a number that had been very successful in increasing the number of people cycling, including Waltham Forest. At the moment, Haringey has a Smarter Travel Officer whose responsibilities include cycling and extra funding is received from TfL for this post. However, the post currently only deals with behaviour change and cycle training and not all cycling related projects and activities, such as development of the infrastructure. The Panel feels that the establishment of a single post with responsibility for all aspects of cycling would assist in improving co-ordination of the development of cycling. This could also assist in helping to secure additional external funds, particularly from TfL.

***Recommendation:***

*That, in order to promote and develop cycling in the borough further, a dedicated post of cycling officer be created, with an overarching responsibility for all aspects of the development of cycling within the borough.*

- 4.10 The Panel is also of the view that there should be regular and ongoing engagement with the community and stakeholders on cycling issues so that their feedback can be systematically incorporated. It is particularly important that alterations on road layouts are consulted upon at an early stage so that they may be amended if necessary and regular meetings should provide an opportunity for such discussions to take place. This may reduce the risk of money being spent on developments that are poorly designed. In addition, the structure of the Transport Forum should be reviewed so that it encourages wider involvement of the community, particularly pedestrians and cyclists.

***Recommendations:***

- *That quarterly meetings regarding cycling issues be scheduled between relevant officers, the Cabinet Member for Environment and Haringey Cycling Campaign and linked into meetings of the Transport Forum; and*
- *That the structure of the Transport Forum be reviewed so that it encourages wider involvement of the community, particularly pedestrians and cyclists.*

- 4.11 The Panel noted the safety deficits of some of the existing cycle infrastructure in the borough. For example:
- On Mayes Road, the southbound cycle lane on the pavement leads to an increased risk in crossing Coburg Road;
  - Crossing the Roundway to All Hallows Road potentially leads cyclists into the path of a fast moving vehicle turning left into the same road; and

- In several locations, the swing left and right onto a pavement cycle lane takes cyclists' paths close to a sharp and unforgiving end to railings.

### *Regeneration*

- 4.12 The Panel received evidence on how cycling was taken into account in regeneration programmes. In Tottenham Hale, the new District Centre Framework would provide a high level master plan for developments. As part of this a Street and Spaces strategy, that included cycling had been developed and was currently being consulted on. Haringey Cycling Campaign had welcomed it but had stated that they would comment in due course on the detail. Lessons have been learnt from the work undertaken around the Tottenham gyratory system and the aim is now to provide segregated cycling lanes wherever possible. One of the aims of the regeneration work is to make Tottenham a destination for people to meet and visit. As part of this, TfL is considering making Tottenham a Cycle Superhub.
- 4.13 Specific work is also being undertaken with Waltham Forest to open up the wetlands between Tottenham Hale, Tottenham Marshes, Blackhorse Road and Walthamstow. This would provide a segregated cycling route as well as access to the Lee Valley.

## **5. DEVELOPING HARINGEY'S CYCLING INFRASTRUCTURE**

- 5.1 The Panel heard that there are a number of major TfL infrastructure projects that are currently being undertaken within the borough;
- Cycling Superhighway 1 will connect Tottenham to central London and is due to be completed in spring 2016. The Council is building an extension that will take it onto Northumberland Park
  - The second phase of the Quietway will pass through Bowes Park, Wood Green, Alexandra Palace, Finsbury Park and onto central London;
  - An electric bike hire scheme is being developed. The preferred bidder will be selected in January and the scheme implemented in Spring 2017. This is a fairly small scheme and will follow the route of the W7 bus from Finsbury Park to Muswell Hill. There will be 200 bikes.
- 5.2 In addition, the Council are undertaking the following:
- Permeability measures are being implemented to allow two way cycling on some one way streets and the removal of barriers to cycling;
  - Cycle routes are being developed in the Tottenham gyratory area; and
  - Identified priorities of Haringey Cycling Campaign are also being addressed.
- 5.3 A major scheme has also been undertaken in Wood Green that delivers cycle parking, advance stop lines and new cycle lanes. In addition, traditional streetscapes are being re-introduced as part of estate renewal and this will help to encourage cycling.
- 5.4 The local plan includes a Green Grid of cycling and walking routes which are intended to be long term initiatives where the Council wishes to focus investment. Whilst some of these will be funded through the LIP, the Council is also looking to obtain funding from other sources.
- 5.5 The Panel noted evidence from the Cabinet Member for Environment regarding Haringey's bid for "Mini Holland" funding. He was not unduly concerned by the fact that the Council's bid had been unsuccessful as he felt that there was an opportunity to learn from the neighbouring boroughs that had been successful.
- 5.6 From evidence received, it is clear that there needs to be a high level of preparedness by Council if it is to be in a position to take full advantage of funding opportunities, particularly from TfL. It is highly likely that further opportunities to obtain funding will arise and this might well include another mini Holland scheme. The Panel notes that there is already the outline of a long term route network within the Green Grid. It would nevertheless welcome further detail on the long term route network for the borough as well as clarity regarding priorities and is of the view that these should be clearly publicised within the Cycling and Walking strategy.



- 5.7 The Panel noted the current lack of an east-west cycle route across the borough and the interest of the Mayor's Cycling Commissioner in developing one. Whilst some work is being undertaken by officers to develop an east-west route, current plans are only for a Quietway that goes part way across the borough. The Panel would therefore welcome the inclusion of a specific east-west route across the borough within the long term network.

**Recommendations:**

- *That the long term cycle route network for the borough and priorities within this be clearly publicised within the new Cycling and Walking strategy; and*
- *That the long term cycle route network includes provision for a specific east-west route that crosses the borough.*

- 5.8 In addition, the Panel noted evidence from a variety of sources of the benefits of trialling schemes as these provide flexibility to evaluate and amend schemes in response to the concerns of residents.

**Recommendation:**

*That cycle infrastructure projects be piloted in the first instance wherever possible in order to allow them to be amended following concerns raised by residents.*

- 5.9 The Panel obtained the views of Haringey Cycling Campaign on how the current cycling infrastructure could be improved. They highlighted the following issues:

- Some old cycle routes had been much neglected;
- Barriers to prevent motorcycles being driven along footpaths also had the effect of not allowing bicycles through;
- There were pinch points on some roads, including Albert Road, where it was too narrow for a bike and a vehicle to pass through together;
- The amount of parking allowed on some roads was unsuitable;
- Main roads and junctions could be challenging for cyclists;
- There were a number of large junctions that it was hoped could be improved for cyclists, including Wightman Road, Colney Hatch Lane and Lordship Lane. The rebuilding of the railway bridge of Wightman Road might provide a particular opportunity to do this;
- Bus stops were not always located well in their proximity to cycle routes. Other countries have created "floating" bus stops, which give room for cyclists to pass behind them;
- Some shared use paths were too narrow;
- 2-way cycling could be implemented easily on one way streets but a lack of forethought could lead to a waste of resources. Park Road in Hornsey was



an example of a well laid out facility where the best possible options had been taken. Opportunities had been missed to incorporate initiatives into other schemes, such as Green Lanes. Implementation could be simple and need sometimes only required signage;

- A proposed bridge over New River next to the border with Hackney had encountered local opposition. It had been supported by Hackney Council but opposed by Haringey some years ago and might be worthwhile revisiting;
- There was heavy competition for road space in some areas of the borough. In Wood Green High Road, this had been exacerbated by narrowing of the road. There were other options that could be explored and which could be considered as part of the Wood Green regeneration scheme;
- There were issues with signage in a number of locations, including by the Tottenham War Memorial where it was not clear where the cycle lane was located; and
- There were a large number of faded white lines. This was easy to resolve and brought big safety benefits as motorists were much more likely to comply.

5.10 Members of the Panel undertook a cycle tour of key parts of the borough with Council officers and members of Haringey Cycling Campaign. This enabled them to observe the infrastructure at first hand and experience what it is like to cycle within the borough. Whilst there are some good sections of cycle route, these tend to be short and disjointed. The better routes appeared to be in quieter side streets but could entail dismounting to cross main roads.

5.11 The previously highlighted issue with “pinch points” was encountered. These are sections of road where the carriageway is narrowed by design - often at traffic islands - with the intention of slowing and calming traffic. They can often be a source of risk to cyclists as anyone cycling in the inside of a lane is forced into the main flow of traffic by them. In addition, it was noted that some cycle routes were laid out so that they encouraged cyclists to ride too close to parked cars, which can put them at risk of being hit by opening car doors.

5.12 The Panel is of the view that the issue of cycle and bus pinch should be addressed as these can compromise the safety of cyclists. In addition, a scrutiny review on road safety in 2007 recommended that parking on corners should be prohibited. This recommendation was accepted but the Panel would request confirmation that this is still policy.

**Recommendations:**

- *That the Council’s Regeneration, Planning and Development Service undertake a review of cycle pinch points to ensure that these do not compromise the safety of cyclists; and*

- *That the Cabinet Member for Environment be requested to confirm that the Council's policy remains that that parking on corners is prohibited and, if so, that it is enforced.*

5.13 The Panel noted that one of the strategies followed successfully in Cambridge, as well as other places, is to enhance accessibility for cyclists so that it is easier to travel on bicycle than by car. The overall strategy has been described as "filtered permeability" and describes road design that still allows through access for walking and cycling but removes it for motor traffic. This can be achieved either by a straightforward physical closure with bollards or the use of opposed one-way streets with exemptions for cycling or simply by the use of signage. It is an important part of the strategy used to develop cycling in Holland and can be used to improve accessibility without the need for cycle paths. The Panel feels that increasing the number of exemptions for cyclists from one way restrictions would provide a useful and cost effective means of encouraging cycling further within Haringey.

5.14 The Panel would nevertheless like to ensure that this will not compromise the safety of pedestrians. It is possible that, when crossing one way streets, they may not think to look the other way for cyclists. Bicycles are also quiet, making it less likely that pedestrians will be alerted to their approach. It therefore feels that proposed exemptions should be signposted clearly and trialled in the first instance.

***Recommendations:***

*That action be taken by the Regeneration, Planning and Development Service to increase the number of exemptions for cyclists from one way restrictions and that these be signposted clearly and trialled in the first instance in order to ensure that they do not compromise the safety of pedestrians.*

5.15 The Panel received evidence that cycle paths with shared use with pedestrians can be a source of confusion. In particular, the Cabinet Member for Environment was of the view that the thinking behind these was flawed. The Panel would therefore welcome a review of their use.

5.16 The Panel also feels that methods of slowing cyclists that do not prevent the use of child or load trailers, tag-alongs or load carrying cycles should be investigated. For examples, Cambridge use low humps on the pedestrian side of some shared use paths. In addition, methods of deterring motorcycles and scooters that do not affect cyclists with child trailers are needed and experience from elsewhere should be incorporated.

5.17

***Recommendation:***

*That the Regeneration, Planning and Development Service be requested to;*  
*(a). Commission a review of cycle paths within the borough where there is shared use with pedestrians; and*  
*(b). Investigate methods of slowing cycles and deterring motorcycles and scooters which do not impact on cyclists using trailers, child tag-a-long and cargo cycles.*

5.18 The Panel is of the view that the most effective way of keeping abreast of issues in respect of the cycling infrastructure in the future would be for relevant officers to cycle around it. In addition, this could provide a useful opportunity to engage with stakeholders.

***Recommendation:***

*That an annual cycle ride around the cycling infrastructure be undertaken by relevant officers with representatives of Haringey Cycling Campaign and interested Councillors to determine any issues relating to it that require attention, particularly signage and repairs.*

## 6. CYCLE PARKING AND SECURITY

- 6.1 Provision for parking bicycles is an essential part of developing cycling as a mode of transport as cyclists need somewhere safe and secure to leave their bicycles. Haringey has undertaken specific investment in cycle parking, which is now available in a wide range of locations across the borough and especially around public transport hubs. Some modes of parking are chargeable for users and there is therefore scope for them to be, at least, partially self funding
- 6.2 Cycle hangars have recently been introduced and have proven to be very popular. These are on-street covered facilities intended for the use of people in flats or houses in multiple occupation with little room to park bicycles. They cost £3,000 each and part funding is available for these. There is also a charge for residents who use them.
- 6.3 The Panel noted that views of the Cabinet Member for Environment, who felt that there were still a lot of gaps in the placement of cycle racks, such as near parks. He felt that this could be remedied fairly easily, subject to funding. The Panel would concur with this view.

### ***Recommendations:***

- *That strong support be given to a major expansion by the Council, working with Transport for London, of the number of bike hangars.*
- *That the Environment and Community Safety Service install additional bike racks where there genuine demand can be demonstrated.*

- 6.4 The Panel were impressed by the facilities in both Cambridge and Waltham Forest both in terms of the quantity of spaces and the high quality of them. There are currently 3,000 parking spaces for cycles at Cambridge station. There are 8 cycling hubs within Waltham Forest, which provide secure cycle parking around the clock for a charge of £10 per year. The locations include every tube and railway station and there are now over 1,000 parking spaces.

### ***Recommendation:***

*That a feasibility study should be undertaken to see if secure and contained cycle parking facilities, similar to that provided by cycle hubs in Waltham Forest and part financed by a charge to users, could be established in Haringey.*

- 6.5 The Panel noted evidence that Council's Local Plan provides the overall planning policy context for supporting cycling and sets out current cycle

parking standards which are considered the minimum. The Council will follow London Plan cycle parking standards once they are finally approved.

- 6.6 Cycle parking is required to be safe, undercover and secure and "Sheffield" type stands are typically installed within an undercover secure shelter. Cycle parking is promoted by requiring its inclusion in scheme designs and is one of the transport related considerations on whether a development proposal is acceptable.
- 6.7 In considering planning applications, the Council's planning process seeks to enhance sustainable transport. In terms of cycling, enhancements or additions are sought to the local cycle network. To mitigate the impact of a development on the highway network, the Council will typically seeking a contribution through the Section 106 process. The Panel noted that with higher levels of development of housing and jobs within the borough, there would be scope for managing the development of the cycle route network to ensure such measures are integrated within the design process.
- 6.8 One key issue in respect of cycle parking is security. The Panel received evidence from Sergeant Mick Doherty of the Metropolitan Police regarding this. It heard that the number of cycle thefts had increased from 663 in 2014 to 730 in 2015. People often bought expensive bikes without investing in security of the same quality to protect them. There are a number of hot spots within the borough which shift regularly. Seven Sisters, Wood Green, Turnpike Lane and Crouch End have all been hot spots. The Police were giving consideration to using cameras focussed on bike stands to address thefts. Haringey has one of the highest rates of theft in north London but the Panel noted thefts in central London were a lot higher.
- 6.9 Operation Pluto was set up to target cycle theft, using plain clothed officers and decoy bikes, as well as high visibility patrols. Bike registration is another useful deterrent. This can be done by the Police for no charge and enables bikes to be tracked. Halfords can also stencil bikes as part of the scheme and efforts are also being made to involve independent bike shops.
- 6.10 The Panel noted that cycle parking facilities can sometimes contain remnants of bicycles, particularly frames, and that they can remain there for some time. It is important that cycle parking facilities are attractive and well maintained. Bicycle parts should therefore be removed quickly and according to clear timescales.

***Recommendation:***

*That clarification be provided on the procedure and responsibility for the removal of bicycle parts from cycle parking facilities and the timescale involved and that specific action be taken to speed up this process.*

## 7. PROMOTING BEHAVIOUR CHANGE

- 7.1 The Council aims to achieve behaviour change through its Smarter Travel programme. This is intended to complement work that is being done to develop the infrastructure. It has the following aims:
- To improve cycling, active travel and health;
  - To reduce road casualties;
  - To reduce traffic and congestion; and
  - To improve air quality and reduce CO2 emissions.
- 7.2 The cycling element of this has promoted the following;
- Bikeability and balanceability training;
  - Cycle maintenance sessions and cycle security;
  - Awareness training for lorry and van drivers;
  - Tougher enforcement of HGVs;
  - Cycle facility improvements for schools;
  - Engagement and enforcement linked to the wider 20mph limit; and
  - Volunteer Cycle Rangers.
- 7.3 The following have been part of this programme:
- Smarter Travel information and advice road shows, including the Festival of Cycling;
  - Cycle rides for pupils – mass cycle rides during Bike Week;
  - Sky Rides for all and Breeze Rides for women;
  - Active Travel projects run by community organisations;
  - Personal travel planning project; and
  - The Haringey Cycling Conference, which took place in September 2015.
- 7.4 Panel Members attended the Haringey Cycling Conference and found it a very useful opportunity to learn from experiences elsewhere, share ideas and develop networks. They believe that it should be made into a regular event. However, it should be wider than just cycling and include walking and “living streets” initiatives, in line with the strategic approach.

### **Recommendation:**

*That Haringey Cycling Conference be made into a bi-annual event but with a wider focus, including walking and “living streets” initiatives.*

- 7.5 The Panel received evidence on the impressive work that is being done by some schools in the borough. It heard from Sarah O’Carroll from North Harringay School on the work that has been done by the school to promote cycling. As part of a walking and cycling to school programme, the school had

successfully applied for a grant of £5000 from the London Cycling Campaign. This had been used, amongst other things, to develop cycle training and purchase a number of bikes. School staff had been trained as cycle trainers and were now able to offer cycle training to children at the school. Many of those who had been trained had been able to get other paid work as instructors.

- 7.6 They now have approximately eight qualified cycle instructors and, in addition to cycle training, are able to offer a bike recycling scheme and maintenance workshops. The school founded the Haringey Schools Cycling League and has also participated actively in Bike Week and arranged family bike rides had also been arranged. There are also pool bikes available for staff and a cycling after school club, which had been financed by a TfL cycle grant.
- 7.7 Ms O'Carroll stated that it would be possible for the training offered by the school to be extended to other schools within the borough. According to survey data, the overriding barrier to increasing the level of cycling cited by schools was concern about safety and this was a consistent pattern.
- 7.8 The Panel were very impressed by the work undertaken by North Haringay School. They feel that that a Haringey Cycling Charter for schools should be developed as a way of building and extending the work that had been undertaken by North Haringay School to include cycle training and facilities.

***Recommendation:***

*That a Haringey Cycling Charter for schools should be developed as a way of building and extending the work that had been undertaken by North Haringay School and that this include cycle training and facilities.*

- 7.9 The Panel noted the excellent work that has taken place with schools. This has been focussed on primary schools but is not specifically restricted to them. Additional funding was received from TfL this year to target secondary schools with cycle training but it has proven very difficult to engage with them in order to carry this out. The Panel would recommend that further efforts be made to engage with secondary schools and include them in cycle training.

***Recommendation:***

*That further efforts be made to engage with secondary schools within the borough and include them in cycle training provided as part of the Smarter Travel programme.*



### ***Case Study 1 - Cambridge***

The Panel visited Cambridge, which currently has the highest percentage of people cycling on any city in the UK.

- 30% of people in Cambridge cycle to work. 22% of all trips are made by cycle and the aim is to reach 40% by 2023. The gender split is 59% men and 41% women. There is also a mixture of ages.
- People feel safe to cycle and therefore do so. It is an easy way to travel. The centre of Cambridge is not accessible by private car. "Rat runs" are also not accessible by car but can be used by cycles. There are several streets which are no entry except for cyclists. Cycling therefore gives people access to a wider network of roads.
- Double yellow lines had been used in some places to prevent people from parking in cycle lanes. This had been controversial but there had been the political will by the Council to carry it through.
- Funding has come from a number of sources, including Section 106, DfT and City Deal funding. Whilst funding can be identified to develop the cycle infrastructure, maintenance is an issue as there is often a lack of funding.
- Action was taken to ensure that all developments encourage the use of sustainable transport. Section 106 agreements had been used to ensure that developers mitigated the growth in the quantity of traffic arising from developments.
- There are currently 3,000 covered parking spaces for cycles at Cambridge station. The planned new science park railway station would have space for 1,000 cycles.
- There was a cycling forum to discuss plans that includes local authorities, cycling organisations, Sustrans and local employers.
- There had been opposition to some schemes. However, work had been undertaken to engage with residents and develop relationships with them. A number of objectors to schemes cycled themselves and this made it easier to engage constructively with them.
- The "Cambridge kerb" had been developed as a means of separating cycles from the main carriageway whilst allowing a car or cycle to safely cross the kerb.
- Red aggregate is used for cycle lanes where possible as it kept its colour. However, it had to be ordered in large quantities.



- A number of schemes had been trialled in the first instance before becoming permanent.
- The middle class demographic has been targeted, who were likely to be more sympathetic to cycling.
- There was a substantial cycling infrastructure, including cycle phases at traffic lights, “floating” bus stops, segregated lanes and (not visited) a cycle and pedestrian bridge over the River Cam.

### ***Case Study 2 – Waltham Forest***

The Panel also visited Waltham Forest, which was one of the three London boroughs that had been successful in bidding for “Mini Holland” funding.

- Waltham Forest had looked at the Mini Holland Scheme as a good opportunity. They had not been selected initially and were asked to reconsider bits of their scheme, particularly links to the north of the borough, before they were selected.
- They have a good track record of delivery and were well ahead of other mini Holland boroughs in delivering the scheme. There is a borough cycling officer.
- £30 million had been made available from TfL in total, as part of the scheme. There were also other cycling programmes that the borough was undertaking. These included Quietways, for which there was £600,000 as well as other linked LIP programmes.
- Walthamstow Village had been the first pilot, which had proven to be controversial, with vociferous opposition and support, as well as a silent majority who did not have strong views. Although the work had been controversial in nature, there were now no vacant shops there whereas there had been six a year ago. Estate agents were now specifically advertising properties in the area as being “close to the mini Holland scheme”.
- There had been considerable opposition to the schemes, including one of the largest protests in the borough’s history. There had been an unsuccessful High Court challenge. Opposition had calmed down after this.
- There are eight cycling hubs (see below) within the borough, which provide 24 hour secure cycle parking for a charge of £10 per year. The locations include every tube and railway station and there are no over 1,000 parking spaces. There are also currently 30 cycle hangars within the borough and it is planned to install another 30 this year. There had been an unexpectedly high level of

demand for these. The possibility of installing single hangars in front gardens is being investigated. Additional cycle stands were also being installed – around 1,200.



- Promotional work is being undertaken that focusses on cycling and walking. The Council is trying to drop the “mini Holland” label and was currently using the slogan “Walk, Cycle, Enjoy”. Broadening the scope of promotional work helped widen its appeal as some people could feel disenfranchised by the focus on cycling. The work being undertaken was also of benefit for people who did not cycle.
- Work is done with schools and cycle training was available. Some work has also been undertaken with local mosques in order to increase cycling amongst all communities.
- The most important issue was ensuring that people felt safe to cycle.
- Various means of segregating cycles from cars had been used, including kerbs, armadillos and orcas, which they had found to be better than the Cambridge kerb because they were a more flexible installation.
- It was necessary to be proactive in order to gain maximum benefit from funding opportunities. TfL preferred to award funding to boroughs who had a track record of effective delivery. It was also important to demonstrate political commitment to carry out schemes. They currently had schemes that were ready to go when suitable funding became available.
- There was also a design guide that could be given to developers and identified the next steps that were being taken. The hope was that developers would buy into the vision.
- The targeted increases in cycling that had been set had been reached ahead of

schedule. The Health Economic Assessment Tool (HEAT) had been used.

## **Appendix A**

### **Participants in the Review:**

#### *Haringey Council;*

Malcolm Smith, Team Leader in Transportation Planning, Planning Service

Denise Adolphe, Smarter Travel Manager (Communication and Consultation), Environment and Community Safety

Edward Richards and Peter O'Brien, Tottenham Regeneration Team, Haringey Council

Councillor Stuart McNamara, Cabinet Member for Environment

Councillor Toni Mallett, Council Cycling Champion

#### *External;*

Andrew Gilligan, Mayor's Commissioner for Cycling

Adam Coffman, Haringey Cycling Campaign

Michael Poteliakhoff, Haringey Cycling Campaign

Sarah O'Carroll, North Harringay School

Sergeant Mick Doherty, Metropolitan Police

Mark Trevethan, Principal Strategy Planner, Transport for London

Clare Rankin, Cycling and Walking Officer, Cambridge City Council

Bala Valavan, Head of Highways, London Borough of Waltham Forest

Chris Procter, Mini Holland Design Manager, London Borough of Waltham Forest

Mark Bland, Mini Holland Programme Manager, London Borough of Waltham Forest



## Appendix 2: Recommendations

| Recommendation from Scrutiny Review  | Draft response<br>[Agreed/Partially agreed/Not agreed]   | Who and When  |
|--|--|---|
| 1. That, as part of the forthcoming Cycling and Walking Strategy, a transformational vision for cycling be developed by the Council for the borough and promoted as part of a wider "Living Streets" strategy, encompassing both walking and cycling and backed up with strong and political will                  | Agreed<br>We will include a vision for cycling and walking as part of a new Transport strategy.  | Cabinet Members for Environment and Planning and Team Leader, Transportation Planning<br><br>April 2017 |
| 2. That the overriding priority of the cycling content of the Council's forthcoming Cycling and Walking Strategy be to create a high quality cycle network that is, as far as possible, segregated from road traffic where speed differences between cycles and motor vehicles are large or where traffic is heavy | Agreed<br>We will seek to provide segregated cycle facilities wherever possible. We recognise many cyclists and potential cyclists are discouraged from cycling by traffic speed and volume.   | Cabinet Members for Environment and Planning and Team Leader, Transportation Planning<br><br>Ongoing    |
| 3. That, in order to promote and develop cycling in the borough further, a dedicated post of cycling officer be created, with an overarching responsibility for all aspects of the development of cycling within the borough   | Not agreed<br>We consider the development and implementation of cycling infrastructure, management of soft measures to encourage more cycling and cycling policy matters can be managed within existing staff and financial resources. We do not consider a dedicated cycling officer will add |   |

|  |  |   |
|--|--|---|
|  | value to the work already being undertaken.  |   |
| 4. That quarterly meetings regarding cycling issues be scheduled between relevant officers, the Cabinet Member for Environment and Haringey Cycling Campaign and linked into meetings of the Transport Forum | The HCC will be engaged in the development of a new Transport Strategy and, as part of the review of the Transport Forum, we will ensure cycling and cyclists are properly represented in any new partnership  | Cabinet Member for Environment and Team Leader, Transportation Planning<br><br>November 2016            |
| 5. That the structure of the Transport Forum be reviewed so that it encourages wider involvement of the community, particularly pedestrians and cyclists   | Agreed<br>We will review the structure of the Transport Forum in discussion with the Cabinet Member for Environment  | Cabinet Member for Environment and Team Leader, Transportation Planning<br><br>November 2016            |
| 6. That the long term cycle route network for the borough and priorities within this be clearly publicised within strategy new Transport Strategy  | Agreed<br>It is intended to include a cycle route network and a prioritised action plan within a new Transport strategy  | Cabinet Members for Environment and Planning and Team Leader, Transportation Planning<br><br>April 2017 |
| 7. That the long term cycle route network includes provision for a specific east-west route that crossed the borough   | Agreed<br>We have included an east-west route as a priority in the Quietway cycle route programme, funded by TfL. The previous Mayor's Cycling Commissioner supported such a route in evidence to the panel. Its implementation will depend on the availability of funding from TfL. | Cabinet Members for Environment and Planning and Team Leader, Transportation Planning<br><br>April 2017 |
| 8. That cycle infrastructure projects be piloted in the first instance wherever possible in order to   | Not agreed<br>In theory most cycling infrastructure  |   |

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|--|---|--|
| provide the necessary flexibility to amend them if necessary so that concerns raised by residents may be responded to effectively  | can be put in on a temporary basis. However, we consider that with a limited budget for implementing cycling infrastructure much better value for money can be achieved by developing, consulting and implementing effective and widely supported schemes. Consultation with local residents and stakeholders is a key element of developing schemes and we seek to address resident concerns as part of this process.                        |  |
| 9. That the Council's Regeneration, Planning and Development service undertake a review of cycle pinch points to ensure that these do not compromise the safety of cyclists      | Partially agreed<br>We will work with Haringey Cycling Campaign to identify such locations. We will need to consider the needs of other road users and the impact of traffic speed in considering options for removing pinch points. Such a review would also need to be considered in the context of a limited budget for delivering cycling infrastructure and balanced against delivering other physical measures to support more cycling. | Cabinet Member for Environment and Team Leader, Transportation Planning<br><br>December 2016 |
| 10. That the Cabinet Member for Environment be requested to confirm that the Council's policy remains that that parking on corners is prohibited and, if so, that it is enforced | Agreed  | Cabinet Member for Environment and Ann Cunningham, Head of Traffic Management                |



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|   |  | October 2016   |
| 11. That action be taken by the Regeneration, Planning and Development service to increase the number of exemptions for cyclists from one way restrictions and that these be signposted clearly and trialled in the first instance in order to ensure that they do not compromise the safety of pedestrians   | Agreed<br>Subject to funding we will look to increase the number of exemptions for cyclists to one-way roads. The impact on road safety and particularly on pedestrian safety will be monitored as part of the delivery of such schemes.   | Cabinet Member for Environment and Group Manager, Sustainable Transport<br><br>Ongoing   |
| 12. That the Regeneration, Planning and Development service be requested to:<br>a) Commission a review of cycle paths within the borough where there is shared use with pedestrians; and<br>b) Investigate methods of slowing cycles and deterring motorcycles and scooters which do not impact on cyclists using trailers, child tag-alongs and cargo cycles | Partially agreed<br>We do not consider a general review of all shared use paths in the borough to be worthwhile. Where specific issues have been identified, we will investigate and seek to address these issues, subject to funding.<br>Subject to funding, we will investigate options for slowing cycles and deterring motorcycles | Cabinet Member for Environment and Group Manager, Sustainable Transport<br><br>December 2016   |
| 13. That an annual cycle ride around the cycling infrastructure be undertaken by relevant officers with representatives of Haringey Cycling Campaign and interested Councillors to determine any issues relating to it that require attention, particular signage and repairs   | Agreed   | Cabinet Member for Environment Team Leader, Transportation Planning and Group Manager, Sustainable Transport<br><br>Spring/summer 2017 |
| 14. That strong support be given to a major expansion by the Council, working with Transport for London, of the amount of secure cycle parking, such as bike hangars  | Agreed<br>We will continue to install secure cycle parking including bike hangars  | Cabinet Member for Environment and Group Manager, Sustainable Transport<br><br>Ongoing   |

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| 15. That the Environment and Community Safety service install additional bike racks where genuine demand can be demonstrated  | Agreed<br>Subject to funding, we will continue to install cycle parking facilities where demand is evident  | Cabinet Member for Environment and Group Manager, Sustainable Transport<br><br>Ongoing    |
| 16. That a feasibility study should be undertaken to see if secure and contained cycle parking facilities, similar to that provide by cycle hubs in Waltham Forest and part financed by a charge to users, could be established in Haringey | Partially agreed<br>This study will need to be considered as part of the overall programme to enhance cycle facilities.   | Cabinet Member for Environment and Team Leader, Transportation Planning<br><br>March 2017 |
| 17. That clarification be provided on the procedure and responsibility for the removal of abandoned bicycle parts from cycle parking facilities and the timescale involved and that specific action be taken to speed up this process       | Partially agreed<br>Responsibility for removing bicycle parts falls within the remit of the Neighbourhood Action Team.<br>Abandoned bicycles are regarded as a highway obstruction under the Highways Act 1980. NAT instructs the contractor Veolia to remove the bicycle parts within 2 working days of being reported if it is obviously abandoned. There is a requirement to issue a Statutory Notice of the intention to remove a bicycle if it looks in a good state of repair rather than just bicycle parts. This gives an owner 28 days to appeal against the notice. | Cabinet Member for Environment and Neighbourhood Action Team<br><br>Ongoing               |
| 18. That Haringey Cycling Conference be made into a bi-annual event but with a wider focus, including walking and "living streets" initiatives  | Not agreed<br>Unfortunately The Council does not have sufficient staff and financial  |   |

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|   | resources to undertake a bi-annual event. Our resources will be targeted at delivery of cycling projects and programmes. However the Council would welcome engaging with a community group or partners to deliver such an event.  |   |
| 19. That a Haringey Cycling Charter for schools should be developed as a way of building and extending the work that had been undertaken by North Haringey School and that this include cycle training and facilities | Partially agreed<br>We acknowledge the excellent work being carried out by North Haringey school to promote the use of bicycles. We are happy to work with schools in encouraging more cycling. Subject to funding we will support more cycle training for schools and provision of cycle facilities such as parking. We will be preparing a School Charter setting out our proposals | Cabinet Member for Environment and Ann Cunningham, Head of Traffic Management<br><br>March 2017 |
| 20. That further efforts be made to engage with secondary schools within the borough and include them in cycle training provided as part of the Smarter Travel programme  | Agreed<br>We will continue efforts to engage with secondary schools   | Cabinet Member for Environment and Ann Cunningham, Head of Traffic Management<br><br>Ongoing    |

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Report for: Cabinet 18 October 2016

Item number: 9

Title: Cabinet response to the Overview and Scrutiny Committee Review on Community Safety in Parks

Report authorised by: Stephen McDonnell, Assistant Director: Commercial and Operations

Lead Officer: Simon Farrow, Head of Direct Services (interim), 020 8489 3639, [simon.farrow@haringey.gov.uk](mailto:simon.farrow@haringey.gov.uk)

Ward(s) affected: All wards

Report for Key/  
Non Key Decision: Key

1. Describe the issue under consideration
  - 1.1 The report sets out the proposed Cabinet response to the recommendations of the Overview and Scrutiny Committee Review of Community Safety in Parks (attached as Appendix 1 to this report), which was carried out over the spring in 2016.
2. Cabinet Member introductions
  - 2.1 I welcome the recommendations made by the Overview and Scrutiny Committee as a positive contribution to improving community safety in parks.
  - 2.2 Haringey parks are well used. Millions of visits are made each year and on the whole park users feel safe when doing so. The borough's Open Space Strategy makes a commitment to 'enrich the quality of life for everyone in Haringey by working in partnership to provide safe, attractively designed, well used, well maintained open spaces for the benefit and enjoyment of the whole community
  - 2.3 It is encouraging to note that evidence received by the Committee reflects this and suggests that crime levels within Haringey parks are already comparatively low and that there is no evidence of any significant increase in recent years.
  - 2.4 Haringey's thriving parks are testament to the strength of relationship between the Council's Parks Service, our business partners and the ongoing commitment from our local residents and Friends Groups. While we rightly acknowledge and celebrate this, we recognise that there are always improvements to be made to enhance parks users' experience and recognise the recommendations will do this.
3. Recommendations

3.1 Members are asked:

- (a) To consider the Overview and Scrutiny Report on Community Safety in Parks (attached as Appendix 1).
- (b) To agree the responses to the Overview and Scrutiny report recommendations (attached as Appendix 2).

4. Reasons for decision

- 4.1 Haringey parks are safe places, enjoyed by many.
- 4.2 Over the spring of 2016 partners and stakeholders were invited by the Overview and Scrutiny Committee to present their evidence and opinions on community safety in the borough's parks.
- 4.3 The Overview and Scrutiny Committee has now made a number of recommendations focused on how the Council and its partners can improve the visitor experience when using the borough's parks and how these improvements can enhance community safety and highlight how safe the parks are already to use.

5. Alternative options considered

- 5.1 The Overview and Scrutiny Committee explored a number of views and opinions from a range of partners and stakeholders to enable the collation of the report and subsequent recommendations.
- 5.2 The recommendations have been carefully considered. Responses to these have been drawn up to help the Council and its partners improve community safety in parks, which will ultimately improve park users perception of crime and their overall visit to the borough's parks.

6. Background information

- 6.1 The Overview and Scrutiny Committee review into Community Safety in Parks was established to: 'To consider and make recommendations to the Council's Cabinet for improvements that can be made by the Council and its partners on how they address both crime and fear of crime in parks.'
- 6.2 The review was set up following concerns raised with Members regarding community safety in the aftermath of two incidents that took place in parks. The review looked at how it could be addressed effectively within current resource constraints so that residents feel safer when using them.

- 6.3 It is anticipated that the cost of implementing the agreed recommendations of this review can be contained within the existing Parks revenue and capital funding allocations. The major costs will be within the areas of signage and traffic review. It is estimated that taken together this would result in approximately £50,000 worth of expenditure. However, the bulk of this cost relates to the potential signage updating and this is expenditure the council would have been making over the next three years to update the signage in line with the new Haringey branding.

7. Contribution to strategic outcomes

- 7.1 The recommendations and the responses made will contribute to policy and practice primarily in relation to Priority 3 of the Corporate Plan: 'A clean, well maintained and safe borough where people are proud to live and work.'
- 7.2 Objective 2 of Priority 3 is: 'To make our streets, parks and estates clean, well maintained and safe.'

8. Statutory Officers comments - Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities

8.1 Finance and Procurement

The cost of implementing the recommendations arising from this review will be met from existing approved revenue and capital budgets.

8.2 Legal

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows:

Under Section 9F of the Local Government Act 2000 ("LGA"), the Overview and Scrutiny Committee has the power to make reports or recommendations to Cabinet on matters which affect the Council's area or the inhabitants of its area. This report complies with Cabinet's duty under section 9FE of the LGA to respond to the report of 21<sup>st</sup> July 2016 indicating what action the Cabinet proposes to take.

There are no legal implications arising from the responses to the recommendations, save in relation to the response to recommendation 6.

It should be noted in relation to the response to recommendation 6 that in accordance with sections 59 (2) and (3) of the Anti-Social Behaviour, Crime and Policing Act 2014, a Public Spaces Protection Order (PSPO) can be implemented to impose restrictions on the consumption of alcohol in parks where such consumption is, or is likely to be, detrimental to the local community's quality of life. Evidence of the detrimental effect or the likelihood of such an effect, would be required before an order could be made. Evidence would also be necessary that the detrimental effect is likely

to be of a persistent or continuing nature, so as to make the activity of drinking alcohol unreasonable, thus justifying the restrictions imposed by the PSPO.

### 8.3 Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

The recommendations aim to increase the safety of all park users and the recommendation 'further work be undertaken to develop Friends of park groups where they do not currently exist' provides an opportunity to help foster good relations between people.

## 9. Use of appendices

### 9.1 Appendix 1 – Overview and Scrutiny Report into Community Safety in Parks Appendix 2 - Responses to the Overview and Scrutiny Committee report recommendations

## 10. Local Government (Access to Information) Act 1985

- a. Report of Overview and Scrutiny Committee – Community Safety in Parks  
<http://www.minutes.haringey.gov.uk/documents/s86883/Comm%20Safe%20in%20Parks%20Cov%20Rep%202.pdf>



**Report for:** Overview and Scrutiny Committee – 21 July 2016

**Item number:**

**Title:** Scrutiny Review on Community Safety in Parks; Conclusions and Recommendations

**Report**

**authorised by :** Cllr Charles Wright, Chair, Overview and Scrutiny Committee

**Lead Officer:** Robert Mack, Principal Scrutiny Officer, tel: 020 8489 2921, e-mail [rob.mack@haringey.gov.uk](mailto:rob.mack@haringey.gov.uk)

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** N/A

## **1. Describe the issue under consideration**

1.1 Under the agreed terms of reference, the Overview and Scrutiny Committee (OSC) can assist the Council and the Cabinet in its budgetary and policy framework through conducting in-depth analysis of local policy issues and can make recommendations for service development or improvement. The Committee may:

- (a) Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (b) Conduct research to assist in specific investigations. This may involve surveys, focus groups, public meetings and/or site visits;
- (c) Make reports and recommendations, on issues affecting the authority's area, or its inhabitants, to Full Council, its Committees or Sub-Committees, the Executive, or to other appropriate external bodies.

1.2 In this context, the Overview and Scrutiny Committee on 18 March 2016 agreed to set up a review project to look at community safety in parks.

## **2. Cabinet Member Introduction**

N/A

## **3. Recommendations**

3.1 That the recommendations of the review be as follows:

- (i) That the Panel's findings that crime levels within Haringey parks are comparatively low and that there is no evidence of any significant recent increase be noted;

- (ii) That further consideration be given to the inclusion of community safety contacts and their prominence on park signage as and when it is renewed;
  - (iii) That the setting up by the Police of a team of Special Officers to patrol in parks be supported and that work be undertaken to develop links between them and the Council's enforcement teams;
  - (iv) That a review be undertaken of vehicular access and provision for parking in Finsbury Park and the feasibility of reducing and restricting it to certain areas of the park.
  - (v) That the practice of the locking of some parks be suspended for a trial period of six months and reviewed at the end of this period to ensure there are no negative consequences and that this process be subject to engagement with relevant parks forums and neighbourhood watches;
  - (vi) That, in order to enhance cost effectiveness in addressing this issue, officers investigate jointly with Alexandra Palace and Board the feasibility of collaborating on updating the bye laws covering the borough's parks and open spaces;
  - (vii) That separate dog waste bins be removed from parks and that, beginning two months prior to their removal, a PR campaign take place which includes engagement with friends forums and neighbourhood watches and signs placed on all dog waste bins;
  - (viii) That Community Payback be utilised fully in parks to undertake areas of work for which there is currently no provision; and
  - (ix) That further work be undertaken to develop friends of park groups where they do not currently exist.
- 3.2 That, subject to any comments or amendments that the Committee may wish to make, the final report be submitted to Cabinet for response.

#### **4. Reasons for decision**

- 4.1 The Committee is requested to approve the report and the recommendations within it so that it may be formally referred to the Council's Cabinet for response.

#### **5. Alternative options considered**

- 5.1 The Overview and Scrutiny Committee could decide not to approve the report and its recommendations, which would mean that they could not be referred to Cabinet for response

#### **6. Report**

*Introduction*

- 6.1 The review was set up following concerns being raised with Members regarding community safety in the aftermath of two incidents that took place in parks. The review looked at how it could be addressed effectively within current resource constraints so that residents feel safer when using them.

*Terms of Reference*

- 6.2 The terms of reference for the review were as follows:

“To consider and make recommendations to the Council’s Cabinet for improvements that can be made by the Council and its partners on how they address both crime and fear of crime in parks.”

*Evidence Gathering*

- 6.3 The Panel received evidence from:
- Sarah Jones - Partnerships Officer, Commercial and Operations;
  - Simon Farrow – Parks and Leisure Services Manager, Commercial and Operations;
  - Councillor Stuart McNamara – Cabinet Member for Environment;
  - Councillor Bernice Vanier – Cabinet Member for Communities;
  - Pauline Sydell - Police Neighbourhood Watch Co-ordinator;
  - Police Inspector Dayle Speed; and
  - Mark Evison - from Alexandra Palace and Park.
- 6.4 In addition, an on line survey of members of friends of parks was undertaken, which generated 58 responses.

*Crime Statistics*

- 6.5 Reported crime for all parks/green space between 2012 – 2016 was as follows:

|      | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOT        |
|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|
| 2012 | 12  | 15  | 22  | 27  | 37  | 55  | 52  | 34  | 43  | 15  | 22  | 13  | <b>338</b> |
| 2013 | 22  | 21  | 17  | 32  | 35  | 34  | 43  | 37  | 32  | 34  | 28  | 27  | <b>362</b> |
| 2014 | 21  | 17  | 27  | 40  | 56  | 74  | 56  | 63  | 54  | 60  | 33  | 31  | <b>532</b> |
| 2015 | 26  | 19  | 34  | 58  | 45  | 55  | 81  | 88  | 55  | 50  | 36  | 34  | <b>586</b> |
| 2016 | 34  | 25  | 39  |     |     |     |     |     |     |     |     |     | <b>98</b>  |

- 6.6 Haringey's parks and green spaces cover approximately 25% of the borough and there are 3 to 5 million visits to them every year. Whilst there were 586 reports of crime across all Haringey's parks in 2015, the total notifiable offences

(TNOs) for the whole of the borough was 25,935. This constituted only 2.26% of crime within the borough.

- 6.7 Police representatives felt that the following were reasons for the increase in reported crime:
- More police operations and patrols in parks resulting in positive stop and searches by officers being recorded as a crime in a park;
  - Encouraging members of the public to report crimes and concerns in parks, and promotion of the police 101 number;
  - Many different ways crime and issues are brought to the attention of the Police i.e. Twitter, apps, online reporting to Council and Police;
  - Perception of crime due to social media resulting in members of the public being more vigilant and reporting crime;
  - The inputting of park crimes that had not been put onto the crime reporting system correctly.
- 6.8 People are encouraged to report issues to the Police and crime statistics are provided on a monthly basis. The park with the highest number of incidents last year was Finsbury Park, which had 113 incidents but this was expected due to its size and location. Ducketts Common was the next highest. Figures do not include festivals. The most common incidents in parks are theft or robbery. In terms of reports of anti social behaviour, drinking and drug taking were the most common issues.
- 6.9 1226 service requests were received in the past year, 47 of which related to ASB. There were also a large number relating to dogs. There were 83 complaints or Member enquiries. 10 of these made reference to community safety issues, such as litter, dog fouling, rough sleepers, street drinking and out of control dogs. Issues are also identified by parks staff out in the parks. These are mainly associated with rough sleepers and street drinking.
- 6.10 The Panel heard that there are 2.8 million visits per year to Alexandra Palace and Park. The number of reported crimes last year (599) equated to 1 for approximately every 5,000 visitors and very few were serious. The largest number of crimes relates to vehicles. There is natural surveillance provided by park visitors, dog walkers etc. as well as by parks maintenance staff. When events are taking place, there are also event security and marshals.
- 6.11 The conclusion reached by the Panel in respect of levels of crime is that there is no evidence that crime in parks within the borough is currently an issue of increasing concern. Indeed, current crime levels are remarkably low. In addition, there is little evidence of residents feeling unsafe in parks. Out of 54 responses to the Panel's survey, only 4 people stated that they felt unsafe in parks and none said they felt very unsafe. 50 people felt either safe or very safe.
- *Recommendation 1: That the Panel's findings that crime levels within Haringey parks are comparatively low and that there is no evidence of any significant recent increase be noted.*

6.12 There is some evidence that there is under reporting of crime. In response to the survey, a majority of people who had said that they had witnessed a crime in a park had not reported it. The Panel would therefore recommend that as and when park signs are updated, consideration be given to the inclusion of community safety information. It should nevertheless be emphasised that it is highly likely that the level of any under reporting of crime in parks is no different to that which may occur outside of parks.

- *Recommendation 2: That further consideration be given to the inclusion of community safety contacts and their prominence on park signage as and when it is renewed.*

### *Enforcement*

6.13 Police resources to deal with incidents in parks are limited, with each Safer Neighbourhood Team having 1 Police Constable and 1 PCSO and sharing a Sergeant. They are responsible for covering the whole of individual wards and therefore cannot provide a presence in parks all of the time. There are other Police teams that can be brought in should there be issues, such as the Territorial Support Group (TSG) and the Robbery Squad. Policing is intelligence led and it is therefore necessary to have relevant information coming in.

6.14 Efforts are currently being made to start up a Police Parks team that is made up of Specials, who are volunteer Police officers. The team had been set up with 5 PCs and 1 Sergeant. Recruitment is currently taking place. Each Special is required to undertake at least one shift per month but a lot of them work full time so have limited availability. Park patrols are based on intelligence but mainly focus on Finsbury Park.

6.15 The Panel supports the setting up of a team of Specials to patrol in parks and would recommend that they liaise closely with the Council's enforcement teams.

- *Recommendation 3; That the setting up by the Police of a team of Special Officers to patrol in parks be supported and that work be undertaken to develop links between them and the Council's enforcement teams*

6.16 There is Police targeted action where necessary. There has been a high level of joint enforcement activity within Ducketts Common and this has been successful. The park is heavily used and popular activities such as the outdoor gym and the basketball court draw people there, which can help keep crime levels down. Enforcement activity in Ducketts Common has been a targeted multi agency operation and resulted in arrests and ASBOs. CCTV has now been installed and a civil injunction is now being considered against particular individuals.

6.17 Although the Council has enforcement powers, they are very unlikely to be used unless there is someone present who is able to undertake them. With staffing reductions, particularly amongst the Police, this is becoming increasingly less likely. Officers feel that it is necessary to increase the level of risk for those dropping litter or causing dog fouling. At the moment, it is considered to be too

low and there is a need to look at new options. Whilst it might be possible to update the bye laws, the model ones produced by the Cabinet Office do not cover all enforcement issues

- 6.18 Self funding enforcement is an option. This has been successfully implemented by, amongst others, Enfield Council. If such a scheme was brought in, the Council would maintain the overall policy role. There is a minimum level of income that needs to be brought in to make the scheme economically viable but it is not intended as a method of generating income. Officers have visited both Enfield and Redbridge to look at their schemes.

#### *Rough Sleeping*

- 6.19 Action has been taken in Chestnuts Park, the Paddock and Finsbury Park to address rough sleeping, which is a growing issue. There has been a noticeable increase in it following the change in the law on squatting. Many rough sleepers are vulnerable and in need. Efforts are made to involve support agencies but a lot do not wish to receive any help. Once rough sleepers have been removed, parks staff clean up the area and cut back shrubbery to discourage further instances. There have also been issues with rough sleepers in Alexandra Park, with 17 being identified in the last year. The policy is to move them on.
- 6.20 One means of addressing the problem is to design park seats so that they discourage people sleeping. There had been instances where rough sleepers had been found to be illegal immigrants and the park was the only place that they were able to sleep. The bye laws state that it is the responsibility of the Police for dealing with the issue.
- 6.21 The Panel is of the view that rough sleeping is a complex issue that goes wider than just parks. It notes that the Housing and Regeneration Scrutiny Panel will be undertaking work on this specific issue in due course.

#### *Traffic Management*

- 6.22 Traffic management is also an issue as it is possible to drive in Finsbury Park. There was a near miss involving a small child and a lorry last year. Parking charges are being reviewed and enforcement increased with the aim of discouraging driving.
- 6.23 The Panel feels that the presence of motor vehicles in Finsbury Park is something of an anomaly and can detract from people's enjoyment of the park and its environment. It would like to see motor vehicle traffic reduced or, if possible, removed altogether. It is nevertheless recognised that there may be some circumstances where there is a need for vehicles to enter the park, including providing disabled access to some of the facilities.
- *Recommendation 4; That a review be undertaken of vehicular access and provision for parking in Finsbury Park and the feasibility of reducing and restricting it to certain areas of the park.*



### *Locking of Parks*

- 6.24 14 parks are locked at night at a cost of £45,000 per year. Many of these have been locked at night for a long time. It is unclear whether locking deters crime or anti social behaviour. Parks are normally locked for the reason that they have always been locked. It has been demonstrated that some parks are actually busier after they are locked than when they are not. Comparisons can be done with parks that are not locked to see if it makes any difference. The Police have been asked if they have a view on this issue. Locking of parks normally takes around four hours and it might be the case that the money could be better spent on enforcement.
- 6.25 Designing out crime might help to mitigate any impact from ceasing to lock parks, such as better illuminated entrances. Most fences around parks are not very high and it is therefore relatively easy to get into them if they are locked.
- 6.26 Alexandra Palace and Park remains open for 24 hours a day. However, the Alexandra Park and Palace Board approved overnight closure of two gates in 2012 in order to combat particular anti-social behaviour problems in the Grove and Redston Field.
- 6.27 A range of views were expressed in response to a question regarding this in the survey. A small majority (28 out of 51) of people who responded to the survey were in favour of parks being locked. However, the Panel were not convinced that there was any benefit to be gained from continuing to lock parks. It is nevertheless clear that work needs to be undertaken with the community to convince them that this is the case
- 6.28 It would therefore recommend that the practice of the locking of some parks be stopped for a trial period of six months and reviewed at the end of this to ensure that there are no negative consequences arising from this. It would also recommend that engagement take place with friends of relevant parks forums and neighbourhood watches ahead of the proposed changes and as part of the review at the end of the trial period. Savings arising from ceasing to lock parts should be re-invested in the Parks Service.
- *Recommendation 5; That the practice of the locking of some parks be suspended for a trial period of six months and reviewed at the end of this period to ensure there are no negative consequences and that this process be subject to engagement with relevant parks forums and neighbourhood watches.*

### *Anti Social Behaviour*

- 6.29 Anti social behaviour reports can cover drugs issues, youths gathering and drinking. Youths gathering in parks can be perceived as intimidating for some people although they are most often not causing a problem.
- 6.30 Drinking is an issue in a number of locations. Street drinkers often know which areas are outside of alcohol control zones. It is more difficult for the Police to act if people drinking are causing anti social behaviour in parks outside of the

zones. A light touch approach in the first instance or the designing out of potential problems is the preferred approach by officer.

- 6.31 Public Space Protection Orders (PSPOs) cannot be used to restrict drinking in parks that are locked. It is not possible to create a byelaw to stop street drinking. It would need to be done by using a PSPO instead as byelaws cannot be created where there is existing legislation to deal with issues. There are currently no PSPOs in operation in parks. It is necessary to demonstrate that issues were persistent in order to obtain one.
- 6.32 The riding of mopeds can also be an issue. The main areas where this took place were Priory Park and Lordship Lane Recreation Ground. Staggered barriers could help to address this issue.
- 6.33 In terms of Alexandra Palace and Park, street drinking is not a major problem. There are issues with anti social behaviour from time-to-time which are dealt with by security staff and, if necessary, the Police. In order to prevent fly tipping and other anti social behaviour, car parks and other roads not required for events are closed. A proactive approach is undertaken to dealing with vehicles that knock over bollards, gates and lamp columns, with costs recovered from them. CCTV surveillance covers some areas of the park.
- 6.34 The Park and Palace have their own bye laws although these were now very old and archaic. Closer working with the Council's Enforcement Team would help them to deal with issues in the Park and Palace as staff did not currently have enforcement powers.
- 6.35 There is the possibility of economies of scale if the Council and Alexandra Palace and Park were able to collaborate on the updating of the bye laws. It was noted that there are model bye laws that have been produced by the Department for Communities and Local Government (DCLG) but these do not cover several current issues, such as rough sleeping and drinking. In order for any of the model bye laws to be implemented, it would be necessary to demonstrate to the DCLG that there is a problem and that all other options have been exhausted. In addition, it would be necessary to go through a lengthy public consultation. The whole process is likely to take a long time and, in addition, there is a lack of resources to enforce bye laws once they have been approved.
- 6.36 The Panel would recommend that officers investigate jointly with Alexandra Palace and Board the feasibility of collaborating on updating the bye laws covering the borough's parks and open spaces.
- *Recommendation 6; That, in order to enhance cost effectiveness in addressing this issue, officers investigate jointly with Alexandra Palace and Board the feasibility of collaborating on updating the bye laws covering the borough's parks and open spaces.*

*Removal of Dog Waste Bins*



- 6.37 It has been proposed that separate dog bins in parks be removed. These can be unsightly, are often not well or properly used and have to be emptied separately. They are also no longer used in some other local authority areas. The Panel obtained feedback on this proposal from friends of parks forums.
- 6.38 Respondents to the survey were not generally in favour of this proposal, with 22 out of 56 being against it. However, the largest number of people (24) stated that they were unsure about it which indicates that people did not appear to feel particularly strongly about the issue. Such concerns that were raised were on the whole linked to whether such a change would lead to more overflowing bins.
- 6.39 On balance, the Panel is of the view that dog waste bins should be removed but recognises that work needs to be undertaken with the community to convince them of the benefits of this.
- *Recommendation 7; That separate dog waste bins be removed from parks and that, beginning two months prior to their removal, a PR campaign take place which includes engagement with friends forums and neighbourhood watches and signs placed on all dog waste bins.*

#### *Neighbourhood Watches*

- 6.40 218 neighbourhood watches include a park within their area. Crime statistics are received every month and there are monthly meetings where issues that have arisen were discussed.

#### *Community Payback*

- 6.41 It is possible for a wide variety of work to be undertaken as part of community payback. All that is needed is access to toilet facilities and refreshments. More work is needed on the scheme in Haringey and the Police are prepared to consider suggestions. There is no cost to the projects that they work with. However, hosting can be quite involved. Management of scheme projects is not always simple and the right job needs to be picked.
- *Recommendation 8; That Community Payback be utilised fully in parks to undertake areas of work for which there is currently no provision.*

#### *Feedback from Friends of Parks Forums*

- 6.42 The key messages from feedback from the survey of friends of parks forums appeared to be the following:
- Very few people felt unsafe in Haringey parks;
  - Litter was by far the biggest concern, followed by dog fouling;
  - A majority of people who had said that they had witnessed a crime in a park had not reported it;
  - Most people felt that the Police and Council dealt with problems well or very well;
  - Most people supported the continuation of the locking of parks; and
  - There was little support for the removal of separate bins for dog waste.

- 6.43 The Panel noted that not all of the parks within the borough currently have friends groups and would recommend that further work be undertaken to develop them where they do not currently exist.

- *Recommendation 9; That further work be undertaken to develop friends of park groups where they do not currently exist.*

## **7. Contribution to strategic outcomes**

- 7.1 This review relates to Corporate Plan Priority 3 – “A clean, well maintained and safe borough where people are proud to live and work”. Objective 2 is: “To make our streets, parks and estates clean, well maintained and safe”.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance and Procurement**

- 8.1 The costs of undertaking this Scrutiny review have been contained within existing budgets.
- 8.2 Before Cabinet can be asked to approve any recommendations the cost of undertaking these recommendations needs to be clearly established. Although the cost is not thought to be significant there is likely to be a cost in undertaking actions such as reviewing vehicular access or updating bylaws and thus this cost needs to be clearly set up for Cabinet approval or otherwise.

### **Legal**

- 8.3 Under Section 9F of the Local Government Act 2000 (“LGA”), the Overview and Scrutiny Committee has the power to make reports or recommendations to Cabinet on matters which affect the Council’s area or the inhabitant of its area. Reports and recommendations will be presented to the next available Cabinet meeting together with an officer report where appropriate.
- 8.4 The Overview and Scrutiny Committee must by notice in writing require Cabinet to consider the report and recommendations and under Section 9FE of the LGA, there is a duty on Cabinet to respond to the report, indicating what (if any) action Cabinet, proposes to take, within 2 months of receiving the report and recommendations.

### **Equality**

- 8.5 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;

- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

8.6 The Panel has aimed to consider these duties within this review and, in particular;

- How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
- Whether the impact on particular groups is fair and proportionate;
- Whether there is equality of access to services and fair representation of all groups within Haringey;
- Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

**9. Use of Appendices**

None.

**10. Local Government (Access to Information) Act 1985**

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## Appendix 2

### Community Safety in Parks Scrutiny Project – Conclusions and recommendations of Overview and Scrutiny Committee, responses to recommendations

| Overall comments on the report |  |   |  |
|--------------------------------|--|---|--|
|                                | The Council welcome this report and the recommendations made by the Overview and Scrutiny Committee, and recognise it as a positive contribution to improving community safety in parks. |   |  |
|                                | Recommendation   | Response<br>(Agreed / Not agreed / Partially agreed)  | Who and when   |
| 1                              | That the Panel's findings that crime levels within Haringey parks are comparatively low and that there is no evidence of any significant recent increase be noted.                       | Noted   | Head of Direct Services  |
| 2                              | That further consideration to be given to the inclusion of community safety contacts and their prominence on park signage as and when it is renewed.                                     | <p>Agreed</p> <p>All current parks signage, both at entrances to the parks and signage within the parks such as those to play areas, currently incorporate key community safety contacts including the emergency and non emergency police numbers, council contacts and Friends of Parks details. A review of the current parks signage will be undertaken in collaboration with colleagues from Corporate Communications and the police to ensure that these details are a prominent as possible.</p> <p>If this review finds that changes are needed to further highlight community safety contact information then a new parks signage layout will be considered. Any such layout changes will also incorporate the change over to the new Haringey Branding. A planned programme of</p> | <p>Head of Direct Services / Assistant Director of Communications</p> <p>Review will be carried out by March 2017.</p> <p>If decided that a change is needed further work will be undertaken to ascertain an implementation schedule, dependent on available budget.</p> |

|          |   |  |  |
|----------|---|--|--|
|          |   | implementation will be looked into in more detail to ensure suitable budget is identified.   |  |
| <b>3</b> | That the setting up by the Police of a team of Special Officers to patrol in parks be supported and that work be undertaken to develop links between them and the Council's enforcement teams.  | <p>Agreed</p> <p>We will continue to support this, but accept that it's within the Metropolitan Police Service power to provide, subject to volunteers making themselves available for the team. Further discussions with the Police will be undertaken by the Community Enforcement Team through the Joint Tasking Meetings.</p>  | <p>Head of Direct Services / Head of Regulatory Services</p> <p>Ongoing</p>                    |
| <b>4</b> | That a review be undertaken of vehicular access and provision for parking in Finsbury Park and the feasibility of reducing and restricting it to certain areas of the park.   | <p>Agreed</p> <p>This will be commissioned over the next three months and will tie in with new parking controls agreed. It will also draw on learning from this year's major events.</p>   | <p>Head of Direct Services</p> <p>Completed and findings to be implemented from April 2017</p> |
| <b>5</b> | That the practice of the locking of some parks be suspended for a trial period of six months and reviewed at the end of this period to ensure there are no negative consequences and that this process be subject to engagement with relevant parks forums and neighbourhood watches. | <p>Not Agreed / Partially Agreed</p> <p>There are concerns that in a number of parks leaving them unlocked would reverse commitments given to residents to lock parks as part of a wider approach to reducing antisocial behaviour in the local community. Therefore, it is proposed that the locking of each of the 13 parks be reviewed to ensure locking is the correct course of action. The reviews will be undertaken with input from local residents, the Friends of the park and Police.</p> | <p>Head of Direct Services</p> <p>April 2017</p>   |
| <b>6</b> | That, in order to enhance cost effectiveness in addressing this issue, officers investigate jointly with Alexandra Palace and Board the feasibility of  | <p>Not Agreed</p> <p>The council already has the key powers it needs</p>   | <p>Head of Direct Services / Head of Regulatory Services</p>                                   |

|   |   |   |  |
|---|---|---|--|
|   | collaborating on updating the bye laws covering the borough's parks and open spaces.  | <p>to enforce the main concerns of residents including dog fouling, litter etc.</p> <p>There may be a case for reviewing street drinking restrictions in certain locations e.g. Finsbury Park and Bruce Castle Park where evidence suggest this is an increasing problem, but these should be approached through implementing a Public Space Protection Order (PSPO).</p>   | April 2018   |
| 7 | That separate dog waste bins be removed from parks and that, beginning two months prior to their removal, a PR campaign take place which includes engagement with friends' forums and neighbourhood watches and signs placed on all dog waste bins. | <p>Partially Agreed</p> <p>This needs to be part of a wider Education, Engagement and Enforcement strategy in parks.</p> <p>It is proposed that a series of pilots are developed over the next 12 months to trial different approaches to bins and litter collection in parks to inform a new approach ready for April 2018. This will be done in partnership with the Friends of Parks and other local stakeholders.</p> | <p>Head of Direct Services</p> <p>April 2018</p>   |
| 8 | That Community Payback be utilised fully in parks to undertake areas of work for which there is currently no provision.   | <p>Partially Agreed</p> <p>Whilst the possibility of using community pay back provides an opportunity to undertake additional works in parks that would otherwise not be completed, the use of community pay back and the work tasks need to have the clear support of the individual Friends group.</p>  | <p>Head of Direct Services</p> <p>October 2016</p> |
| 9 | That further work be undertaken to develop friends of park groups where they do not currently exist.  | <p>Agreed</p> <p>The Friends' network in Haringey is mature and well developed.</p>   | <p>Head of Direct Services</p> <p>Ongoing</p>      |

|  |  |   |  |
|--|--|---|--|
|  |  | <p>The council will seek to work with the Bridge Renewal Trust to support new groups that come forward in partnership with the existing Friends' network.</p> <p>Where new open spaces are developed as part of the regeneration of the borough Officers will ensure that the establishment of a Friends of resident group is included in the work to develop the new open space.</p> |  |
|--|--|---|--|



**Report for:** Cabinet 18<sup>th</sup> October 2016

**Item number:** 11

**Title:** 4 Year Efficiency Plan Submission to DCLG

**Report**

**Authorised by:** Tracie Evans – Chief Operating Officer

**Lead Officer:** Anna D'Alessandro, Interim Deputy CFO

## **1. Describe the issue under consideration**

- 1.1. This report recommends that the Government's offer of a 4-year funding settlement (2016/17-2019/20) is accepted which is conditional on the submission of an Efficiency Plan. There is no prescription as to the format of the efficiency plan and therefore we will be submitting the existing MTFS approved by Cabinet in February 2015 with an additional narrative around 2018/19 and 2019/20.

## **2. Cabinet Member Introduction**

- 2.1. CLG offered Local Authorities the opportunity to secure a 4-year funding settlement. In order to secure this, the Government requires an Efficiency Plan.
- 2.2. The Council will be submitting its existing and already approved MTFS (2015/16 – 2017/18) with an additional narrative around the third and fourth year. Government had not prescribed a format, structure or content for this plan.
- 2.3. Submission of the Efficiency Plan will enable the Council to access minimum funding allocations for Revenue Support Grant (RSG) up to 2019/20.
- 2.4. This report recommends that the Government's funding settlement offer is accepted as it will create some certainty for financial planning purposes.

## **3. Recommendations**

That Cabinet recommend Full Council:-

- 3.1. To approve acceptance the offer of a 4-year funding allocation for 2016/17 to 2019/20 and the submission of the existing MTFS with additional narrative for 2018/19 and 2019/20 as the Efficiency Plan to the Department of Communities and Local Government before 14<sup>th</sup> October 2016.

## **4. Reasons for decision**

- 4.1. Accepting the offer provides a some certainty for medium-term financial planning purposes

## **5. Alternative options considered**

- 5.1. The Council could choose to not accept the 4 year deal. Whilst there is no guarantee that the 4 year deal is entirely safe given the volatility of government funding, by not accepting the Council risks the Government reducing funding in future years due to non compliance.

## **6. Background information**

- 6.1. The Local Government Finance Settlement 2016/17 included an offer of 4-year allocations of funding for Local Authorities.
- 6.2. This offer provides a greater certainty about future funding levels for Local Authorities. However, the offer for Haringey relates only to a reducing Revenue Support Grant (RSG) and does not cover Business Rates, Specific Grants and New Homes Bonus.
- 6.3. On 10<sup>th</sup> March 2016 the Government provided further details about the criteria for Local Authorities wishing to secure this 4-year funding allocation. This includes a requirement on the Council to prepare an Efficiency Plan. This plan has not been prescribed in anyway but should be to be as simple and straightforward as possible.
- 6.4. The Government does not expect the plan to be a significant burden on Councils, but rather a drawing together of existing corporate plans and strategies. However, the plan must cover the full 4- year period and be open and transparent about the benefits it will bring to the council and the community. The approach adopted by Haringey is to submit the already existing and approved MTFS with a further narrative around all the transformation activity we are undertaking which will cover 2018/19 and 2019/20.
- 6.5. In order to apply to accept the offer of a 4-year minimum settlement the Council will need to respond to CLG by 14 October 2016 and include a link to the published Efficiency Plan (MTFS).
- 6.6. The application will be made by the 14<sup>th</sup> and will be provisional and subject to approval and acceptance of the offer by Full Council.

## **7. Contribution to strategic outcomes**

- 7.1. Adherence to strong and effective financial management will enable the Council to deliver all of its stated objectives and priorities.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance**

- 8.1. This is a financial report which has been approved by the CFO.

### **Legal**

- 8.2 The 4-year settlement offer is closely linked to the Council's budget and policy frame work, which is set out in the Council's Constitution, in that it affects the budget setting process for the next 4 years. Therefore is recommended that Full Council approves acceptance of the 4 year settlement.

8.3 The four year settlement offer is entirely optional. If is not accepted by the Council the RSG funding would continue to be subject to existing yearly process for determining the local government finance settlement.

## **Equalities**

8.4 There are no equalities implications in this report.

## **9 Use of Appendices**

## **10 Local Government (Access to Information) Act 1985**

10.1 The following background papers were used in the preparation of this report:

- MTFS 2015/16-2017/18 approved by Cabinet in February 2015

For access to the background papers or any further information please contact Anna D'Alessandro – Lead Finance Officer.

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**Report for:** Cabinet 18<sup>th</sup> October 2016

**Item number:** 12

**Title:** 2016/17 Period 5 (to August 2016) Financial Report

**Report**

**Authorised by:** Tracie Evans – Chief Operating Officer

**Lead Officer:** Anna D'Alessandro, Interim Deputy CFO

## 1. Describe the issue under consideration

- 1.1. This report sets out the 2016/17 Period 5 financial position; including Revenue, Capital, Housing Revenue Account (HRA) and Dedicated Schools Grant (DSG).

## 2. Cabinet Member Introduction

- 2.1. This report provides an update on the projected financial position of the Council for 2016/17 as at Period 5 (August 2016). It covers significant operating and capital revenue variances on a full-year basis.
- 2.2. Overall, at Period 5 the Council is projecting a **full-year deficit/overspend of £22.8m** for 2016/17. This is an **improvement of £5.2m** from the Quarter 1 position reported to Cabinet in September 2016. There are positive movements in most of the Council's budgets which is a valid sign that the spending restrictions and focus on value for money across the Council is having a positive impact.
- 2.3. Of the overspend, a significant proportion resides in the areas which continue to face increasing demand pressures: Adults (£11.8m), Children's (£5.4m) and Temporary Accommodation (£7.4m). The significant overspend in these areas is offset by releasing out under spent budgets in the Non Service Revenue budgets.
- 2.4. The increase in demand and therefore the cost for the Council's acute services is outstripping actions being taken to manage costs down and generate income. This is required to produce a balanced financial position at year-end and prevent any further deterioration.
- 2.5. Direct action is being taken to manage the financial position over the coming months. At Quarter 1 we indicated to Cabinet that we have put in place in-year mechanisms to manage the risks arising and these seem to be having a positive effect. We have also previously built a reserves position that will allow us to cushion the impact of these challenging financial times.
- 2.6. In order to manage the in-year risks, targeted action is being taken to address the overspend. This includes a number of spend reduction mechanisms which are being overseen by The Leader, myself as cabinet member for Finance, the Chief Executive and the Chief Operating Officer (COO). This is supported by our planned programmes of transformation being driven at pace.

### 3. Recommendations

That Cabinet:-

- 3.1. Consider the report and the Council's 2016/17 Period 5 financial position in respect of revenue and capital expenditure;
- 3.2. Note the risks and mitigating actions, including spend controls identified in this report in the context of the Council's on-going budget management responsibilities; and
- 3.3. Approve £580k for the Hornsey Town Hall capital budget. There are sufficient funds in Capital programme to cover this cost

### 4. Reasons for decision

- 4.1. A strong financial management framework, including oversight by Members and senior management, is an essential part of delivering the Council's priorities and statutory duties.

### 5. Alternative options considered

- 5.1. This is the 2016/17 Period 5 Financial Report. As such, there are no alternative options.

### 6. Background information

- 6.1. This is the Financial Report to Cabinet for the 2016/17 financial year covering both Revenue and Capital as at August 2016.

#### 2016/2017 Period 5 - Key Messages

- 6.2. Overall, at Period 5 the Council is projecting a **full-year deficit of £22.8m** for 2016/17 in its revenue position, an **improvement of £5.2m from Q1**. Although a reduction from the previous report, this presents a significant risk to the Council's financial position.
- 6.3. Of this £5.2m improvement, £1.2m of this is within Service Areas and £4m in Non-Service Revenue (NSR) due to lower than forecast Treasury costs and a release of some corporate contingency to proactively manage some of the Council's emerging risks.
- 6.3. Of the overspend, £24.6m (a £1.1m reduction across Adults and Children's from Q1), resides in demand-led areas including; Adults (£11.8m), Children's (£5.4m) and Temporary Accommodation (£7.4m). These areas represent the Council's most acute services and where demand for these services is outstripping the Council's ability to reduce spend or increase income at a pace to manage risks and deliver a balanced budget.
- 6.4. As identified at Q1, a number of mechanisms have been put in place to manage cost/demand-led pressures. These focus on the acceleration of

transformation activities supported by a number of in year cost reduction mechanisms which included, greater momentum on restructures, active management and reduction of agency/interim staff and category spend blockages.

**Table 1** below identifies the Period 5 position and variance to budget. This is supported by detailed variance analysis and mitigating actions.

**Table 1: Forecast Revenue Outturn as at Period 5 (August 2016)**

|   | 2016/17<br>Revised<br>Budget | Forecast<br>Outturn at<br>Period 5 | Forecast<br>Variance<br>Period 5 | Forecast<br>Variance<br>Quarter 1 (P3) | Forecast<br>Variance<br>Movement |
|---|------------------------------|------------------------------------|----------------------------------|--|----------------------------------|
|   | £'000                        | £'000                              | £'000                            | £'000                                  | £'000                            |
| <b>Leader and Chief Executive</b>               | <b>2,887</b>                 | <b>3,007</b>                       | <b>120</b>                       | <b>0</b>                               | <b>120</b>                       |
| <b>Deputy Chief Executive</b>                   |                              |                                    |                                  |  |                                  |
| Adult Social Services                           | 73,062                       | 84,901                             | 11,839                           | 12,174                                 | (335)                            |
| Children and Young People                       | 47,167                       | 52,603                             | 5,436                            | 6,084                                  | (648)                            |
| Public Health, Commissioning & Other            | 40,133                       | 40,105                             | (28)                             | 89                                     | (117)                            |
| <b>Deputy Chief Executive Total</b>             | <b>160,362</b>               | <b>177,609</b>                     | <b>17,247</b>                    | <b>18,347</b>                          | <b>(1,100)</b>                   |
| <b>Chief Operating Officer</b>                  |                              |                                    |                                  |  |                                  |
| Housing General Fund                            | 5,251                        | 12,644                             | 7,393                            | 7,393                                  | 0                                |
| Commercial & Operation Services                 | 36,654                       | 37,346                             | 692                              | 965                                    | (273)                            |
| Other (SSC, Customer Services etc)              | 16,518                       | 16,998                             | 480                              | 367                                    | 113                              |
| <b>Chief Operating Officer Total</b>            | <b>58,423</b>                | <b>66,988</b>                      | <b>8,564</b>                     | <b>8,725</b>                           | <b>(161)</b>                     |
| <b>Regeneration, Planning &amp; Development</b> | <b>18,280</b>                | <b>18,107</b>                      | <b>(173)</b>                     | <b>(173)</b>                           | <b>0</b>                         |
| <b>Total for Service Areas</b>                  | <b>239,952</b>               | <b>265,711</b>                     | <b>25,759</b>                    | <b>26,899</b>                          | <b>(1,140)</b>                   |
| <b>Non Service Revenue</b>                      | <b>15,674</b>                | <b>11,618</b>                      | <b>(4,056)</b>                   | <b>0</b>                               | <b>(4,056)</b>                   |
| <b>Contract Procurement Savings</b>             | <b>0</b>                     | <b>1,060</b>                       | <b>1,060</b>                     | <b>1,060</b>                           | <b>0</b>                         |
| <b>TOTAL</b>                                    | <b>255,627</b>               | <b>278,389</b>                     | <b>22,762</b>                    | <b>27,959</b>                          | <b>(5,196)</b>                   |

- 6.5 The Capital expenditure position has not been re-profiled/re-forecasted for Period 5. A detailed challenge process is being undertaken on all significant capital programmes and the outcome of this will be reported to Cabinet as part of Quarter 2 in November.

At Quarter 1 (June 2016), the Capital programme was forecasting an underspend of £24m, against a budget of £191m. There was a technical budget adjustment to reduce the approved budget of £198m to £191m as a result of scheme re-profiling. The adjustments made are; aids and adaptations budget £1.3m; enabling budgets for Business Improvement and ICT investment £4m; and High Road West leaseholder budget £2m.

## 6.6 Analysis of Revenue Variances

### 6.6.1 Corporate actions to mitigate financial risks

The increases in demand have been so significant that they have outstripped our ability to make comparable savings. To manage the financial position a number of spend reduction mechanisms have been introduced across the organisation;

- Increased pace on restructures
- Enforced agency and interim staff leave
- Further reduction of agency and interim staff
- Not filling vacant posts
- Blocking spend categories to prevent purchases of non business critical items
- Asst Directors signing off all purchases

- A further round of Voluntary Redundancies during October

The implementation and impact of these mechanisms are being managed through a Savings Steering Group chaired by the Leader, with the Cabinet Member for Finance, Chief Executive and Chief Operating Officer.

#### 6.6.2 Leader and Chief Executive (£0.1m overspend)

The budget pressures identified relate to costs of the Referendum and by-elections this year.

#### 6.6.3 Deputy Chief Executive (c£17m overspend)

##### Adults (£11.8m overspend)

Overall, the Adults Social Care budget is projecting an overspend position of £11.8m, an **improvement of £0.4m** on Quarter 1.

This is an area of corporate focus and there are a number of pieces of work being delivered to help manage spend in this area notwithstanding the implementation of corporate spend reduction mechanisms. Adults is currently prioritising transformation work which will focus on reducing demand at the front door, working more effectively with Health and accelerating reviews of existing clients.

At present most of the savings measures in place, while being at a level consistent with MTFS savings targets, are being offset by continued demand, which is why the service is continuing to show such an overspend. Work is ongoing to identify further areas of cost reduction. The service has engaged external support to accelerate the transformation changes and is currently identifying further areas for transformation.

The analysis for each area is:-

- **Care Purchasing (£10.4m overspend)** – The care purchasing spend is based on actual open cases at 1st April 2016, forecast new cases during the year at 2015/16 levels of activity, less the natural rate of closed packages during 2015/16. The forecast cost of this has taken into account the expected impact of all the transformation projects in 2016/17, reflecting actual changes in activity levels as the year progresses, to produce a variance of £10.4m.

These forecasts already factor in a fair assessment of the likely impact of savings measures, including the contribution that 100% reviews of all packages can provide.

- **Learning Disabilities (£1.3m overspend)** - There has been slippage in delivering savings in the reconfiguration of Day Opportunities for Learning Disabilities clients. These have been complex projects involving closures of establishments, redesign of remaining services and case-by-case consideration of how the needs of clients will be



met within the new service. The new arrangements are now planned to be in place by the final quarter of 2016/17.

- **Osbourne Grove (£0.4m overspend)** - There is slippage of £0.2m from 2016/17 to 2017/18, in addition to budget pressures of £0.2m on this service, which is on a worsening trajectory.
- **Other Adults Social Care (£0.3m underspend)** – This includes some staffing underspends in assessment and social work teams.

### **Children and Young People (£5.4m overspend)**

Overall, the Children's Services budget is projecting an overspend of £5.4m at Period 5, an **improvement of £0.7m**. This area continues to implement its programme of transformation and is engaging in the Council's spend reduction mechanisms which is being overseen by the Priority Board and the Budget Sub Group. This £5.4m overspend is accounted for as follows:

- **Social Care Placements (£2m overspend).** Savings targets set for this budget have not been met with spending running at £1.0m higher than the budget. The social care placements model has reflected an improvement of -£0.2m in the forecast position, taking account of the changing circumstances of existing cases, plus the expected cost and number of new ones. While the placements model is working on the basis of an average of 13.5 new LAC per month, the average in first quarter of 2016/17 has been 18.3 and overall numbers of LAC have risen from their low of 406 on 1st April 2016 to 426 on 1st September 2016.
- **Social Care Workforce (£1.7m overspend).** Savings of £2m have been allocated so far, with a further £1.6m savings to be allocated in 2017/18. Plans for workforce restructuring have slipped from 2015/16 and they are £0.2m behind schedule, with a new structure expected to be in place by Autumn 2016. A new structure is now out to consultation with staff and the detailed in-year costs are lower than previously estimated by -£0.4m. Efforts are being channelled currently into managing the immediate workforce restructuring, and consideration is being given to reducing case numbers and delivering further savings in this area.
- **Social Care - Other non-staffing (£0.4m overspend).** For No Recourse to Public Funding (NRPF), numbers of families being supported have recently reached 50. Work continues with the dedicated Home Office support worker to review cases and progress to a conclusion in order to manage this number down.
- **SEND (£0.4m overspend).** The Special Educational Needs (SEN) transport budget is showing an overspend of £0.2m and respite services for disabled children are predicted to overspend by £0.2m. Management action is being developed to address both of these issues.
- **Other Children and Young People Service (£0.9m overspend).** There is a technical overspend on the DSG budget as it is held in SAP which

has been an issue for a number of years and has remained unresolved as the impact is a hit on the General Fund of £0.9m.

#### **Further Action – Adults & Children's**

Both Adults and Children's have a number of demand management and spend reduction activities in place to manage the deficit position. Many involve a focus on quick wins which can be delivered in 2016/17 with greater benefits in 2017/18. Given the improved position in both areas since Q1 it appears that these activities are starting to deliver benefits.

#### **6.6.4 Chief Operating Officer (c£8.7m overspend)**

##### **Housing General Fund (£7.4m overspend)**

The Housing General Fund budget is projecting an overspend of £7.4m. This is the result of pressures on the Temporary Accommodation (TA) budget and the supply of suitable and affordable accommodation with an increased reliance on emergency accommodation although demand has also increased. Both demand for TA and the cost of provision are expected to continue rise in 2016/17. The housing market conditions in London make mitigating actions particularly difficult however actions have been identified and are being implemented through the delivery of a recovery action plan from Homes for Haringey..

##### **Commercial and Operations (£0.7m overspend)**

The Commercial and Operations budget is forecasting £0.7m overspend, largely due to the non-achievement of planned savings relating to the disposal of corporate property. There are savings of £0.7m in Traffic Management relating to new ways of delivering Parking Enforcement, and Street Lighting LED will also not be achieved. As expected, in year mitigations have been found to offset the previously reported overspend of c£1m and this has improved by £0.3m.

##### **Other (Total c£0.5m overspend)**

**Customer Services** is projecting a £0.3m overspend to year-end due to slippages in the restructure from an estimated start date of April 2016 to November 2016. There are options to mitigate this overspend being considered by the COO which are largely around the proactive management of agency staff. Elsewhere in Transformation and Resources and the Shared Service Centre the reconfiguration of teams is contributing £0.2m to budget pressures.

#### **6.6.5 Director of Regeneration and Planning (£0.2m underspend)**

This service is currently forecasting a £0.2m underspend predominantly as a result of an increase in planning income. However, line-by-line forecasting scrutiny is being undertaken and any changes arising will be reflected in the Period 6 Financial Report.

#### **6.6.6 Contract Procurement Savings (£1.1m under-achievement)**

Within the Medium-Term Financial Strategy there is an expected c£1.9m savings in contract costs over 2015/16 and 2016/17. Projections at Period 5 show savings of £0.84m being achieved and therefore a forecast position at year-end of £1.1m. However, it is expected that the savings will ramp up in 2017/18 as the benefits of the implementation of the Dynamic Purchasing System (DPS) are felt. There is also an opportunity to trade the DPS tool/service to other boroughs, which have not yet been costed or forecast, but we are currently speaking to other authorities to gain interest.

The main contributing factors to the achievement of the £0.84m are: good progress towards the implementation of the DPS for Adults Social Care and TA of £0.6m; and the implementation of the new operating model for temporary and permanent recruitment, £0.2m.

### 6.6.7 Housing Revenue Account (HRA)

At present the HRA is forecast to breakeven at Period 5 although there is a pressure arising in the managed budgets in respect of garage income and in the Home for Haringey management fee. Homes for Haringey are currently working on a management actions to mitigate the pressure on the management fee and these will be detailed in the quarter 2 reporting.

### 6.6.8 Dedicated Schools Grant (DSG)

**Table 2** below, sets out the overview of the net expenditure and DSG plans and forecasts for 2016/17, as at Period 5. There is a variance of £0.9m arising from overspends in the budget. Beyond that, the DSG budgets for Children and Young People with Additional Needs is showing a projected overspend of £0.9m in the areas related to children with high needs. In Schools and Learning, the variance of £0.2m is attributable to the Tuition Centre. Much of the action necessary to identify compensating under-spends is being pursued through a sub-group of the Schools Forum. In the medium to long term alternative provision will be developed which will result in a phased transition to cheaper, better, and more local provision.

**Table 2: Statement of DSG Income and Expenditure Period 5, 2016/17**

| Service              | Budget                          |                 |             | Forecast                        |                 |          | Variance                        |             |            |
|----------------------|---------------------------------|-----------------|-------------|---------------------------------|-----------------|----------|---------------------------------|-------------|------------|
|                      | Net Expenditure (excluding DSG) | DSG Income      | Net         | Net Expenditure (excluding DSG) | DSG Income      | Net      | Net Expenditure (excluding DSG) | DSG Income  | Net        |
|                      | £000                            | £000            | £000        | £000                            | £000            | £000     | £000                            | £000        | £000       |
| Schools and Learning | 152,514                         | -152,514        | 0           | 152,713                         | -152,713        | 0        | 199                             | -199        | 0          |
| Children Services    | 24,679                          | -25,558         | -878        | 25,556                          | -25,556         | 0        | 877                             | 2           | 878        |
| Commissioning        | 10,279                          | -10,279         | 0           | 10,279                          | -10,279         | 0        | 0                               | 0           | 0          |
| <b>Total</b>         | <b>187,473</b>                  | <b>-188,351</b> | <b>-878</b> | <b>188,549</b>                  | <b>-188,549</b> | <b>0</b> | <b>1,076</b>                    | <b>-198</b> | <b>878</b> |

## 6.7 Capital Expenditure Position

6.7.1 At Period 5 we are reflecting the same position as Quarter1, an underspend of c£24m, as shown in **Table 3** below. Currently a quarterly process to challenge capital programmes is being undertaken and this will be reported to Cabinet as part of the Q2 report in November. A number of budget adjustments will be required to increase the capital budget of the total approved programme and these will be detailed and reflected in the Q2 report.

6.7.2 it has however been identified that the total approved funds of £1.468m for the Hornsey Town Hall (HTH) project have not been appropriately reflected in the budgets (predominantly because the roll forward request was not sufficient) and a shortfall of £0.580m has been identified. Approval is now sought to increase the HTH budget from the approved £0.280m for 2016/17 to £0.860m to rectify this position. There are sufficient funds in the Capital programme to cover this. HTH is currently being shown in Priority 4 – Growth and Employment.

**Table 3: Capital Expenditure Projection Period 5 (as per Q1)**

| Priority                               | Revised Budget<br>£'000 | Forecast as at<br>Quarter 1<br>£'000 | Projected<br>Variance<br>£'000 |
|--|-------------------------|--------------------------------------|--------------------------------|
| Priority 1 - Childrens                 | 15,132                  | 11,889                               | (3,243)                        |
| Priority 2 - Adults                    | 3,784                   | 3,784                                | 0                              |
| Priority 3 - Safe & Sustainable Places | 15,949                  | 17,189                               | 1,239                          |
| Priority 4 - Growth & Employment       | 63,464                  | 47,943                               | (15,521)                       |
| Priority 5 - Homes & Communities       | 26,673                  | 24,493                               | (2,180)                        |
| Priority 6 - Enabling                  | 6,914                   | 2,697                                | (4,217)                        |
|  |                         |                                      |                                |
| <b>Total General Fund</b>              | <b>131,917</b>          | <b>107,995</b>                       | <b>(23,922)</b>                |
| HRA                                    | 59,549                  | 59,549                               | 0                              |
| <b>Total Capital Programme</b>         | <b>191,466</b>          | <b>167,544</b>                       | <b>(23,922)</b>                |

## 7. Five-Year MTFS and Budget Setting Process

The impact of budget reductions and legislative reform on the financial stability of the Council will be considerable. The Council, as predicted, is already seeing the strain of increased demand impacting on overall budget positions and the implementation of business rates devolution will impact further. It is vital therefore that the Council reviews its financial forecasting over the next five years taking into consideration demand trends.. Early indications are that the spending controls the Council has put in place are having a positive impact and will continue to do so in future years.

Work is progressing in earnest to analyse all inputs into the five-year MTFS for both the income and expenditure, including detailed modelling of demand/growth pressures and income including business rates and council tax.

The five-year MTFS will be presented for approval to Cabinet, consultation in December with a final MTFS being presented to Council in February 2017.

## 8. Contribution to strategic outcomes

Adherence to strong and effective financial management will enable the Council to deliver all of its stated objectives and priorities.

## **9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance**

9.1 The whole report concerns the Council's financial position.

There is a significant risk of overspend that has been identified in this report and the COO, as part of the Leadership Team, has implemented a number of processes to reduce the organisational expenditure. The cost reduction measures will be monitored to ensure that they are reducing expenditure. It is important also to ensure that the impact of the cost reductions on service delivery are minimised which is also being monitored through the Priority Boards.

### **Legal**

9.2 Section 28 of the Local Government Act 2003 imposes a statutory duty on the Council to monitor during the financial year its expenditure and income against the budget calculations. If the monitoring establishes that the budgetary situation has deteriorated, the Council must take such action as it considers necessary to deal with the situation. This could include, as set out in the report, action to reduce spending in the rest of the year.

9.3 The Council must act reasonably and in accordance with its statutory duties and responsibilities when taking the necessary action to reduce the overspend.

### **Equalities**

9.4 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

9.5 This report provides an update on the current position in relation to planned MTFS savings and mitigating actions to address current overspends. Given the impact on services of savings targets, all MTFS savings were subject to equalities impact assessment as reported to Full Council on 23rd February 2015.

9.6 Any planned mitigating actions that may have an impact beyond that identified within the MTFS impact assessment process will be subject to new equalities impact assessment.

## **10 Use of Appendices**

None

**11 Local Government (Access to Information) Act 1985**

The following background papers were used in the preparation of this report:

- Periods 1-4 Monthly Financial Report

For access to the background papers or any further information please contact Anna D'Alessandro – Lead Finance Officer.

**Report for:** Cabinet – 18/10/16

**Item number:** 13

**Title:** Approval of Haringey Council Tax Reduction Scheme for 2017/18.

**Report authorised by :** Tracie Evans, Chief Operating Officer

**Lead Officer:** Carla Segel  
Head of Service Delivery, Shared Service Centre  
[Carla.Segel@haringey.gov.uk](mailto:Carla.Segel@haringey.gov.uk) / 020 8489 2034

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key Decision

## 1. Describe the issue under consideration

- 1.1 Following the transfer of Council Tax Benefit to Local Authority control from April 2013, Haringey has run a replacement Council Tax Reduction Scheme that protected pensioners (as prescribed by Central Government) and those in receipt of certain disability benefits and passed on the funding cuts by giving a maximum level of support of 80.2% to all other claimants.
- 1.2 There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme and a further obligation to consult residents before the scheme is changed.
- 1.3 This report sets out details of the review of Haringey's current Council Tax Reduction Scheme (CTRS) 2016/17 and the recommendations for Haringey's CTRS for 2017/18 taking into consideration the assessment of options and an Equalities Impact Assessment (EQIA).
- 1.4 The Council must approve the final scheme by 31<sup>st</sup> January 2017, even if the scheme remains unchanged ready for implementation on the 1<sup>st</sup> April 2017. The purpose of this report is to seek approval from Cabinet to take these recommendations forward to Full Council on 21<sup>st</sup> November 2016.

## 2. Cabinet Member Introduction – Cllr Arthur , Cabinet Member for Finance and Health

- 2.1 The government's decision to abolish the Council Tax Benefit and reduce its funding by 10% was a mistake. It has caused increased hardship for individuals and families on low incomes here in Haringey.



- 2.2 The Government claim that the removal of the Council Tax Benefit forces the poorest into work and off benefits. This is completely disingenuous. The Local Council Tax Reduction Scheme, which replaced Council Tax Benefit, does not tackle the real barriers residents face when looking for jobs or developing their skills. It is clear that longer term plans and programmes are needed instead.
- 2.3 The council is continuing to face severe financial pressures due to significant cuts in funding from central government in recent years, it is right to maintain the existing minimum payment scheme (for claimants). Reducing the minimum payments further could require the council to cover this cost. This would only be able to be done by raising Council Tax, cutting services, or by drawing down against our reserves. None of these options is considered desirable. The first two would have a direct adverse impact on other residents across the borough and the latter is not good financial practice (i.e. depletion of reserves to meet regular revenue expenditure).
- 2.4 In addition to protecting pensioners, we will continue to protect those receiving certain disability benefits in contrast to many other Local Authorities. The council has put in place additional measures to support those who need our help. For example, where people have been affected by multiple welfare reform changes, they will continue to receive individual assistance and support from the council and our partner organisations. Where necessary, residents will continue to be signposted to appropriate employment and skills training programmes to enhance their employment opportunities.
- 2.5 We know that some residents are struggling. That's why the council will continue to do everything we can to provide assistance for residents so they can pay their council tax.

### 3. Recommendations

That Cabinet recommend Full Council:

- 3.1 Notes that an Equalities Impact Assessment (**Appendix E**) has been undertaken in relation to the Council Tax Reduction Scheme and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2017/18.
- 3.2 Agrees to adopt the Council Tax Reduction Scheme 2017/18 as contained in Appendix C and therefore retains the same Scheme agreed for 2013/14 and continued since.
- 3.3 Accordingly, the scheme as summarised in **Appendix A** and set out in full at **Appendix C** will continue to apply for 2017/18:
- I. That pensioners will continue to receive support for the payment of Council Tax.
  - II. That those in receipt of certain disability benefits continue to receive support for the payment of Council Tax.
  - III. For all working age claimants, the extent of Council Tax Support available will continue to be capped at 80.2% of Council Tax liability. In other words, working age claimants will continue to receive the same level of Council Tax Support as 2013/14, this amount representing a



19.8% reduction in the level of Council Tax Support available as compared with the amount of Council Tax Benefit received in 2012/2013.

- 3.4 Authority to be given to the Chief Operating Officer and Assistant Director of the Shared Service Centre to take all appropriate steps to implement and administer the Scheme.

#### **4. Reasons for Decision**

- 4.1 The recommendation to retain the current scheme continues to support the Government's initiative of work incentives and pays due regard to the challenging financial climate we are currently in.
- 4.2 In recognition of the vulnerable sectors of society, we have supportive measures in place. It is proposed that these continue into 2017/18. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.
- 4.3 Although performance remains higher than originally anticipated, there remains a shortfall in collection. This coupled with the fact that the Revenue Support Grant has been reduced by over 50%, equating to over £50m, has meant that the Council has had to implement significant service reductions and efficiency savings. As a result it is not possible for the Council to expand the scheme to include protection for other groups.

#### **5. Alternative Options Considered**

- 5.1 In accordance with paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 (the 1992 Act), each financial year the Council is required to consider whether to revise or replace its scheme. One option for the Council is to continue with the scheme in place for the current financial year. Another option is to revise the scheme in some respects. The Council could choose to increase or decrease the amount of financial support available under the scheme. Options should be considered in the light of the knowledge gained during the implementation of the scheme over previous years.
- 5.2 The options for changing the scheme that have been considered to date have been listed below. Some of these were proposed by respondents to the consultation undertaken prior to adopting the 2013/14 scheme.
- Increase the level of financial support so all customers pay less
  - Decrease the level of financial support so all customers pay more
  - Absorb the full shortfall into the Council budget by providing financial support up to the level previously funded by Central Government as part of Council Tax Benefit.
  - Protect certain vulnerable groups in addition to those in receipt of certain disability benefits, these include but are not limited to:
    - Households with children
    - Households with a child under one
    - Households with a child under five
    - Households with more than three children
    - Households with a lone parent

- Protect band A-C properties
  - Protect claimants who are working but on low income.
  - Protect claimants in receipt of Single Person's Discount
  - Increase Council Tax
- 5.3 A breakdown of these options with accompanying financial data has been provided in **Appendix D**. Appendix D further sets out the potential advantages and disadvantages of each option.
- 5.4 Having regard to the detailed points set out at **Appendix D**, it is recommended that none of these options for change are taken forward. This is because:
- I. Any option which would require the Council to increase levels of support for Council Tax payments would need to be directly funded by the Council and given the competing demands on the Council's reducing budget, increasing support for Council Tax funding would require the Council to find reductions elsewhere, cut services, utilise reserves or increase Council Tax.
  - II. Any option which would require the Council to increase levels of support for particular groups of people could have a disproportionate impact on some claimant groups over others.
  - III. The majority of the options do not support the Central Government initiative of encouraging people back to work
  - IV. The Council do not consider that it is appropriate to increase Council Tax.
- 5.5 It is worth noting that method of payment for Central Government grant funding allocation has also changed since the CTR Scheme was first set up. Several grants, including CTR, have been consolidated within the overall Revenue Support (Core) Grant paid, this makes the proportion allocated to each area harder to identify. This Core grant also continues to reduce in overall terms, by 2016-17 it will have reduced by 50% equating to approximately £50m in comparison to 2013-14.
- 5.6 In April 2016 an independent review of Local Council Tax Support Schemes was conducted at the request of the Secretary of State. The recommendations from this are still being considered by Central Government and when a decision is made on them Haringey may need to make further changes to its scheme to reflect any new decisions. As such the previously considered option of overhauling the scheme so that Council Tax Support falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, has not been taken forward.
- 5.7 Other London LAs have changed their schemes over the past 3 years. A full breakdown of 2016/17 schemes is provided in **Appendix B** and some summary points are shown below:
- 12 LAs have a higher contribution level than Haringey including Newham and Barking & Dagenham.
  - Wandsworth and Harrow have the highest contribution level at 30% for non disabled working age claimants

- 9 protect disabled claimants – either completely or by asking them to pay less than non disabled working-age claimants including Brent, Croydon and Enfield.
- 7 fully cover the shortfall including City of London, Hammersmith & Fulham and Tower Hamlets.

5.8 Haringey is comparable with other London LAs and its scheme reflects the need to strike a fair balance between protecting the wellbeing of our residents and recognising the challenging financial situation we are in.

## 6. Background Information

- 6.1 As part of the Government's Welfare Reform Act, Council Tax Benefit was abolished and replaced with a Local Council Tax Reduction Scheme from 1 April 2013, with a reduced level of Government funding.
- 6.2 Haringey's scheme broadly mirrors Council Tax Benefit in terms of it being a means tested level of support with the same rules and parameters around eligibility and deductions. However, as the overall level of funding available to the Council to support Council Tax payments was reduced, it was not possible to maintain the scheme exactly as it was without the Council having to make up the shortfall in funding in other ways (for example cutting services, utilising reserves or increasing Council Tax).
- 6.3 Central Government prescribed that pensioners were automatically protected from any changes to Council Tax Benefit and following consultation with Haringey residents and interested groups in the autumn of 2012 the Council chose to extend this protection to those in receipt of certain disability benefits, leaving all remaining working age claimants to pay something towards their Council Tax.
- 6.4 Following financial modelling looking at claimant volumes, the number of pensioners in the area and anticipated collection figures, it was decided to pass on the £3.8m shortfall, represented by the cut in funding from Central Government, across all non-protected working age claimants by reducing the maximum level of support from 100% to 80.2%.
- 6.5 The following table shows the financial situation for previous years. We also show the current year billed to residents and the collection rate so far. Collection levels achieved 86% in 2015/16 though it had been anticipated since the inception of CTRS that collection levels would be significantly lower, however the ongoing impact of welfare reform changes continue to be felt and it cannot be assumed that collection rates will remain at this level. Additionally the marginally better collection for CTR cohort does little to make up for the significant decreases in overall grant funding as mentioned earlier.

| Number of Residents in | Total amount | Actual sum | Shortfall |
|------------------------|--------------|------------|-----------|
|------------------------|--------------|------------|-----------|

|                                | receipt of CTR | billed (£) | collected (£)                      | (£)  |
|--------------------------------|----------------|------------|------------------------------------|--|
| 2013/14                        | 34,208         | 6,987,431  | 5,793,842<br>(84% collection rate) | -1,193,589   |
| 2014/15                        | 29,953         | 6,200,297  | 5,314,341<br>(86% collection rate) | -885,956   |
| 2015/16                        | 28,933         | 7,179,618  | 5,996,109<br>(84% collection rate) | - 1,183,964  |
| 2016/17<br>(As at<br>30.06.16) | 27,947         | 6,937,824  | 2,055,860<br>(30% collection rate) | -4,881,964<br><br>Assuming the<br>collection rate<br>increases by<br>year end to<br>match previous<br>years this<br>figure will<br>reduce to<br><br>-1,110,052 |

- 6.6 Support continues to remain in place for those claimants who had never previously had to make a payment towards their Council Tax, this includes:
- Supportive and flexible payment arrangements
  - Drop-in days at our Customer Service Centres where dedicated officers are available to discuss cases and make payment arrangements
  - Promotion of other support available
  - Signposting to third sector agencies such as the Quaker Social Action Group, Moneywise and the CAB.
- 6.7 Collection levels have been higher than initially anticipated, but still fall short of the rate necessary to bear the loss in grant, against the original Council Tax Benefit subsidy. Current year collection is anticipated to at least match last year, however is not expected to achieve the target collection rate for Council Tax. For this reason, the scheme is proposed to continue for another year, as the Council still faces an overall net loss in funds, when taxation and grant funding is considered together and noting the reduction in overall funding from the Core grant.
- 6.8 Now that we have the required data from the operation of the scheme from the current year (2016/17) and historically from previous years, to conduct a full and considered review, we are proposing that the scheme continues for 2017/18 without change. This decision reflects the work conducted as part of the original design of the 2013/14 scheme which takes into account the following factors:
- Consideration of a range of issues including the Government's "Statement of Intent" issued in May 2012, the Local Government Finance Act 2012 and regulations and guidance issued by the

Government relating to work incentives.

- Consideration of the outcomes of the consultation exercise from 2012.
- Consideration of an equalities impact assessment
- Consideration of the reduction in funding for the Scheme and the impact on collection rates for Council Tax.

- 6.9 The considerations listed above remain. There has been a slow but steady decrease in the numbers of people in receipt of Council Tax Reduction. This could indicate that the support provided to assist people into work has had some effect. In addition, the number of complaints and appeals against the CTRS is minimal, indicating that people are accepting that the current scheme is not unreasonable. The Equalities Impact Assessment has addressed the issues that may affect some customers, and we have strong options in place to assist those who are struggling to pay. The Council's financial position is challenging, and Council funding is under continuing extreme pressure. We have not managed to fully collect the deficit in former funding, and remain under pressure to continue to improve collection.
- 6.10 Under the provisions of section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992, a new scheme is required to be in place by the 31 January 2017, approved by Full Council and taking into account the results of an equality impact assessment.
- 6.11 The report proposes a continuation of the current Council Tax Reduction Scheme which includes the application method, entitlement criteria, ways to appeal, how to deal with changes of circumstances and notification styles.
- 6.12 The Scheme will continue to be run by Haringey Council and remains separate from the Department of Work and Pension's (DWP) Housing Benefit / Universal Credit awards.

## **7. Contribution to Strategic Outcomes**

- 7.1 This recommendation links to the Council's priority to "drive growth and employment from which everyone can benefit". We will link to our desired outcomes looking to achieve a fair and equal borough, to work with our communities, to work in partnership, with customer focus and value for money.

## **8. Statutory Officer Comments**

### **Comments of the Chief Financial Officer and Financial Implications**

- 8.1 As mentioned earlier in this Report, the Council continues to face severe financial challenges. Since 2011 budget reductions of £46m have had to be achieved in the face of ever reducing Central Government grant funding, already placing service provision to our residents in a number of areas under great pressure. Despite meeting these significant budget reductions to date, there continues to be a further saving requirement of £70m to be achieved over the next two years, potentially putting even priority service provision at further

risk.

- 8.2 It was highlighted in paragraph 5.5 that CTRS funding is paid as part of the core Revenue Support Grant (RSG), and cannot now be separately distinguished. However it is a known fact that Central Government grant funding overall is reducing (RSG will have fallen by 50%/£50m, since 2013-14) and will disappear altogether by 2020 (and with it therefore the CTRS element). This will force local authorities to become even more reliant on their local taxation income to support their essential service provision.
- 8.3 As noted in section 5, increasing support for CTRS, in the current climate of diminishing external finances and growing budgetary pressures generally, would necessitate the Council to find spend reductions elsewhere, cut services, utilise reserves or increase Council Tax. Sound financial governance demands that reserves should only be used (or set aside) to meet specific or unforeseen future liabilities, not used as part of on-going in-year funding. These are a one-off, finite source of funding and their use to underpin an on-going revenue shortfall is not sustainable or appropriate. Once these reserves had been exhausted, the underlying shortfall would still be there to be met, ultimately by service reductions. The use of reserves to meet the on going funding support required for any extension to the CTRS, is therefore not sustainable or financially prudent.
- 8.4 Paragraph 5.6 discusses the potential to overhaul the scheme so that it falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, which could make administration more straight-forward, removing the reliance on a more resource intensive means tested assessment scheme. With fewer resources for the Council overall, a simpler scheme could be beneficial and cost effective. This would require consultation as well as revisions to the existing IT systems, procedures and staff training. At this stage the Council is not being asked to make a decision on this and further consideration will be given to this option in the future.
- 8.5 Whilst the council in February 2015 agreed a balanced Medium Term Financial Plan covering the years 2015/16 -2018/19, this was based on the successful delivery of significant transformation and service remodelling. The financial challenges have continued, and at period 3, the 2016/17 forecast outturn is for a significant overspend. Based on the continuing serious financial position for the council and in the light of the on-going funding austerity, the Chief Finance Officer recommends that no changes are made to the scheme for 2017/18.

### **Comments of the Assistant Director of Corporate Governance and Legal Implications**

- 8.6 Under section 13A(2) of the Local Government Finance Act 1992, the Council as billing authority must make a localised Council Tax Reduction Scheme in accordance with Schedule 1A to the Act. Each financial year the Council must consider whether to revise its scheme, or to replace it with another scheme. The Council must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.



- 8.7 This report recommends no revisions to the Scheme currently in place for 2016/17, which was itself a continuation of the Scheme approved for 2013/14 and maintained since then. The Council is not required to conduct a consultation in circumstances where it is not proposing to make any changes to its scheme.
- 8.8 Although there are no proposed changes to the Scheme, Full Council is required to agree the adoption of the Scheme to continue as from 01 April 2017 for the Council Tax year 2017/18.
- 8.9 The Council must in the exercise of its functions ensure that it has due regard to its Public Sector Equality Duty under the Equality Act 2010. The extent of the duty on the Council, under the Equality Act 2010, is set out in **Appendix F** to this report.
- 8.10 In considering whether to revise the Scheme, Members must take into account the full Equality Impact Assessment included at **Appendix E** to the report, giving particular consideration to section 3 of the assessment, the impacts identified therein and the proposals made to reduce or mitigate them. The assessment includes consideration of the duties to mitigate child poverty, prevent homelessness and the armed forces covenant, in line with the Government's requirement to consider the impact of the CTRS on vulnerable groups.
- 8.11 The Act allows the Government to make regulations about the prescribed requirements for schemes. Any scheme that the Council adopts must comply with the latest regulations.

### **Equality and Community Cohesion Comments**

- 8.12 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
  - advance equality of opportunity between people who share those protected characteristics and people who do not;
  - foster good relations between people who share those characteristics and people who do not.
- 8.13 Council Tax Reduction Scheme claimants are amongst some of the most vulnerable residents in the borough. An EqlA has therefore been completed outlining the impact for those claiming under the scheme and proposed actions to mitigate any negative impact associated with the scheme.
- 8.14 The report recommends retaining the existing Council Tax Reduction scheme meaning that there will be no changes for existing claimants. Pensioners and disabled claimants will continue to be eligible for the full discount supporting the aims of the scheme to protect the most vulnerable from financial hardship.

The EqIA sets out the mitigating actions we have put in place to reduce hardship for working age claimants and those with dependents. This includes:

- Extending the payment period and/or reducing payment amounts where claimants are facing particular difficulties
- Signposting claimants to appropriate support and advice services such as employment and skills training programmes to assist them out of financial difficulty

8.15 We note the ongoing cumulative impact of welfare reform changes such as the benefit cap and LHA rate changes and recognise the impact these have on vulnerable families. Maintaining the scheme as is aims to reduce any further difficulties as a result of increased Council Tax payments, however we will continue to monitor the impact of this and all changes to enable us to better support residents in financial difficulties.

### **Head of Procurement Comments**

8.16 There are no procurement requirements at this stage of the proposal.

## **9. Planned Use of Appendices for Final Report**

- Appendix A – Summary of Scheme Rules
- Appendix B – Summary of other London LA Schemes 2016/17
- Appendix C – Haringey Council Tax Reduction Scheme
- Appendix D – Breakdown of Options Considered
- Appendix E – Equalities Impact Assessment
- Appendix F – Equality Act 2010 – The Public Sector Equality Duty

## **10. Local Government (Access to Information) Act 1985**

10.1 N/A



## **Appendix A – Summary of Scheme Rules**

### **Class of Persons**

It is proposed that eligibility under the Scheme continues to use the previous Council Tax Benefit rules including the change originally agreed for 2013/14 and continued since that the maximum amount of capital that a working age claimant may hold in capital savings before becoming ineligible for council tax support is £10,000.

### **Class of Reduction**

It is proposed that council tax support continue to be calculated as a means tested discount as defined by original Council Tax Benefit rules except for the below changes as originally agreed for 2013/14 and continued since:

- Payments are reduced to all working age claimants by 19.8% with the exception of those persons in receipt of the following:
  - Attendance Allowance (including Constant AA)
  - Personal Independence Payment (PIP)
  - Severe Disablement Allowance (including Exceptionally SDA)
  - Long Term Rate Incapacity Benefit
  - Mobility Allowance/Supplement
  - Working Tax Credits – Disability element
- Where entitlement to council tax support is less than £1 per week it will no longer be granted.

### **Discretionary Reductions under Section 13A (1) (c)**

In addition and separate to any reduction calculated as part of the Scheme, this provision provides an Authority with the discretion to reduce a Council Tax Bill to zero, a similar power to that which existed previously.

**Appendix B – Summary of Other London Local Authority Schemes for 2016/17**

| <b>Local Authority</b> | <b>LA area</b> | <b>Minimum council tax payment</b> |
|------------------------|----------------|------------------------------------|
| Harrow                 | Outer London   | 30.0%                              |
| Wandsworth             | Inner London   | 30.0%                              |
| Barking and Dagenham   | Outer London   | 25.0%                              |
| Bromley                | Outer London   | 25.0%                              |
| Ealing                 | Outer London   | 25.0%                              |
| Enfield                | Outer London   | 25.0%                              |
| Hillingdon             | Outer London   | 25.0%                              |
| Waltham Forest         | Outer London   | 24.0%                              |
| Barnet                 | Outer London   | 20.0%                              |
| Bexley                 | Outer London   | 20.0%                              |
| Brent                  | Outer London   | 20.0%                              |
| Newham                 | Inner London   | 20.0%                              |
| Haringey               | Inner London   | 19.8%                              |
| Sutton                 | Outer London   | 17.5%                              |
| Lambeth                | Inner London   | 15.9%                              |
| Croydon                | Outer London   | 15.0%                              |
| Greenwich              | Outer London   | 15.0%                              |
| Hackney                | Inner London   | 15.0%                              |
| Havering               | Outer London   | 15.0%                              |
| Redbridge              | Outer London   | 15.0%                              |
| Southwark              | Inner London   | 15.0%                              |
| Camden                 | Inner London   | 8.5%                               |
| Hounslow               | Outer London   | 8.5%                               |
| Islington              | Inner London   | 8.5%                               |
| Richmond upon Thames   | Outer London   | 5.0%                               |
| Lewisham               | Inner London   | 3.0%                               |
| City of London         | Inner London   | 0.0%                               |
| Hammersmith and Fulham | Inner London   | 0.0%                               |
| Kensington and Chelsea | Inner London   | 0.0%                               |
| Kingston upon Thames   | Outer London   | 0.0%                               |
| Merton                 | Outer London   | 0.0%                               |
| Tower Hamlets          | Inner London   | 0.0%                               |
| Westminster            | Inner London   | 0.0%                               |

(note – Councils sorted from highest minimum payment to lowest)

**London Borough of Haringey  
Council Tax Reduction Scheme**

## Introduction

This scheme is based on the Council Tax Support Schemes (Default Scheme) Regulations 2012 and incorporates the statutory obligations detailed in the Council Tax Support Schemes (Prescribed Requirements) (England) Regulations 2012.

Certain elements of the Default Scheme have been removed or amended within this scheme and apply solely to persons who have not reached the qualifying age for state pension credit.

This scheme will be amended to take into account any circumstances subsequently identified, through government statute. This scheme will be treated as having been amended to accommodate any changes the government may make to The Prescribed Requirements. Where references are made to the Prescribed Requirements or Default Scheme, these will relate to the most recently published edition of those documents. Where either is revoked, the last published version(s) will apply.

## Features of the scheme

Key changes from the Default Scheme (of which apply to persons who have not reached the qualifying age for state pension credit) are as follows:

- Applicants of working-age will have their Council Tax support assessed against 80.2% of their council tax liability
- Applicants in receipt of certain disability benefits and premiums will receive protection from the above measure. These applicants will have their Council Tax support assessed against 100% of their council tax liability
- A minimum weekly Council Tax Support award of £1 has been introduced
- A new capital savings limit of £10,000 has been introduced
- Child benefit and war pensions will be fully disregarded when calculating entitlement for all applicants
- The maximum period for backdating claims shall be 6 months
- Any change of circumstance which is advantageous to council tax support entitlement and reported by the applicant outside one month, will take effect from the date on which it is reported

## Application, appeals, revisions and superseded decisions

Provisions at Part 3 and Schedule 1 of this scheme set out how applications for a Council Tax Reduction must be made and how appeals are to be made to the authority.

## General administration of the scheme

Apart from where statutorily required, advice of any award granted, removed or revised will be by an adjustment to the council tax bill and the bill itself will be the formal notification. Haringey Council reserves the right to include additional notifications.

Any excess award of Council Tax Reduction will be rectified by the amount being recovered by an adjustment to the council tax bill.

## Uprating

This scheme proposes that any figures set out in the scheme may be uprated, to take effect on 1<sup>st</sup> April each year following the commencement of the scheme, by the consumer price index, set out in the preceding September, or by the rate used by the government in the determination of income support or universal credit.

## Data sharing, fraud and error

Information provided by applicants will be used by Haringey Council to process applications for Council Tax Reductions. Information may also be shared internally to facilitate the processing of applications.

Information provided by applicants will also be used by Haringey Council for the prevention and detection of fraud and may also be shared with external and internal bodies responsible for auditing or administering public funds for these purposes.

Haringey Council is the data controller for the purposes of the Data Protection Act.

## **Penalties**

Haringey Council has a responsibility to protect taxpayers and the public purse by effectively fighting fraud. The Council takes all forms of fraud seriously and will take action to recover any money that has been claimed based on false information, a failure to provide (disclose) information or a failure to notify a change of circumstances, possession or supply of articles for use in fraud or more generally obtaining services dishonestly. Such action could include a civil penalty and/or prosecution.

Haringey Council is committed to developing a culture of honesty, and zero tolerance to fraud. Individuals can anonymously notify the Council of a potential fraud.

To report all cases of fraud or corruption please call Fraudwatch on Freephone 0500 500 777

Alternatively please contact:

Audit and Risk Management can be contacted at:  
Level 1, Alexandra House,  
10 Station Road, Wood Green,  
London, N22 7TR  
Telephone: 020 8489 3768

Email: [fraudcall@haringey.gov.uk](mailto:fraudcall@haringey.gov.uk)

## **London Borough of Haringey Council Tax Reduction Scheme**

This Scheme is based upon the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (SI 2012/2886)

### **Application**

The Scheme set out below is the reduction scheme for the London Borough of Haringey pursuant to section 13A(2) Local Government Finance Act 1992, approved on **[INSERT DATE]**.

These rules may be cited as the Council Tax Reduction Scheme 2016 and come into force on 1 April 2016. These rules are decided by and apply to Haringey Council.

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**Part 1**  
**Introduction**

**Introduction**

**1**

This scheme relates to the financial year beginning with 1st April 2016 and may be cited as the London Borough of Haringey Council Tax Reduction Scheme.

**Part 2**  
**Interpretation**

**Interpretation**

**2**

(1) In this scheme--

"the 1992 Act" means the Local Government Finance Act 1992;

"Abbeyfield Home" means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

"adoption leave" means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

"an AFIP" means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;

"alternative maximum council tax reduction" means the amount determined in accordance with paragraph 31 and Schedule 4;

"applicable amount" means--

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with--

(i) paragraph 26 and Schedule 3; or

(ii) paragraph 28,

as the case may be;

"applicant" means a person who has made an application;

"application" means an application for a reduction under this scheme;

"assessment period" means--

(a) in relation to pensioners--

(i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or

(ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

"attendance allowance" means--

- (a) an attendance allowance under Part 3 of the SSCBA;
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

"the authority" means the London Borough of Haringey by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

"basic rate" has the meaning given by the Income Tax Act 2007;

"the benefit Acts" means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002 and the Welfare Reform Act 2007;

"board and lodging accommodation" means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

"care home" has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

"the Caxton Foundation" means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

"child" means a person under the age of 16;

"child benefit" has the meaning given by section 141 of the SSCBA;

"child tax credit" means a child tax credit under section 8 of the Tax Credits Act 2002;

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

"concessionary payment" means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

"contributory employment and support allowance" means a contributory allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income related allowance and a contributory

allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

"council tax benefit" means council tax benefit under Part 7 of the SSCBA;

"couple" has the meaning given by paragraph 4;

"designated office" means the office of the authority designated by it for the receipt of applications--

- (a) by notice upon or with a form supplied by it for the purpose of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

"disability living allowance" means a disability living allowance under section 71 of the SSCBA;

"earnings" has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

"the Eileen Trust" means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

"electronic communication" has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

"employed earner" is to be construed in accordance with section 2(1)(a) of the SSCBA and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

"the Employment, Skills and Enterprise Scheme" means a scheme under section 17A (schemes for assisting persons to obtain employment: "work for your benefit" schemes etc) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

"employment zone" means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an "employment zone programme" means a programme established for such an area or areas designed to assist claimants for a jobseeker's allowance to obtain sustainable employment;

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

"extended reduction" means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

"extended reduction period" means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

"extended reduction (qualifying contributory benefits)" means a reduction under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

"family" has the meaning given by paragraph 6;

"the Fund" means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

"guarantee credit" is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

"a guaranteed income payment" means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

"housing benefit" means housing benefit under Part 7 of the SSCBA;

"an income-based jobseeker's allowance" and "a joint-claim jobseeker's allowance" have the meanings given by section 1(4) of the Jobseekers Act 1995;

"income-related employment and support allowance" means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

"independent hospital"--

- (a) in England means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and
- (c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

"the Independent Living Fund (2006)" means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

"invalid carriage or other vehicle" means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

"the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

"lone parent" means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

"the Macfarlane (Special Payments) Trust" means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

"the Macfarlane (Special Payments) (No 2) Trust" means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

"the Macfarlane Trust" means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

"main phase employment and support allowance" means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 3;

"maternity leave" means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

"maximum council tax reduction amount" means the amount determined in accordance with paragraph 29;

"member of a couple" means a member of a married or unmarried couple;



"MFET Limited" means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

"mobility supplement" means--

- (a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

"mover" means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of the authority to a dwelling in the area of a second authority;

"net earnings" means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

"net profit" means such profit as is calculated in accordance with paragraph 61;

"new dwelling" means, for the purposes of the definition of "second authority" and paragraphs 91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

"non-dependant" has the meaning given by paragraph 9;

"occasional assistance" means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of--

- (a) meeting, or helping to meet an immediate short-term need--
  - (i) arising out of an exceptional event or exceptional circumstances, or
  - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- (b) enabling qualifying individuals to establish or maintain a settled home, and--
  - (i) "local authority" has the meaning given by section 270(1) of the Local Government Act 1972; and
  - (ii) "qualifying individuals" means individuals who have been, or without the assistance might otherwise be--
    - (aa) in prison, hospital, an establishment providing residential care or other institution, or
    - (bb) homeless or otherwise living an unsettled way of life;

and "local authority" means a local authority in England within the meaning of the Local Government Act 1972;

"occupational pension" means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

"occupational pension scheme" has the same meaning as in section 1 of the Pension Schemes Act 1993;

"partner", in relation to a person, means--

- (a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

"paternity leave" means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

"pension fund holder" means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

"pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

"pensioner" has the meaning given by paragraph 3(2)(a);

"person on income support" means a person in receipt of income support;

"person treated as not being in Great Britain" has the meaning given by paragraph 21;

"person who is not a pensioner" has the meaning given by paragraph 3(2)(b);

"personal independence payment" has the meaning given by Part 4 of the Welfare Reform Act 2012;

"personal pension scheme" means--

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;

(c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

"policy of life insurance" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

"polygamous marriage" means any marriage to which paragraph 5 applies;

"qualifying age for state pension credit" means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)--

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

"qualifying contributory benefit" means--

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

"qualifying income-related benefit" means--

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;

"qualifying person" means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

"reduction week" means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

"relative" means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

"relevant week", in relation to any particular day, means the week within which the day in question falls;

"remunerative work" has the meaning given by paragraph 10;

"rent" means "eligible rent" to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions);

"savings credit" is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

"second authority" means the authority to which a mover is liable to make payments for the new dwelling;

"self-employed earner" is to be construed in accordance with section 2(1)(b) of the SSCBA;

"self-employment route" means assistance in pursuing self-employed earner's employment whilst participating in--

- (a) an employment zone programme;
- (b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc); or
- (c) the Employment, Skills and Enterprise Scheme;

"single applicant" means an applicant who neither has a partner nor is a lone parent;

"the Skipton Fund" means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;

"sports award" means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

"the SSCBA" means the Social Security Contributions and Benefits Act 1992;

"state pension credit" means state pension credit under the State Pension Credit Act 2002;

"student" has the meaning given by paragraph 73;

"tax year" means a period beginning with 6th April in one year and ending with 5th April in the next;

"training allowance" means an allowance (whether by way of periodical grants or otherwise) payable--

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Chief Executive of Skills Funding or the Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973, or is training as a teacher;

"the Trusts" (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and "Trustees" is to be construed accordingly;

"universal credit" has the meaning given by section 1 of the Welfare Reform Act 2012;

"voluntary organisation" means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

"war disablement pension" means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

"war pension" means a war disablement pension, a war widow's pension or a war widower's pension;

"war widow's pension" means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

"war widower's pension" means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

"water charges" means--

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002,

in so far as such charges are in respect of the dwelling which a person occupies as his home;

"working tax credit" means a working tax credit under section 10 of the Tax Credits Act 2002;

"young person" means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

- (2) In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.
- (3) For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day--

- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable);
  - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or
  - (c) in respect of which an income-based jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- (4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day--
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or
  - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- (5) For the purposes of this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) In this scheme, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 13-15 of Part 4.
- (8) References in this scheme to an applicant participating as a service user are to--
- (a) a person who is being consulted by or on behalf of--
    - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
    - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,
  - in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
  - (b) the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph.

### **Application of scheme: pensioners and persons who are not pensioners**

#### **3**

- (1) This scheme applies to--

- (a) pensioners who fall within any of classes A to C; and
  - (b) persons who are not pensioners who fall within any of classes D to F.
- (2) In this scheme--
- (a) a person is a "pensioner" if--
    - (i) he has attained the qualifying age for state pension credit; and
    - (ii) he is not, and, if he has a partner, his partner is not--
      - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
      - (bb) a person with an award of universal credit; and
  - (b) a person is a "person who is not a pensioner" if--
    - (i) he has not attained the qualifying age for state pension credit; or
    - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is--
      - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
      - (bb) a person with an award of universal credit.

#### **Meaning of "couple"**

#### **4**

- (1) In this scheme "couple" means--
- (a) a man and woman who are married to each other and are members of the same household;
  - (b) a man and woman who are not married to each other but are living together as husband and wife;
  - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
  - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (2) Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

#### **Polygamous marriages**

#### **5**

- (1) This paragraph applies to any case where--
- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
  - (b) either party to the marriage has for the time being any spouse additional to the other party.

(2) For the purposes of paragraph 4 (meaning of "couple") neither party to the marriage is to be taken to be a member of a couple.

**Meaning of "family"**

**6**

(1) In this scheme "family" means--

- (a) a couple;
- (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
- (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is--

- (a) on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or has an award of universal credit;
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or
- (c) entitled to an award of universal credit.

**Circumstances in which a person is to be treated as responsible or not responsible for another**

**7**

(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with--

- (a) the person who is receiving child benefit in respect of that child or young person, or
- (b) if there is no such person--
  - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
  - (ii) in any other case the person who has the primary responsibility for him.

(3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

**Households**

**8**

(1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not be treated as a member of the applicant's household where he is--

(a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or

(c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.

(3) Subject to sub-paragraph (4), sub-paragraph (1) does not apply to a child or young person who is not living with the applicant and who--

(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or

(c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

(4) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where--

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this paragraph "relevant enactment" means--

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

(d) the Matrimonial Proceedings (Children) Act 1958;

(e) the Social Work (Scotland) Act 1968;

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

(j) the Domestic Proceedings and Magistrates' Courts Act 1978;

(k) the Adoption and Children (Scotland) Act 2007;

(l) the Family Law Act 1986;



- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995;
- (na) the Children's Hearings (Scotland) Act 2011; and
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

## Non-dependants

### 9

(1) In this scheme, "non-dependant" means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to--

- (a) any member of the applicant's family;
- (b) if the applicant is polygamously married--
  - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any--
    - (aa) party to such a marriage other than the applicant's partner; and
    - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
  - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
- (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant--

- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either--
  - (i) that person is a close relative of his or his partner; or
  - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

(c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

## **Remunerative work**

### **10**

(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over--

(a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

(b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week is to be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which--

(a) a sports award has been made, or is to be made, to him; and

(b) no other payment is made or is expected to be made to him.

## **Part 3 Procedural Matters**

### **Procedure for reduction applications and appeals against reduction decisions**

11

Schedule 1 contains provisions about the procedure--

- (a) by which a person may apply for a reduction under this scheme;
- (b) by which a person may make an appeal against certain decisions of the authority;
- (c) by which a person can apply to the authority for a reduction under section 13A(1)(c) of the 1992 Act.

#### **Part 4**

### **Classes of Person Entitled to a Reduction Under this Scheme**

#### **Classes of person entitled to a reduction under this scheme**

12

- (1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

#### **Class A: pensioners whose income is no greater than the applicable amount**

13

On any day class A consists of any person who is a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

#### **Class B: pensioners whose income is greater than the applicable amount**

14

On any day class B consists of any person who is a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;

- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where--
  - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
  - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

**Class C: alternative maximum council tax reduction--pensioners**

**15**

- (1) On any day class C consists of any person who is a pensioner--
  - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) who has made an application; and
  - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who--
  - (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
  - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
  - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and--
    - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act (persons disregarded for the purposes of discount), falls to be disregarded for the purposes of discount; or
    - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
  - (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to
  - (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or

(e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

**Class D: persons who are not pensioners whose income is less than the applicable amount**

**16**

On any day class D consists of any person who is not a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application.
- (g) any such person identified in 16(a), 16(b), 16(c), 16 (d), 16 (e) and 16(f) shall not be entitled to a council tax reduction if, once calculated, their award would have been less than £1 per week.

**Class E: persons who are not pensioners whose income is greater than the applicable amount**

**17**

On any day class E consists of any person who is not a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where--
  - (i) amount A is the maximum council tax reduction in his case; and
  - (ii) amount B is  $2\frac{6}{7}$  per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.
- (h) any such person identified in 17(a), 17(b), 17(c), 17 (d), 17 (e), 17(f) and 17(g) shall not be entitled to a council tax reduction if, once calculated, their award would have been less than £1 per week

**Class F: alternative maximum council tax reduction--persons who are not pensioners**

**18**

- (1) On any day class F consists of any person who is not a pensioner--
  - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
  - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
  - (c) in respect of whom a maximum council tax reduction amount can be calculated;
  - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
  - (e) who has made an application; and
  - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who--
  - (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
  - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
  - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and--
    - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
    - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
  - (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
  - (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

**Periods of absence from a dwelling**

**19**

- (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- (2) In sub-paragraph (1), a "period of temporary absence" means--

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as--

- (i) the person resides in that accommodation;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as--

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as--

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) the person is a person to whom sub-paragraph (3) applies; and
- (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(3) This sub-paragraph applies to a person who--

(a) is detained in custody on remand pending trial or required, as a condition of bail, to reside--

- (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
- (ii) in premises approved under section 13 of the Offender Management Act 2007,

or is detained in custody pending sentence upon conviction;

(b) is resident in a hospital or similar institution as a patient;

(c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(d) is following, in the United Kingdom or elsewhere, a training course;

(e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

(f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;

(g) is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;

(h) is a student;

- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
  - (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- (4) This sub-paragraph applies to a person who is--
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
  - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- (5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release--
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

- (6) In this paragraph--

"medically approved" means certified by a medical practitioner;

"patient" means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

"residential accommodation" means accommodation which is provided in--

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

"training course" means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

## Part 5

### Classes of Person Excluded from this Scheme

#### Classes of person excluded from this scheme



The classes of person described in paragraphs 21 to 24 are not entitled to a reduction under this scheme.

**Class of person excluded from this scheme: persons treated as not being in Great Britain**

**21**

(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with--

(a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC;

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is --

(i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

(ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; or

(b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

(5) A person falls within this sub-paragraph if the person is--

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;

(c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is --

(i) discretionary leave to enter or remain in the United Kingdom,

(ii) leave to remain under the Destitution Domestic Violence Concession which came into effect on 1<sup>st</sup> April 2012, or

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance;
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation").

(6) A person falls within this sub-paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

(7) A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

(8) In this paragraph--

"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006.

#### **Transitional Provision**

(1) Paragraph (ha) does not apply to a person who, on 31<sup>st</sup> March 2015-

(a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and

(b) is entitled to an income-based jobseeker's allowance,

until the first of the events in paragraph (2) occurs.

(2) The events are-

(a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or

(b) the person ceases to be entitled to an income-based jobseeker's allowance.

(3) In this regulation "the Act" means the Local Government Finance Act 1992.

#### **Class of person excluded from this scheme: persons subject to immigration control**

#### **22**

(1) Subject to paragraph (1A), persons subject to immigration control are not entitled to a reduction under this scheme.

(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris 11<sup>th</sup> December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18<sup>th</sup> October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of paragraph (1).

(2) "Person subject to immigration control" has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

**Class of person excluded from this scheme: capital limit**

**23**

- (1) The class of person described in this paragraph consists of any pensioner whose capital limit exceeds £16,000 and of any person who is not a pensioner whose capital exceeds £10,000.
- (2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

**Class of person excluded from this scheme: students**

**24**

The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

**Part 6**  
**Applicable Amounts**

**Applicable amounts: pensioners**

**25**

- (1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case--
- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
  - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
  - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
  - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

- (2) In Schedule 2--

"additional spouse" means a spouse of either party to the marriage who is additional to the other party to the marriage;

"patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

**Applicable amounts: persons who are not pensioners**

**26**

- (1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case--

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (e) the amount of either the--
  - (i) work-related activity component; or
  - (ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

- (f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 3--

"additional spouse" means a spouse of either party to the marriage who is additional to the other party to the marriage;

"converted employment and support allowance" means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

"patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

**Polygamous marriages: persons who are not pensioners**

**27**

- (1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

- (2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case--

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);

(e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);

(f) the amount of either the--

(i) work-related activity component; or

(ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

(g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

**Applicable amount: persons who are not pensioners who have an award of universal credit**

**28**

(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner--

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if--

(a) one of them is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph "maximum amount" means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

#### **Part 7**

**Maximum Council Tax Reduction for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction**

**Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners**

**29**

(1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is—

- (a) 100 per cent of the amount A/B if the applicant is a pensioner;
- (b) save as excepted for at (c) and (d) below, 80.2 per cent of the amount A/B if the applicant is a person who is not a pensioner;
- (c) 100 per cent of the amount A/B if the applicant is not a pensioner but is in receipt of any of the following--
  - (i) Attendance Allowance including Constant Attendance Allowance;
  - (ii) Disability Living Allowance including Care and Mobility components;
  - (iii) Severe Disablement Allowance including Exceptionally Severe Disablement Allowance;
  - (iv) Mobility Allowance and Supplement;
  - (v) Long Term Rate Incapacity Benefit;
  - (vi) Working Tax Credits – Disability element;
  - (vii) Personal Independence Payment

(d) 100 per cent of the amount A/B if the applicant is not a pensioner but is responsible for a disabled child or young person of the same household and where the applicant is in receipt of any of the following premiums--

- (i) Disability Premium;
- (ii) Disabled Child Premium;
- (iii) Enhanced Disability Premium;
- (iv) Enhanced Disability Child Premium;
- (v) Carer Premium;
- (vi) Severe Disability Premium

where--

(A) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and

(B) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners and persons who are not pensioners).

(2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

(6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

**Non-dependant deductions: pensioners**

**30**

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are--

- (a) in respect of a non-dependant aged 18 or over in remunerative work,  $\text{£}11.36 \times \frac{1}{7}$ ;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply,  $\text{£}3.74 \times \frac{1}{7}$ .

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is--

- (a) less than  $\text{£}189.00$ , the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than  $\text{£}189.00$  but less than  $\text{£}328.00$ , the deduction to be made under this paragraph is  $\text{£}7.52 \times \frac{1}{7}$ ;
- (c) not less than  $\text{£}328.00$  but less than  $\text{£}408.00$ , the deduction to be made under this paragraph is  $\text{£}9.49 \times \frac{1}{7}$ .

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day--

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is--

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or

- (b) receiving in respect of himself--
  - (i) attendance allowance, or would be receiving that allowance but for--
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (ii) the care component of the disability living allowance, or would be receiving that component but for--
    - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (bb) an abatement as a result of hospitalisation; or
  - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
  - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if--
  - (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
  - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
  - (c) he is a full-time student within the meaning of Part 11 (students); or
  - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes--
    - (i) "patient" has the meaning given in paragraph 19(6), and
    - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods; or
  - (e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant--
  - (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
  - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
  - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.



(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income--

- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

(10) For the purposes of sub paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

### **Non-dependant deductions: persons who are not pensioners**

#### **30A**

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are--

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.95 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.65 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is--

- (a) less than £186.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £186.00 but less than £322.00, the deduction to be made under this paragraph is £7.25;
- (c) not less than £322.00 but less than £401.00, the deduction to be made under this paragraph is £9.15.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage (other than where there is an award of universal credit) and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount is to be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day--

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is--

(a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or

(b) receiving in respect of himself--

(i) attendance allowance, or would be receiving that allowance but for--

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(bb) an abatement as a result of hospitalisation; or

(ii) the care component of the disability living allowance, or would be receiving that component but for--

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(bb) an abatement as a result of hospitalisation; or

(iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or

(iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if--

(a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or

(b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or

(c) he is a full-time student within the meaning of Part 11 (students); or

(d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes--

(i) "patient" has the meaning given in paragraph 19(6), and

(ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(8) No deduction is to be made in respect of a non-dependant--

(a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or

(b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income--

(a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

(c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

#### **Part 8**

#### **Alternative Maximum Council Tax Reduction for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction**

#### **Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners**

**31**

(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

#### **Part 9**

#### **Amount of Reduction Under this Scheme**

#### **Amount of reduction under this scheme: Classes A to F**

**32**

- (1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.
- (2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both--
  - (a) sub-paragraph (2) or sub-paragraph (3), and
  - (b) sub-paragraph (4),

apply to a person.

- (6) The amount of the reduction to which the person is entitled is whichever is the greater of--
  - (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
  - (b) the amount of the reduction given by sub-paragraph (4).

## **Part 10**

### **Income and Capital for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction**

#### **Chapter 1**

#### **Income and Capital: General**

#### **Calculation of income and capital: applicant's family and polygamous marriages**

#### **33**

- (1) The income and capital of--
  - (a) an applicant; and
  - (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.
- (3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household--
  - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
  - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

**Circumstances in which income and capital of non-dependant is to be treated as applicant's**

**34**

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where--

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

**Chapter 2**

**Income and Capital: Pensioners in Receipt of Guarantee Credit or Savings Credit**

**Applicant in receipt of guarantee credit: pensioners**

**35**

In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

**Calculation of applicant's income and capital in savings credit only cases: pensioners**

**36**

(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account--

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of--
  - (i) lone parent's earnings; or

- (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by--
    - (aa) the applicant's former partner, or the applicant's partner's former partner; or
    - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
  - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
  - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
  - (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
  - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable);
  - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if--
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
  - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
  - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

### Chapter 3

#### Income and Capital Where there is an Award of Universal Credit

#### Calculation of income and capital: persons who are not pensioners who have an award of universal credit

**37**

- (1) In determining the income of an applicant--
- (a) who has, or
  - (b) who (jointly with his partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account--

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant--

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

#### **Chapter 4** **Income: Other Pensioners**

#### **Calculation of income and capital where state pension credit is not payable: pensioners**

#### **38**

Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

#### **Meaning of "income": pensioners**

#### **39**

(1) For the purposes of classes A to C in this scheme, "income" means income of any of the following descriptions--

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);

- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 9;
- (j) social security benefits, other than retirement pension income or any of the following benefits--
  - (i) disability living allowance;
  - (ii) personal independence payment;
  - (iii) an AFIP;
  - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
  - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
  - (vi) child benefit;
  - (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
  - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
  - (ix) any--
    - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
    - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made--
  - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or



- (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made--
  - (i) under a court order;
  - (ii) under an agreement for maintenance; or
  - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any--
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under--
  - (i) the Civil List Act 1837,
  - (ii) the Civil List Act 1937,
  - (iii) the Civil List Act 1952,
  - (iv) the Civil List Act 1972, or
  - (v) the Civil List Act 1975;
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who--
  - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
  - (ii) occupies part of the property; and
  - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

- (2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with--
  - (a) the Social Security (Overlapping Benefits) Regulations 1979;
  - (b) the Social Security (Hospital In-Patients) Regulations 1975;
  - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
  - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan--
  - (a) made between a person ("the lender") and the applicant;
  - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
  - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

#### **Calculation of weekly income: pensioners**

#### **40**

- (1) Except in a case within sub-paragraph (2) or (4), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made--
  - (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
  - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined--
    - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
    - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
    - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
    - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where--
  - (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
  - (b) the amount of the applicant's income fluctuates and has changed more than once.

- (3) The weekly amount of that applicant's income is to be determined--
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
  - (b) in any other case, on the basis of--
    - (i) the last two payments if those payments are one month or more apart;
    - (ii) the last four payments if the last two payments are less than one month apart; or
    - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-paragraph applies to--
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
  - (b) any payment in respect of any--
    - (i) book registered under the Public Lending Right Scheme 1982; or
    - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
  - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating--
- (a) the applicant's earnings; and
  - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that--
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and

(b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

**Earnings of employed earners: pensioners**

**41**

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes--

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice;
- (d) any holiday pay;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of--
  - (i) travelling expenses incurred by the applicant between his home and place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
- (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
- (i) statutory paternity pay payable under Part 12ZA of that Act;
- (j) statutory adoption pay payable under Part 12ZB of that Act;
- (k) any sums payable under a contract of service--
  - (i) for incapacity for work due to sickness or injury; or
  - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include--

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;

(f) any payment in respect of expenses arising out of the applicant participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

**Calculation of net earnings of employed earners: pensioners**

**42**

(1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less--

(a) any amount deducted from those earnings by way of--

(i) income tax;

(ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined--

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less--

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which

the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

#### **Calculation of earnings of self-employed earners: pensioners**

**43**

(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment--

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period ("computation period") as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant's earnings is calculated in accordance with this paragraph is to be his assessment period.

#### **Earnings of self-employers earners: pensioners**

**44**

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) "Earnings" in the case of employment as a self-employed earner does not include--

- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant--
  - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26(1) of the Children (Scotland) Act 1995; or
  - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;

(c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);

(d) any payment made to the applicant or his partner for a person ("the person concerned") who is not normally a member of the applicant's household but is temporarily in his care, by--

- (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
  - (ii) a voluntary organisation;
  - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
  - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006; or
  - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (e) any sports award.

**Notional income: pensioners**

**45**

- (1) An applicant who is a pensioner is to be treated as possessing--
  - (a) subject to sub-paragraph (2), the amount of any retirement pension income--
    - (i) for which no claim has been made; and
    - (ii) to which he might expect to be entitled if a claim for it were made;
  - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred--
  - (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
  - (b) a shared additional pension payable under section 55A of the SSCBA;
  - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred--
  - (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
  - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
  - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit--
  - (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
  - (b) fails to purchase an annuity with the funds available in that scheme; and
  - (c) either--

- (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
  - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
  - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), "money purchase benefits" has the same meaning as in the Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), "lump sum" means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant participating as a service user.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must--
- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
  - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).



(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where--

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), "registered pension scheme" has the meaning given in section 150(2) of the Finance Act 2004.

**Income paid to third parties: pensioners**

**46**

(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant participating as a service user.

**Chapter 5**  
**Income: Persons Who are Not Pensioners**

**Average weekly earnings of employed earners: persons who are not pensioners**

**47**

(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment--

- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of--
  - (i) 5 weeks, if he is paid weekly; or
  - (ii) 2 months, if he is paid monthly; or

(b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)--

(a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

(3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed 52 weeks.

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

**Average weekly earnings of self-employed earners: persons who are not pensioners**

**48**

(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

**Average weekly income other than earnings: persons who are not pensioners**

**49**

(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

**Calculation of weekly income of employed earners: persons who are not pensioners**

**50**

(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made--

- (a) does not exceed a week, the weekly amount is to be the amount of that payment;
- (b) exceeds a week, the weekly amount is to be determined--
  - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - (ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

**Earnings of employed earners: persons who are not pensioners**

**51**

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes--

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of--
  - (i) travelling expenses incurred by the applicant between his home and place of employment;
  - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;

(l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include--

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

**Calculation of net earnings of employed earners: persons who are not pensioners**

**52**

(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less--

(a) any amount deducted from those earnings by way of--

- (i) income tax;
- (ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(4) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment pe-

riod; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined--

- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less--

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

#### **Earnings of self-employed earners: persons who are not pensioners**

**53**

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) "Earnings" does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor does it include any sports award.

(3) This paragraph applies to--

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any--
  - (i) book registered under the Public Lending Right Scheme 1982; or
  - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by--

- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

#### Calculation of income other than earnings: persons who are not pensioners

54

- (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).
- (2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.
- (3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.
- (4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- (5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where--
  - (a) a relevant payment has been made to a person in an academic year; and
  - (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula--

$$(A - (B \times C)) / D$$

Where

- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
- (c) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

(d) D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if--

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph--

"academic year" and "student loan" have the same meanings as in Part 11 (students);

"assessment period" means--

(a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

(b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes--

(i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

(ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,

whichever of those dates is earlier;

"quarter" in relation to an assessment period means a period in that year beginning on--

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

"relevant payment" means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)--

(a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

**Capital treated as income: persons who are not pensioners**

55

- (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £10,000, be treated as income.
- (2) Any payment received under an annuity is to be treated as income.
- (3) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.
- (5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

**Notional income: persons who are not pensioners**

56

- (1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.
- (2) Except in the case of--
  - (a) a discretionary trust;
  - (b) a trust derived from a payment made in consequence of a personal injury;
  - (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
  - (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
  - (e) any sum to which paragraph 51(a) of Schedule 10 refers;
  - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
  - (g) child tax credit;
  - (h) working tax credit, or
  - (i) any sum to which sub-paragraph (11) applies,

any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made--
  - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;



(b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

(c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made--

(a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

(b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);

(c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation--

(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations;  
or

(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

(e) in respect of a person's participation in the Mandatory Work Activity Scheme;

(f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

(g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where--

- (a) an applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply--

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with--
  - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
  - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less--

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

## Chapter 6

### Income: Further Provisions Applying to Pensioners and Persons Who are Not Pensioners

#### Calculation of income on a weekly basis

57

(1) Subject to paragraph 60 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis--

(a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) by adding to that amount the weekly income calculated--

(i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);

(ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and

(c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that--

(a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in sub-paragraph (3) otherwise applies in his case; and

(b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be--

(a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;

(b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

#### Treatment of child care charges

58

(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and--

(a) is a lone parent and is engaged in remunerative work;

- (b) is a member of a couple both of whom are engaged in remunerative work; or
  - (c) is a member of a couple where one member is engaged in remunerative work and the other--
    - (i) is incapacitated;
    - (ii) is an in-patient in hospital; or
    - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he--
- (a) is paid statutory sick pay;
  - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
  - (c) is paid an employment and support allowance;
  - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
  - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before--
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
  - (b) the first day of the period in respect of which earnings are credited,
- as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).
- (6) The charges are paid by the applicant for care which is provided--
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
  - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid--
- (a) in respect of the child's compulsory education;

(b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or

(c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided--

(a) out of school hours, by a school on school premises or by a local authority--

(i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or

(ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or

(c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or

(e) by--

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act,

where the care provided is child minding or day care of children within the meaning of that Act; or

(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or

(g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or

(h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or

(i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or

(j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of "childcare" for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or

(k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

(l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations; or

(m) by a person who is not a relative of the child wholly or mainly in the child's home.

(9) In sub-paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

(10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

(11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where--

- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
- (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and--
  - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
  - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
- (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;
- (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (h) there is payable in respect of him one or more of the following pensions or allowances--
  - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
  - (ii) attendance allowance under section 64 of the SSCBA;
  - (iii) severe disablement allowance under section 68 of the SSCBA;
  - (iv) disability living allowance under section 71 of the SSCBA;
  - (v) personal independence payment;
  - (vi) an AFIP;
  - (vii) increase of disablement pension under section 104 of the SSCBA;

- (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;
  - (ix) main phase employment and support allowance;
  - (i) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
  - (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for--
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;
  - (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
  - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
  - (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
  - (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person--
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for--
    - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
    - (ii) an abatement as a consequence of hospitalisation;

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that--

(a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on--

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)--

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant--

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit.



### **Calculation of average weekly income from tax credits**

**59**

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is--
  - (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
  - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
  - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
  - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph "tax credit" means child tax credit or working tax credit.

### **Disregard of changes in tax, contributions etc**

**60**

In calculating the applicant's income the authority may disregard any legislative change--

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

### **Calculation of net profit of self-employed earners**

**61**

- (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be--
  - (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
  - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less--

- (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
  - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less--
  - (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
  - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less--
  - (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
  - (b) an amount in respect of--
    - (i) income tax; and
    - (ii) social security contributions payable under the SSCBA,
- calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of--
  - (a) any capital expenditure;
  - (b) the depreciation of any capital asset;
  - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
  - (d) any loss incurred before the beginning of the assessment period;
  - (e) the repayment of capital on any loan taken out for the purposes of the employment;
  - (f) any expenses incurred in providing business entertainment; and

- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for--
- (a) the replacement in the course of business of equipment or machinery; or
  - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt--
- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
  - (b) a deduction must be made thereunder in respect of--
    - (i) the excess of any value added tax paid over value added tax received in the assessment period;
    - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less--
- (a) an amount in respect of--
    - (i) income tax; and
    - (ii) national insurance contributions payable under the SSCBA,
- calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined--
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
  - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(12) In this paragraph, "qualifying premium" means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

### **Calculation of deduction of tax and contributions of self-employed earners**

**62**

(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated--

- (a) on the basis of the amount of chargeable income, and
- (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of--

- (a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the SSCBA at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.

(4) In this paragraph "chargeable income" means--

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

## **Chapter 7 Capital**

### **Calculation of capital**

**63**

(1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in--

- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of--

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

**Income treated as capital: persons who are not pensioners**

**64**

- (1) This paragraph applies in relation to persons who are not pensioners.
- (2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.
- (3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.
- (5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- (6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.
- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

**Calculation of capital in the United Kingdom**

**65**

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less--

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

#### **Calculation of capital outside the United Kingdom**

##### **66**

Capital which an applicant possesses in a country outside the United Kingdom must be calculated--

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

#### **Notional capital**

##### **67**

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of--

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) Except in the case of--

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
- (g) child tax credit; or

- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, is to be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made--

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made--

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;

- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation--

- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;

- (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

- (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

- (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations;  
or

- (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;

- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(7) Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case--

(a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and

(b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

#### **Diminishing notional capital rule: pensioners**

### **68**

(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing--

(a) in the case of a week that is subsequent to--

(i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where--

(i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that--

(a) he is in receipt of a reduction under this scheme; and

(b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of--



- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
  - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
  - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of--
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
  - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to--
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
  - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by--

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case--

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that--

- (a) a further application is made 26 or more weeks after--
  - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
  - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
  - (iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph--

"part-week"--

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means--
  - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
  - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)--

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction;

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

#### **Diminishing notional capital rule: persons who are not pensioners**

**69**

(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing--

- (a) in the case of a week that is subsequent to--
  - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
  - (ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where--
  - (i) that week is a week subsequent to the relevant week; and
  - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that--

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of--

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);

- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
  - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
  - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of--
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
  - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to--
    - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
    - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
  - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
  - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
  - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by--
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
  - (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case--

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that--

- (a) a further application is made 26 or more weeks after--
  - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
  - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
  - (iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

- (b) the applicant would have been entitled to a reduction under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph--

"part-week"--

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means--
  - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
  - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)--

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

### **Capital jointly held**

#### **70**

Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

### **Calculation of tariff income from capital: pensioners**

#### **71**

The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of--

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

### **Calculation of tariff income from capital: persons who are not pensioners**

#### **72**

The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of--

- (a) £1 for each £250 in excess of £6,000 but not exceeding £10,000;
- (b) £1 for any excess which is not a complete £250.

## **Part 11 Students**

### **Chapter 1 General**

### **Interpretation**

#### **73**

- (1) In this Part--

"academic year" means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course is to be considered to begin in the autumn rather than the summer;

"access funds" means--

- (a) grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- (b) grants made under sections 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- (c) grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- (d) discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- (e) Financial Contingency Funds made available by the Welsh Ministers;

"college of further education" means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

"contribution" means--

- (a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- (b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder's expenses--
  - (i) the holder of the allowance or bursary;
  - (ii) the holder's parents;
  - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
  - (iv) the holder's spouse or civil partner;

"course of study" means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

"covenant income" means the gross income payable to a full-time student under a Deed of Covenant by his parent;

"education authority" means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

"full-time course of study" means a full-time course of study which--

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out--
  - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves--
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

"full-time student" means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

"grant" (except in the definition of "access funds") means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

"grant income" means--

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

"higher education" means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

"last day of the course" means--

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

"period of study" means--



- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that year's start and ending with either--
  - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- (c) in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

"periods of experience" means periods of work experience which form part of a sandwich course;

"qualifying course" means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job-seeker's Allowance Regulations 1996;

"sandwich course" has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

"standard maintenance grant" means--

- (a) except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ("the 2003 Regulations") for such a student;
- (b) except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- (c) in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as "standard maintenance allowance" for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the Student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- (d) in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

"student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking--

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

"student loan" means a loan towards a student's maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and includes, in Scotland, a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of "full-time student" in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course--

(a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending--

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes--

(a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In sub-paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

#### **Treatment of students**

**74**

This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

#### **Students who are excluded from entitlement to a reduction under this scheme**

**75**

(1) The students who are excluded from entitlement to a reduction under this scheme are, subject to sub-paragraphs (2) and (7)--

(a) full-time students, and

(b) students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1)(b) does not apply to a student--

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is--
  - (i) aged under 21 and whose course of study is not a course of higher education,
  - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
  - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom--
  - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
  - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
  - (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
  - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
  - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

(3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

(5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

(6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if--

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is--

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before--

(a) the day on which he resumes attending or undertaking the course; or

(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

whichever first occurs.

## Chapter 2 Income

### Calculation of grant income

#### 76

(1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must be excluded from a student's grant income any payment--

(a) intended to meet tuition fees or examination fees;

- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant;
- (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income--

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment,

whether or not any such costs are incurred.

(4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned--

- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

(6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

# **Calculation of covenant income where a contribution is assessed**

**77**

- (1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined--
  - (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
  - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

# **Covenant income where no grant income or no contribution is assessed**

**78**

- (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows--
  - (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
  - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
  - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
  - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that--
  - (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
  - (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

# **Relationship with amounts to be disregarded under Schedule 8**

**79**

No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc, payments).

## Other amounts to be disregarded

### 80

(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

## Treatment of student loans

### 81

(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income--

(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with--

(i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;

(ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

(b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period--

(i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and

(ii) ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year,

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

(c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with--

(i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;

(ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

(d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of--

- (i) the first day of the first reduction week in September; or
- (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

and, in all cases, from the weekly amount so apportioned £10 is to be disregarded.

(3) A student is to be treated as possessing a student loan in respect of an academic year where--

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)--

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to--

- (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
- (ii) any contribution whether or not it has been paid to him;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if--

- (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
- (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)--

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

(6) A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

#### **Treatment of payments from access funds**



(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)--

(a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and

(b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made--

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

#### **Disregard of contribution**

#### **83**

Where the applicant or his partner is a student and, for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution must be disregarded for the purposes of assessing that other partner's income.

#### **Further disregard of student's income**

#### **84**

Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

#### **Income treated as capital**

#### **85**

(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

#### **Disregard of changes occurring during summer vacation**

86

In calculating a student's income the authority must disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

## Part 12 Extended Reductions

### Chapter 1 Extended Reductions: Pensioners

#### Extended reductions: pensioners

87

Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

#### Extended reductions (qualifying contributory benefits): pensioners

88

(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where--

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner--
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where--

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;

- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

**Duration of extended reduction period (qualifying contributory benefits): pensioners**

**89**

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends--
  - (a) at the end of a period of four weeks; or
  - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): pensioners**

**90**

- (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of--
  - (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
  - (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
  - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

**Extended reductions (qualifying contributory benefits)--movers: pensioners**

**91**

- (1) This paragraph applies--
  - (a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C**

**92**

(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended reduction--movers: pensioners).

**Continuing reductions where state pension credit claimed: pensioners**

**93**

(1) This paragraph applies where--

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either--
  - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
  - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that--

- (a) the applicant's award of--
  - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
  - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and

(b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)--

(a) the whole of the income and capital of the applicant is to be disregarded;

(b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated--

(a) the applicant's council tax liability has increased; or

(b) a change in the deduction under paragraph 30 falls to be made.

## Chapter 2

### Extended Reductions: Persons Who are Not Pensioners

#### Extended reductions: persons who are not pensioners

94

Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

#### Extended reductions: persons who are not pensioners

95

(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where--

(a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;

(b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner--

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

(c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where--

(a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;

(b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and

(c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

#### **Duration of extended reduction period: persons who are not pensioners**

96

(1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends--

(a) at the end of a period of four weeks; or

(b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

#### **Amount of extended reduction: persons who are not pensioners**

97

(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of--

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

**Extended reductions--movers: persons who are not pensioners**

**98**

(1) This paragraph applies--

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F**

**99**

(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction--movers: persons who are not pensioners).

**Extended reductions (qualifying contributory benefits): persons who are not pensioners**

**100**

(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where--

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner--
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where--

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

**Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners**

101

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends--
  - (a) at the end of a period of four weeks; or
  - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

**Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners**

102



(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of--

- (a) the amount of reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 100 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 100 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

**Extended reductions (qualifying contributory benefits)--movers: persons who are not pensioners**

**103**

(1) This paragraph applies--

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

**Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F**

**104**

(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction--movers: persons who are not pensioners).

**Chapter 3**

### **Extended Reductions: Movers in the Authority's Area**

#### **Extended reductions: applicant moving into the authority's area**

**105**

Where--

- (a) an application is made to the authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from--
  - (i) another billing authority in England; or
  - (ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

### **Part 13**

#### **When Entitlement Begins and Change of Circumstances**

##### **Date on which entitlement begins**

**106**

- (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

##### **Date on which change of circumstances is to take effect**

**107**

- (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.
- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.
- (3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council

tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(10) Sub-paragraph (11) applies if--

(a) the applicant or his partner has attained the age of 65; and

(b) either--

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means--

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since--

(i) the date on which the applicant's entitlement to a reduction under this scheme first began; or

(ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

(14) Sub-paragraphs (15) to (19) apply to persons who fall within classes D, E and F.

(15) Where--

- (a) the change of circumstances is a change of circumstances that is required by this scheme to be notified, and
- (b) that change of circumstances is notified more than one month after it occurs, or such longer period as may be allowed under sub-paragraph (16), and
- (c) the superseding decision is advantageous to the claimant

the date of notification of the change of circumstances shall be treated as the date on which the change of circumstances occurred.

(16) Subject to sub-paragraph (18), for the purposes of making a decision under this scheme a longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where the conditions specified in sub-paragraph (17) are satisfied. An application for the purposes of this sub-paragraph shall include:

- (a) particulars of the change of circumstances and the reasons for the failure to notify the change of circumstances on an earlier date, and
- (b) be made within 3 months of the date on which the change occurred.

(17) In determining whether it is reasonable to grant an application for the purposes of sub-paragraph (16), the authority shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for a superseding decision is made, the more compelling should be the special circumstances on which the application is based. An application shall not be granted unless the authority is satisfied that—

- (a) it is reasonable to grant the application;
- (b) that change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and
- (c) special circumstances are relevant and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(18) In determining whether it is reasonable to grant an application, no account shall be taken of the following—

- (a) that the applicant was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by this scheme); or
- (b) that the Valuation Tribunal or a court has taken a different view of the law from that previously understood and applied.

(19) An application under this part which has been refused may not be renewed.

### **Change of circumstances where state pension credit in payment**

#### **108**

(1) Sub-paragraphs (2) and (3) apply where--

- (a) the applicant is in receipt of state pension credit;

- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in--

- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which--
  - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
  - (ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces--

- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which--
  - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
  - (ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which--

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is--

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph--

"official error" means an error made by--

- (a) the authority or a person--
  - (i) authorised to carry out any function of the authority relating to this scheme; or
  - (ii) providing services relating to this scheme directly or indirectly to the authority; or
- (b) an officer of--
  - (i) the Department for Work and Pensions; or
  - (ii) the Commissioners of Inland Revenue,

acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

"relevant calculation or estimate" means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

"relevant determination" means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

## Part 14

### Applications (Including Duties to Notify Authority of Change of Circumstances)

#### Making an application

109

(1) In the case of--

(a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or

(b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and--

(a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or

(c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)--

(a) it may at any time revoke the appointment;

(b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;

(c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

(7) The authority must--

(a) inform any person making an application of the duty imposed by paragraph 115(1)(a);

(b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

**Date on which an application is made**

**110**

- (1) Subject to sub-paragraph (7), the date on which an application is made is--

- (a) in a case where--

- (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

- (b) in a case where--

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where--

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (d) in a case where--

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (e) in a case where--



- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
- (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under--

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)-

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that--

(a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies--

(i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than--

(a) in the case of an application made by--

(i) a pensioner, or

(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance.

#### **Back-dating of applications: pensioners**

#### **111**

(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

#### **Back-dating of applications: persons who are not pensioners**

#### **112**

(1) Where an applicant who is a person who is not a pensioner--

(a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of--

- (a) the first day from which the applicant had continuous good cause;
- (b) the day 6 months before the date the application was made;
- (c) the day 6 months before the date when the applicant requested that the application should include a past period.

### Information and evidence

#### 113

(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

(2) This sub-paragraph is satisfied in relation to a person if--

- (a) the application is accompanied by--
  - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
  - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by--
  - (i) evidence of the application for a national insurance number to be so allocated; and
  - (ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply--

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who--
  - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
  - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
  - (iii) has not previously been allocated a national insurance number.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must--
- (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
  - (b) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.
- (7) This sub-paragraph applies to any of the following payments--
- (a) a payment which is--
    - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
    - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
  - (b) a payment which is disregarded under paragraph 16 of Schedule 9 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);
  - (c) a payment which is disregarded under paragraph 30(9)(b) or (c) (payment made under certain trusts etc) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom a reduction under this scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information--
- (a) the name and address of the pension fund holder;
  - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

#### **Amendment and withdrawal of application**

##### **114**

- (1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.
- (3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.
- (4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

### **Duty to notify changes of circumstances**

#### **115**

(1) Subject to sub-paragraphs (3), and (9), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time--

- (a) between the making of an application and a decision being made on it, or
- (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.

(2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a "relevant change of circumstances") by giving notice to the authority--

- (a) in writing; or
- (b) by telephone--
  - (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
  - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
- (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

(3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying--

- (a) changes in the amount of council tax payable to the authority;
- (b) changes in the age of the applicant or that of any member of his family;
- (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.

(4) For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.

(5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a

member of his family is now no longer such a person because he has ceased to be a child or young person.

(6) The duty imposed on a person by sub-paragraph (1) includes--

- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
- (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report--

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report--

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of--
  - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or
  - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

## Part 15 Decisions by Authority

### Decision by authority

The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

**Notification of decision**

**117**

- (1) The authority must notify in writing any person affected by a decision made by it under this scheme--
  - (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
  - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement--
  - (a) informing the person affected of the duty imposed by paragraph 115(1)(b);
  - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- (8) This sub-paragraph applies to--
  - (a) the applicant;
  - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act--
    - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
    - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
    - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

- (c) a person appointed by the authority under paragraph 109(3).

**Part 16**  
**Circumstances in Which a Payment May be Made**

**Payment where there is joint and several liability**

**118**

**(1) Where--**

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,

it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

**SCHEDULE 1**  
**PROCEDURAL MATTERS**

**Paragraph 11**

**Part 1**  
**Procedure for an Application for a Reduction Under this Scheme**

**Procedure by which a person may apply for a reduction under this scheme**

**1**

Paragraphs 2 to 7 apply to an application for a reduction under this scheme.

**2**

An application may be made--

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or



- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

**3**

- (1) An application which is made in writing must be made to the designated office on a properly completed form.
- (2) The form must be provided free of charge by the authority for the purpose.

**4**

Where an application made in writing is defective because--

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

- (2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

**5**

- (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

**6**

In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

**7**

- (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

**Part 2**  
**Procedure for Making an Appeal**

**Procedure by which a person may make an appeal against certain decisions of the authority**

**8**

A person who is aggrieved by a decision of the authority which affects--

- (a) the person's entitlement to a reduction under this scheme, or
- (b) the amount of any reduction under this scheme,

may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

**9**

The authority must--

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing--
  - (i) that the ground is not well founded, giving reasons for that belief; or
  - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

**10**

Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

**10A**

An appeal to the authority under paragraph 8 of this Part must be signed by the appellant and should be made within one calendar month of the date of notification of the authority's decision or the date of a written statement in accordance with sub-paragraph 117, whichever is the later.

**10B**

Subject to paragraph 10D, a late appeal may be considered where the conditions specified in paragraph 10C are satisfied. An appeal for the purposes of this paragraph shall include:

- (a) particulars of the disputed decision and the reasons for the failure to request a reconsideration on an earlier date, and
- (b) be made within 13 months of the date on which the decision was notified.

**10C**

In determining whether it is reasonable to grant an appeal for the purposes of paragraph 10B, the authority shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the date of notification of the authority's decision or the date of a written statement and the date the appeal is made, the more compelling should be the special circumstances on which the appeal is based. An appeal shall not be granted unless the authority is satisfied that--

- (a) the appeal has merit;
- (b) it is reasonable to grant the appeal; and
- (c) special circumstances are relevant and as a result of those special circumstances it was not practicable for the applicant to appeal within the one month time limit.

#### **10D**

In determining whether it is reasonable to grant an appeal, no account shall be taken of the following—

- (a) that the applicant was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by this scheme); or
- (b) that the Valuation Tribunal or a court has taken a different view of the law from that previously understood and applied.

#### **10E**

An appeal under this part which has been refused may not be renewed.

### **Part 3 Procedure for Applying for a Discretionary Reduction**

#### **Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act**

#### **11**

- (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
  - (a) in writing;
  - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
  - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where--
  - (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
  - (b) a person in that class would otherwise be entitled to a reduction under this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

### **Part 4 Electronic Communication**

#### **Interpretation**

12

In this Part--

"information" includes an application, certificate, notice or other evidence;

"official computer system" means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

#### **Conditions for the use of electronic communication**

13

- (1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- (4) The second condition is that the person uses an approved method of--
  - (a) authenticating the identity of the sender of the communication;
  - (b) electronic communication;
  - (c) authenticating any application or notice delivered by means of an electronic communication; and
  - (d) subject to sub-paragraph (7), submitting to the authority any information.
- (5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- (7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- (8) In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

#### **Use of intermediaries**

14

The authority may use intermediaries in connection with--

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

#### **Effect of delivering information by means of electronic communication**

15

(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed--

- (a) by this Part; and
- (b) by or under an enactment,

are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **Proof of identity of sender or recipient of information**

#### **16**

If it is necessary to prove, for the purpose of any legal proceedings, the identity of--

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

#### **Proof of delivery of information**

#### **17**

(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where--

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

#### **Proof of content of information**

#### **18**

If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

**SCHEDULE 2**  
**APPLICABLE AMOUNTS: PENSIONERS**

**Paragraph 25**

**Part 1**  
**Personal Allowances**

**Personal allowance**

**1**

The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a).

| <i>Column (1)</i><br><i>Person, couple or polygamous marriage</i>  | <i>Column (2)</i><br><i>Amount</i> |
|--|------------------------------------|
| (1) Single applicant or lone parent--  | (1)                                |
| (a) aged under 65;   | (a) £151.20;                       |
| (b) aged 65 or over.   | (b) £166.05.                       |
| (2) Couple--   | (2)                                |
| (a) both members aged under 65;  | (a) £230.85;                       |
| (b) one or both members aged 65 or over.   | (b) £248.28.                       |
| (3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65-- | (3)                                |
| (a) for the applicant and the other party to the marriage;   | (a) £230.85;                       |
| (b) for each additional spouse who is a member of the same household as the applicant.   | (b) £79.65.                        |
| (4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over--        | (4)                                |
| (a) for the applicant and the other party to the marriage;   | (a) £248.28;                       |
| (b) for each additional spouse who is a member of the same household as the applicant.   | (b) £82.26.                        |

**Child or young person amounts**

**2**

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

| <i>Column (1)</i> | <i>Column (2)</i> |
|-------------------|-------------------|
|-------------------|-------------------|

| <i>Child or young person</i>  | <i>Amount</i> |
|---|---------------|
| Person in respect of the period--   |               |
| (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;      | (a) £66.90;   |
| (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday. | (b) £66.90.   |

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## Part 2 Family Premium

### Family premium

#### 3

The amount for the purposes of paragraph 25(1)(c) in respect of a family of which at least one member is a child or young person is £17.45.

## Part 3 Premiums

#### 4

The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

#### 5

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for--

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with

section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

**Severe disability premium**

**6**

- (1) The condition is that the applicant is a severely disabled person.
- (2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if--
  - (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)--
    - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
    - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
    - (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for him;
  - (b) in the case of an applicant who has a partner--
    - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
    - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
    - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any of the members of the marriage.

- (3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.
- (4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.
- (5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.
- (6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of--
  - (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living



component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated--

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

(c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)--

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance include reference to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

### **Enhanced disability premium**

#### **7**

(1) The condition is that--

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

### **Disabled child premium**

#### **8**

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household--

- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

### **Carer premium**

#### **9**

- (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.
- (2) Where a carer premium has been awarded but--
  - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
  - (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is--
  - (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
  - (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.
- (4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

### **Persons in receipt of concessionary payments**

#### **10**

For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

### **Person in receipt of benefit**

#### **11**

For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

**Part 4**  
**Amounts of Premium Specified in Part 3**

12

(1) Severe Disability Premium--

| <i>Provision</i>  | <i>Amount</i>   |
|---|---|
| (a) where the applicant satisfies the condition in paragraph 6(2)(a);   | (a) £61.85;   |
| (b) where the applicant satisfies the condition in paragraph 6(2)(b)--  | (b)   |
| (i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7); | (i) £61.85;   |
| (ii) in a case where there is no-one in receipt of such an allowance.   | (ii) £123.70.   |
| (2) Enhanced disability premium.  | (2) £24.43 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied. |
| (3) Disabled Child Premium.   | (3) £60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied    |
| (4) Carer Premium.  | (4) £34.60 in respect of each person who satisfies the condition specified in paragraph 9.                                    |

**SCHEDULE 3**  
**APPLICABLE AMOUNTS: PERSONS WHO ARE NOT PENSIONERS**

Paragraph 26

**Part 1**  
**Personal Allowances**

1

The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)--

| <i>Column (1)</i><br><i>Person or couple</i> | <i>Column (2)</i><br><i>Amount</i> |
|--|------------------------------------|
| (1) A single applicant who--                 | (1)                                |
| (a) is entitled to main phase employment and | (a) £71.70;                        |

support allowance;

|  |              |
|--|--------------|
| (b) is aged not less than 25;                  | (b) £71.70;  |
| (c) is aged not less than 18 but less than 25. | (c) £56.80.  |
| (2) Lone parent.                               | (2) £71.70.  |
| (3) Couple.                                    | (3) £112.55. |

---

## 2

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if--

- (a) paragraph 18 is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

## 3

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)--

| <i>Column (1)</i><br><i>Child or Young person</i>   | <i>Column (2)</i><br><i>Amount</i> |
|---|------------------------------------|
| Person in respect of the period--   |                                    |
| (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;      | £65.62                             |
| (b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday. | £65.62                             |

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(2) In column (1) of the table in sub-paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

## Part 2 Family Premium

## 4

(1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is--

- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;
- (b) in any other case, £17.40.

(2) The amount in sub-paragraph (1)(a) is applicable to a lone parent--

- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit

(Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or

- (b) on becoming entitled to council tax benefit where that lone parent--
  - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
  - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998--

- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to
  - (i) council tax benefit (in relation to the period prior to 1st April 2013), and
  - (ii) a reduction under a scheme made by this authority (in relation to the period commencing on 1st April 2013);
- (b) the applicant has not ceased to be a lone parent;
- (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
- (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
- (e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and--

- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
- (b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

### Part 3 Premiums

## 5

Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.

6

Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.

7

The following premiums, namely--

- (a) a severe disability premium to which paragraph 11 applies;
- (b) an enhanced disability premium to which paragraph 12 applies;
- (c) a disabled child premium to which paragraph 13 applies; and
- (d) a carer premium to which paragraph 14 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

8

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for--

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

#### **Disability premium**

9

The condition is that--

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or
- (b) where the applicant has a partner, either--
  - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or

- (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

**Additional condition for the disability premium**

**10**

- (1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either--

- (a) the applicant or, as the case may be, his partner--

- (i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

- (ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to--

- (aa) council tax benefit (in relation to the period prior to 1st April 2013, and

- (bb) a reduction under a scheme made by this authority (in relation to the period commencing on 1st April 2013), and

if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

- (iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

- (iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

- (v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

- (vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972; or

- (vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

- (b) the applicant--

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than--

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)--

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

### **Severe disability premium**

#### **11**

(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if--



(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)--

(i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and

(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;

(b) in the case of an applicant who has a partner--

(i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of--

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated--

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

### **Enhanced disability premium**

## **12**

(1) Subject to sub-paragraph (2), the condition is that--

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of--

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of--

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is--

(a) an applicant who--

(i) is not a member of a couple or a polygamous marriage; and

(ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

(b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

### **Disabled child premium**

## **13**

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household--

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

### **Carer premium**

**14**

- (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.
- (2) Where a carer premium is awarded but--
  - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
  - (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is--
  - (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
  - (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.
- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which--
  - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
  - (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

### **Persons in receipt of concessionary payments**

**15**

For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

### **Persons in receipt of benefit for another**

#### **16**

For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

### **Part 4 Amounts of Premiums Specified in Part 3**

#### **17**

##### **(1) Disability Premium--**

| <i>Premium</i>   | <i>Amount</i>  |
|--|--|
| (a) where the applicant satisfies the condition in paragraph 9(a);   | (a) £31.00;  |
| (b) where the applicant satisfies the condition in paragraph 9(b).   | (b) £44.20.  |
| (2) Severe Disability Premium--  | (2)  |
| (a) where the applicant satisfies the condition in paragraph 11(2)(a);   | (a) £59.50;  |
| (b) where the applicant satisfies the condition in paragraph 11(2)(b)--  |  |
| (i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5); | (b)(i) £59.50;   |
| (ii) in a case where there is no-one in receipt of such an allowance.  | (b)(ii) £119.00.   |
| (3) Disabled Child Premium.  | (3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.   |
| (4) Carer Premium.   | (4) £33.30 in respect of each person who satisfies the condition specified in paragraph 14.                                    |
| (5) Enhanced disability premium  | (5)  |
|  | (a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied; |
|  | (b) £15.15 in respect of each person who is neither--  |
|  | (i) a child or young person; nor   |
|  | (ii) a member of a couple or a polygamous marriage,  |
|  | in respect of whom the conditions specified in paragraph 12 are satisfied;   |

- (c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.
- 

## **Part 5**

### **The Components**

#### **18**

Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if--

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either--
  - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
  - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

#### **19**

Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

#### **20**

- (1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.
- (2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

#### **The work-related activity component**

#### **21**

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

#### **The support component**

#### **22**

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

**Part 6**  
**Amount of Components**

**23**

The amount of the work-related activity component is £28.45.

**24**

The amount of the support component is £34.80.

**Part 7**  
**Transitional Addition**

**25**

(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")--

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008 and--
  - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008; and
  - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

**26**

(1) This paragraph applies where--

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under--
  - (i) paragraph 25(2)(b);

- (ii) sub-paragraph (3)(b); or
- (iii) paragraph 27(3)(b);

(b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;

(c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and

(d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

## 27

(1) This paragraph applies where--

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under--

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

## **Part 8**

### **Amount of Transitional Addition**

#### **28**

(1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person--

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations--

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).

#### **29**



- (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.
- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

#### SCHEDULE 4

#### AMOUNT OF ALTERNATIVE MAXIMUM COUNCIL TAX REDUCTION: PENSIONERS AND PERSONS WHO ARE NOT PENSIONERS

#### Paragraph 31

1

(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners and persons who are not pensioners) is determined in accordance with Table 1 and Table 2 and in these Tables--

- (a) "second adult" means any person or persons residing with the applicant to whom paragraph 15(2) (class C) or 18(2) (class F) (as the case may be) applies; and
- (b) "persons to whom paragraph 75(1) of this scheme applies" includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule "council tax due in respect of that day" means the council tax payable under section 10 of the 1992 Act less--

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of Table 1 or Table 2 below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

**Table 1**

#### Pensioners

| (1)<br><i>Second adult</i>   | (2)<br><i>Alternative maximum council tax reduction</i>        |
|--|--|
| (a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;  | (a) 25 per cent of the council tax due in respect of that day; |
| (b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance-- | (b)  |
| (i) is less than £187.00 per week;   | (i) 15 per cent of the council tax due in respect              |

- |  |  |
|--|--|
| <p>(ii) is not less than £187.00 per week but less than £243.00 per week;</p> <p>(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.</p> | <p>of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p> <p>(c) 100 per cent of the council tax due in respect of that day.</p> |
|--|--|
- 

**Table 2****Persons who are not pensioners**

| (1)<br><i>Second adult</i>  | (2)<br><i>Alternative maximum council tax reduction</i>   |
|---|---|
| <p>(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;</p> <p>(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance--</p> <p>(i) is less than £183.00 per week;</p> <p>(ii) is not less than £183.00 per week but less than £239.00 per week;</p> <p>(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.</p> | <p>(a) 25 per cent of the council tax due in respect of that day;</p> <p>(b)</p> <p>(i) 15 per cent of the council tax due in respect of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p> <p>(c) 100 per cent of the council tax due in respect of that day.</p> |

---

**2**

In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income--

- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be

calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

(c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

### 3

Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

## SCHEDULE 5 SUMS DISREGARDED FROM APPLICANT'S EARNINGS: PENSIONERS

### Paragraph 40

#### 1

Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to--

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

#### 2

In a case where an applicant is a lone parent, £25 of earnings.

#### 3

(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment--

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If--

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and

- (b) either of them has, or both of them have, other earnings,

so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

#### 4

- (1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.
- (3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

#### 5

- (1) £20 is disregarded if the applicant or, if he has a partner, his partner--
- (a) is in receipt of--
- (i) long-term incapacity benefit under section 30A of the SSCBA;
  - (ii) severe disablement allowance under section 68 of that Act;
  - (iii) attendance allowance under sections 64 of that Act;
  - (iv) disability living allowance;
  - (v) personal independence payment;
  - (vi) an AFIP;
  - (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
  - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
  - (ix) main phase employment and support allowance; or
- (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than--
- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
  - (ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either--

- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
- (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or Regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and--

- (a) £20 was disregarded in respect of earnings taken into account in that award; and
- (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's--

- (a) entitlement to housing benefit; or
- (b) receipt of a reduction under a council tax reduction scheme; or
- (c) employment,

following the first day in respect of which that benefit is awarded under this scheme.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

## 6

(1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is--

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in--

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or Regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

## 7

Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

## 8

Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule--

- (a) £5 is to be disregarded if an applicant who has no partner has earnings;
- (b) £10 is to be disregarded if an applicant who has a partner has earnings.

## 9

Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

## 10

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that--

(a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant--

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) if he is a member of a couple--

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium under paragraph 3 of Schedule 2; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)--

(a) any amount disregarded under this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

## 11

Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

### SCHEDULE 6

#### AMOUNTS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS: PENSIONERS

#### Paragraph 40

## A1

The whole of any amount of the following--

(a) a war disablement pension;

(b) a war widow's pension or war widower's pension.

**1**

In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following--

- (a) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (b) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (c) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (d) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- (e) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**2**

The whole of any amount included in a pension to which paragraph 1 relates in respect of--

- (a) the applicant's need for constant attendance;
- (b) the applicant's exceptionally severe disablement.

**3**

Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

**4**

Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

**5**

In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**6**

- (1) Any payment which is--



(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person--

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

**7**

£15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

**8**

£15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

**9**

Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to--

(a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

**10**

If the applicant--

(a) owns the freehold or leasehold interest in any property or is a tenant of any property; and

(b) occupies a part of that property; and

(c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and--

(i) the amount paid by that person is less than £20 per week, the whole of that amount; or

(ii) the amount paid is £20 or more per week, £20.

**11**

Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions--

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as "the annuitants") who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to--

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

## 12

- (1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.
- (2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of--
  - (a) obtaining food, ordinary clothing or footwear or household fuel;
  - (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
  - (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.
- (3) In a case to which sub-paragraph (2) applies, £20 or--
  - (a) if the payment is less than £20, the whole payment;
  - (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
  - (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and--
    - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
    - (ii) he has a disregard under paragraph 1(a) to (g), nil.
- (4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

## 13

Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

**14**

Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

**15**

Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

**16**

Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**17**

Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

**18**

Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating--

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

**19**

- (1) Where the applicant is the parent of a student aged under 25 in advanced education who either--
  - (a) is not in receipt of any award, grant or student loan in respect of that education; or

(b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to--

- (a) the weekly amount of the payments; or
- (b) £57.90 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

## 20

(1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

## 21

Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

## 22

Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

## 23

Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

## 24

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

## SCHEDULE 7

**SUMS DISREGARDED IN THE CALCULATION OF EARNINGS: PERSONS WHO ARE NOT PENSIONERS****Paragraph 53****1**

In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged--

(a) where--

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except--

(i) any payment of the nature described in--

- (aa) paragraph 51(1)(e) (retainer), or
- (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in--

- (aa) paragraph 51(1)(g) or (i) (compensation etc relating to employment), or
- (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme--

- (i) the employment has not been terminated, but
- (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

**2**

In the case of an applicant who, before the first day of entitlement to a reduction under this scheme--

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except--

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

### 3

In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

### 4

(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where--

(a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and

(b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

### 5

In a case where the applicant is a lone parent, £25.

### 6

(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

**7**

Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment--

- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
- (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

**8**

In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

**9**

(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as--

- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment--

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

**10**

Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other em-

ployment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

## 11

In a case to which none of the paragraphs 4 to 10 applies, £5.

## 12

### (1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

### (5) This sub-paragraph applies to a person who is--

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

### (6) "Exempt work" means work of the kind described in--

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.



(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

**13**

Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

**14**

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

**15**

Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

**16**

Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

**17**

Any earnings of a child or young person.

**18**

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that--

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant--

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and--

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or

- (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
  - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and--
    - (aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
    - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
  - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)--
- (a) the amount calculated as disregarded from the applicant's earnings under paragraphs 4 to 12;
  - (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
  - (c) £17.10.
- (4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

## 19

In this Schedule "part-time employment" means employment in which the person is engaged on average for less than 16 hours a week.

### SCHEDULE 8

#### SUMS DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS: PERSONS WHO ARE NOT PENSIONERS

#### Paragraph 54

## 1

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.

## 2

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.

## 3

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.

**4**

Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).

**5**

Any payment in respect of any expenses incurred or to be incurred by an applicant who is--

- (a) engaged by a charitable or voluntary organisation, or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).

**6**

Any payment in respect of expenses arising out of the applicant's participation in a service user group.

**7**

In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

**8**

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.

**9**

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

**10**

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

**11**

Any disability living allowance, personal independence payment or an AFIP.

**12**

Any concessionary payment made to compensate for the non-payment of--

- (a) any payment specified in paragraph 11 or 14;
- (b) income support;
- (c) an income-based jobseeker's allowance;
- (d) an income-related employment and support allowance.

**13**

Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

**14**

Any attendance allowance.

**15**

Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

**16**

(1) Any payment--

- (a) by way of an education maintenance allowance made pursuant to--
  - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
  - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
  - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to--
  - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
  - (ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to--

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or

- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**17**

Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.

**18**

(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment--

- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
- (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

**19**

(1) Subject to sub-paragraph (2), any of the following payments--

- (a) a charitable payment;
- (b) a voluntary payment;
- (c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
- (d) a payment under an annuity purchased--
  - (i) pursuant to any agreement or court order to make payments to the applicant; or
  - (ii) from funds derived from a payment made,

in consequence of any personal injury to the applicant; or

- (e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by--
- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
  - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

**19A**

The whole of any amount of the following--

- (a) a war disablement pension;
- (b) a war widow's pension or war widower's pension.

**20**

Subject to paragraph 40, £10 of any of the following, namely--

- (a) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (b) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (c) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (d) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (e) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

**21**

Subject to paragraph 40, £15 of any--

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

**22**

(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of--

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or

(b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of "water charges" in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

## 23

Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating--

(a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;

(b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

(c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

## 24

(1) Where the applicant is the parent of a student aged under 25 in advanced education who either--

(a) is not in receipt of any award, grant or student loan in respect of that education; or

(b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to--

(a) the weekly amount of the payments; or

(b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

## 25

Any payment made to the applicant by a child or young person or a non-dependant.

## 26

Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family--

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

**27**

Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to--

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

**28**

- (1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to "income in kind" does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

**29**

Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

**30**

- (1) Any payment made to the applicant in respect of a person who is a member of his family--
  - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
  - (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
  - (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
  - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);



(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

**31**

Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made--

- (a) by a local authority under--
  - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
  - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
  - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

**32**

Any payment made to the applicant or his partner for a person ("the person concerned"), who is not normally a member of the applicant's household but is temporarily in his care, by--

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

**33**

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

**34**

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A--
- (a) was formerly in the applicant's care, and
  - (b) is aged 18 or over, and
  - (c) continues to live with the applicant.

**35**

- (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments--
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
  - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to--
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
  - (b) meet any amount due by way of premiums on--
    - (i) that policy; or
    - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

**36**

Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

**37**

Any--

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

**38**

Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

**39**

Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

**40**

The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

#### 41

(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either--
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either--
  - (i) to that person's parent or step-parent, or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

#### **42**

Any housing benefit.

#### **43**

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

#### **44**

Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

#### **45**

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

#### **46**

(1) Any payment or repayment made--

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

**47**

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

**48**

Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

**49**

(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

**50**

(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1)--

"child maintenance" means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under--

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

"liable relative" means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

**51**

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

**52**

Any guardian's allowance.

**53**

(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

**54**

Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

**55**

In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

**56**

(1) Any payment which is--

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person--

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

**57**

Any council tax benefit to which the applicant is entitled.

**58**

Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

**59**

Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

**60**

(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person--

- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

**61**

(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**62**

Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

**63**

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

**64**

Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

**65**

(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

**66**

Any payment of child benefit.

**SCHEDULE 9**  
**CAPITAL DISREGARDS: PENSIONERS**

**Paragraph 63**

**Part 1**  
**Capital to be Disregarded**

**1**

Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

**2**

Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

**3**

Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

**4**



Any premises occupied in whole or in part--

- (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

**5**

Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

**6**

Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

**7**

Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

**8**

All personal possessions.

**9**

The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.

**10**

The assets of any business owned in whole or in part by the applicant if--

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

**11**

The surrender value of any policy of life insurance.

**12**

The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which--

- (a) the applicant makes one or more payments to another person ("the provider");
- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

**13**

Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of--

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

**14**

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is--

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to--

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is--

- (a) the diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to--

- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person--

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph--

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

## 15

The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner--

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

## 16

(1) Any payment made under or by--

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as "the Trusts"); or

(b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of that person's partner or former partner--

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if--

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where--

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and

(b) the payment is made either--

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts, where--

(a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either--

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

**17**

(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered--

- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
- (b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

**18**

Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.

**19**

Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

**20**

So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of--

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

**21**

(1) Subject to paragraph 22 any amount paid--

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;

- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001;
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph "occasional assistance" has the same meaning as in paragraph 16 of Schedule 1).

(2) In sub-paragraph (1), "benefit" means--

- (a) attendance allowance under section 64 of the Act;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA; or
- (q) universal credit.

## 22

(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under--

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;

- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013;

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.

(4) In this paragraph--

"the award", except in sub-paragraph (2), means--

- (a) the award of a reduction under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant--
  - (i) is the person who received the relevant sum;
  - (ii) is the partner of that person; or
  - (iii) was the partner of that person at the date of his death;

"official error"--

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

"the relevant date" means the date on which the application for a reduction under this scheme was made;

"relevant benefit" means any benefit specified in paragraph 21(2); and

"the relevant sum" means the total amount referred to in sub-paragraph (1).

## 23

Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

## 24

The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

## 25

Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

**26**

The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.

**27**

- (1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.
- (2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

**28**

Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to--

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

**29**

Any payments made by virtue of regulations made under--

- (a) section 57 of the Health and Social Care Act 2001 (direct payments);
- (b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments).

**29A**

A payment made under the Age-Related Payments Regulations 2013.

**Part 2**  
**Capital Disregarded Only for the Purposes of Determining Deemed Income**

**30**



The value of the right to receive any income under a life interest or from a life rent.

**31**

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**32**

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**33**

Where property is held under a trust, other than--

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

# **SCHEDULE 10** **CAPITAL DISREGARDS: PERSONS WHO ARE NOT PENSIONERS**

## **Paragraph 63**

**1**

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

**2**

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

**3**

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

**4**

The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

**5**

Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

**6**

Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

**7**

Any premises occupied in whole or in part--

- (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

**8**

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

**9**

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

**10**

Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

**11**

- (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
- (2) The assets of any business owned in whole or in part by the applicant where--
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

## 12

(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of--

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as "the relevant sum") and is--

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), "the period of an award of a reduction under this scheme" means--

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant--
  - (i) is the person who received the relevant sum; or
  - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

**13**

Any sum--

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

**14**

Any sum--

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

**15**

Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

**16**

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

**17**

Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

**18**

(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)--

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;

(b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

## 19

The value of the right to receive any income under a life interest or from a life rent.

## 20

The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

## 21

The surrender value of any policy of life insurance.

## 22

Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

## 23

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

## 24

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A--

(a) was formerly in the applicant's care, and

(b) is aged 18 or over, and

(c) continues to live with the applicant.

**25**

Any--

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

**26**

Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

**27**

Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

**28**

Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

**29**

(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if--

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either--
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either--
  - (i) to that person's parent or step-parent; or
  - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

### 30

(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the

dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

**31**

Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

**32**

Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

**33**

Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

**34**

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

**35**

The value of the right to receive an occupational or personal pension.

**36**

The value of any funds held under a personal pension scheme.

**37**

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

**38**

Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

**39**



Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

**40**

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

**41**

Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used--

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

**42**

Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

**43**

(1) Any payment or repayment made--

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

**44**

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

**45**

Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

**46**

Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

**47**

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

**48**

Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

**49**

- (1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.
- (2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

**50**

- (1) Any sum of capital to which sub-paragraph (2) applies and--
  - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of any such court; or
  - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from--
  - (a) an award of damages for a personal injury to that person; or
  - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**51**

Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from--

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

**52**

Any payment to the applicant as holder of the Victoria Cross or George Cross.

**53**

In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

**54**

- (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

**55**

- (1) Any payment--
  - (a) by way of an education maintenance allowance made pursuant to--
    - (i) regulations made under section 518 of the Education Act 1996;
    - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
    - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
  - (b) corresponding to such an education maintenance allowance, made pursuant to--
    - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
    - (ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to--

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

**56**

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

**57**

Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

**58**

Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of--

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

**59**

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is--

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to--

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

(c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending--

(i) two years after that date; or

(ii) on the day before the day on which that person--

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is--

(a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to--

(a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or

(c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending--

(i) two years after that date; or

(ii) on the day before the day on which that person--

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person--

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbey-field Home or an independent hospital on that date.

(6) In this paragraph--

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

## 60

The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner--

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

## 61

(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes in England a county council.

## 62

Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

## 63

Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

## EXPLANATORY NOTE

*(This note is not part of the Scheme)*

Section 13A of the Local Government Finance Act 1992 ("the 1992 Act"), substituted by section 10 of the Local Government Finance Act 2012 ("the 2012 Act"), requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the authority considers are in financial need.

Haringey Council's Scheme as set out above was approved by the authority on **[INSERT DATE]**. It is based upon the default scheme prescribed by the Secretary of State, with local amendment.

### The Scheme

Parts 1 and 2 contain introductory provisions and definitions of key words and phrases. Part 3 and Schedule 1 contains the procedure for reduction applications and appeals. Parts 4 and 5 specify the classes of person entitled and not entitled to a reduction under the scheme, respectively. At Part 4 a minimum weekly Council Tax Support award of £1 has been introduced.

Parts 6 to 9 and Schedules 2 to 4 set out matters relevant to determining eligibility for a reduction and the amount of reduction under the scheme. Part 7 provides for applicants of working-age to have their Council Tax support assessed against 80.2% of their council tax liability, save for this is receipt of defined disability benefits.

Part 10 and Schedules 5 to 10 set out how income and capital of the applicant and others is treated in calculating eligibility for a reduction, including in cases where an applicant or partner has an award of universal credit. Schedules 6 and 8 provide for war pensions to be fully disregarded for the purposes of calculating income for all claimants. Part 11 provides for the application of the scheme to students. Part 12 provides for extended reductions in certain circumstances and Part 13 sets out when entitlement begins and how a change in circumstances affects any reduction.

Part 14 of the scheme provides for the making of an application for a reduction. Part 15 sets out the time within which an authority must make its decision on the application and provides for notification of the decision. Part 16 makes provisions about the payment of a reduction in certain circumstances.

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### **Appendix D – Breakdown of Options Considered**

We have considered a number of options for the overall scheme. Some of these were proposed by respondents to the consultation for the 2013/14 scheme. These options are listed below with a short summary indicating why it is felt they are not appropriate.

#### **Increase the overall % level of Council Tax Support**

The Council recognises that this option would reduce the financial burden for those in receipt of Council Tax Support. However, if we increased the % of support (so customers pay less) this would need to be funded by the Council and there is already a projected shortfall in the Council's budget for 2016/17 of approximately £37m. Unless the Council is able to adopt additional mitigating measures, this financial pressure is likely to continue into 2017/18 and beyond.

The projected shortfall if Haringey were to fully absorb the cost of providing maximum entitlement to a Council Tax reduction (therefore allowing affected claimants to receive 100% support) would be an estimated £ 1.7m for 2016/17.

We modelled financial data looking at a level of 85% support (by way of an increase from the current 80.2% support). This would result in an additional cost of £ 0.65m to the Council.

Increasing or removing the percentage of support would result in monies having to be found from other sources namely

- 1) Cutting services
- 2) Using reserves
- 3) Increasing Council Tax

These options were not considered viable for the reasons set out below.

First, cutting services would have a negative impact on residents who could potentially suffer from reduced services as a result. As highlighted above, the Council is already projecting an underlying budget pressure of £37m for 2016/17, which is likely to impact upon the budget position for 2017/18.

Second, whilst the total estimated level of reserves at end of March 2015 (as per annual statement 15-16) is £109m, 77% of these are restricted or earmarked with only £25m (23%) estimated for the general reserve. This general reserve is held to cover unexpected liabilities and risks not to support on-going revenue shortfalls. Funding additional support by way of utilising reserves is not a viable option and goes against financial prudence.

There are already financial pressures in the current 2016/17 financial year, associated with delivering the significant savings programme necessary following the loss of central government grant. Further savings are scheduled for 2017/18, and given the current year position this presents an on-going risk.



Third, the Council can only increase Council Tax up to 2% without triggering a referendum which would be costly both in terms of time and financial resources. For 2016/17 Haringey already had the 6<sup>th</sup> highest Council Tax in London

#### Decrease the overall % level of Council Tax Support

If we decreased the % of support (so customers pay more) we could increase the amount potentially collected by the Council by way of Council Tax, having a positive impact on the Council's budget. However this could have a significantly detrimental impact on customers who would have to pay a higher amount towards their Council Tax and for this reason this option is not recommended.

#### Protecting Certain Vulnerable Groups

In addition to protecting those in receipt of certain disability benefits, other options have been considered as listed below. We have taken the average amount people currently have to pay as £5.65 per week. The figures below show the additional amount remaining claimants would have to pay if any of the options were implemented.

- *Households with children*
  - This option would leave the remaining claimant paying an average additional amount of £8.15 per week
- *Households with a child under one*
  - This option would leave the remaining claimant paying an average additional amount of £0.60 per week
- *Households with a child under five*
  - This option would leave the remaining claimant paying an average additional amount of £2.14 per week
- *Households with **more than** three children*
  - This option would leave the remaining claimant paying an average additional amount of £0.40 per week
- *Households with a lone parent*
  - This option would leave the remaining claimant paying an average additional amount of £3.44 per week

#### Protecting band A-C properties

This option would leave the remaining claimant paying an average additional amount of £16.06 per week

#### Protecting claimants who are working but on low income.

This option would leave the remaining claimant paying an average additional amount of £3.45 per week

#### Protecting claimants in receipt of Single Person's Discount

This option would leave the remaining claimant paying an average additional amount of £3.81 per week



The above options are all not recommended as providing additional support for some groups will need to be funded by the Council or by other claimants paying more, this is not viable for the reasons set out above.

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## Equality Impact Assessment

|   |  |  |                               |
|---|--|--|-------------------------------|
| Name of Project                           | Council Tax Reduction Scheme for 2017/18 | Cabinet meeting date<br><i>If applicable</i> | 18 <sup>th</sup> October 2016 |
| Service area responsible                  | Shared Service Centre                    |  |                               |
| Name of completing officer                | Carla Segel                              | Date EqlA created                            | July 2016                     |
| Approved by Director / Assistant Director | Mark Rudd / Tracie Evans                 | Date of approval                             |                               |

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a 'Specific Duty' to publish information about people affected by our policies and practices.

**All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.**

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

| Stage 1 – Names of those involved in preparing the EqIA |                                     |    |
|---|-------------------------------------|----|
| 1. Project Lead   | Carla Segel                         | 5. |
| 2. Equalities / HR                                      | Kathryn Booth                       | 6. |
| 3. Legal Advisor  | Gina Clark                          | 7. |
| 4. SSC  | Rupinder Shergill / Jacqui McIntosh | 8. |

**Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening** (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

As per the information contained within the main report, the proposal to maintain the current Council Tax Reduction Scheme into 2017/18, will mean that all working-age non protected claimants will have to pay something towards their Council Tax bill. Pensioners and those in receipt of certain disability benefits will continue to be protected

As detailed in this EQIA, there is mitigation in place for those impacted by the changes, however it is recognised and understood that the reduction of Council Tax Support has had and will continue to have a negative impact on many vulnerable groups. As no change is proposed for 2017/18, it is expected that people will be similarly affected as at present, so we will continue to use existing support mechanisms for our customers, and will seek to build upon these. We will routinely check our progress with those customers who tell us they have difficulty in paying, to ensure that we can come up with the best solution to meet their needs. We note the cumulative impact that may arise alongside other welfare reform changes such as the benefit cap and LHA rate changes which are likely to put additional pressure on vulnerable groups.

The Government guidelines protect pensioners whose entitlement will be maintained at their current rates, hence they are excluded from this EqIA.

### **Duty to vulnerable groups**

In “Localising Support for Council Tax: Vulnerable People – key local authority duties,” the Government was clear that in addition to their public sector equality duty, there were additional duties which the Council would have to have in regards to developing its Council tax Support scheme. These are described in that document as “Vulnerable people – key local authority duties” and include the following key areas:

- **Duty under the Child Poverty Act 2010**
- **Public sector equality duty – disability**
- **Armed Forces Covenant - war pension and compensation payments**
- **Duty to prevent homelessness**

This Equalities Impact Assessment reviews each of these areas in more detail and gives statistics where they are held. Although equalities data is routinely asked for new applicants, this data is not mandatory and so the information we hold does not give a complete picture of claimants.

For this EqlA, we have used available equality data on claimants on the Council's Revenues and Benefits IT system: I-World. Our records shows that as at June 2016 there are a total of 28,000 households receiving Council Tax Support, of which 12,300 are not protected and as a result have an amount to pay.

Approximately 55% are pensioners or in receipt of certain disability premiums and as such will continue to receive the same level of support as they did previously. Approximately 27% currently receive support for Council Tax payments capped at 80.2%. Families are particularly affected with almost 26% having at least one dependent under 16.

The table at Appendix A shows the available breakdown of claimants as at June 2016.

#### **Unrecorded protected characteristics**

The protected characteristics of gender reassignment, sexual orientation, marriage and civil partnership, religion and belief and pregnancy and maternity are not currently recorded in the Revenues and Benefits IT system as they do not form part of the application criteria. Prior to the Equality Act 2010, these characteristics were not covered by public sector equality duty, hence there was no requirement to record them in the system and as a result, no historical data exists relating to them. This data is routinely asked for as part of the new application processes, however it is not mandatory.

Although the full extent of the impact of the proposed scheme on individuals with these characteristics is not able to be fully shown in this EqlA, we have been able to make estimates of impact and proposed mitigation.

#### **Recorded unprotected characteristics**

This EqlA also covers the impact on claimants with dependents, lone parents, economically inactive claimants and a comparison of impact between the east and the west of the borough.

Our analysis shows that of the claimants most likely to be impacted by the continuation of the scheme:

- 52% are in the 25-44 age group
- 42% are in the 45-59 age group
- 7% have 3 or more dependents
- 56% of claimants' have children aged 0-16
- 38% are lone parents
- 62% are women

48% of those with ethnicity recorded are non white and 52% white British and other white

#### **Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment**

Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

| Data Source (include link where published)                   | What does this data include? |
|--|------------------------------|
| This change relates to Haringey residents and not employees. |                              |

#### Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment

This section to be completed where there is a change to the service provided

| Data Source (include link where published)   | What does this data include?                                    |
|--|---|
| Northgate iWorld Council Tax Reduction Analysis tool.<br>This data is shown in this document as Appendix A | Age, Disability, Gender, Ethnicity, responsibility for children |

#### Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:

Positive and negative impacts identified will need to form part of your action plan.

|                            | Positive                      | Negative                                    | Details   | None – why?  |
|----------------------------|-------------------------------|---|---|--|
| <b>Sex</b>                 |                               | More women (62%) will be affected than men. | 4,655 Lone parents are impacted by the scheme, the majority of lone parents are women.<br>Lone parents are likely to be disproportionately affected by any changes to the scheme as they are on a low income and may already be impacted by other welfare reform changes. |  |
| <b>Gender Reassignment</b> |                               |   |   | No data is available as this information is not collected as part of the CTRS application process. |
| <b>Age</b>                 | Pensioners will be protected. | Working age claimants will be affected,     |   |  |



|  |   |   |  |  |
|--|---|---|--|--|
|  |   | mostly within the age range 25-44 with 52%, followed by the age range 45 – 59, with 42%                           |  |  |
| <b>Disability</b>                        | <p>Disabled people will continue to be protected from the changes if they are in receipt of certain disability related benefits.</p> <p>24% of recipients of CTRS are in receipt of these disability related benefits</p> |   | There are no plans to change the protection for disabled people  |  |
| <b>Race &amp; Ethnicity</b>              |   | Of the information we hold, it appears that white British and other white as a whole would be most affected (52%) | Of the information we hold, 48% of CTR recipients are non white British  | The data does not reflect the complete picture as this information is not a mandatory part of the application process. |
| <b>Sexual Orientation</b>                |   |   |  | No data is available as this information is not collected as part of the CTRS application process.                     |
| <b>Religion or Belief (or No Belief)</b> |   |   |  | No data is available as this information is not collected as part of the CTRS application process.                     |
| <b>Pregnancy &amp; Maternity</b>         |   |   | Although this data is not collected as part of the CTRS application process, we have used the information we hold to make an estimate of the likely impact. 1,170 claimants impacted by the scheme have a child under 1. |  |

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| <b>Marriage and Civil Partnership<br/>(note this only applies in relation to eliminating unlawful discrimination (limb 1))</b> |  |  |  | No data is available as this information is not collected as part of the CTRS application process. |

**Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups: Positive and negative impacts identified will need to form part of your action plan.**

|  | <b>Positive</b> | <b>Negative</b> | <b>Details</b> | <b>None – why?</b>     |
|--|-----------------|-----------------|----------------|------------------------|
| <b>Sex</b>                               |                 |                 |                | Employees not affected |
| <b>Gender Reassignment</b>               |                 |                 |                | Employees not affected |
| <b>Age</b>                               |                 |                 |                | Employees not affected |
| <b>Disability</b>                        |                 |                 |                | Employees not affected |
| <b>Race &amp; Ethnicity</b>              |                 |                 |                | Employees not affected |
| <b>Sexual Orientation</b>                |                 |                 |                | Employees not affected |
| <b>Religion or Belief (or No Belief)</b> |                 |                 |                | Employees not affected |
| <b>Pregnancy &amp; Maternity</b>         |                 |                 |                | Employees not affected |
| <b>Marriage and Civil Partnership</b>    |                 |                 |                | Employees not affected |

| <b>Stage 6 - Initial Impact analysis</b>   | <b>Actions to mitigate, advance equality or fill gaps in information</b>  |
|--|---|
| <b>Protected characteristic: Age</b>   |   |
| <ul style="list-style-type: none"> <li>52% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 25-44</li> <li>42% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 45-59</li> <li>56% of people who will be affected by the continuation of the scheme have children under the age of 16. If unemployed or on low income their households would be exposed to additional financial pressures as a result to the changes. It could also impact adversely on child poverty</li> </ul> | <ul style="list-style-type: none"> <li>Pensioners are protected from these changes so will not see any amendment in their current entitlement</li> <li>When calculating entitlement, all premiums, disregards and applicable amounts remain the same: <ul style="list-style-type: none"> <li>➤ Premiums are included in the Applicable Amount for all claimants where there are dependent children or qualifying young persons in the household.</li> <li>➤ Capital belonging to a child or qualifying young person is fully disregarded</li> <li>➤ Child Benefit and maintenance payments in respect of a child or qualifying young person are fully disregarded</li> <li>➤ Child care costs are disregarded where appropriate</li> <li>➤ More generous Applicable Amounts for 'non-passported', working-age and pensioner lone parents are given</li> <li>➤ There is no change to the level of non-dependant deduction amounts.</li> <li>➤ There is no change to the application of the deduction exemption for non-dependant students</li> </ul> </li> </ul> |

|  |   |
|--|---|
|  | <p>➤ There is no change to Second Adult Rebate</p> <ul style="list-style-type: none"> <li>It is recognised that certain people may find it difficult to find work due to their age; they will continue to be signposted to employment and re-skilling programmes that provide targeted support to find work. These include focused training provided by Haringey Adult Learning Services, CONEL and other Haringey based providers.</li> <li>Where people have been affected by multiple welfare reform changes, they will continue to receive individual assistance including one-to-one interviews with colleagues from Housing Services and JobCentrePlus and direct referrals to support providers such as Money Advice Service or the Quaker Social Action Group.</li> </ul>   |
| <b>Protected characteristic: Sex (formerly gender)</b>   |   |
| <ul style="list-style-type: none"> <li>Both sexes will continue to be subject to the same rate of reduction in support and to the same rule changes.</li> <li>However the majority of claimants who will be affected are female.</li> </ul>                    | <p>Female claimants will continue to be signposted to the various appropriate women specific employment and skills development initiatives in the borough, in addition to generic programmes to help people into work e.g. Haringey Adult Learning Services (HALS) and the College of North East London (CONEL)</p> <p>Where appropriate there will continue to be targeted signposting in place for local groups offering support that is gender specific such as Supamums, Jan Trust and Skills and Training Network</p>  |
| <b>Protected characteristic: Disability</b> (includes people in receipt of Disability Living Allowance, Personal Independence Payment, Severe Disablement Allowance and Higher Rate Incapacity Benefit and <b>Chronically Sick Disabled Persons Act duty</b> ) |   |
| <ul style="list-style-type: none"> <li>24% of claimants are receiving a disability related benefit.</li> </ul>   | <p>During the consultation period for the 2013/14 scheme, respondents were asked if there was any group that they felt should be protected in addition to pensioners. The majority wanted disabled claimants to be protected and this was agreed by Full Council for the 2013/14 scheme. It is recommended that this protection continue for the 2017/18 scheme.</p> <p>Those in receipt of one or more of the following disability benefits will have their entitlement maintained at its current rate:</p> <ul style="list-style-type: none"> <li>Attendance Allowance</li> <li>Constant Attendance Allowance</li> <li>DLA - Care component (lower or middle or higher rate)</li> <li>DLA – Mobility component</li> <li>PIP – Daily living component</li> <li>PIP – Mobility component</li> <li>Exceptionally Severe Disablement Allowance</li> <li>Long Term Rate Incapacity Benefit</li> <li>Mobility Allowance</li> <li>Mobility Supplement</li> <li>Severe Disablement Allowance</li> <li>WTC – Disability element</li> </ul> |

|  |   |
|--|---|
|  |   |
| <b>Protected characteristic: Race (formerly ethnicity)</b>   |   |
| <ul style="list-style-type: none"> <li>Of those who declared their ethnicity, 48% are Black and Minority Ethnic groups combined; 52% are White British and Other White category</li> </ul>   | <p>Claimants will continue to be signposted to employment and skills training programmes to enhance employment opportunities, especially in the east of the Borough where there is a high concentration of BMEs and high levels of deprivation.</p> <p>Relationships have been built with local JobCentrePlus sites where claimants can receive information about opportunities relating to both employment and skills development. There is also access to budgeting loans to help with any work related costs (such as clothing or equipment). These will continue going forward.</p>   |
| <b>Protected characteristic: Pregnancy and maternity</b>   |   |
| <p>We do not collect information about claimants' maternity status so the full impact on this characteristic is not known, however we have used the data we hold to make an estimate of the impact.</p> <p>Our records show that 1,170 claimants (10%) have children under one, as such we can assume this group of people will have been impacted by maternity leave.</p> | <ul style="list-style-type: none"> <li>In support of the Government's initiative to promote working, provisions will continue to apply for 'non-passported' working-age claimants to delay/reduce the impact of stopping work as a result of pregnancy, maternity or paternity leave.</li> <li>Child care cost disregards will continue to apply where appropriate.</li> <li>The Government's "Healthy Start" scheme provides vouchers to pregnant women and those with children under four which can be exchanged for food, fruit and formula milk.</li> <li>Haringey has a number of Children Centres located across the borough bringing together a range of services such as childcare, family support, health and education and information on local services.</li> <li>Women who are pregnant or on maternity leave are unable to work for a set period of time and are likely to be in receipt of statutory maternity pay which may help to supplement their income.</li> </ul> <p>Where appropriate there will continue to be targeted signposting in place for those needing support with children such as the Child Poverty Action Group (CPAG), Family Action Group and referrals to the Sure Start Maternity Grant department of the DWP.</p> |
| <b>Protected characteristic: Marriage &amp; Civil Partnership</b>  |   |
| <p>We do not collect detailed information about claimants' marriage and civil partnership status so the full impact on this characteristic is not known, however we have used the data we hold to make an estimate of the impact.</p> <p>21% of claimants (excluding pensioners and those in receipt of certain disability premiums) have a partner</p>                    | <p>We will assist all customers who are facing difficulty in paying, by offering to try to alleviate any financial difficulties they may have. We hold drop-in sessions with people concerned about their ability to pay. We make extended arrangements to pay off the balance, extending into the following year if need be. We have utilised other methods of collection, such as payment direct from state benefits. We have signposted people to other sources of advice where impartial advice can be provided.</p>  |
| <b>Child poverty</b>   |   |
| <ul style="list-style-type: none"> <li>Approximately 36% of Haringey children are living in poverty (DWP 2014).</li> <li>High risk groups include children in workless families; children in families with 4 or more children; children in single parent families; children of teenage mothers and</li> </ul>  | <p>Child Poverty will be addressed through the Haringey 54,000 Programme with outcomes which include:</p> <ul style="list-style-type: none"> <li>Ensuring all children in Haringey are safe and that they thrive and achieve.</li> <li>Ensuring families can access a high quality educational offer.</li> <li>Promoting resilient families by acting as a catalyst for a wide selection of high quality universal or</li> </ul>  |

|  |  |
|--|--|
| <p>BME children (national data shows that poverty rates are higher for all BME groups than for white families)</p> <ul style="list-style-type: none"> <li>• Our records show that 3,378 CTRS claimants (27%) have children under five</li> </ul>                 | <p>targeted borough-based child and family activities.</p> <ul style="list-style-type: none"> <li>• Providing high quality safeguarding.</li> </ul> <p>It is recognised that there is a need to focus efforts on addressing child needs in a different way and Haringey departments are working on inclusive strategies that look to address this.</p>   |
| <b>Households with dependent children</b>  |  |
| <ul style="list-style-type: none"> <li>• Over 56% of households have at least one child.</li> <li>• 7% of claimants have 3 or more dependents</li> <li>• Approximately 38% of affected claimant households are lone parents, most of whom are female.</li> </ul> | <p>In addition to the Child Poverty mitigation set out above, when calculating entitlement, all premiums, disregards and applicable amounts remain the same:</p> <ul style="list-style-type: none"> <li>➤ Premiums are included in the Applicable Amount for all claimants where there are dependent children or qualifying young persons in the household.</li> <li>➤ There will be no change to the applicable amount for 'non-passported' working-age (and pensioner) claimants which includes Premiums based on household composition as well as an additional Family Premium with more generous rates for lone parents and the disabled</li> <li>➤ Capital belonging to a child or qualifying young person is fully disregarded</li> <li>➤ Child Benefit and maintenance payments in respect of a child or qualifying young person are fully disregarded</li> <li>➤ Child care costs are disregarded where appropriate</li> <li>➤ More generous Applicable Amounts for 'non-passported', working-age and pensioner lone parents are given</li> <li>➤ There is no change to the level of non-dependant deduction amounts.</li> <li>➤ There is no change to the application of the deduction exemption for non-dependant students</li> <li>➤ Protection from non-dependant deductions where Attendance Allowance and the Care Component of PIP are received by the claimant/partner(s) will continue.</li> <li>➤ There is no change to Second Adult Rebate</li> <li>➤ In support of the Government's initiative to promote working, provisions will continue to apply for 'non-passported' working-age claimants to delay/reduce the impact of stopping work as a result of pregnancy, maternity or paternity leave.</li> </ul> |
| <b>Unemployed (on maximum CTR entitlement)</b>   |  |
| <p>The continuation of the scheme will impact more on claimants who are currently not in work and claim maximum CTRS, this constitutes approximately 62%.</p>  | <p>We will work with unemployed and people on low income to try to alleviate any financial difficulties they may have. We hold drop-in sessions with people concerned about their ability to pay. We make extended arrangements to pay off the balance, extending into the current year if need be. We have utilised other methods of collection, such as payment direct from state benefits. We have signposted people to other sources of advice where impartial advice can be provided. We encourage customers through Council employment and regeneration strategies and plans. The Tottenham Regeneration Programme is one of the core focuses of the Corporate Plan. It has people as its main objective focusing on job creation and the skilling of local people to enable them take up job opportunities.</p>   |

|   |   |
|---|---|
|   | Claimants will continue to be signposted to employment and skills training programmes to enhance their employment opportunities.  |
| <b>Claimants by area of residence (east/west of the borough)</b>  |   |
| <ul style="list-style-type: none"> <li>Census records show 67% of affected claimants reside in the east of the borough.</li> <li>The high levels of claimants in the east correlate strongly with areas of multiple deprivation, most acute in the north-east of the borough.</li> </ul>  | Assistance for the unemployed and people on low income will continue to be addressed through various employment and regeneration strategies and plans. The Tottenham Regeneration Programme is one of the core focuses of the Haringey Corporate Plan. It has people as its main objective, focusing on job creation and the skilling of local people to enable them take up job opportunities. Through these strategies and plans the Council aims to tackle unemployment and worklessness especially in the more deprived east of the borough.  |
| <b>Homelessness</b>   |   |
| <p>Of those accepted as being unintentionally homeless and being in priority housing need in 2011/12:</p> <ul style="list-style-type: none"> <li>30% were young people aged 16 – 24;</li> <li>49% were Black or Black British;</li> <li>Just over 50% were lone female parents</li> </ul> <p>Source: Haringey Council P1E returns</p>                 | <p>The requirement to pay Council Tax and therefore the ability to be eligible for Council Tax support is less prominent with this vulnerable group. However, it is recognised that this group will be disadvantaged by the other Welfare Reform changes.</p> <p>Haringey's Corporate Plan has the reduction and prevention of homelessness as a key priority objective with targets set against temporary accommodation placements and homelessness acceptances.</p> <p>Where appropriate there will continue to be targeted signposting in place for those presenting as homeless including organisations such as Crisis, No Second Night Out, Centrepoin, Alone in London, Causeway and CARIS (Christian Action and Response in Society). There has also been close working with the local Foodbanks in terms of physical support (assisting with shifts / managing donations) and claimant referrals, this will continue going forward.</p> |
| <b>Armed Forces Covenant - war pension and Armed Forces Compensation payment</b>  |   |
| <ul style="list-style-type: none"> <li>18 people in Haringey are in receipt of war disablement pension and are protected under the scheme.</li> </ul>   | Income received from a war pension will continue to be disregarded when calculating entitlement   |
| <b>Welfare Reform Issues</b>  |   |
| <p>Many claimants of Council Tax Support are reliant on state benefits. The future of many benefits is under threat from the Governments stated requirement to cut £12 billion from the national welfare bill.</p> <p>Starting in 2016, there are plans to reduce Tax Credit thresholds, thus reducing the amount of Tax Credit due to claimants.</p> | <p>It is recognised and understood that the Government's intent is to lift the poorest off benefits by supporting them into work and various initiative and incentives are in place to move towards this. However the barriers in place relating to unemployment, deprivation, disability and homelessness prevent this move to self reliance and self support.</p> <p>It is not anticipated that these barriers would be immediately removed and claimants achieve self reliance as a result of this scheme. Their removal will form part of longer term plans and programmes aimed at assisting claimants so they become less reliant on benefit support.</p>   |

|  |   |
|--|---|
| Other changes will begin to take effect from April 2017 and later. | <p>It is recognised and understood that these changes will have a detrimental affect on individuals and where possible signposting and targeted support will be offered to those in need.</p> <p>Although the government has proposed to reduce the level of Tax Credits paid from April 2016, we do not propose to change our scheme to say that these customers now need less money to live on. This means that no one will have to pay more than the existing 19.8% contribution towards their Council Tax. However, customers may have more difficulty in paying the 19.8% contribution, as they will have less family income to live on. We shall continue to support all customers who tell us that they will have difficulty in paying, by offering longer payment periods, and signposting to services which can help them find a way out of poverty.</p> |
|--|---|

| Stage 7 - Consultation and follow up data from actions set above |  |
|--|--|
| Data Source (include link where published)                       | What does this data include?   |
|  | <p>Prior to the scheme being approved by Full Council in January 2013, public consultation took place between 22 August and 19 November 2012, the outcomes of which were fed into the final scheme.</p> <p>As the scheme is not changing for 2017/18 there is no requirement to re-consult.</p> <p>Claimants will be informed with their annual Council Tax bill, that the scheme is continuing without change. The bill will also include information about the different ways to pay and advice about what to do if they think they will have difficulty paying.</p> <p>All Revenues, Benefits and Customer Services staff who deal with claimants either face to face, on the phone or in the Back Office when processing applications have been trained in assisting claimants who tell us they will have difficulty paying. Scripts and IT systems have been appropriately updated.</p> <p>Refresher briefings will be given and will incorporate any other appropriate Welfare Reform updates.</p> <p>All data connected to the Council Tax Reduction Scheme, including collection levels, is reviewed and monitored on a regular basis.</p> <p>The Scheme has to be reviewed each year and monitoring data will always be used to assess whether it should be amended or not.</p> |

## Stage 8 - Final impact analysis

We recommend that the Council Tax Reduction Scheme continues unchanged for 2017/18.  
In addition to protection for pensioners, it is recommended that the scheme continues to protect claimants in receipt of specified disability benefits.  
We cannot afford to further protect any other claimants.

Around 44% of Council Tax Reduction claimants will be expected to pay towards their Council Tax – an average of £5.65 per claimant per week.  
The Council is under severe financial pressure and unable to further fund changes to the Council Tax Reduction Scheme.

Actions are in place to reduce possible hardship to working age claimants and families with dependents. We will make arrangements to extend the payment period, and reduce payment amounts where possible. We will signpost affected customers to services which can best assist them to help themselves out of financial difficulty. We also plan to undertake significant analysis of the effect of welfare reform and debt on our community, which will in future enable us to better support our residents. This is consistent with government intentions that people dependent on state benefits are assisted towards work, and making work pay.

We will continue to monitor the impact of the scheme in terms of individual hardship and collection rates, and where necessary make arrangements which meet the needs of the individuals yet achieve collection objectives.

These actions will be owned by the Head of Revenues and the Assistant Director, Shared Services and will be reviewed regularly

### Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director

Date of review

Review approved by Director / Assistant Director

Date of review

### Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.







## Appendix A

| Category  | All Council Tax Reduction Scheme claimants                    | Impacted by Scheme (excluding pensioners and those in receipt of certain disability premiums) | % All Council Tax Reduction Scheme claimants | % Impacted by Scheme (excluding pensioners and those in receipt of certain disability premiums) | Borough of Haringey (where applicable) |
|---|---|---|--|---|--|
| <b>Households</b>   | 27,947  | 12,299  | 100%   | 44%   | 101,900                                |
| <b>Claimant Age</b>   |   |   |  |   | Mid-yr estimate 2012                   |
| 18-24   | 442   | 391   | 2%   | 3%  | 9%                                     |
| 25-44   | 7,804   | 6,054   | 28%  | 49%   | 39%                                    |
| 45-59   | 8,949   | 5,137   | 32%  | 42%   | 17%                                    |
| 60-64   | 2,063   | 707   | 7%   | 6%  | 4%                                     |
| 65+   | 8,682   | 8   | 31%  | 0%  | 9%                                     |
| <b>Dependents Age</b>   |   |   |  |   | Mid-yr estimate 2012                   |
| Those with dependants aged 1 and under  | 1,296   | 1,170   | 5%   | 10%   |  |
| Those with dependants aged 5 and under  | 3,850   | 3,378   | 14%  | 27%   |  |
| Those with dependants aged under 16   | 8,679   | 6,916   | 31%  | 56%   | 21%                                    |
| Those with more than 3 dependants   | 1,019   | 807   | 4%   | 7%  |  |
| Count of all lone parents with dependants   | 5,767   | 4,655   | 21%  | 38%   | 10% (Census 2001)                      |
| <b>Disability (based on modelling tool which counts claimants who had been awarded a disability premium as at September 2015)</b> |   |   |  |   | Nomis (Feb 2012)                       |
| No  | 21,377  | 12,299  | 76%  | 100%  | 92%                                    |
| Yes   | 6,571   | 0   | 24%  |   | 8%                                     |
| <b>Gender</b>   |   |   |  |   | Mid-yr estimate 2012                   |
| Male  | 11,0863   | 4,311   | 40%  | 35%   | 50%                                    |
| Female  | 16,256  | 7,676   | 58%  | 62%   | 50%                                    |
| Unknown   | 608   | 312   | Excluded (2%)                                | Excluded (3%)   |  |
| <b>Ethnicity</b>  | (12,000 records had an ethnicity recorded in the 2011 Census) |   |  |   | Census 2011                            |
| White British   | 916   | 380   | 33%  | 24%   | 35%                                    |
| Other White   | 1,040   | 567   | 38%  | 28%   | 23%                                    |
| Non White   | 1,794   | 1,013   | 65%  | 48%   | 42%                                    |
| Unknown   | 24,197  | 10,339  | excluded                                     | excluded  |  |

\* Source: i-World (Revenue and Benefits IT system) June 2016

## **Appendix F – Equality Act 2010 – The Public Sector Equality Duty**

Section 149 of the Equality Act 2010 Public Sector Equality Duty states

(1) A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) – A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) – Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) – The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) – Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) tackle prejudice, and
- (b) promote understanding.

(6) – Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.



(7) – The relevant protected characteristics are – age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

(8) – A reference to conduct that is prohibited by or under this Act includes a reference to –

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

**Report for:** Cabinet

**Item number:** 14

**Title:** Shared Digital – Data Centre & Cloud Procurement

**Report**

**authorised by :** Tracie Evans, Chief Operating Officer

**Lead Officer:** Priya Javeri, Head of ICT and Digital Transformation

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key decision

**1. Describe the issue under consideration**

The Shared Digital Service between London Boroughs of Haringey, Camden and Islington went live on 1<sup>st</sup> October 2016. The new service will provide a shared digital platform that will create significant efficiencies for all three boroughs in both procurement and operational costs, improve current transactional services and drive innovation across the partners.

The first initiative of the Shared Service will be to renew datacentre provision across the three boroughs through the procurement of a single, joint cloud-based service. The decision on this procurement is delegated to the Shared Service Joint Committee and the attached report outlines the approach being taken.

The attached draft report is brought to Haringey Cabinet to note the approach as an example of the way the Shared Service will operate and be governed.

**2. Cabinet Member Introduction**

See attached draft report

**3. Recommendations**

See attached draft report

**4. Reasons for decision**

See attached draft report

**5. Alternative options considered**

See attached draft report

**6. Background information**

See attached draft report

**7. Contribution to strategic outcomes**

See attached draft report

**8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

The Assistant Director of Corporate Governance has been consulted on the contents of this draft report and confirms that this draft report is seeking authority to go out to procurement and there is no reason preventing agreement of the recommendations in this report.

**9. Use of Appendices**

**10. Local Government (Access to Information) Act 1985**

**Report for:** Shared Digital Joint Committee 8 Nov 2016 - DRAFT

**Item number:** To be added

**Title:** Shared Digital – Data Centre & Cloud Procurement

**Report**

**Authorised by:** Mike O'Donnell, Executive Director of Corporate Services  
Mike Curtis, Corporate Director of Finance and Resources  
Tracie Evans, Chief Operating Officer

**Lead Officer:** Ed Garcez, Chief Digital Information Officer

**Ward(s) affected:** ALL

**Report for Key/  
Non Key Decision: Key Decision**

**1. Describe the issue under consideration**

- 1.1.** This report seeks the approval from the Shared Digital Joint Committee to procure Cloud services as part of the Shared Digital Programme. This will provide a more efficient way of providing IT Services to the shared services. This will be achieved through the closure of multiple data centres, the migration and then transformation of applications and data to Cloud based solutions that will allow services to be acquired on a consumption basis and reduce overall total cost ownership.

**2. Cabinet Member introduction**

The councils for the London Boroughs of Camden, Haringey and Islington have joined together to create a shared services platform with the aim of delivering an integrated approach across the three councils that will save money, improve existing services and drive innovation. In the medium term, the goal is to use the platform to enable services to be provided to other public sector bodies in order to generate revenue for the councils.

This initiative takes place against a background of operational concerns including budget pressures, exit dates for hosting locations, on-going hardware and software lifecycles, increasing demands for services and a changing security landscape.

The approval for the shared service has recently been approved by the Cabinets at all three Councils.

A view was taken that future datacentre provision should be reviewed across all three Councils. At programme level, this would offer opportunities, specifically:

- 2.1.** An integrated approach on technology platforms across all 3 councils

- 2.2.** Development of a consolidated data centre and cloud strategy that will reduce overall total costs of ownership, improve resilience and provide a more efficient and enhanced service to both internal and external customers across the boroughs.

**3. Recommendations**

- 3.1.** It is recommended that the Shared Digital Joint Committee approve the data centre and cloud work stream the right to procure a cloud services via a specialist partner with a total contract value not exceeding £4m

**4. Reasons for decision**

A decision is required for approval for the procurement process. It will also allow the programme to commence the procurement process and deliver as outlined below:

- The 'Shared Digital' service procures and implements a data centre service that supports and delivers all the three council's digital transformation of its services.
- The data is held in a hybrid cloud (private and public cloud) which helps deliver services where needed whether on mobile devices or fixed terminals and improve and enhance the overall delivery of all services
- The resilience for critical systems will improve whilst reducing the total cost of ownership.

**5. Alternative options considered**

- 5.1.** **Do nothing**, i.e. use the existing data centres is not an option due to closure dates on Camden and Haringey data centres and also the overall Shared Digital Services strategy that has been agreed and put in place.

**6. Background information**

- 6.1.** The Shared Digital Services programme is currently undertaking several large transformation programmes including the Data Centre and Cloud work-stream. As part of this work-stream the three boroughs have collectively defined and agreed a 'Cloud First' strategy, which forms part of the overall strategy of consolidating services. Our therefore goal is to deliver a cloud solution that offers true cloud characteristics across the estate whilst catering for the significant volume of legacy workloads and on-going change.

- 6.2.** Two of the Shared Service programme objectives are:

- To reduce the overall costs of running data centres (using 15/16 as the baseline year) by 20%.



- To develop a shared data centre strategy that will include the need to increase cloud capacity, increase in resilience and de-risk the removal of data centre accommodation in Camden and Haringey

**6.3.** In addition, there are drivers outside of the programme in relation to two of the data centres:

- Haringey are currently running at risk within their Techno Park data centre due to on-going site works at the current location, there is also the contractual need to vacate the data centre.
- Camden needs to move out of the Town Hall data centre by March 2017
- Consolidate six data centres to two data centres
- Align and merge network services across the three Councils as required to support the data centre and cloud migrations
- Assess and document Cloud strategy options that allow a template to be used for migration to the cloud.

**6.4.** When discussing a cloud strategy, it is important to have a shared definition of the word “cloud” as it can often mean different things to different people and organisations. For the purposes of this document, we will use the following definition:

**6.4..1.** Cloud is an IT service delivery mechanism which has the following key characteristics: dynamic, service centric, on-demand, available and consumption based.

**6.5.** Delving into these cloud characteristics, a number of important aspects of cloud-based service delivery become apparent:

**6.5..1.** Dynamic - A dynamic cloud is based on pooled resources with rapid elasticity that allows tenant workloads too quickly and easily scale and for the platform itself to grow incrementally as requirements dictate. This necessitates a highly automated approach, particularly for provisioning, and leads towards functions being defined in software rather than hardware.

**6.5..2.** Service-Centric - Clouds deliver standardised, catalogue-based offerings where all elements are treated as a service with associated SLAs, documentation, support and service management

**6.5..3.** Self-Service - Consumers of cloud services expect to be able to manage their own environments, driving the requirement for highly orchestrated, multi-tenant platforms with a strong concept of identity of the service consumer

**6.5..4.** Highly-Available - From a connectivity perspective, consumers expect services to be available from all locations at all times and for the data within the service to be maintained. This dictates a need for services to be tightly monitored, highly secure and have very strong data protection systems

**6.5..5.** Consumption-Based - Tied with the self-service elements, consumers expect that a service has an associated cost and so

mature cloud systems measure consumption with show-back and charge-back capabilities

**6.5..6.** Cloud has three layers or service models; Infrastructure as a Service (IaaS) at the bottom, Platform as a Service (PaaS) in the middle and Software as a Service (SaaS) at the top. Clouds can be deployed in one of three models: private, public and hybrid and it is anticipated that the requirement will be to consume all of these models in a shared service model.

**6.6.** Without the data centre and cloud project and transformational programmes taking place, the shared digital services strategy would be impacted and would incur further costs moving forwards, it is therefore imperative that the right to procure Cloud services is approved to assist reducing overall total cost ownership and for the Shared Digital Services strategy to be delivered.

**6.7.** While the total estimated amount of the procurement may seem to be a high cost, each constituent project across the transformation and priority outcome programmes already has an underlying business case that bears scrutiny under the programme governance arrangements. This is not a request for additional funding outside those programmes.

**6.8.** Any IT implementations costs are invariably a one-off spend at the time of implementation, and therefore can usually be considered to be part of the capital costs of a system implementation alongside the hardware and software elements.

## **7. Contribution to strategic outcomes**

**7.1** The report seeks approval to procure cloud services which are required to support council wide transformation programmes and priority programmes.

**7.2** The solution procured through this exercise will allow the shared digital services strategy to be delivered with a 'Cloud First' approach.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities**

### **8.1 Finance and Procurement**

There are a number of compliant frameworks that provide LBH, as lead partner for this procurement, a route to market. These are established frameworks and will offer the Council best value for money.

- The Digital Services Framework – This framework has a further competition option which will allow an organisation to build digital services in an agile way. Through a further competition this framework can be used to commission bespoke digital services.

- G—Cloud 8 – This framework allows an organisation to choose and purchase cloud services. It is for commodity based pay as you go cloud services.
- Consultancy One – This framework allows for a further competition evaluation process by inviting suppliers to participate. In exceptional circumstances there is a direct award facility where a single supplier can be invited to submit a quotation.

The project is for 12-18 months with an estimated maximum contract value of £4m

## 8.2 Legal

.TBC from Joint Committee partner councils.

## 8.3 Equality

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

This report seeks approval to procure a specialist organisation for the provision of cloud services. The contract specification will clearly set out the supplier's responsibilities under equalities legislation, including a requirement to have in place up to date equalities policies. The contractor will have to demonstrate compliance with relevant equalities legislation through the tendering process.

## 9. Use of Appendices

None

## 10. Local Government (Access to Information) Act 1985

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**Report for:** Cabinet 18 October 2016

**Item number:** 15

**Title:** Preferred Bidder to Secure the Future of Hornsey Town Hall

**Report authorised by :** Lyn Garner, Director Regeneration, Planning & Development

**Lead Officer:** Jon McGrath, Assistant Director Property & Capital Projects

**Ward(s) affected:** Crouch End

**Report for Key/  
Non Key Decision:** Key

## **1. Describe the issue under consideration**

**1.1** Securing a financially sustainable future for the iconic Hornsey Town Hall is a key priority for the Council. For a number of years, the Council supported Mountview Academy of Theatre Arts to develop a major proposal to transform the Town Hall into a new premises for the theatre school. Unfortunately, Mountview were not ultimately able to make this proposal financially viable and withdrew in January 2015. In addition, an interim arts centre in the Town Hall has proven popular but does not cover the running costs of the building nor contribute to restoration costs. A long term, financially sustainable solution is needed to secure the future of the Town Hall. This is why in June 2015 the Council's Cabinet agreed an OJEU compliant competitive tendering process could commence for the Hornsey Town Hall (HTH) project, in order to secure a long term partner to maintain and operate the site. In July 2015 the Leader of the Council agreed the OJEU route would be a 'Competitive Dialogue' process.

**1.2** Cabinet approved the following objectives for the project, which would need to be implemented by the final preferred bidder following the tendering process:

- Restore Hornsey Town Hall in a way that respects its Grade II\* listed building status and safeguards its future by providing financially sustainable spaces fit for purpose.
- Facilitate cultural, community and other activities in the Town Hall, provide public access to the building and make a positive contribution to the local economy.
- Remove the Council's ongoing liability for the building.
- The Town Hall square will be improved by integration into the final scheme, retaining public use.

**1.3** The following parameters were set for the procurement, which focus on delivery in line with the objectives:

- a) The Council is offering a long leasehold interest in the site for a term of 125 years.

- b) LBH would prefer not to have any future stake holding in, nor carry any liability for the town hall.
- c) LBH does not desire an on-going role in the development process or operation of the site (beyond its statutory role) after selection of the preferred developer.
- d) The Town Hall square will be included in the development, given appropriate provision for public use and access.
- e) The Council must achieve best consideration for its asset and is happy to consider both revenue and capital payment structures in order to facilitate a suitable solution in light of its broader objectives.

**1.4** The OJEU Public Contract Notice (PCN) was published in November 2015. The project received a good level of interest from the market and a competitive dialogue tendering process commenced; further details on how the tendering process was carried out are set out within section 5 of this paper.

**1.5** This paper outlines the tendering process which has taken place and seeks agreement from Cabinet for the Far East International Consortium Ltd ("FEC") to be appointed as the preferred bidder for HTH.

**1.6** The recommended consortium is proposing a mixed-use scheme, which includes residential at the back of the site which remains in line with the existing planning consent, a small element of residential within the back wings of the HTH building although the area of residential units inside the building has decreased from the consented scheme, a hotel which is mostly concentrated in the areas of less historic interest and an arts centre which will allow access and use of most of the areas of significant historic interest.

**1.7** A decision is now required by members to approve the preferred bidder for the HTH site so the project can progress to award of contract stage.

## **2. Cabinet Member introduction**

**2.1** Hornsey Town Hall is an iconic building right at the heart of Crouch End which must be restored and preserved for future generations of Haringey residents. Finding a plan for the Town Hall which restores the stunning historical features, opens up the building to the public, enables community use and gives the building a sustainable financial footing for the first time are absolutely vital.

**2.2** I'm delighted that after a long and thorough bidding process, we are able to recommend a consortium of organisations to the Cabinet. This bidding process has involved council staff, external advisors and Crouch End residents from the Hornsey Town Hall Creative Trust. I am grateful to everyone who has worked so hard to scrutinise, test and challenge the various bids we received.

**2.3** I am particularly pleased that public access, community use and creative activity are an important part of the recommended bid. Creative use has been a high priority for residents, so the proposals for an arts centre in the restored town hall are very welcome. I'm delighted that the temporary arts centre, operated for the Council by the organisation ANA, has proven so popular. However, it's clear that continuing the arts centre alone is simply not a viable option. Even with this excellent interim use, the Town Hall still falls well short of meeting its running costs and makes absolutely no contribution to restoration costs.

- 2.4** To secure the future of the Town Hall, it's clear that a mix of uses will be needed. The recommended bid proposes a boutique hotel, a café/restaurant and new homes which will be vital to funding the ongoing maintenance of this listed building. The proposed scheme will create much needed jobs and important additional footfall for Crouch End businesses. This mixture of uses promises to bring the building to life, with local residents, cafe customers, hotel guests, event participants and others all using the building in a way that will bring activity to all parts of the site.
- 2.5** This proposal from FEC has a number of important advantages over the second bidder. Importantly, the bid not being recommended proposed higher residential buildings to the rear, requiring a new planning application and did not involve the developer being involved once works and homes were complete, leaving uncertainty about the future and an inability to guarantee ongoing community use. The bid being recommended aims to work with the existing planning arrangements and provides clear guarantees about community use and access.
- 2.6** Central to the successful transformation will be effective engagement with the community. If a bidder is agreed at Cabinet, that organisation can start to develop more detailed plans for the Town Hall and to discuss these with the community. The Crouch End community is rightly very proud of the town hall and I know from all of the engagement meetings and workshops I've attended just how passionately people feel about the building. That's why I'm pleased that the recommended bidder has made clear commitments to engaging the community on an ongoing basis and as a Council we will be working with them to help ensure this takes place.
- 2.7** If Cabinet approve the report, the recommended bidder has committed to creating a Community Hub as soon as possible to provide staff at the Town Hall to answer questions from residents and to discuss more detailed proposals with the community as they emerge. The bidder has also committed to setting up a Community Steering Group to involve residents in overseeing community use and access for the Town Hall and Town Hall Square, which is very welcome.
- 2.8** Hornsey Town Hall is in need of major restoration and refurbishment, and a new, financially sustainable purpose which secures it's future. After an objective and robust procurement process, I hope Cabinet will agree the recommendations in this report to select a bidder with a strong proposal to secure this.

### **3. Recommendations**

#### **3.1 Members are asked to:**

3.1.1 Agree to the selection of Far East Consortium Ltd as the preferred bidder for the HTH site (shown edged red on the plan included in Appendix A) based on the scoring set out in Appendix E and to enter into a Development Agreement for the HTH site with either Far East International Consortium Ltd or a special purpose vehicle set up by Far East International Consortium Ltd and the grant of long leases with such appropriate tenants as agreed with FEC based on the main terms set out in paragraph 6.27 of this report; and that delegated authority be given to the Director of Regeneration, Planning and Development after consultation with the Assistant Director of Corporate Governance to agree the final terms of the Development Agreement, long leases and all associated legal agreements.

### **4. Reasons for Decision**

- 4.1** The Cabinet decision in April 2011 declared the site surplus to the council's requirements and agreed the principle for a partner to enter into a 125 year lease to operate the building, with the Council retaining the freehold.
- 4.2** The Listed building is on English Heritage's Buildings At Risk Register therefore a solution is required to undertake restoration work to the building and the council does not have funding available to undertake these works itself.
- 4.3** Options Appraisal work identified that one developer for both the HTH site and building is a preferred approach as it secures both the restoration works and a long term operator for the building and is likely to bring the building back into use at the earliest opportunity. In addition to this a Developer would expect to have control over the works in the town hall as residential units cannot be occupied until essential heritage works have completed in the town hall because of the existing planning condition which links the two elements.
- 4.4** A public sector procurement of this scale must legally be governed by the public procurement regulations, therefore an OJEU process had to be carried out to secure a future for the dilapidating building. Professional advisors and the Council's Legal & Procurement team advised that an OJEU compliant Competitive Dialogue process is the best way to achieve this outcome and this has been undertaken in accordance with the Public Contract Regulations 2015 (as amended) ("Regulations").
- 4.5** To ensure the town hall building remains open and in use in the long term a partner, with a long term sustainable business plan needs to be appointed.
- 4.6** A timely decision on the future approach to the HTH project is required in order to engage with and exchange contracts with the bidder while they have a strong appetite to progress with the project, avoid further deterioration to the listed building, remove the ongoing liability of the building to the Council at the earliest opportunity and address the longstanding frustrations of the local community at the timeframe for securing a sustainable future for the Town Hall.



## **5. Alternative options considered**

**5.1** The alternative options that have been considered for the Hornsey Town Hall project can be defined as follows:

- Option A - Do nothing: Without taking any action to secure a future use and developer/operator for the Town Hall the building condition will continue to deteriorate. The council remains responsible for the on-going liability for the building and any use of the building by the local community will be limited.
- Option B - Conditional land sale: The council could sell the HTH site via a conditional land sale agreement, however the council would have limited control in this option to enable and enforce community access and use.
- Option C - Freehold sale of the site: Sale of the site without retaining any interest would mean the council is unable to secure community access and use as there are no lease mechanisms to enable this. The council was not prepared to pursue an option that did not guarantee community access or provide the council with enough control to ensure that Hornsey Town Hall can support community cohesion and economic dynamism in Crouch End.
- Option D - Dispose of land at the rear and use receipt to refurbish the building: In this scenario it is not expected that the land sale receipt would fully cover all the costs to refurbish and fit out the building for use, the council's on-going liability for running costs and maintenance is not removed and a sustainable operator and future use is not secured for the Town Hall.

## **6. Background information**

**6.1** The Council appointed a professional team to advise on and manage the tendering process. The team includes professional advisors GVA and legal advisors Sharpe Pritchard to advise and manage the tendering process to find a preferred bidder for HTH.

**6.2** The preparation of all community elements of the tendering documents was done in conjunction with the Hornsey Town Hall Creative Trust who were a part of the evaluation panel for the community use questions. The scope of the tendering process and the key stages are set out below:

### **Document Preparation**

**6.3** Following Cabinet approval in June 2015 the project team, comprising both internal and external Procurement, Legal and Property professionals agreed what the key stages of the procurement would be and these are set out in more detail below. The team commenced procurement document preparation in accordance with the Regulations. Compliance at this stage and throughout the process was governed by Haringey's Construction Procurement Group and external lawyers Sharpe Pritchard, who were appointed to act on behalf of the Council.

**6.4** The Descriptive Document which is a part of the tender documents and acts as a brochure for bidders was reviewed by Haringey's Communications team and all other procurement documentation was signed off by Haringey's Construction Procurement Group.

- 6.5 In line with the Regulations, as much information as possible would be made available to the market at the point the Public Contract Notice (“PCN”) was released.

**Prior Information Notice (PIN)**

- 6.6 As the HTH project had evolved over a number of years and different strands of soft market testing had taken place, it was agreed that a PIN would be issued approximately a month in advance of the PCN. The purpose of the PIN was to flag up to potentially interested bidders that the opportunity to secure a long term partner for this project would shortly be released, therefore allowing them to factor this into their pipeline of bids.

- 6.7 The PIN was issued on 14th October 2015 in accordance with the Regulations and therefore potential bidders had an equal opportunity to see the published PIN.

**Public Contract Notice (PCN) & Pre-Qualification Questionnaire (PQQ)**

- 6.8 The public PCN was issued via the Delta e-sourcing portal on 11th November 2015 in accordance with the Regulations. Potentially interested bidders were able to access the PQQ and supporting documents in the portal via a link and in total 71 organisations accessed the PQQ.
- 6.9 The final deadline for PQQ submission was set as 14th December 2015 and in total nine bidders/consortiums responded to the PQQ. A schedule is included at Appendix B which sets out which organisations submitted a PQQ stage.
- 6.10 The PQQ contained relevant standard PQQ compliance questions which included providing full company registration details, insurance thresholds, criminal backgrounds etc and also a financial check (Dun & Bradstreet). The PQQ questions Appendix C.
- 6.11 Of the nine companies who submitted the PQQ, one company did not meet the financial criteria and therefore was removed from the tendering process on this basis.
- 6.12 In addition to the standard and financial questions, the PQQ contained some more technical questions asking for bidders to set out experience relevant to the HTH opportunity and the team had intended to take five organisations through to the next stage of the tendering process. The PQQs were evaluated independently by an Evaluation Panel consisting of representatives from Haringey’s Property, Legal and Finance teams and external Property and Legal advisers (“Evaluation Panel”). A moderation session was then held and a moderated score for each question was agreed.
- 6.13 Following the moderation the moderator confirmed that six organisations should be taken through to the next stage as the fifth and sixth ranked bidders received very similar overall scores. The scores can be seen in Appendix E which is the exempt Part B of this report.
- 6.14 One of the six bidders withdrew from the tendering process and therefore five bidders continued to ISDS stage.

### Invitation to Submit Detailed Solutions (ISDS)

- 6.15** A draft of the ISDS information was available for bidders to review at PCN stage. This information was optimised and finalised throughout the course of the PCN and PQQ stages and the ISDS was issued to selected bidders on 15th January 2016. A series of dialogue meetings and site visits with the selected bidders took place over the following months, during which stage one further bidder withdrew from the process due to other resourcing commitments leaving four bidders in dialogue.
- 6.16** The ISDS evaluation criteria had an overall price/quality weighting of 30/70% (as set out in the Cabinet Report in June 2015); the Council has been very clear with bidders that finding a solution which meets all of the Council's key objectives is the driver for this procurement and therefore a relatively unprecedented low score weighting for price was adopted. The broad questions and weightings were as follows and more detailed questions can be seen in Appendix D:

| Evaluation Criteria    |        |   | Overall weighting     |
|------------------------|--------|---|-----------------------|
| Mandatory Requirements | Yes/No | Community access                              | Mandatory requirement |
| Price                  | 30%    | Financial offer                               | 18.0%                 |
|                        |        | Commercial narrative justification / evidence | 5.0%                  |
|                        |        | Overage offer                                 | 2.0%                  |
|                        |        | Securing funding/finance                      | 5.0%                  |
|                        |        |   | <b>30%</b>            |
| Quality                | 70%    | Masterplan                                    | 5.0%                  |
|                        |        | Heritage                                      | 5.0%                  |
|                        |        | Sustainability                                | 2.0%                  |
|                        |        | Method Statement/Delivery Plan                | 6.0%                  |
|                        |        | Qualified Team                                | 4.0%                  |
|                        |        | Planning                                      | 5.0%                  |
|                        |        | Stakeholder Engagement                        | 2.0%                  |
|                        |        | Business plan                                 | 11.0%                 |
|                        |        | Community Use                                 | 21.0%                 |
|                        |        | Legal   | 9.0%                  |
|                        |        |   | <b>70%</b>            |

- 6.17** The questions and weightings clearly demonstrate the emphasis placed on community access and use of the town hall with the following minimum criteria being set for the project in this regard and a further question on enhanced community use scoring a possible 21% and therefore being the highest weighted question:
- improvements should be made to the Town Hall Square and open public access and use secured; and
  - an open front door policy should be adopted to ensure public interaction with the building.

- 6.18** As can be seen in the table included in 6.16, a highly weighted question was included on the business plan to ensure the Council's key objective for finding a long-term solution could be met.
- 6.19** A detailed evaluation of the four received bids was carried out in April/May 2016 by the Evaluation Panel (as set out in 6.12) and three bidders/consortiums progressed through to the Final Tender stage.

#### **Invitation to Submit Final Tenders**

- 6.20** The team continued to dialogue with the three shortlisted bidders who were invited to submit their final tenders by Friday 22nd July 2016. However during this period of dialogue and final tender preparation it was confirmed that Britain had voted to leave the European Union and this created greater uncertainty for developers on land values, sales values and construction costs and as a result one bidder withdrew from this stage of the process leaving two bidders.
- 6.21** The evaluation criteria remained mostly the same with minor tweaks to provide clarity on some of the more detailed descriptions of information expected to be provided in bidder responses.
- 6.22** The Final Tender submissions were evaluated independently by members of the Evaluation Panel. Moderation meetings were held in August 2016 and the moderated scores for both bidders can be seen in Appendix E which is the exempt Part B of this report. The bidder with the highest score was a Far East International Consortium Ltd and CoPlan Estates Ltd (its delivery partner) (“

#### **Preferred Bidder**

- 6.23** The preferred bidder is proposing a mixed-use scheme, which includes residential at the back of the site which remains in line with the existing planning consent, a small element of residential within the back wings of the HTH building although the area of residential units inside the building has decreased from the consented scheme, a boutique hotel which is mostly concentrated in the areas of less historic interest, an arts centre which will allow access and use of most of the areas of significant historic interest and restaurant/cafe provisions at ground floor level.
- 6.24** FEC have yet to secure an operator for the Arts Centre, however they have named ANA Arts Projects Ltd who currently operate an Arts Centre in HTH as their preferred operator. ANA have provided a letter expressing their interest in working with this bidder, they have looked at an initial plan of how the spaces can be used and at announcement of preferred bidder these discussions can become more detailed.
- 6.25** The scores set out in Appendix E (the exempt Part B of this report) show a 15.6% difference in the scores of the two bidders, demonstrating there is a clear preferred bidder. The key areas in which the unsuccessful bidder scored significantly lower than the successful bidder were:
- Financial offer – the unsuccessful bidder had a lower overall financial offer, the financial offer proposed by the preferred bidder is included in Appendix E which is the exempt Part B of this report.
  - Planning – the unsuccessful bidder was proposing an increased scale of residential new build on the site which carried greater planning risk.
  - Legal – the unsuccessful bidder was not providing a guarantor for the on-going operation of the building, therefore there was no guarantee the

town hall would be open to the public or in use at all. The Developer's involvement would cease once works are completed and homes sold, which did not provide any security over the long term viability of the town hall

**6.26** The recommended preferred bidder has demonstrated within their final tender proposal that they can meet the project objectives, which are set out as follows:

- Restore Hornsey Town Hall in a way that respects its Grade II\* listed building status and safeguards its future by providing financially sustainable spaces fit for purpose – the bidder has included about £27m for HTH development works (net of finance) and has provided a draft cost plan which has been reviewed by our independent Cost Adviser who believes adequate allowances have been made within their cost plan to undertake the essential restoration works to protect the heritage of the building.
- Facilitate cultural, community and other activities in the Town Hall, provide public access to the building and make a positive contribution to the local economy – the bidder is proposing an arts centre will occupy a substantial area within the building including the assembly hall, council chamber and committee rooms and this will not only provide public access but it will encourage the public to use the spaces within the building. Once the town hall opens they will set up a steering group, which will meet regularly to review the arts centre progress and ensure it is meeting the needs of the community. This group will include representation from key local stakeholders including community organisations and ward councillors.
- Remove the Council's ongoing liability for the building – the Council will enter into a lease with the organisation who is operating the hotel in the building and the Council will therefore have assurances through the lease that they will maintain the building and maintain public access. FEC under the Dorsett brand has a proven track record in operating hotels. This includes successfully converting and running the Dorsett Shepherd's Bush Hotel, which sits in a Grade II Listed building. The preferred bidder has used their experience in the preparation of their bid and appears to have included a sufficient allowance within their business plan to cover the likely on-going costs.
- The Town Hall square will be improved by integration into the final scheme, retaining public use – on-going public use of the square is a minimum criteria set out within the procurement document and at no point in this process did a bidder express an interest in restricting public use of the square. The preferred bidder has demonstrated they understand this is a public square, they are proposing to invest a significant amount into improving it and will sign up to legal clauses contained within the Development Agreement and Lease which will ensure on-going public access to the square at all times (excluding when works are taking place).

**6.27** The key terms of the Development Agreement include the following:

- Haringey will enter into a Development Agreement with a Special Purpose Vehicle (SPV) formed by Far East Consortium International Limited and the obligations for the SPV under the Development Agreement will be guaranteed by Far East Consortium International Limited.
- The long leases terms will be 125 years each for all parts of the site and will be full repairing, obligating the tenant to put and keep the property in good and substantial repair and decoration.
- The minimum premium to be paid to the Council for the site will be that which is set out in Appendix E the exempt Part B of this report.
- There will be a mixed-use scheme implemented on site which will include community activities, a boutique hotel and residential accommodation.
- The key special provisions of the Development Agreement will include:
  - Improvements to the Town Hall Square and open public access and use
  - An open front door policy to the town hall to ensure public interaction with the building

**6.28** The preferred bidder does not include workspaces as a part of their scheme for HTH, therefore the Council is actively looking for alternative locations for those currently hiring space in the building. There may be an opportunity to look at how some of the underutilised space in Hornsey Library could be used for this purpose and the Council has already been approached by a local organisation interested in operating workspaces in the library.

#### **Programme**

**6.29** The programme for the next steps at HTH is dependent on several factors including finalising the contract, obtaining necessary planning amendments and refurbishment/construction progress. The Council intends to exchange contracts with the preferred bidder by early 2017, which should enable works on site to start as early as Autumn 2017. Works on site are expected to last about three years, therefore the doors of the newly refurbished town hall building could be open by 2020.

#### **Costs/ Budget**

**6.30** In June 2015 Cabinet approved a total budget of £1.48m for the project, which has been sufficient to this point and is likely to cover the future costs until practical completion of the works on site.

## **7. Contribution to strategic outcomes**

- 7.1** The regeneration of the Hornsey Town Hall complex site is set within the context of the Council's Corporate Plan 2015-2018: Building a Stronger Haringey Together. Proposals for the redevelopment and future use of the Hornsey Town Hall site have been assessed in the context of the Corporate Plan to ensure such proposals address the Council's priorities.
- 7.2** The Hornsey Town Hall project has the potential to play a key role in the council delivering its Corporate Plan priorities, particularly priority 4 (Drive growth and employment) and priority 5 (Create homes and communities).
- 7.3** In relation to priority 4, the project can drive growth and employment through any end use of the building with the potential to create jobs both through the redevelopment of the site but also via any long term commercial use for the building.
- 7.4** In relation to priority 5, the existing planning consent and the preferred bidder's proposals include provision for new residential development on the site which will create new desirable homes and via preservation of the heritage and by providing a long-term sustainable operation of the building this will ensure the proposals support the local area and community.
- 7.5** The wider strategic context of Hornsey Town Hall being listed on English Heritage's Buildings at Risk register also highlights a broader strategic context and driver for the project.

## **8. Statutory Officers comments**

### **8.1 Comments of the Chief Finance Officer and financial implications**

- 8.1.1** Hornsey Town Hall is recognised as a valuable surplus asset, however the holding and security costs are a drain on Council resources. Savings in these costs following expected disposal of this property were not included in the 2015 to 2018 medium term financial strategy but will be considered for future budget savings within the context of the whole of the Corporate Property budget.
- 8.1.2** The procurement detailed in this report describes a tendered process designed to achieve the required best consideration taking into account the desired community and regeneration outcomes.
- 8.1.3** The total remaining cost of this project is expected to be in the region of £750k. This will be funded from the capital budget for Hornsey Town Hall. The capital receipt resulting from the disposal will be used by the Council to finance approved capital projects.

## **8.2 Comments of the Assistant Director of Corporate Governance and legal implications**

8.2.1 The competitive dialogue process has been carried out in accordance with the Regulations. Members should note the terms on which the disposal will take place including the condition precedents that would need to be satisfied.

8.2.2 The Hornsey Town Hall Site has been appropriated for planning purposes and as a result the Council must dispose in accordance with section 233 of the Town and Country Planning Act 1990. The Council must secure the best use of that land; or secure the construction of any building, which is necessary for the proper planning of the area; and obtain best consideration. Best consideration means obtaining the highest amount of money that can be obtained on the open market. If best consideration is not being achieved then the consent of the secretary of state is required.

8.2.3 If the site includes any open space the Council must advertise its intention to dispose for two consecutive weeks in a newspaper circulating in the area and consider any objections to the proposed disposal.

8.2.4 Where the Council is contracting with any foreign registered companies the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009 (SI 2009/1917) must be complied with and the necessary due diligence must be carried to safeguard the Council's position.

8.2.5 This is a key decision and the Service has confirmed it is on the Forward Plan.

8.2.6 The Assistant Director confirms there are no legal reasons preventing Members from approving the recommendations in the report.

## **8.3 Equalities and Community Cohesion Comments**

8.3.1 This procurement process has set public access to the town hall and town hall square as a minimum requirement for the preferred bidder. This has been set out clearly within the tender questions, which can be seen in section 6.16 and 6.17 of this report.

8.3.2 In addition to this, to encourage bidders to provide community activities in the town hall a further question was included to understand their proposal for how the public can interact with the building. As can be seen in section 6.16 of this report this question on community use could score 21% of the overall marks and therefore was the highest weighted evaluation criteria for the bidders to respond to.

8.3.3 The Council has been working with local group the Hornsey Town Hall Creative Trust to try to secure a future for HTH for over 10 years. The relationship with local the Trust during this procurement process is set out in section 6.2, confirming their involvement in this process to further encourage community use of the building.



- 8.3.4 The preferred bidder will be committing through legal agreements to on-going community access to the town hall and public access at all times to the town hall square, which reinforces that the objectives around community access set out within the Cabinet report from June 2015 will be met by the preferred bidder (see section 6.26 of this report).
- 8.3.5 The current building has limited disabled access, therefore in order for the building to be used for the prescribed uses it is likely that access will be improved. The access requirements will be managed through either existing or future planning consents for the development of the site.
- 8.3.6 The building is currently occupied, although this has been clearly agreed as interim use. The users will need to relocate either for the duration of the works or for the longer term and the Council will support them by advising on alternative Council owned properties which may be available. The Council is also working with the preferred bidder to ensure the current uses, particularly the community based activities can continue for as long as possible before works commence in the Town Hall.

#### **8.4 Head of Procurement Comments**

- 8.4.1 A number of experienced external advisors were engaged to lead and support the HTH procurement. Legal advisers Sharpe Pritchard provided advice and guidance in ensuring the process complied with public procurement regulations. Sharpe Pritchard also undertook the role of Moderator during the evaluation stages.
- 8.4.2 Corporate Procurement (construction team) was heavily involved in preparing the initial tender documentation and continued to provide a monitoring role throughout the procurement. The monitoring role ensured the process was conducted fairly and in accordance with procurement regulations.
- 8.4.3 The Head of Procurement has been engaged throughout the procurement, undertaking a quality assurance role, ensuring due process was followed and moderation sessions were conducted in a fair and transparent manner. The Head of Procurement is satisfied the procurement has been undertaken in accordance with the Procurement Regulations and has no concerns with the outcome of the procurement process.
- 8.4.4 Head of Procurement therefore supports the recommendation of this report to appoint FEC as the preferred bidder for HTH.

#### **9. Use of Appendices**

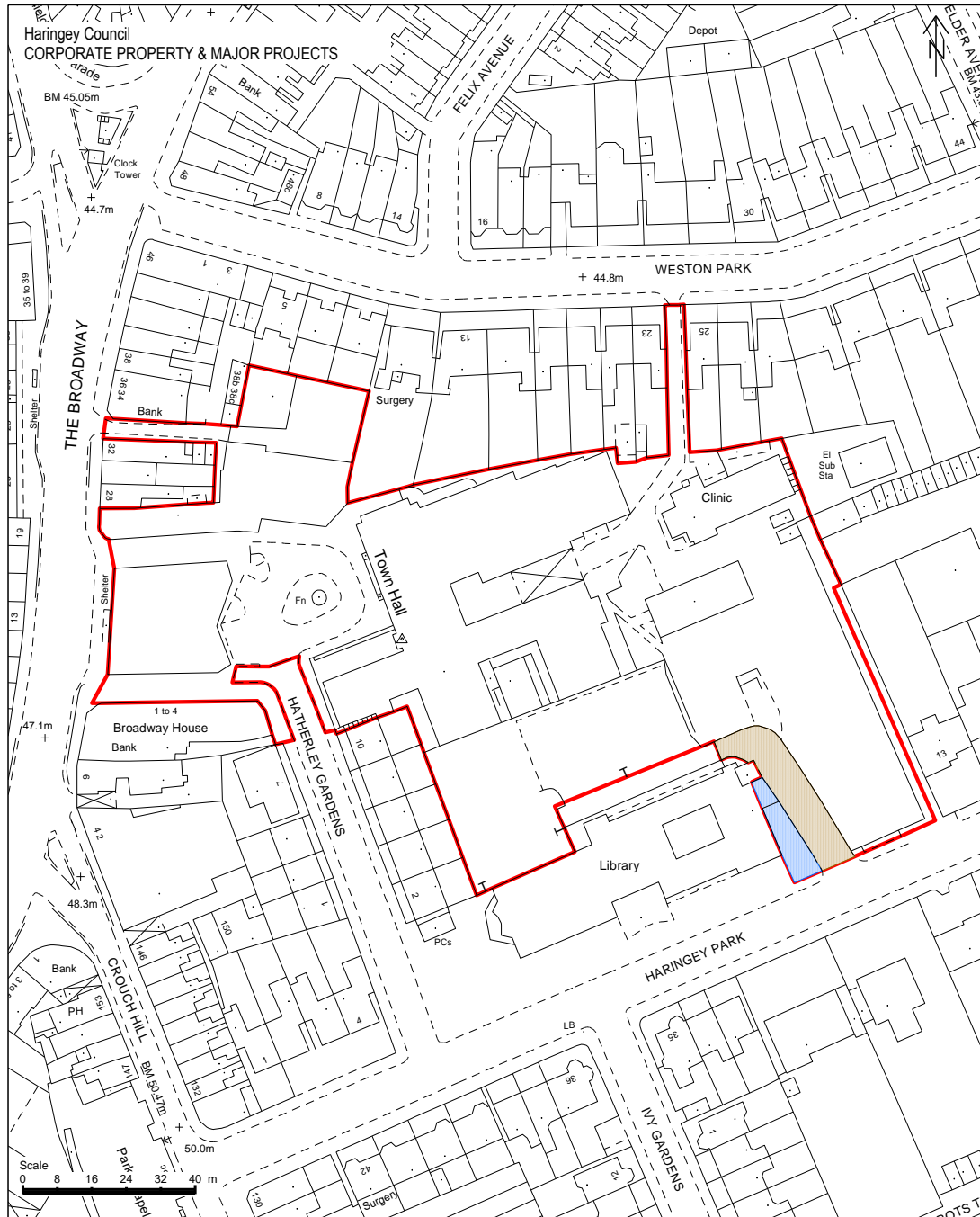
- Appendix A – Site Plan
- Appendix B – List of companies who submitted a PQQ
- Appendix C – PQQ Questions
- Appendix D – ISDS Questions

#### **10. Local Government (Access to Information) Act 1985**

- Appendix E - Part B: Exempt report

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# Appendix A – Site Plan



**Appendix B – Organisation Submitting a PQQ**

| <b>Company Name</b>   |
|---|
| Coplan Estates Limited & Far East International Consortium Ltd                                |
| Guildmore Limited   |
| Henley Homes  |
| IDP (Central) LTD T/A IDP Group   |
| Kajima Partnerships Limited   |
| Polyteck Building Services Ltd, Empyrean Developments Ltd and The MillCo Project              |
| Telford Homes Plc   |
| Tishman Speyer Properties UK Ltd, Bio-Regional Development Group and Ethical Property Company |
| Wates Construction Limited, London Newcastle Capital Ltd and Newlon Housing Trust             |



## Appendix C – PQQ Questions

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable | Weighting  |
|-------------|---|---|------------|
| <b>1</b>    | <b>Supplier Information</b>   |   | <b>FIO</b> |
| <b>1.1</b>  | <b>Supplier Details</b>   |   | <b>FIO</b> |
| 1.1.1       | Full name of the Supplier completing the PQQ  | Unique name of legal entity   | FIO        |
| 1.1.2       | Registered company address  | Property name, street name, town, county, postcode.   | FIO        |
| 1.1.3       | Registered company number   | Registration number with Companies House or<br>Registration number with equivalent body.          | FIO        |
| 1.1.4       | Registered charity number   |   | FIO        |
| 1.1.5       | Registered VAT number   |   | FIO        |
| 1.1.6       | Name of immediate parent company  |   | FIO        |
| 1.1.7       | Registered company number of immediate parent company   | Registration number with Companies House or<br>Registration number with equivalent body.          | FIO        |
| 1.1.8       | Name of ultimate parent company   |   | FIO        |
| 1.1.9       | Registered company number of ultimate parent company  | Registration number with Companies House or<br>Registration number with equivalent body.          | FIO        |
| 1.1.10      | Please indicate your trading status:<br>i) a public limited company.<br>ii) a limited company<br>iii) a limited liability partnership<br>iii) other partnership<br>iv) sole trader<br>v) other (please specify) | Select from drop down menu  | FIO        |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
| 1.1.11      | <p>Please indicate whether any of the following classifications apply to you:</p> <p>i) Voluntary, Community and Social Enterprise (VCSE)</p> <p>ii) Small or Medium Enterprise (SME) <sup>1</sup></p> <p>iii) Sheltered workshop</p> <p>iv) Public service mutual</p>  | Select from drop down menu  | FIO       |
| 1.2         | <b>Bidding Model</b>  |   | FIO       |
| 1.2.1       | <p>Please indicate whether you are;</p> <p>a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself</p> <p>b) Bidding as a Prime Contractor and will use third parties to deliver some of the services</p> <p>c) Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver all of the services</p> <p>d) Bidding as a consortium but not proposing to create a new legal entity</p> <p>e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV)</p> | Select from drop down menu  | FIO       |
| 1.2.2       | If you answered B, please provide details of your proposed bidding model using Appendix 1 that includes members of the supply chain, the percentage of work   | Provide details of your proposed bidding model using Appendix 1 if you are not delivering 100% of the key contract deliverables yourself. | FIO       |

<sup>1</sup> See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting  |
|-------------|--|---|------------|
|             | <p>being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p> <p>If you answered C, please provide details of your proposed bidding model using Appendix 1 that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p> <p>If you answered D, please include details of your consortium using Appendix 1 to explain the alternative arrangements i.e. why a new legal entity is not being created. Please note that the Authority may require the Consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.</p> <p>If you answered E, please include details of your Consortium, current lead member and intended SPV and provide full details of the proposed bidding model using Appendix 1. Consortium applications are also required to complete and upload Appendix 2.</p> | <p>Consortium applications are also required to complete and upload Appendix 2.</p>               |            |
| <b>1.3</b>  | <b>Contact Details - Supplier contact details for enquiries about this PQQ</b>   |   | <b>FIO</b> |
| 1.3.1       | Name   | Contact name for correspondence   | FIO        |
| 1.3.2       | Postal Address including postcode and country  | Property name, street name, town, county, postcode.   | FIO        |



| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable  | Weighting        |
|-------------|--|--|------------------|
| 1.3.3       | Phone  | Phone number   | FIO              |
| 1.3.4       | Mobile   | Mobile number  | FIO              |
| 1.3.5       | Email  | Email address  | FIO              |
| <b>1.4</b>  | <b>Licensing and Registration</b>  |  | <b>Pass/Fail</b> |
| 1.4.1       | Registration with a professional body:<br><br>If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state. | The applicant needs to respond by answering yes or no.   | FIO              |
| 1.4.2       | If Yes, please provide the registration number.  | In the UK this statutory requirement is satisfied by registration with Companies House or a declaration on oath that the Candidate is carrying on business in the trade in question in the UK at a specific place of business and under a specific trading name. If you are a non-UK business you will need to provide details of compliance with the licence/membership of relevant organisations<br>Non-compliance will constitute a <b>fail</b> . | Pass/Fail        |
| 1.4.3       | Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?  | The applicant needs to respond by answering yes or no.   | FIO              |
| 1.4.4       | If you have answered Yes to 1.4.3, please provide additional details within the text box of what is required   | Provide details of compliance with the licence/membership of relevant organisations Non-   | Pass/Fail        |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting        |
|-------------|---|---|------------------|
|             | and confirmation that you have complied with this.  | compliance will constitute a <b>fail</b> .  |                  |
| <b>2</b>    | <b>Grounds for Mandatory Exclusion</b>  |   | <b>Pass/Fail</b> |
| <b>2.1</b>  | <b>Grounds for Mandatory Exclusion</b>  |   | <b>Pass/Fail</b> |
| N/A         | Within the past five years has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of the following offences:   |   |                  |
| 2.1.1       | (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime? | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail        |
| 2.1.2       | (b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906?  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail        |
| 2.1.3       | (c) the common law offence of bribery;  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail        |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
| 2.1.4       | (d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.5       | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities: <b>(i) the offence of cheating the Revenue;</b>   | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.6       | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(ii)the offence of conspiracy to defraud;</b>   | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.7       | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(iii)fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;</b> | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.8       | (e)any of the following offences, where the offence   | Where the response is 'no' for this question, the applicant   | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
|             | relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(iv)fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;</b>                   | will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified.   |           |
| 2.1.9       | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;</b> | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.10      | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(vi ) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;</b>                 | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.11      | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of   | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will   | Pass/Fail |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|--|---|-----------|
|             | the European Communities <b>(vii)destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;</b>  | receive a <b>'fail'</b> mark and be disqualified.   |           |
| 2.1.12      | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(viii)fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or</b>  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.13      | (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities <b>(ix)the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;</b> | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.14      | (f) any offence listed— <b>(i)in section 41 of the Counter Terrorism Act 2008;</b>   | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.15      | (f) any offence listed— <b>(ii)in Schedule 2 to that Act</b>   | Where the response is 'no' for this question, the applicant   | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
|             | <b>where the court has determined that there is a terrorist connection;</b>   | will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified.   |           |
| 2.1.16      | (g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subsection (f);  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.17      | (h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.18      | (i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996; | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.19      | (j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.20      | (k) an offence under section 59A of the Sexual Offences Act 2003;   | Where the response is 'no' for this question, the applicant will pass.  | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
|             |   | Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified.   |           |
| 2.1.21      | (l) an offence under section 71 of the Coroners and Justice Act 2009  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.22      | (m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or  | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.23      | (n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive— <b>(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or</b>                      | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
| 2.1.24      | (n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive— <b>(ii) created after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.</b> | Where the response is 'no' for this question, the applicant will pass.<br><br>Any applicant who answers 'yes' to this question will receive a <b>'fail'</b> mark and be disqualified. | Pass/Fail |
|             |   |   |           |
| <b>2.2</b>  | <b>Non-payment of Taxes</b>   |   |           |
| 2.2.1       | Has it been established by a judicial or administrative   | Where the response is 'no' for this question, the applicant   | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting        |
|-------------|---|--|------------------|
|             | decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions? | will pass.   |                  |
| 2.2.2       | If you have answered Yes to question 2.2.1, please use the text box to provide further details. Please also use this text box to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?   | <p>If the response is 'yes' to question 2.2.1 please provide details of and binding arrangement or confirmation that you have paid the full amount, using the text box.</p> <p>If you have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligation since learning of the exact amount due. If your organisation is in that position, please provide details using a separate appendix.</p> <p>If the applicant does not provide details then the applicant will fail.</p> | Pass/Fail        |
| <b>3</b>    | <b>Grounds for Discretionary Exclusion - Part 1</b>   |  | <b>Pass/Fail</b> |
| <b>3.1</b>  | <b>Grounds for Discretionary Exclusion - Part 1</b>   |  | <b>Pass/Fail</b> |
| 3.1.1       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to   | Where the response is 'no' for this question, the applicant will pass.   | Pass/Fail        |



| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting |
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|             | your organisation - (a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;  |   |           |
| 3.1.2       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State; | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.3       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;  | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.4       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (d) your organisation has entered into agreements with other economic operators aimed at   | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting |
|-------------|--|---|-----------|
|             | distorting competition;  |   |           |
| 3.1.5       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (e)your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;  | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.6       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (f)the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;  | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.7       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (g)your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions; | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.8       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (h)your organisation—(i)has been   | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable | Weighting |
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|             | guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or  |   |           |
| 3.1.9       | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (h) your organisation—(ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.10      | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (i) your organisation has undertaken to (aa) unduly influence the decision-making process of the Contracting Authority, or  | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.11      | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (i) your organisation has undertaken to (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or           | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |
| 3.1.12      | Within the past three years, please indicate if any of the following situations have applied, or currently apply to your organisation - (j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or                        | Where the response is 'no' for this question, the applicant will pass.                            | Pass/Fail |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting        |
|-------------|--|---|------------------|
|             | award.   |   |                  |
| 3.1.13      | Any Supplier that answers “Yes” to questions 3.1.1 to 3.1.12 should provide appropriate explanation and evidence using the text box.   | Provide your answer in the text box.  | Pass/Fail        |
| <b>4</b>    | <b>Grounds for Discretionary Exclusion - Part 2</b>  |   | <b>Pass/Fail</b> |
| <b>4.1</b>  | <b>Grounds for Discretionary Exclusion - Part 2</b>  |   | <b>Pass/Fail</b> |
| 4.1.1       | From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion;   | Where the response is ‘no’ for this question, the applicant will pass.                            | Pass/Fail        |
| 4.1.2       | <p>From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; Been found to be incorrect as a result of:</p> <ul style="list-style-type: none"> <li>• HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or</li> <li>• A tax authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or</li> <li>• the failure of an avoidance scheme which the</li> </ul> | Where the response is ‘no’ for this question, the applicant will pass.                            | Pass/Fail        |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting |
|-------------|--|---|-----------|
|             | Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established  |   |           |
| 4.1.3       | <p>If answering “Yes” to either 4.1.1 or 4.1.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the authority to take into consideration. This could include, for example</p> <ul style="list-style-type: none"> <li>• Corrective action undertaken by the Supplier to date;</li> <li>• Planned corrective action to be taken;</li> <li>• Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or</li> <li>• Changes in financial, accounting, audit or management procedure since the OONC.</li> </ul> <p>In order that the authority can consider any factors raised by the Supplier, the following information should be provided:</p> <ul style="list-style-type: none"> <li>• A brief description of the occasion, the tax to</li> </ul> | Provide your answer in the text box.  | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable | Weighting        |
|-------------|---|---|------------------|
|             | <p>which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign Tax Authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.</p> <ul style="list-style-type: none"> <li>Where the OONC relates to a DOTAS, the number of relevant scheme.</li> <li>The date of the original “non-compliance” and the date of any judgment against the Supplier, or date when the return was amended.</li> <li>The level of any penalty or criminal conviction applied.</li> </ul> |   |                  |
| <b>5</b>    | <b>Economic and Financial Standing</b>  |   | <b>Pass/Fail</b> |
| <b>5.1</b>  | <b>Financial Information</b>  |   | <b>Pass/Fail</b> |
| 5.1.1       | <p>The Applicant/Lead Applicant of a consortium should provide one of the following to demonstrate their economic/financial standing (note that the Lead Applicant of a Consortium is financially responsible for every consortium members’ performance):</p> <p>(a) A copy of your audited accounts for the most recent two years</p>  | Document upload of the information and/or documents as requested.                                 | FIO              |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting |
|-------------|---|--|-----------|
|             | <p>(b) A statement of your turnover, profit &amp; loss account, current liabilities and assets and cash flow for the most recent year of trading</p> <p>(c) A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position</p> <p>(d) Alternative means of demonstrating financial status if any of the above is not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p> |  |           |
| 5.1.2       | <p>Please upload a Dun and Bradstreet Report (the report to be dated within 7 days of the PQQ Submission Deadline).</p> <p>The Applicant/Lead Applicant of a consortium will need to demonstrate a minimum financial standing through a Dun and Bradstreet (or equivalent) credit check. The credit check will be based upon two factors - the risk of business failure (using the D&amp;B Risk Indicator) and Tangible Net Worth (using the D&amp;B Financial Strength).</p> <p>For Risk of business failure Applicants must achieve a Dun and Bradstreet rating of 1 “minimum risk”, 2 “lower than</p>  | <p>Please upload a Dun and Bradstreet Report (the report to be dated within 7 days of the PQQ Submission Deadline) which demonstrated the Applicant / Lead Applicant has the required D&amp;B Risk Indicator</p> | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
|             | <p>average risk” or 3 “higher than average risk”.</p> <p>If the score is 4 “High risk” or “Undetermined” the applicant must provide additional information as per question 5.1.5.</p>   |   |           |
| 5.1.3       | <p>The Applicant/Lead Applicant of a consortium will need to demonstrate a minimum financial standing through a Dun and Bradstreet (or equivalent) credit check. The credit check will be based upon two factors - the risk of business failure (using the D&amp;B Risk Indicator) and Tangible Net Worth (using the D&amp;B Financial Strength).</p> <p>For Tangible Net Worth Applicants / Lead Applicant must achieve a D&amp;B Financial Strength of 1A (greater than £699,999) or higher.</p> <p>If this level is not demonstrated through a Dun and Bradstreet Report (or equivalent) credit check the applicant must provide additional information as per question 5.1.5.</p> <p>(No response is required to this question)</p> | <p>The formula for calculating tangible net worth is:<br/>Tangible Net Worth = Total Assets - Total Liabilities - Intangible Assets</p> <p>The Dun and Bradstreet Report provided within the PQQ Question 5.1.2 upload is to demonstrate the Applicant / Lead Applicant has the required D&amp;B Financial Strength</p> | Pass/Fail |
| 5.1.4       | Please provide your Dun and Bradstreet (D&B D-U-N-S) number (if applicable) for the Applicant / Lead Applicant of a Consortium  | Dun and Bradstreet (D&B D-U-N-S) number   | FIO       |
| 5.1.5       | If Applicant / Lead Applicant of a consortium has failed, or  | Provide an upload of the information required within  | Pass/Fail |



| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting |
|-------------|--|---|-----------|
|             | is unable to provide, a Dun and Bradstreet (or equivalent) credit check then the Applicant/Lead Applicant must provide the information required in Appendix 3; such information will be evaluated in accordance with Appendix 3. | Appendix 3  |           |
| 5.1.6       | Where the Authority has specified a minimum level of economic and financial standing within the evaluation criteria for this PQQ, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out here     | Select Yes / No. No being a fail  | Pass/Fail |
| 5.1.7       | Are you part of a wider group (e.g. a subsidiary of a holding/parent company)?   | Select Yes / No   | FIO       |
| 5.1.8       | If you answered yes to 5.1.7, please provide the name of the holding/parent company  | Name of the holding/parent company  | FIO       |
| 5.1.9       | If you answered yes to 5.1.7, please provide the Dun & Bradstreet (D&B D-U-N-S) number for the holding/parent company (if applicable)  | Dun and Bradstreet (D&B D-U-N-S) number   | FIO       |
| 5.1.10      | If you answered yes to 5.1.7, please provide details of the relationship of the holding/parent company to the Supplier completing the PQQ using Appendix 4.  | Please upload the requested details and information by completing Appendix 9                      | FIO       |
| 5.1.11      | If you answered yes to 5.1.7, please provide holding/parent company accounts for the most recent two years if available.   | Select Yes / No   | FIO       |
| 5.1.12      | If you answered yes to 5.1.7, would the holding/parent company be willing to provide a guarantee if necessary?   | Select Yes / No   | FIO       |
| 5.1.13      | If you answered no to 5.1.12, would you be able to obtain a guarantee elsewhere (e.g. from a bank?)  | Select Yes / No   | FIO       |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting             |
|-------------|---|--|-----------------------|
| <b>6</b>    | <b>Technical and Professional Ability</b>   |  | <b>30%</b>            |
| <b>6.1</b>  | <b>Case Study 1</b>   |  | <b>Sub-weightings</b> |
| 6.1.1       | <p>Please provide a case study using the template at Appendix 5.1 which illustrate your experience and capability of delivering similar projects. The case study must:</p> <ul style="list-style-type: none"> <li>• Comprise a mixture of property uses as part of a development scheme</li> <li>• Have been delivered through a partnering contract with the public sector</li> <li>• Have practically completed in the last 5 years</li> <li>• Be limited to 2 pages (font Arial 11), excl. images</li> </ul> | <p>For the case study please provide:</p> <ul style="list-style-type: none"> <li>• Description and location details</li> <li>• Contract value</li> <li>• Project commencement and completion date</li> <li>• Delivery structure detail</li> <li>• Details of role undertaken by applicant(s) in this PQQ</li> <li>• Names and details of other partners involved</li> <li>• Reference - name, position, organisation, contact email and phone</li> </ul> | FIO                   |
| 6.1.2       | <p>By reference to your first case study, using Appendix 5.2 please explain how the project is relevant to the opportunity proposed by the council.</p> <p>(maximum word count: 1000)</p>   | Relevance to the opportunity proposed by the council   | 7%                    |
| 6.1.3       | <p>By reference to your first case study, using Appendix 5.3 please explain how the five key challenges on the project and how they were addressed.</p> <p>(maximum word count: 1000)</p>   | Five key challenges and how these were addressed   | 3%                    |
| <b>6.2</b>  | <b>Case Study 2</b>   |  |                       |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting |
|-------------|---|--|-----------|
| 6.2.1       | <p>Please provide a case study using the template at Appendix 5.1 which illustrate your experience and capability of delivering similar projects. The case study must:</p> <ul style="list-style-type: none"> <li>• Comprise a mixture of property uses as part of a development scheme</li> <li>• Have been delivered through a partnering contract with the public sector</li> <li>• Have practically completed in the last 5 years</li> <li>• Be limited to 2 pages (font Arial 11), excl. images</li> </ul> | <p>For the case study please provide:</p> <ul style="list-style-type: none"> <li>• Description and location details</li> <li>• Contract value</li> <li>• Project commencement and completion date</li> <li>• Delivery structure detail</li> <li>• Details of role undertaken by applicant(s) in this PQQ</li> <li>• Names and details of other partners involved</li> <li>• Reference - name, position, organisation, contact email and phone</li> </ul> | FIO       |
| 6.2.2       | <p>By reference to your second case study, using Appendix 5.2 please explain how the project is relevant to the opportunity proposed by the council.</p> <p>(maximum word count: 1000)</p>  | Relevance to the opportunity proposed by the council   | 7%        |
| 6.2.3       | <p>By reference to your second case study, using Appendix 5.3 please explain how the five key challenges on the project and how they were addressed.</p> <p>(maximum word count: 1000)</p>  | Five key challenges and how these were addressed   | 3%        |
| <b>6.3</b>  | <b>Case Study 3</b>   |  |           |
| 6.3.1       | <p>Please provide a case study using the template at Appendix 5.1 which illustrate your experience and capability of delivering similar projects. The case study must:</p>  | <p>For the case study please provide:</p> <ul style="list-style-type: none"> <li>• Description and location details</li> <li>• Contract value</li> <li>• Project commencement and completion date</li> </ul>   | FIO       |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable  | Weighting  |
|-------------|--|--|------------|
|             | <ul style="list-style-type: none"> <li>Comprise a mixture of property uses as part of a development scheme</li> <li>Have been delivered through a partnering contract with the public sector</li> <li>Have practically completed in the last 5 years</li> <li>Be limited to 2 pages (font Arial 11), excl. images</li> </ul> | <ul style="list-style-type: none"> <li>Delivery structure detail</li> <li>Details of role undertaken by applicant(s) in this PQQ</li> <li>Names and details of other partners involved</li> <li>Reference - name, position, organisation, contact email and phone</li> </ul> |            |
| 6.3.2       | <p>By reference to your third case study, using Appendix 5.2 please explain how the project is relevant to the opportunity proposed by the council.</p> <p>(maximum word count: 1000)</p>  | Relevance to the opportunity proposed by the council   | 7%         |
| 6.3.3       | <p>By reference to your third case study, using Appendix 5.3 please explain how the five key challenges on the project and how they were addressed.</p> <p>(maximum word count: 1000)</p>  | Five key challenges and how these were addressed   | 3%         |
| <b>6.4</b>  | <b>Start-up Organisations</b>  |  |            |
| 6.4.1       | <p>If you cannot provide at least one example within your team for each of the questions 6.1 to 6.3, using Appendix 5.4 in no more than 1000 words please provide an explanation for this including how you intend to use your expertise with your team e.g. your organisation is a new start-up.</p>                        |  | FIO        |
| <b>7</b>    | <b>Additional PQQ Modules</b>  |  | <b>70%</b> |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting             |
|-------------|---|--|-----------------------|
| 7.1         | <b>Project Specific Questions to Assess Technical and Professional Ability</b>  |  | <b>Sub-weightings</b> |
| 7.1.1       | Using Appendix 6 please provide details of any relevant experience involving the refurbishment of statutory listed buildings including engagement with English Heritage/Historic England.<br><br>(Word limit: 1000 – Font Aerial 11)                                    | The response should include actual examples of projects incorporating the refurbishment of a listed building(s) where the applicant has had a lead or supporting development role.<br><br>The response should also highlight how the applicant has successfully engaged with English Heritage/Historic England.  | 14%                   |
| 7.1.2       | Using Appendix 6 please provide details of the applicant's relevant experience of working in partnership with public sector organisations on regeneration projects.<br><br>(Word limit: 1000 – Font Aerial 11)  | The response should include actual examples of projects where the applicant has had a direct contractual relationship with a public sector organisation (e.g. development agreement or joint venture), and may be a development project or other regeneration project(s) (e.g. operational partnership)  | 7%                    |
| 7.1.3       | If the applicant is bidding as part of a consortium using Appendix 6 please provide a statement detailing any experience of this consortium working in partnership with public sector organisations on regeneration projects.<br><br>(Word limit: 500 – Font Aerial 11) | The response should clarify, in cases where consortium's are seeking to pre-qualify, where the consortium has actively worked together in public sector partnership projects (i.e. where the applicant has had a direct contractual relationship with a public sector organisation(s) (e.g. development agreement or joint venture), and may be a development project or other regeneration project (e.g. operational partnership) | FIO                   |
| 7.1.4       | Using Appendix 6 please provide details of delivering regeneration projects incorporating uses of benefit to  | The response should include actual examples of project(s) incorporating the provision of community uses within the   | 14%                   |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|--|---|-----------|
|             | <p>and/or securing access for the community.</p> <p>(Word limit: 1500 – Font Aerial 11)</p>  | <p>project, and/or access being maintained for the benefit of the community.</p>  |           |
| 7.1.5       | <p>With reference to one or more of the case study examples provided in Section 6, using Appendix 6 please provide examples of how the applicant has optimised commercial return from other mixed-use property development projects (in the context of wider project objectives).</p> <p>(Word limit: 1000 – Font Aerial 11)</p> | <p>The response should refer to one or more of the case studies provided in Q6.</p> <p>The response is expected to set out how the applicant has assessed and responded to the market demand and supply context when designing and delivering other mixed-use development projects. This may include reference to the research, design, specification, pricing and/or marketing procedures.</p> <p>The response should be placed on the context of other project objectives (e.g. non-financial).</p> | 7%        |
| 7.1.6       | <p>With reference to one or more of the case study examples provided in Section 6, using Appendix 6 please provide details of applicant experience in delivering projects which have required active community engagement and how this was used to enhance the project.</p> <p>(Word limit: 1000 – Font Aerial 11)</p>           | <p>The response should also set out how such engagement had fed into the project in hand, for example in relation to the design outcomes.</p> <p>The response is expected to set out how the applicant has engaged and/or consulted with community stakeholders as part of other mixed-use development projects, including (wherever possible) reference to engagement outside of the statutory planning process.</p>   | 5%        |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|---|---|-----------|
|             |   | The response should also set out how such engagement has fed into the project in hand, for example in relation to the design outcomes.  |           |
| 7.1.7       | With reference to one or more of the case study examples provided in Section 6, using Appendix 6 please provide details of your approach and experience of managing multi-disciplinary technical teams to ensure the successful delivery of similar mixed-use property development projects.<br><br>(Word limit: 1000 – Font Aerial 11) | The response should refer to one or more of the case studies provided in Q6.<br><br>The response is expected to set out how the applicant has worked with and managed its multi-disciplinary technical teams (i.e. external consultants or internal staff) to respond to specific technical challenges on other mixed-use development projects. In this way the response may seek to explain how the technical input has helped inform the project outcomes to a successful conclusion. | 7%        |
| 7.1.8       | With reference to one or more of the case study examples provided in Section 6, using Appendix 6 please provide details of the 5 key project risks identified on other similar mixed-use development projects, including how you managed and mitigated such risks.<br><br>(Word limit: 1000 – Font Aerial 11)                           | The response should refer to one or more of the case studies provided in Q6.<br><br>The response is expected to set out how the applicant has identified and managed project risks to deliver successful outcomes. This may include an overview of the applicant's approach to risk management, along with narrative to explain how specific risks have been managed and/or mitigated to a successful conclusion.   | 7%        |
| 7.1.9       | Using Appendix 6 please provide at least one example that demonstrates any relevant experience of enhancing and managing substantial areas of public realm as part of other regeneration projects.  | The response should include actual examples of project(s) incorporating the enhancement (i.e. investment in, adaptation or transformation of etc.) or management (either directly or through a 3rd party) of public realm of a  | 7%        |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable   | Weighting        |
|-------------|---|---|------------------|
|             | (Word limit: 1000 – Font Aerial 11)   | <p>similar nature to the town hall square in terms of scale, quality or location aspects. The role of the applicant in such a process may be varied, albeit examples where the applicant has performed a similar role to that intended on the HTH project are preferred.</p> <p>Project examples may be a development project or other regeneration project(s) (e.g. operational models).</p> |                  |
| 7.1.10      | <p>Using Appendix 6 provide examples of how your organisation carried out a corporate social responsibility role in relation to training and development (you may reference case studies).</p> <ul style="list-style-type: none"> <li>Career development including but not limited to Apprenticeships, Graduate Training, mid-career development and lifelong learning</li> </ul> <p>(Word limit: 500 – Font Aerial 11)</p> | The Applicant must provide information on what kind of contribution has been made by the applicant's organisation in connection with training programmes in communities. Please evidence your contributions to career development e.g. apprenticeships.   | 2%               |
| <b>7.2</b>  | <b>Insurance</b>  |   | <b>Pass/Fail</b> |
| 7.2.1       | <p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <p>Employer's (Compulsory) Liability Insurance = £10m</p> <p>*It is a legal requirement that all companies hold</p>   | <p>Any applicant which self certifies that they already have or can commit to obtain the level of insurance cover indicated will obtain a pass mark for this question. Proof will be required on request at contract award stage.</p> <p>Any applicant which is subsequently unable to procure such insurances shall be excluded from further</p>   | Pass/Fail        |



| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable  | Weighting        |
|-------------|--|--|------------------|
|             | Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.  | consideration at any point.  |                  |
| 7.2.2       | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:<br><br>Public Liability Insurance = £25m  | Any applicant which self certifies that they already have or can commit to obtain the level of insurance cover indicated will obtain a pass mark for this question. Proof will be required on request at contract award stage.<br><br>Any applicant which is subsequently unable to procure such insurances shall be excluded from further consideration at any point. | Pass/Fail        |
| 7.2.3       | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:<br><br>Professional Indemnity Insurance = £5m   | Any applicant which self certifies that they already have or can commit to obtain the level of insurance cover indicated will obtain a pass mark for this question. Proof will be required on request at contract award stage.<br><br>Any applicant which is subsequently unable to procure such insurances shall be excluded from further consideration at any point. | Pass/Fail        |
| <b>7.3</b>  | <b>Compliance with Equality Legislation</b>  |  | <b>Pass/Fail</b> |
| 7.3.1       | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK) |  | FIO              |
| 7.3.2       | In the last three years, has your organisation had a   |  | FIO              |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable  | Weighting |
|-------------|--|--|-----------|
|             | complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?   |  |           |
| 7.3.3       | <p>If you have answered “yes” to one or both of the questions in this module, please provide, using Appendix 6, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use Appendix 6 to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> | <p>Where the response is ‘no’ for questions 7.3.1 and/or 7.3.2, the applicant will pass.</p> <p>If the response is ‘yes’ any subsequent action taken by the applicant to prevent reoccurrence will be verified.</p> <p>If the applicant has taken adequate steps to prevent reoccurrence then the applicant will pass. The applicant must provide details of the finding/complaint of unlawful discrimination and must then detail what measures have been taken to prevent reoccurrence.</p> <p>The council will expect to receive details of training to prevent reoccurrence and specific remedies in relation to the finding/complaint.</p> <p>If the response is ‘yes’ and the applicant does not provide details or the London Borough of Haringey does not consider that the applicant has taken adequate steps to prevent reoccurrence (as outlined above) then the applicant will fail.</p> | Pass/Fail |

| Question No | Question / Information Required   | Description of information expected, which will be taken into account in assessment if applicable  | Weighting |
|-------------|---|--|-----------|
| 7.4         | <b>Environmental Management</b>   |  | Pass/Fail |
| 7.4.1       | <p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p>The authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches,</p> |  | FIO       |
| 7.4.2       | <p>If your answer to question 7.4.1 is “Yes”, please provide in Appendix 8 details of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</p>   | <p>Where the response is ‘no’ for question 7.4.1, the applicant will pass.</p> <p>If the response is ‘yes’ any subsequent action taken by the applicant to prevent reoccurrence will be verified.</p> <p>If the applicant has taken adequate steps to prevent reoccurrence then the applicant will pass. The applicant must provide details of the conviction/notice and must then detail what measures have been taken to prevent reoccurrence.</p> <p>The council will expect to receive details of training to prevent reoccurrence and specific remedies in relation to the conviction/notice.</p> | Pass/Fail |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable   | Weighting        |
|-------------|--|---|------------------|
|             |  | If the response is 'yes' and the applicant does not provide details or the London Borough of Haringey does not consider that the applicant has taken adequate steps to prevent reoccurrence (as outlined above) then the applicant will fail.   |                  |
| 7.4.3       | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?   | Select Yes / No   | FIO              |
| <b>7.5</b>  | <b>Health and Safety</b>   |   | <b>Pass/Fail</b> |
| 7.5.1       | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.   | Any applicant which self certifies that they have a Health and Safety Policy that complies with current legislative requirements will obtain a pass mark for this question. Proof will be required on request at contract award stage.<br><br>Any applicant whose policy does not comply with current legislative requirements shall be excluded from further consideration at any point. | Pass/Fail        |
| 7.5.2       | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?<br><br>The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the |   | FIO              |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable   | Weighting |
|-------------|--|---|-----------|
|             | bidder(s) can demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.   |   |           |
| 7.5.3       | If your answer to question 7.5.2 was "Yes", please provide in Appendix 9 details of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. | <p>Where the response is 'no' for question 7.5.2, the applicant will pass.</p> <p>If the response is 'yes' any subsequent action taken by the applicant to prevent reoccurrence will be verified.</p> <p>If the applicant has taken adequate steps to prevent reoccurrence then the applicant will pass. The applicant must provide detail of the enforcement and must then details what measures have been taken to prevent reoccurrence.</p> <p>The council will expect to receive details of training to prevent reoccurrence and specific remedies in relation to the enforcement. Details must be provided of any follow up correspondence from the HSE etc. confirming acceptance of the remedies.</p> <p>If the response is 'yes' and the applicant does not provide details or the London Borough of Haringey does not consider that the applicant has taken adequate steps to prevent reoccurrence (as outlined above) then the applicant will fail.</p> | Pass/Fail |

| Question No | Question / Information Required  | Description of information expected, which will be taken into account in assessment if applicable | Weighting        |
|-------------|--|---|------------------|
| 7.5.4       | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Select Yes / No   | FIO              |
| <b>8</b>    | <b>Declaration &amp; Checklist</b>   |   | <b>Pass/Fail</b> |
| <b>8.1</b>  | <b>Declaration</b>   |   | <b>FIO</b>       |
| 8.1.1       | Please complete and upload the Declaration at Appendix 11.   | This section is pass or fail. This must be completed, signed and dated as instructed on the form  | FIO              |
| <b>8.2</b>  | <b>Upload Checklist</b>  |   | <b>Pass/Fail</b> |
| 8.2.1       | Please complete and upload the Upload Checklist at Appendix 12.  | . Upload the completed Upload Checklist.  |                  |



## Appendix D – ISDS Questions

|                 | Question Number | Draft Questions  | Overall weighting |
|-----------------|-----------------|--|-------------------|
| Financial (30%) | 1               | <p>Please set out your <b>Financial Offer</b> by completing the inputs in the yellow highlighted cells in Section 1 of the Financial Template provided (Appendix C).</p> <p>This will establish a Net Scheme Balance (NSB) which will be the basis of the evaluation as part of this question. The NSB will be established based using the prescribed discount rates (see Section 10) within the NSB formula in the Financial Template.</p> <p>Bidders should also set out reasoning for the proposed capital and revenue payment structure in the Financial Template.</p> <p>Bidders should be prepared to contract with the council, via a Development Agreement, on the basis of proposed capital and revenue payments in the Financial Template, subject to any conditions outlined in your response to Q2.</p>  | 18%               |
|                 | 2               | <p>Please provide a commercial narrative providing <b>justification and evidence to support the development appraisal assumptions</b> included in the completed Financial Template. These should link in with your completed Financial Template and should cover the development and operational phases of the project. All summaries should include the following:</p> <ul style="list-style-type: none"> <li>I. Estimated Scheme Revenues, including any proposed sales and/or lettings incentives. This should be broken down by tenure and typology of use. (2%)</li> <li>II. Development specification and cost plan broken down to include infrastructure costs, abnormal costs, construction costs, S106 , professional fees, marketing and legal costs. Costs should be broken down on a GIA (m2) basis. (1%)</li> <li>III. Finance cost and interest rate assumptions. (1%)</li> <li>IV. The percentage development return (on total development cost). (1%)</li> </ul> <p>Your response should include reference to the conditionality attached to the net payments made to the council.</p> | 5%                |
|                 | 3               | Please set out details of any proposed <b>overage</b> offered.   | 2%                |
|                 | 4               | <p>Please provide a detailed proposal for how you will <b>source, raise and secure necessary (development and operational) finance</b> for the scheme. Bidders must:-</p> <ul style="list-style-type: none"> <li>I. Demonstrate how the funding for the project is</li> </ul>  | 5%                |



|                      | Question Number | Draft Questions  | Overall weighting |
|----------------------|-----------------|--|-------------------|
|                      |                 | <p>to be sourced and secured. (1%)</p> <p>II. Confirm whether there are any pre-conditions to funding which must be resolved and if so, when? (1%)</p> <p>III. Demonstrate the availability of funding to meet the peak funding requirement of the development with respect to the overall cashflow. (1%)</p> <p>IV. Evidence of a detailed offer of funding in the form of a letter from funders. Where the intention is to self-fund from internal resources, Bidders are required to provide a letter from their Financial Director or equivalent confirming that the funding is available. (1%)</p> <p>V. Proposals for guaranteeing. (1%)</p>   |                   |
| <b>Quality (70%)</b> | 5               | Please provide a masterplan for the site as a whole, illustrating the approach to the Town Hall, the Town Hall Square, new development to the rear, the range of uses, housing tenures (where applicable) and densities proposed across the site and how the proposed uses would successfully integrate and interact with each other.  | 5%                |
|                      | 6               | <p>Please demonstrate how your masterplanning and design proposal responds to the Town Hall's heritage status, potentially to include detail on:</p> <ul style="list-style-type: none"> <li>How you propose to restore the Town Hall in a way that retains and enhances its significance and Grade II* listed status. This should include your proposed approach to the internal layout of the Town Hall and how you propose to use spaces within it whilst conserving the historic fabric and architectural features of significance</li> <li>How any proposed new development to the rear responds to the Listed Buildings within the site and the wider conservation area.</li> <li>How your design concept for the Town Hall Square respects its heritage significance and civic status within the conservation area.</li> </ul> | 5%                |
|                      | 7               | Please provide your proposal for how you will engage in a sustainability and environmental programme with the council.   | 2%                |
|                      | 8               | Please provide a full method statement/ delivery plan setting out the timetabled proposals for delivery of each key element and phase of the project (i.e. interim uses/stages, planning and design, stakeholder consultation, construction and operation).  | 6%                |
|                      | 9               | The council requires an appropriately qualified and  | 4%                |

|  | Question Number | Draft Questions   | Overall weighting |
|--|-----------------|---|-------------------|
|  |                 | experienced team to design, plan, fund, develop and (where applicable) operate this development scheme.   |                   |
|  | 10              | Please outline your proposed planning strategy.   | 5%                |
|  | 11              | Please outline your approach to stakeholder engagement (stakeholders may include planning officers, residents/community interest groups, and statutory bodies).   | 2%                |
|  | 12              | <p>Please provide a business plan which includes a detailed plan for the first five years of the lease and an outline plan for a further 15 years (i.e. 20 years in total). This document should include reference to the following:</p> <ul style="list-style-type: none"> <li>• Your strategic approach to the buildings/spaces that are let, including the scope of uses/activities to be included, who will be providing them and for what period (4%)</li> <li>• A summary financial plan for the retained buildings. (4%)</li> <li>• Your proposals for the long term management and maintenance of the site with particular reference to the Town Hall building and Town Hall Square. (3%)</li> </ul>                        | 11%               |
|  | 13              | Please provide a statement which demonstrates how the proposal has responded to the council's minimum Community Use/Access requirements.  | Pass/Fail         |
|  | 14              | Please provide a statement which demonstrates the extent to which your proposals meet the enhanced community use / access aspirations as set out in the Information Memorandum, over and above the specified minimum requirements.  | 21%               |
|  | 15              | Bidders should provide a detailed mark-up of those parts of the legal suite which the council has requested the bidders' responses to. Bidder's should also submit a commentary table in respect of each document explaining the purpose behind any proposed amendments. The evaluation will assess the reasonableness of any amendments taking into account the bidder's approach to contractual risk, commercial offer to the council, the suite of contract security provisions being offered and the Contracting Authority's responsibilities. Accordingly, the Contracting Authority will give weight to the level of consistency of proposals, the risk allocation and commercial offer that the bidder's mark-up represents. | 9%                |
|  |                 |   | 70%               |



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**Report for:** Cabinet

**Item number:** 16

**Title:** Haringey's Housing Strategy 2017-2022

**Report authorised by :** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Mustafa Ibrahim, Head of Housing Commissioning, Investment and Sites

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key decision

## **1. DESCRIBE THE ISSUE UNDER CONSIDERATION**

- 1.1 This report presents the final proposed draft of Haringey's Housing Strategy, following completion of a second stage of consultation. The vision and objectives in the draft strategy remain unchanged but this new version reflects a very different housing landscape and emphasises that implementation of the strategy will be challenging.
- 1.2 In addition to the final strategy, this report includes a summary of the consultation feedback and a new version of the Equalities Impact Assessment, updated to provide an assessment of the impact of the revised strategy.
- 1.3 This report is to be considered by Regulatory Committee and Cabinet each with a view to recommending adoption of the Strategy with or without amendment, and by Council for adoption of the Strategy.

## **2. CABINET MEMBER INTRODUCTION**

- 2.1 There can rarely have been a more important time to set out our distinctive vision for the future of homes in our borough and outline the steps we are determined to take to achieve it. We strongly believe that housing is fundamentally about people and communities, not just bricks and mortar. Housing is about homes. A home is much more than a mere building – a real *home* is somewhere you want to bring up your kids, somewhere you feel safe, somewhere you feel happy growing old - it is a foundation for a stable and successful life.
- 2.2 With a challenging market, exacerbated by damaging Government policy changes, having a real home, at a price we can afford, can seem like a distant dream to many in our city. In our new Housing Strategy, we set out our determination to strive for more mixed communities, harnessing housing as a

tool to tackle inequality, rather than the force for segregation it can all too often become.

- 2.3 The Strategy sets out four key objectives that together aim to help to build these strong, mixed communities in neighbourhoods that reflect the diversity of Haringey. This means not just new homes; it also means the jobs, training, facilities and services that communities need to thrive, it means support for people that need it and it means tackling inequality and barriers to access to housing.
- 2.4 Making this happen will be very difficult, but through strong leadership from the Council, working hard to make full use of spare public land, drawing on the resources of the 54 housing associations in the borough, by developing innovative partnerships with the private sector and working closely with communities, I genuinely believe we can achieve much more.
- 2.5 While developing this strategy, and discussing its recommendations with partners, we have already seen progress towards its objectives. A number of housing associations in Haringey are now developing innovative new types of affordable home, we have seen a rise in the badly needed intermediate homes we have been lacking for too long and the Council has had increased success in preventing homelessness. With the strategy agreed, we can lead a sustained and intensive effort to push hard on delivering all four objectives to ensure real progress for our residents.

### **3. RECOMMENDATIONS**

It is recommended that Cabinet:

- 3.1 Notes and considers the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy, set out in appendix 1.
- 3.2 Notes and considers the comments and resolutions of Regulatory committee, set out in appendix 4.
- 3.3 Recommends the revised and final version of Haringey's Housing Strategy, attached as appendix 2 to this report, having considered the revised and final version of the Equalities Impact Assessment, attached as appendix 3, for adoption by Council.

It is recommended that Council:

- 3.4 Agree and adopt the revised and final version of Haringey's Housing Strategy, attached as appendix 2 to this report, having considered the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy, set out in appendix 1 and the revised and final version of the Equalities Impact Assessment, attached as appendix 3

### **4. REASONS FOR DECISION**

- 4.1 Regulatory Committee is required to provide informal recommendations to Cabinet and Full Council about the draft Housing Strategy.

- 4.2 Cabinet is required to recommend that Council adopt the draft Housing Strategy.
- 4.3 A decision is required from Council formally to adopt Haringey's Housing Strategy, taking into account any recommendations from both Regulatory Committee and Cabinet.
- 4.4 Each body must consider the consultation responses, the changed national and local housing landscape and the updated Equalities Impact Assessment.

## **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The Council already has a Housing Strategy in place covering the period 2009 – 2019, so it would be possible to continue with the current strategy. However, at its meeting in October 2014, the Cabinet rejected this approach given the scale of changes to housing policy since 2009. The scale of these changes has increased further since the general election in May 2015 and the introduction of the Housing and Planning Act 2016. The case for a new strategy is, therefore, now more compelling.
- 5.2 Council could also consider carrying out a simple review and refresh of the 2009 – 2019 strategy. However, the extent of the changes since 2009 are such that this would not enable the Council to adequately meet the challenges it faces.
- 5.3 Alternatively, the Council could rescind the housing strategy altogether and move forward without one as there is no statutory requirement for a local authority to produce a housing strategy. However, having a strategy is considered both best practice and necessary to articulate how the council will meet the housing challenges and deliver its housing objectives and priorities with its partners.
- 5.4 The final strategy represents recommended policy choices that aim to achieve the council's priorities. Alternative options were discounted where they:
  - Would not have been consistent with the general tenor of consultation feedback;
  - Did not comply with current and forthcoming government legislation;
  - Would have represented policy choices that are unachievable given known and likely constraints.

## **6. BACKGROUND INFORMATION**

- 6.1 In October 2014, Cabinet approved the start of consultation on a new Haringey Housing Strategy. A first stage consultation on the proposed vision, principles and priorities for the new Housing Strategy took place over a six week period, between 20 October and 12 December 2014, and invited stakeholders to give their views. A report on the first stage consultation outcome, feedback from the Regulatory Committee on 3 March 2015 and a draft Housing Strategy were submitted to Cabinet in March 2015. At this meeting, Cabinet agreed that a second stage consultation exercise should be conducted on the full draft of the strategy.

- 6.2 Following announcements made in the Queen's Speech in May 2015, it was necessary to update the draft strategy in light of forthcoming changes to national housing policy. The amended draft strategy was agreed for consultation by the Leader of the Council in June 2015. The second stage consultation then took place over a 14 week period between 13 July and 18 October 2015. The consultation was promoted online, through social media and Haringey Council web communications. Posters and promotional materials were sent to key partners such as housing associations and voluntary sector organisations. A series of events for stakeholders were held during the consultation period.
- 6.3 There were 97 responses to the second stage consultation, in addition to the 330 responses received from the first stage consultation. At both stages, the consultation response was generally positive. A full report on the second stage consultation is contained in Appendix 1.
- 6.4 Broadly, four themes emerged from the consultation, where respondents felt the Council should change, clarify or strengthen the final strategy, as follows:
- Housing affordability: concern that current definitions of affordability exclude lower income households, including those reliant on benefits.
  - Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing.
  - Vulnerable groups: support for a strategy which addresses the needs of residents with additional vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents.
  - Council housing: concern that estate regeneration will demolish council housing without 1:1 replacement.

This feedback has been taken into account in the changes made to the draft strategy, which are summarised below.

### **Policy Developments**

- 6.5 A number of revisions were also required as a result of other changes and policy developments since the draft Housing Strategy was approved for consultation in June 2015. These include:
- (a) Aligning the affordable housing provisions and guidance to developers with the latest Local Plan, as approved by Cabinet.
  - (b) Reflecting Cabinet's approval of the procurement of an investment partner for the Haringey Development Vehicle and the role it will play in boosting housing supply in the borough.



- (c) Applying a number of necessary updates e.g. to reflect Cabinet's approval of a new 10 year contract for the Council's ALMO and recently approved changes to the Council's Allocations Scheme.

6.6 Further changes have been necessary as a result of national policy developments. Following the general election in 2015, major changes in national housing, planning and welfare policy were introduced, for example, in the Housing and Planning Act. This context is set out in the revised strategy, which recognises a changing housing landscape that has a significant impact on key strategic priorities including:

- (a) Reducing the supply of affordable homes, as a result of:
  - The Right to Buy being extended to housing association tenants
  - 'Starter Homes' being defined as affordable housing, replacing the genuinely affordable rented and shared ownership homes previously required in new developments
- (b) Changing the nature and purpose of social housing in providing settled homes, as a result of:
  - The sale of council properties required to fund the government's compulsory levy
  - Fixed term tenancies being required for new lettings (rather than the lifetime tenancies the Council currently offers)
  - 'Pay to Stay' which requires tenants to pay a market rent if they are working with a household income above £40,000.
- (c) Reduced funding to maintain our own housing stock, as a result of:
  - The 'Decent Homes' funding programme coming to an end
  - The 1% p.a. rent reduction over 4 years
  - The levy imposed on local authorities to fund the extension of Right to Buy to housing associations
- (d) Making our prevention of homelessness work more difficult, as a result of:
  - Welfare reforms including the introduction of Universal Credit which will make those on benefits less likely to be housed by private landlords
  - Reduced benefit caps which will make increasing private sector rents less affordable for those on benefits
  - Changes in the funding for temporary accommodation subsidy, with the replacement of the current management fee per unit with a fixed grant

6.7 The strategy has been updated to ensure it reflects recent legislation and government policy, assesses the impact of these changes on residents, the Council and its partners and clearly sets out revised policy commitments which respond to these changes in a way that is consistent with the overall vision and strategic objectives.

6.8 There has been a delay in bringing the Strategy forward for final adoption as a result of these significant changes in the housing world. In particular the Housing & Planning Act 2016 has caused considerable uncertainty in the housing sector and several amendments to the Bill were proposed during its passage through Parliament. It should be noted that although the Act received Royal Assent on 12 May 2016, many of its provisions require secondary

legislation and/or the publication of statutory regulations that are not yet available. However, rather than delay further to await these, the Strategy has been finalised reflecting the final provisions of the Act, as amended, and taking into account consideration of its implications and likely impact in conjunction with stakeholders.

### **Proposed Changes to the draft Housing Strategy**

6.9 The changes to the draft Housing Strategy have not resulted in a fundamentally different document. The vision and four strategic objectives are unchanged (with minor wording improvements) and the changes proposed mainly reflect:

- responses to the second consultation exercise, which are summarised in paragraphs 6.3-6.4 above.
- local policy decisions taken since the draft Housing Strategy was approved for consultation in June 2015 which are set out in paragraph 6.5 above.
- national policy changes which have emerged or been clarified since the general election in May 2015, which are set out in paragraph 6.6 above.
- corrections, clarifications and drafting and/or structural improvements.

The proposed final Housing Strategy recommended for approval is attached as appendix 2. The main changes from the draft approved by Cabinet for consultation are summarised below.

#### Local Plan alignment

6.10 As set out in paragraph 6.5 above, a new Local Plan has been approved and it is important to ensure this document and the Housing Strategy are correctly aligned. The Local Plan proposes to reduce the proportion of affordable homes on developments over 10 units from 50% to 40% and of these, a balance of 60% rented and 40% intermediate, except in Tottenham, where these proportions are reversed. These changes are reflected in the revised Housing Strategy.

6.11 The Local Plan also refers to the Tottenham Hale Housing Zone and to new Supplementary Planning Guidance on Planning Obligations, which supports the aims of the Housing Strategy, such as the achievement of wider community benefits through planning gains from housing activities, which are reflected in the strategy.

#### Affordability

6.12 Initial DCLG Guidance on Strategic Housing Market Assessments (SHMA) suggested using an affordability multiple (3.5 times income) to assess whether a household could access open market house purchase, at a lower quartile house price; and 25% of income to assess whether a household could afford a

private rent. However, this is national guidance and in practice the position in London is very different.

- 6.13 The Strategic Housing Market Assessment (2014) for Haringey suggests that households in Haringey are likely to be paying up to 40% of their income towards their housing costs. The draft strategy defined affordability as housing costs being no more than 45% of household net income, reflecting both the current reality for many households and the need to make affordable housing schemes financially viable and deliverable. It is not proposed to change this in the final strategy but in response to consultation feedback, more detailed analysis has been completed and included as appendix D of the strategy.
  
- 6.14 This analysis defines income bands and the housing tenures accessible to households with those incomes. This shows for example, that households with incomes above £90,000 are considered able to purchase on the open market in Haringey, whilst the different types of affordable housing available should be for households on lower incomes unable to secure housing in the borough without support.
  
- 6.15 Whilst the revised Housing Strategy recognises there is a role for all types of new affordable housing provision, it re-affirms specific support for new rented homes at affordable rents below Local Housing Allowance (LHA) levels (for households in the lowest income bands). It also introduces a specific expression of support for new low cost shared ownership homes for aspiring home owners, particularly those currently residing in social housing, where a shared ownership completion would release a rented home for re-letting to a household on the Housing Register.
  
- 6.16 An additional change is the expansion of what is now appendix C of the revised strategy, to set out in one place the Council's preferred affordable housing provision to meet the most acute housing need in the borough. This guides affordable housing providers, including housing associations, private developers, the Development Vehicle and the Council's own development/regeneration teams and sets out the tenure split, affordability and dwelling mix expected for new affordable housing in the borough.

*Abolition of lifetime tenancies for new lettings*

- 6.17 Under the Housing and Planning Act 2016, all tenancies granted by a social landlord will be fixed term tenancies of between two and ten years. This undermines the council's commitment in the draft Housing Strategy, to preserve lifetime tenancies, and it has therefore been necessary to amend the Strategy to affirm that the council will implement fixed term tenancies in a way that reassures tenants and future tenants of its intention to preserve settled homes and stable communities. The Council is in any case refreshing its Tenancy Strategy in due course and will need to take account of this provision.

*Abolition of the Code for Sustainable Homes*

- 6.18 As part of the Deregulation Act 2015, the Code for Sustainable Homes was abolished, and it is no longer possible for local authorities to require compliance with the standard as part of planning applications. The Housing Strategy

acknowledges this change, but seeks to maintain standards of energy efficiency in the design of new homes, by reference to supporting text in the Mayor's London Plan, encouragement and persuasion of developers to aim for high standards of energy efficiency where possible and promotion of the Built Environment Innovation Hub.

### **Delivery of the Strategy**

- 6.19 It is recognised in the strategy that delivery is not just a matter for the council and the role of partners and stakeholders is crucial e.g. it is acknowledged that most new housing in the borough will be delivered by registered providers and private developers. The strategy also recognises that new ways of working, more innovative delivery, engagement with people and communities and partnership working are all fundamental to successful delivery.
- 6.20 As a high level strategic document, Haringey's Housing Strategy does not set out in detail how delivery of the objectives will be achieved. Although a considerable number of priorities and specific commitments are set out, a range of policies and delivery plans are in place or will be developed to support delivery of the strategy. The current and planned portfolio of these policies is set out in section 9 of the revised strategy.

### **Regulatory Committee**

- 6.21 Haringey's Housing Strategy 2017-2022 was considered by the Regulatory Committee on 4 October 2016. Comments and resolutions made by the Committee are attached as appendix 4.

## **7. CONTRIBUTION TO STRATEGIC OUTCOMES**

- 7.1 The Council's Corporate Plan for 2015-18 sets out the council's overall priorities and programme of work for the period for 2015-18. It identifies housing as one of its five priorities, committing the Council over that period to '*Create homes and communities where people choose to live and are able to thrive*'. Housing also plays a role in delivering across the other priorities in the Corporate Plan, for example through the role that new homes will play in driving the priority for growth and regeneration, or the importance of housing in making sure that children and adults lead the most fulfilling lives that they can.
- 7.2 The Corporate Plan goes on to define specific objectives under each of its five priorities. The role of the Housing Strategy is to flesh out in particular the objectives under Priority 5: to say more clearly what success looks like, to say what the council will do itself and what it expects others to do; and to demonstrate clearly how housing can play a role in meeting our objectives right across every element of the Corporate Plan. In that way, this Strategy is a more detailed development of the high level objectives set out in the Plan.
- 7.3 The Housing Strategy will help deliver the 6 strategic outcomes set out in the Corporate Plan. Examples of how this is achieved are presented below:

- ***prevention and early intervention.***

This an important theme in the strategy, for example, in the emphasis placed on homelessness prevention.

- ***fair and equal service***

This is reflected in the strategy's commitment to mixed communities throughout the borough.

- ***we will work with communities***

The strategy emphasises the commitment to consulting and engaging with residents, for example, in respect of estate renewal schemes.

- ***partnership***

Delivery of strategy relies on delivery plans which involve all interested organisations in the borough – private landlords, Housing Associations, developers, Residents' Groups and the Voluntary Sector.

- ***customer service***

This an important theme in the strategy and covers, for example, the quality of management and maintenance of the Council's housing stock, which amounts to 17% of all residents in the borough, and commits the Council to working to improve housing in other sectors, such as the private rented sector in partnership with private landlords.

- ***value for money***

An example in the strategy relates to setting the expectation that people, and communities will need to do more for themselves and become more resilient and able to resolve problems. The Housing Strategy also aims to ensure that homes and services are delivered cost effectively.

## 8. **STATUTORY OFFICERS COMMENTS (CHIEF FINANCE OFFICER (INCLUDING PROCUREMENT), ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE, EQUALITIES)**

### **Finance and Procurement**

- 8.1 The Housing Strategy is a high level objectives and themes document and does not detail specific actions and therefore it is difficult to consider the financial implications of the strategy as a whole. There are likely to be significant financial implications for the Council for both the Housing Revenue Account and the General Fund in executing this strategy but it is expected that these would be considered as part of a formal business case presented once specific proposals have been formulated.

### **Legal**

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

- 8.2 The Cabinet at its meeting in March 2015 agreed a form of the draft Housing Strategy for consultation after the election. That did not take place and approval for consultation on a revised form of document was then sought; it is the result of that consultation that is now being reported.
- 8.3 Approval of the Housing Strategy is a function reserved to Full Council by Article 4.01(a) of the Council's Constitution.



- 8.4 The legal advice given to the Cabinet in March 2015 is, for the sake of completeness, included in the following paragraphs.
- 8.5 Under section 41 of the Greater London Authority Act 1999, as amended, (“GLAA99”), it is a general duty of the Mayor of London to prepare and publish a London housing strategy. Under section 333D of GLAA99, any local housing strategy prepared by a local housing authority in Greater London must be in general conformity with the Mayor of London’s London housing strategy,
- 8.6 Under section 8 of the Housing Act 1985, local housing authorities (including Haringey Council) shall consider and review on a periodical basis the housing conditions in their area and the housing needs of the area with respect to the provision of further housing accommodation. Section 3 of the Housing Act 2004 further imposes a duty on local housing authorities to keep housing conditions in their area under review.
- 8.7 Since the repeal of section 87 of the Local Government Act 2003 on 26 May 2015 there has been neither a statutory requirement, nor even a regulatory or administrative provision possibly imposing a statutory requirement, to have a Housing Strategy. It is nevertheless recognised as best practice to do so.
- 8.8 The Secretary of State in the 2007 Green Paper “Homes for the future: more affordable, more sustainable” developed the reference to the local housing authority’s strategic role as follows:

*“The local authority strategic housing role is made up of the strategic decisions and activities associated with effective planning and delivery, in order to meet the housing needs of all residents across all tenures. Strong performance in this role will support effective place shaping and help ensure delivery of the wider sustainable community. This requires vision, leadership, planning and delivery at a strategic level to:*

- *assess and plan for the current and future housing needs of the local population across all tenures;*
- *make the best use of the existing housing stock;*
- *plan and facilitate new supply;*
- *plan and commission housing support services which link homes to the support and other services that people need to live in them;*
- *work in partnership to secure effective housing and neighbourhood management on an ongoing basis”*

- 8.9 Section 225 of the Housing Act 2004 stated that “housing” (for the purposes of carrying out the housing needs review required by section 8 of the Housing Act 1985) includes the accommodation needs of gypsies and travellers residing in their area. From 12 July 2016 this provision is repealed by s124 of the Housing and Planning Act 2016 and replaced by provisions requiring such a housing needs review to include consideration of the need for caravan sites and houseboat moorings.

- 8.10 The Public Sector Equalities Duty (“PSED”) set out in section 149 of the Equality Act 2010 obliges the Council in performing its functions “to have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it”
- 8.11 The Housing Strategy document itself is not a formal planning document and consequently will not form part of the statutory development plan.
- 8.12 The Supreme Court has recently endorsed the following general principles of consultation:
- That consultation must be at a time when proposals are still at a formative stage;
  - That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
  - That adequate time must be given for consideration and response; and
  - That the product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- 8.13 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.
- 8.14 Since the initial draft of the strategy, and the Stage 1 consultation, the Welfare Reform and Work Act 2016 (“WRWA 2016”) and the Housing and Planning Act 2016 “HPA 2016”) have been passed (although the latter not yet brought into force in large part), have been passed, which significantly alter the legislative approach to social housing and its finances.
- 8.15 The WRWA 2016 will impose year on year cuts in rents for social housing between 2016 and 2020, with no guarantee that rent increases will be permitted in subsequent years.
- 8.16 The HPA 2016 will (when the relevant provisions come into force) require all new Council tenancies to be fixed term, rather than lifetime tenancies; will require Councils to consider the sale of high value Council housing on its becoming vacant and require payments to the Treasury as if the high value properties that the Treasury assumes will be available for sale have been sold; and will require increases in rent for tenants with household incomes in excess of a figure to be set by regulation, but which is expected to be (in London) £40,000, the net assumed return from which will be paid to the Treasury. Each of these will be brought into force by regulations, which have not yet been published and as to the detail of which there is varying clarity.

- 8.17 These changes will require review of a number of the authority's strategies, including in particular the Tenancy Strategy.

### **Equality**

- 8.18 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 8.19 The Equalities Impact Assessment (EqIA) relating to the Housing Strategy is attached as appendix 3. This document was originally approved by the Leader of the Council in June 2015, together with the consultation draft of the Housing Strategy. The EqIA has been updated to reflect the second consultation exercise and to assess the changes in the revised Housing Strategy.
- 8.20 The EqIA has identified ways in which the Housing Strategy can positively impact households with protected characteristics. The strategy will mitigate the adverse impacts of recent legislative changes and improve the delivery of genuinely affordable new housing to low income households, amongst whom protected groups are over represented.
- 8.21 The consultation outcomes summarised in appendix 1 have informed the final version of the EqIA but it should be noted that the span of the strategy means that individual EqIAs will be undertaken for specific policies and delivery plans.
- 8.22 For example, research into previous shared ownership schemes in the borough will be used to inform the Intermediate Housing Policy and its EqIA, to ensure that it maximises the opportunities for all lower income households to be able to access intermediate products, both shared ownership and intermediate market rented homes. This will be addressed by the EqIA for the new Intermediate Housing Policy.
- 8.23 Also, concerns were raised about support for vulnerable groups. The specific initiatives and support mechanisms to be put in place for vulnerable individuals in housing need are covered in the key policies and delivery plans which underpin this strategy, for example the Homelessness Delivery plan, Temporary Accommodation Placements Policy and the recommendations of the supported housing review. The needs of vulnerable groups will be considered in more detail in the impact assessments which accompany these policies and delivery plans.

## **9. USE OF APPENDICES**

Appendix 1 – Summary of responses to second consultation exercise  
 Appendix 2 – Haringey's Housing Strategy 2017-22  
 Appendix 3 – Equalities Impact Assessment  
 Appendix 4 – Regulatory Committee comments 4 October 2016



**10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Background Documents:

- 10.1 Regulatory Committee Report 3rd March, 2015: Consultation on Haringey's draft Housing Strategy 2015-2020
- 10.2 Cabinet report 17<sup>th</sup> March 2015: Consultation on Haringey's draft Housing Strategy 2015-2020
- 10.3 Housing & Regeneration Scrutiny Panel report 3 November 2014 Developing a new Housing Strategy for Haringey: Consultation on Vision, Priorities and Principles
- 10.4 Sources of information as listed in appendix E of the Housing Strategy

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## Haringey's Housing Strategy 2017-2022 Summary of Responses to Second Stage Consultation

### 1. Introduction

This paper provides feedback on the second stage of consultation on Haringey's draft housing strategy.

The majority of consultation responses were received through the online SNAP survey. In addition, a number of longer written responses were received via the [housing.strategy@haringey.gov.uk](mailto:housing.strategy@haringey.gov.uk) mail box. A series of consultation events were also held between the 18<sup>th</sup> August and the 18<sup>th</sup> October 2015. Attendees were directed to respond to consultation via the survey, and a paper version was made available.

Engagement took place with a wide range of stakeholders for a 14 week period between 13 July and the 18 October 2015. Stakeholders expressed their views through the survey (online and paper versions), by email, by phone and through meetings to talk about the proposals. 97 written responses were submitted, 82 through the survey.

Second stage consultation was held in addition to a previous, first stage, consultation. During first stage consultation, responses from Haringey residents were prioritised. Consultation focused on engaging residents in shaping the vision of the strategy, and the priorities which would underpin it. Respondents were able to engage with the strategy through responding to the consultation questions. There were 330 responses to first stage consultation.

First stage consultation took place over a 6 week period between 20 October and 12 December 2014, and asked stakeholders for their views on the proposed objectives. A full report was made to Cabinet in March 2015.

Over both stages of the consultation, a total of 426 written consultation responses were received.

### 2. Summary of quantitative response

Quantitative responses to the second stage consultation demonstrated that:

- 87% agreed or strongly agreed with the question 'do you agree that 'objective 1: to improve help for those in housing crisis' is important?'
- 78% agreed or strongly agreed with the question 'do you agree that 'objective 2: to ensure that housing delivers a clear social dividend' is important?'
- 69% agreed or strongly agreed with the statement that 'affordable rent for a home built by the council or a housing association in Haringey should aim to be no more than 45% of a person's take-home pay'.
- Tackling anti-social behaviour, promoting longer tenancies in the private rented sector and taking an innovative approach to delivering affordable

housing were highlighted as the top three priorities from a list of issues raised during first stage consultation (see table 1).

- Respondents felt that the council should give greatest priority to the provision of council housing and affordable housing, followed by the private rented sector. It was expressed that least priority should be given to market tenure (see table 2).

### 3. Summary of qualitative response

Four main themes were highlighted by the qualitative response to the consultation:

- **Affordability**  
There was a general concern that our definition of affordability would exclude the lowest income households. It was expressed that young people and people reliant on benefits would continue to find housing unaffordable and that the Housing Bill will exacerbate these issues
- **Vulnerable and excluded groups**  
Respondents asked whether we should do more to recognise the additional needs of people with disabilities. They expressed an opinion that the strategy should ensure vulnerable people are not missed in our preventative approach, and that there was a need to protect existing communities.
- **Supply, innovation and quality**  
Respondents suggested ways we could enable housing supply through better management of our own stock and taking innovative steps to enable new housing delivery. There was a general consensus that steps should be taken to ensure new housing meets high quality standards.
- **Council housing**  
Respondents expressed concern that estate regeneration was simply a way of 'demolishing council housing' and therefore would not improve affordability without 1:1 replacement. Strong support was demonstrated for council homes, although some respondents commented that lifetime tenancies were unsuitable in the current climate.

In addition to the online consultation, 15 longer written responses were received. 10 of these were from organisations working in Haringey. These letters provided a more detailed insight into the experience of the housing sector. There was a strong correlation between the themes of these letters and the main themes picked up in the online survey. Feedback from events also echoed the main themes of the consultation.

### 4. Tables

Table 1: The list below shows a range of things people raised in first stage consultation about how the quality of homes and neighbourhoods could be improved. Respondents were asked to select their top 3 priorities

| <i>Rank</i> | <i>Task</i> | <i>% of respondents who put the priority in their top 3</i> | <i>Actual No. of respondents who put the priority in their top 3</i> |
|-------------|-------------|---|--|
|             |             |   |  |

|    |   |     |    |
|----|---|-----|----|
| 1  | Tackle anti-social behaviour  | 42% | 34 |
| 2  | Promote longer tenancy terms in the private-rented sector so people can stay in their homes for longer                    | 42% | 34 |
| 3  | Look at other ways of building affordable homes such as co-operatives, community land trusts, live/work spaces and others | 42% | 34 |
| 4  | Make sure new homes have shops, transport, health, education and community facilities nearby                              | 32% | 26 |
| 5  | Make sure homes are safe and secure   | 32% | 26 |
| 6  | Keep existing, or increase the number of, green spaces in the borough   | 30% | 24 |
| 7  | Deal with littering and dumping in the borough  | 26% | 22 |
| 8  | Reduce fuel bills through better designed and/or insulated homes  | 23% | 19 |
| 9  | Meet the housing needs of disabled people   | 21% | 17 |
| 10 | Have more community spaces for meetings and community activities  | 9%  | 7  |
| 11 | Reduce the amount of water wasted in homes  | 5%  | 4  |

Table 2: What type of tenure should we aim to have more of in Haringey?  
 Respondents were asked to rank types of tenure in priority order, from 1-4, where 1 was equal to the highest priority

|  | 1  | 2  | 3  | 4  |
|--|----|----|----|----|
| <b>Private rented housing</b>                        | 8  | 18 | 35 | 21 |
| <b>Council or housing association rented housing</b> | 57 | 9  | 9  | 7  |
| <b>Shared ownership</b>                              | 18 | 43 | 14 | 7  |
| <b>Full market price for home ownership</b>          | 11 | 10 | 13 | 45 |

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# Haringey's Housing Strategy 2017-2022

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1. Foreword
2. Introduction
3. The Strategic Context: Haringey's Opportunity and Challenge
4. Our Growth Priorities and the Council's Role
5. Strategic Objective 1 - Achieve a step change in the number of new homes being built
6. Strategic Objective 2 - Improve support and help to prevent homelessness
7. Strategic Objective 3 - Drive up the quality of housing for all residents
8. Strategic Objective 4 - Ensure that housing delivers wider community benefits
9. Delivering the Strategy

## **Appendices**

- A Summary of Recent Legislation
- B The Housing Strategy and the Local Plan
- C Affordable, Intermediate and Specialist/Supported Housing Guidance
- D Affordability
- E Supporting Information

# 1. Foreword

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We believe that housing is fundamentally about people and communities, not just bricks and mortar. We want to make sure that our residents have access to high quality homes that will support them in leading happy and fulfilling lives. Whether renting or buying, there is clear evidence that the quality of your home affects your health, children's attainment at school and the quality of family relationships. To help our children to have the best start in life and our adults to fulfil their ambitions, it is crucial that our residents have access to high quality homes at prices they can afford.

To achieve this ambition, we need to see a step change in the number of homes being built in our borough to tackle the housing crisis head on and provide more homes. We also need to do much more to drive up the quality of homes, whether newly built private homes, privately rented homes, or affordable housing.

We also want this new approach to homes in Haringey to help build strong, mixed communities. Too often in London, housing is an issue that divides communities and physically separates rich from poor. We want our neighbourhoods to reflect the full diversity of our vibrant borough, with people of all ages, ethnicities, incomes and backgrounds living together in strong, successful and cohesive communities.

To build more mixed communities, we will push hard to see more affordable homes built in areas of our borough with higher house prices and rents and encourage more genuinely affordable home ownership in the centre and east of the borough. We will ensure that new developments are genuinely mixed, with a range of homes of all types. In seeking to build successful mixed communities, we want to tackle not just income inequality, but asset inequality. We will work hard to create new affordable homes that help people to put down roots and get onto the housing ladder. We must also do more to provide wrap-around support to those in housing crisis, providing not just homes but better life chances for families left behind by the market.

This is a strategy that sets direction for everyone involved in housing – residents, developers, investors, builders, housing associations and the local authority – to do what we can to provide the homes needed and to ensure that housing delivers a clear social dividend. I am confident that with determination, creativity and innovation, we can tackle the housing crisis in London head-on and deliver this new approach to housing in a way that makes a real difference for our residents.

Councillor Alan Strickland  
Cabinet Member for Housing, Regeneration & Planning



## 2. Introduction

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Haringey's Housing Strategy sets out the strategic direction for housing activity in the borough, dealing with housing need, supply and our approach to quality and management of existing and new housing stock. It sets the strategic framework to promote growth in Haringey and provides guidance relevant to all development partners in this borough.

### 2.1 Building on the Corporate Plan

Haringey Council's Corporate Plan, *Building a Stronger Haringey Together*, describes the council's overall priorities and programme of work for the period for 2015-18. It identifies housing as one of its five priorities, committing us over that period to '*Create homes and communities where people choose to live and are able to thrive*'. The role of this strategy is to flesh out the Corporate Plan's high level objectives: to show more clearly what success looks like, to say what the council will do itself and what it expects others to do; and to demonstrate clearly how housing can play a role in meeting our objectives right across every element of the Corporate Plan. The strategy aligns with all five priorities of the Corporate Plan and provides a framework for integrated delivery of housing priorities by the council and its partners.

### 2.2 Supporting Planning Policy

This strategy conforms with and complements the council's Local Plan, and will help to define the council's requirements for the kind of housing – and in particular affordable housing – that must be built as part of new developments in the borough. The planning process is one of the most important tools that the council has in making sure that new homes in the borough are the homes we need: affordable for the borough's current and future residents, in an appropriate mixture of different tenures, and designed in a way that meets people's actual needs including in terms of accessibility and the number of bedrooms. The strategy will support the council in making planning decisions. Whilst not a formal planning document and consequently not part of the Statutory Development Plan, the Housing Strategy will be a material consideration in planning decisions. This relationship is described further in appendix B.

### 2.3 Transforming Delivery

Since the last Housing Strategy for Haringey was published in 2009, the housing landscape has changed and continues to change significantly. London is growing, and housing market factors and legislative changes are contributing to the enormous housing pressures we are facing. This means that delivery must also change. Both the Corporate Plan and the Local Plan provide a framework for delivery – the Housing Strategy develops this into a clear agenda for growth with specific strategic objectives, priorities and commitments.

Haringey's Housing Strategy underpins the Local Plan growth ambitions, sets the direction of travel for housing policy related to supply, demand and management and is or will be supported by a series of detailed policies and delivery plans, set out in chapter 9.

## 3. The strategic context: Haringey's opportunity and challenge

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### 3.1 Haringey's opportunity

Haringey is a place of great opportunity. We are part of one of the greatest world cities and benefit hugely from that. With our potential for growth, we believe that we are at the heart of London's future progress and success.

Haringey is building on a great base. We are home to institutions of national and international significance including Tottenham Hotspur and Alexandra Palace. There are many great businesses, with more arriving all the time, and fast transport connects Haringey residents to many thousands more jobs in central London. Our residents come from many different cultures and we are proud of our diverse communities and that they are comfortable with one another. This diversity is also true of our homes; the variety of housing means that people who cannot afford other parts of the city have been able to make Haringey their home, without having to compromise on proximity to central London.

Growth is at the heart of our ambition for Haringey, and we recognise that the changes affecting the borough provide both exciting opportunities and significant challenges.

### 3.2 The housing challenge

Continued population growth is adding to demand for housing of all types and tenures, including a large and growing number of people who wish to access affordable home ownership. The supply of affordable housing is a national issue but government funding for new affordable housing has reduced dramatically.

London is a distinct housing market and as a whole is experiencing a housing crisis. The capital's population is rising and this year will pass its historic peak of 8.4 million, but house building is not keeping pace and homes in the capital are becoming ever more unaffordable.

Securing rented accommodation or getting on the home ownership ladder is increasingly difficult across London. London Councils estimate that 800,000 new homes will be needed in the capital over the next decade, whilst recent annual completions have averaged less than 25,000 a year.

These substantial changes to the national and regional picture have made the housing challenge even more difficult. We also have to acknowledge that a number of recent legislative changes – most obviously the Housing & Planning and Welfare Reform Acts - are making the task even harder. This legislation is described in appendix A and will create or contribute to problems that we will have to find solutions for, or mitigate the impact of. It is particularly the case that growth in home ownership, a central aim of government policy, will be much more difficult to achieve in Haringey and in London generally.

The supply of new affordable housing is likely to be adversely affected by the introduction of Starter Homes, which will reduce the genuinely affordable homes provided by new developments. Although considered “affordable”, the evidence suggests this will not be the case for the vast majority of Haringey residents in housing need. A further round of changes to welfare benefits, including the freezing of Local Housing Allowances, benefit reductions affecting under-35s and the reduction of the benefits cap to £23,000 in London will make it harder for households to pay their rent or to find rented accommodation that they can afford.

The impact of these changes on Haringey residents is significant. Our own stock of council homes will continue to diminish, not only because of the continued impact of right to buy for council homes, but also because we will soon have to sell vacant council homes to fund the right to buy for housing association tenants. Already under pressure as a result of the compulsory 1% rent cut (which has caused a loss of £28m over four years for the Housing Revenue Account), as the stock further reduces, maintaining it to the standard we and residents want will not be possible.

Demand for council and housing association homes in the borough far outstrips availability and we are simply not able to house everyone who applies to us. Within London, Haringey has the second highest number of households living in temporary accommodation because they are homeless. It is clear that social housing will increasingly be only for those in the most acute need and who cannot access alternatives; the available supply will not, under current constraints, meet current and projected demand.

Continuing budget pressures in local government mean that we must find ways of delivering services differently, including helping tenants and prospective tenants to find good quality alternative housing solutions wherever we can, even if this means making tough decisions. We remain determined that our Strategy should remain visionary and ambitious, setting out what needs to be done to achieve the aspirations that we share with residents and partners.

### 3.3 Haringey’s housing context

The Strategic Housing Market Assessment (SHMA) conducted for Haringey in 2014 is a key evidence base for this strategy. The SHMA identified an affordable housing requirement of 11,757 homes over the period 2011- 2026, which equates to 59% of the total housing requirement of 20,172 homes of all tenures over the same period. This clearly demonstrates the current shortfall of housing in the borough.

While the SHMA identifies a significant shortfall in one and two bedroom dwellings, the most acute shortage of affordable housing relates to larger family homes of three or more bedrooms. The shortage of large family properties is particularly acute in the social housing sector, with 4 bedroom homes making up only 9% of the 28,000 Council and Housing Associations homes in the borough. This is compounded by low re-let rates for larger properties with only 15 four bedroom lettings becoming available in 2015/16 which compares with 264 homeless households requiring these properties. The GLA forecasts that by 2026 Haringey will have a further 1,881 households with at least three children, so this shortfall is set to increase.

With around 2,500 properties changing ownership last year and around 64% of residents stating home ownership is their preferred tenure, there is considerable demand to become an owner occupier. With only 40% of all households owning their own home, there is thus a shortfall in supply of homes to purchase. With an estimated median household income of around £35,400 and with an average two bed flat price of £440,947, home ownership is out of reach for many of Haringey's existing residents without lower cost home ownership options, such as shared ownership.

Private rent levels are also rising sharply in Haringey with the average weekly rent for a two bedroom property in June 2016 at £430 a week. There are around 33,500 privately rented properties in the borough (constituting about 33% of all households) but only 6% of households see this as their preferred tenure.

Recent research suggests one in five London households are earning below average wages but have no entitlement to benefits and are struggling to find housing that is affordable. Those who are entitled to support are also affected by the freeze on the Local Housing Allowance (LHA) which sets the maximum housing benefit a household can claim. This freeze especially affects larger households as the lower quartile rent for 4+ bedroom properties (£437/week) is significantly more than the LHA rate of £389/week for eligible households.

These rising costs have increased the number of households who cannot afford their accommodation and who seek assistance from the Council. In 2015/16, there were 603 new statutorily homeless households of which, 60% were evicted from a private rented property. In over half these cases, the landlords ended the tenancy without declaring any grounds relating to a breach of tenancy.

These rising private sector rents have also increased the cost of temporary accommodation for homeless households, who often have to be housed in private sector leased accommodation and annexes (nightly-charged self contained accommodation), making it increasingly unaffordable to provide this type of accommodation in Haringey. With 3,164 households living in temporary accommodation at the end of March 2016, this represents a significant cost to the council.

In addition to increasing costs, there is also a need to address the quality of the stock both within the social sector and in the private market. Although 97% of all properties in the borough have central heating, there are concerns about the energy efficiency of private sector properties; 11.9% of Haringey's population is in fuel poverty. There are also areas of the borough with a relatively high number of Houses in Multiple Occupation (HMOs) such as West Green and Bruce Grove where 10.2% of residents are living in HMOs. Many of these properties are very small, in poor condition, lack an adequate means of fire escape and are overcrowded as tenants cannot afford anything larger.

In addition, there is need for other types of housing in the borough, such as traveller sites where the 2013 assessment of gypsies and travellers estimated Haringey needed to provide a minimum of four additional pitches by 2017. Other specialist housing requirements were assessed in the SHMA, which noted a fall in the number of students between the 2001 and 2011 censuses, and the 2011 North London SHMA which reported that there is an adequate supply of student accommodation. However, this contrasts with the increasing need for

supported housing, for example for services for older people with complex needs, and people with learning disabilities, which will increase by 43% by 2030. In the wider population, there is a forecast increase in people with a complex mental health diagnosis of 20% over this period. There is also a need to ensure that homes meet the requirements of physically disabled people.

There are also increasing numbers of rough sleepers with the CHAIN database reporting that rough sleeping in Haringey has increased every year since 2011/12 and reached 135 rough sleepers seen in the whole of 2015/16, compared to 43 in 2011/12; this trend is in line with London as a whole.

## 4. Our Growth Priorities and the Council's Role

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### 4.1 Harnessing regeneration and growth to deliver our ambition for housing

Haringey is growing, a fact which the council not merely accepts, but actively embraces; the drive for new housing forms part of the council's overall ambitions for regeneration and growth. The council's vision for regeneration includes new and improved housing alongside other measures including better local town centres; enterprise, employment and training; transport; health; education; community safety; and environmental improvements. Growth is essential not only to meet the needs of residents but also to put the council itself on a more sustainable footing for the long term.

Priority 4 of the Corporate Plan is to drive growth and employment from which everyone can benefit. This sets out our objectives for growth in businesses and jobs, improving skills and training, securing key infrastructure, reducing carbon emissions and focusing on where there is greatest need and opportunity. Haringey's Economic Development and Growth Strategy, A plan for jobs, growth and prosperity envisages a borough harnessing its talent and strengths, to secure a productive and creative economy in which anyone can participate and benefit, where the dividends of regeneration translate into greater opportunity and prosperity for our residents.

Regeneration is targeted in our priority areas of Tottenham and Wood Green and the council is playing the lead role across these areas.

**Tottenham** is the largest Housing Zone in London with over £100m of investment to help tackle barriers to development and growth and bring forward estate renewal projects as well as substantial numbers of new homes by 2025. The current mix of housing is not well balanced and in some areas the housing quality is not as good as it should be. Regeneration in Tottenham is already well underway, and the council is committed to estate renewal at High Road West (Love Lane) and Northumberland Park, together with the delivery of a significant number of new homes – and in particular affordable homes – at Tottenham Hale as part of the Housing Zone promoted by the Mayor of London.

The Tottenham Area Action Plan puts clear planning guidelines and policies in place to support long-term regeneration. To make it happen, the council needs specific planning rules to bring forward and manage new development, set out where different types of buildings should go and protect the heritage of Tottenham's past. The AAP is currently an emerging draft document, which has been submitted to the Secretary of State for independent examination.

In **Wood Green**, the challenge is clear: how can we take advantage of its excellent transport connections and a number of large development sites (including on council land) to drive

major housing growth while simultaneously rejuvenating an economically flagging and poorly laid-out town centre. Like Tottenham, Wood Green also has a range of existing homes which will form part of the area's long-term housing offer, and whose character will need taking into account when the mix of new homes is being determined. Wood Green has the capacity for around 5,000 new homes in the next fifteen years, making a significant contribution to Haringey's overall target but also playing a major role in achieving badly needed growth, boosted by proposals for a new Crossrail 2 station in the heart of the high street.

For Wood Green, the Issues and Options consultation, the very first stage in the Area Action Plan's production, has been completed. It identifies the key issues, challenges and opportunities facing the area and set out four different options, including an option favoured by the council, for how these challenges might be addressed and opportunities realised.

### *Maximising the potential of public land*

It is clear that public land, owned by the council or other public bodies, is central to delivering housing growth and wider regeneration, including through major housing estate renewal and development of our own sites. However, the council's land assets are not matched by capital funding (or borrowing capacity) or the commercial and development expertise required to build the number of homes of the quality we would like at the speed that our residents need them.

To make best use of public land in delivering our regeneration and growth ambitions, the council is seeking to establish a new development vehicle: a dedicated company that brings together its land assets with investment and expertise from one or more private partners, in a joint venture. The Haringey Development Vehicle will be a 50/50 partnership with the private sector to develop new homes and employment space across a range of council owned sites in Haringey and with the ability to work in partnership with other land owners.

This will enable the council to realise its ambitions for housing on its land, while retaining an appropriate long term stake in the proceeds of development. It will also allow the council to retain influence over the pace and quality of development, which is not always possible with more traditional land deals or development agreements, although these methods will remain a key part of our approach to some sites. We will aim to use the vehicle to promote growth and opportunity in Haringey, maximising the council's assets to deliver lasting sustainable change for the residents of Haringey.

### *New Housing and Sustainable Growth*

To fit with our wider regeneration aims, new homes and housing programmes in Haringey, including estate renewal projects, must:

- be fully aligned with the wider vision for the place, as set out in planning policy and regeneration frameworks;
- be in keeping with their surroundings, preserving the best and the unique, while contributing an appropriate supply of good quality homes for current and future residents of the borough and helping to create the optimum conditions for economic growth;



- help to link physical change to improved social and economic outcomes, using the links between resident and landlord to connect people with opportunities to improve their safety, health, skills and employment opportunities, as described elsewhere in this strategy;
- contribute to carbon reduction and improve energy efficiency; and,
- be sustainably supported by the necessary infrastructure, whether utilities and services directly serving homes; social infrastructure like schools and health facilities; or transport services linking housing areas to employment opportunities, local services and neighbouring communities. Investment in homes should support investment in infrastructure, especially in areas where we know need already exists, such as primary health care in Tottenham.

## 4.2 Supporting the development of strong mixed communities

Haringey needs a wide range of homes, to meet the diversity of current and future needs and to obtain the mix in our communities that lies at the heart of our vision for housing in the borough. This cannot just be a mix of homes across the borough; it needs to be mixed as much as possible within each neighbourhood, offering diversity in the type and size of home, the tenure and the value. Neighbourhoods should be places of inclusion, not segregation: we want children to grow up with an appreciation of diversity and an understanding of different cultures and communities, which we believe is central to their successful adult life. Neighbourhoods should also be stable: we want to enable people to move through the housing market without feeling compelled to leave the communities where they have established ties.

We must ensure that the range of new homes provided by the council and others is helping to achieve that. There are a number of ways to do this, including through our role as planning authority which allows us to set clear expectations and standards for new development, in terms of housing tenures, the type and size of homes and the way they are designed.

Achieving mixed communities is of course about people - the housing mix serves as an enabler, so that new or changing communities accommodate not just a mix of tenures but also a wider range of incomes, ages and household types. A better social/economic balance mix at the local level will avoid creating concentrations of relative wealth or deprivation, facilitate more consistent delivery of public services and provide more sustainable places that offer residents a variety of housing options. In particular we are striving to help people on low and middle incomes to access the housing market in the right location for them.

## 4.3 Engaging and Enabling People

People are at the heart of this strategy and in particular our commitment to mixed communities. Strong mixed communities are formed by people who feel connected to their locale and community, safe and economically secure, able to access local services and opportunities and to enhance their life chances while remaining resilient in the face of difficulties. Mixed housing tenures can provide opportunity for local people and support their aspiration to do the best they can for themselves and for their families.



We support and encourage aspiration and want to work together with residents, to help those that can to help themselves, while supporting those less able to do so. Our residents are key to helping to achieve the goals set out in this strategy; as the council strives to provide excellent services with reducing resources, the need for residents to play their part is increasingly important. An engaged community, involved in decisions and services that affect their area, is not only about financial realities; we also think it is the right thing to do.

Our future must be based on a collaborative approach, moving towards a more resilient and independent community that is increasingly able to prevent, reduce or resolve problems wherever possible. This approach means residents take more responsibility for their homes and local communities, for resolving their housing problems if they arise (with appropriate council help and support when needed) and take pride in their homes, their neighbourhood and their borough.

We are already seeing some of these principles being put into practice through the 'People' element of our Tottenham regeneration programme and we want to see the same approach used right across the borough, by the council and our partners, in established neighbourhoods as well as new ones, and regardless of the landlord. We are promoting community participation in shaping new development and, in Tottenham Hale and North Tottenham, the council is engaging users and residents in the design of new homes and places. We will continue to ensure residents are closely involved in council-led housing initiatives, improvements and regeneration schemes, and this is set out in 8.4 below.

#### 4.4 The Council's Role

Haringey's housing strategy has four key strategic objectives:

- 1. Achieve a step change in the number of new homes being built*
- 2. Improve support and help to prevent homelessness*
- 3. Drive up the quality of housing for all residents*
- 4. Ensure that housing delivers wider community benefits*

These objectives reflect the council's core role in relation to housing supply, housing need and demand and managing and influencing quality. While we have a broad role as the strategic housing authority, we are placing special focus on our role in increasing housing supply, appropriately managing housing demand and as a landlord, ensuring the best possible management of our own and all social housing stock.

In our broader role we act as enabler and commissioner, as well as landlord and landowner, developer, planning authority and regulator, and as a broker, forging partnerships and providing strategic leadership to achieve the results needed for Haringey residents. The way we do this is as important as what we do and our core values and principles permeate all four objectives and underpin all of our delivery plans and programmes.

Most importantly, we recognise that the council can't do everything – increasingly we are working with other providers including the private and community/voluntary sectors to increase housing supply, prevent housing crisis, anticipate and respond to manage demand and improve the quality of housing of all tenures.

Lasting partnerships are being forged in particular with housing associations that operate in the borough. We work with many associations but have identified preferred partners who as major developers can work closely with us to improve affordable housing supply. We are also working with them, and other associations, to improve the quality of existing homes and to provide support that aims to prevent homelessness. As well as working with our preferred partners, we wish to strengthen our links with smaller associations who play an important role in responding to local needs.

Our preferred partners will play a particularly important role in the Tottenham and Wood Green regeneration areas. They will maximise the provision of affordable housing on council owned land and their own land holdings in Tottenham whilst playing a vital part in regenerating their existing housing estates in Wood Green to increase housing density in one of the most accessible locations in the borough.

Partnership is a necessity to deliver this strategy, hence it is based on the widest possible engagement, enabling and empowering our residents, stakeholders and partners to work with us to achieve the four strategic objectives set out below.

## 5. Objective 1: Achieve a step change in the number of new homes built

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New homes are a key element of the council's growth ambitions. By building new homes and creating new jobs, and investing in the infrastructure that supports both, the council and its partners will have the best possible chance of meeting the needs of Haringey residents and helping to accommodate London's wider needs.

Our priorities are to:

- Maximise the number of new homes in Haringey and achieve our planned targets
- Increase the supply of affordable homes for rent and for home ownership
- Ensure the right mix of housing tenures across key development sites in Haringey
- Promote estate renewal, and the development of smaller available sites, where appropriate
- Encourage investment in private rented sector homes
- Secure better design for all new homes

In addition to new homes, we have also prioritised increasing the supply of homes by, for example, bringing empty homes back into use and making the best use of our own housing stock, which links to measures described in objective 3.

### 5.1 Maximising the number of new homes

The council's Local Plan sets out the Council's long term vision for growth and how this can enable a continued supply of housing, including affordable housing. It represents a new and proactive approach by which the Council will promote and manage the development of housing, particularly within Tottenham and Wood Green. By 2026 new development will have provided a minimum of 19,800 net new homes, of which 14,850 will come forward within our key regeneration areas.

To achieve this we will:

- Work with landowners and developers to ensure sites identified in our Site Allocations DPD are brought forward for redevelopment in a timely manner.
- Advance planning policies that create the right planning conditions for new housing alongside provision for new infrastructure and jobs.
- Work with public and private landowners and developers, including our housing association partners and the GLA, to maintain a pipeline of privately and publically delivered affordable housing developments that matches and exceeds past delivery

levels - noting that private house-builders will build the vast majority of the new homes, including affordable homes, and are therefore absolutely central to these plans.

- Lead by example, using our own land and assets to deliver the quality, volume and density of housing growth we need, as well as to drive wider regeneration. The council will in particular aim to unlock the value in its own land to improve the viability of affordable housing and do as much as we can to drive similar use of other public land.
- Work with other boroughs in London and the GLA to ensure cooperation on achieving greater devolution of housing development powers, while agreeing practical measures like access to new homes built in other parts of London.

## 5.2 Increasing affordable housing supply

A significant number of new affordable homes will come from privately-owned sites and the Core Policies of the Local Plan states that we will aim for a borough wide affordable housing target of 40% (equivalent to a numerical target of 7,920 affordable homes), in the proportion of 60% affordable rent and 40% intermediate/low cost home ownership. On a site by site basis we will seek the maximum reasonable proportion of affordable housing on all sites with a capacity of ten or more homes and will prioritise the provision of family housing on suitable sites.

To achieve this we will:

- Require developers, through the council's Local Plan, to provide 40% on-site affordable housing on schemes of ten units or more and give priority to the provision of family sized housing. This is a borough-wide target and of course subject to financial viability; the council works with developers on a site-by-site basis to ensure policy-compliant on-site affordable housing provision and other community benefits, to maximise the benefit for the community while ensuring that these requirements do not make development unviable.
- Prioritise delivery of new affordable rented homes in the centre and west of the borough while promoting more market and intermediate homes, including for example affordable home ownership and private renting, in Tottenham. Our Area Action Plan establishes clear planning policies for the regeneration of Tottenham, including for housing.
- Provide clear guidance on appropriate rent levels, based on the affordability principle we have established while having regard to the commercial requirements of developers. This guidance is set out in appendix C.
- Ensure new homes are delivered that meet identified housing need in terms of bedroom sizes, and with a minimum of 10% that are wheelchair accessible, as set out in appendix C. The dwelling mix represents borough-wide targets that will be updated as necessary to reflect new evidence. Tenure and bedroom size mix on individual sites may differ according to local characteristics and localised housing demand. For example, while we generally expect homes for affordable home ownership, market sale and private rent to primarily focus on delivering smaller, one and two bedroom units, in

some areas we may require a different mix, with more larger or smaller homes to correct local imbalances and meet particular local needs.

- Work to a clear definition of affordability, for rent and home ownership. This is particularly important as the term ‘affordable housing’ can have different meanings and Starter Homes are widening the definition further. To avoid any doubt or confusion, this strategy establishes the principle that a household’s housing costs, whether rent or mortgage repayment must be reasonable in relation to its income. This approach is set out in appendix D and represents a commitment to maintaining genuine affordability for as many people as possible.
- Make available our own grants to housing associations for the development of affordable housing in the borough. We have launched a new scheme for this purpose and will fund it using our Right to Buy Receipts. Housing associations are invited to make a case for this funding, in line with our strategic priorities and we will encourage our partners to take advantage of these funds while they are available.
- Bid for external funding opportunities to help deliver additional affordable housing.
- Encourage and support community land trusts and other community based organisations to develop social and affordable rented homes and lower cost shared ownership units.

### 5.3 Encouraging mixed tenures

Our commitment to mixed tenures is not only about mixed communities – it also addresses the problems caused by the mismatch of demand and affordable supply, by improving access to the home ownership or rental ladder for those able to consider alternatives to social housing or who do not qualify for it. Homes for intermediate rent and in particular low cost home ownership (often known as shared ownership) offer the most realistic chance for people unable to purchase on the open market to get on the ladder.

We are already taking a range of steps to promote the supply of – and access to – this increasingly important kind of housing. The council is, for the first time ever, building its own intermediate homes and we have begun to establish a Low Cost Home Ownership register. We will continue to seek to provide and enable different types of affordable housing in different parts of the borough.

To achieve this we will:

- Require developers, within on-site affordable housing provision, to achieve a balance of 60% of units for affordable rent and 40% for intermediate products.
- Vary this approach where appropriate and necessary to meet the needs of particular areas. For example, in the west of the borough, where property prices and land values are highest, we will encourage developers to exceed the minimum target of affordable housing by pooling resources with our housing association partners to provide good quality affordable rented accommodation. In Tottenham, where the level of social rented homes is already high, we are taking a different approach, promoting more

affordable home ownership by requiring an affordable housing mix of 60% intermediate and 40% affordable rent.

- Make it easier to accept innovative schemes which have a single tenure - for example, all homes are for affordable rent, or homes are all one size where a good affordable housing mix can still be achieved within the wider area, and it is appropriate to that particular site.
- Continue to work with our housing delivery partners to provide more of these homes in areas with high levels of social housing or in areas with overheated house prices, supported by our Planning policies.
- Work closely with housing associations to increase investment and improve efficiency in the delivery of affordable housing, in particular with our six Preferred Partners.
- Move towards a more diverse and balanced portfolio of housing tenures, including intermediate products in the private and public sectors and affordable home ownership.
- Use council-owned land to increase provision of these homes, including by agreeing more flexible finance options with developers.
- Explore the appetite and ability of local people to take up custom build opportunities as part of community-led construction.
- Promote innovation and explore new delivery models, in particular to increase the supply of purpose built private rented homes, backed by long term investment by partners able to bring a new range of housing options to Haringey residents.
- Develop and consult on a new intermediate housing policy, to include low cost home ownership, based on prioritising new low cost home ownership homes for people who live and work in Haringey, particularly existing social housing tenants where this releases a rented home which can be re-let to a household on the Housing Register.
- Commission an effective advice and support service to help people access what can be a confusing market and locate a home that is right for them.

## 5.4 Promoting Estate Renewal

Our current Housing Investment and Estate Renewal strategy commits us to taking alternative approaches to investment on our existing council estates, in particular where existing homes are assessed as uneconomic for investment in the long term. Estate renewal allows the council to target areas of greatest investment need while also taking the opportunity to increase density. This not only provides much needed additional housing but also helps to achieve a better mix of tenure in places which have traditionally been dominated by single tenure solutions and have a high proportion of smaller sized dwellings.

We recognise that not all our estates will be viable for like for like replacement in terms of the number of social homes. We will aim to ensure that there is no net loss of affordable

habitable rooms.

To achieve the above we will:

- Always work with residents to find the best possible solution that is appropriate for their particular estate and the needs of the neighbourhood and the borough as a whole. Haringey estates are not all the same. The approach to estate renewal, and the sequence in which estates are prioritised, will depend a great deal on the individual characteristics of each estate.
- Ensure that new housing provided through the estate renewal programme will re-provide the existing number of affordable habitable rooms, but with a dwelling mix of new homes that meets current and projected housing need, with an emphasis on providing family accommodation. We recognise that this could mean a reduction in the overall number of social rented homes on some estates.
- Provide new affordable home ownership properties as well as market housing, both for sale and rent, as a necessary ingredient of financial viability as well as promoting mixed communities.
- Carry out estate renewal in accordance with a fair and transparent policy which sets out residents' rights and expectations if they are affected by a renewal project.

Estate renewal is currently underway or being considered for High Road West and Northumberland Park, while improvement options for Broadwater Farm are emerging following recent large scale resident engagement. Alongside these large estates, the council is consulting with residents of the other estates identified in the Housing Investment and Estate Renewal strategy. Our estate renewal programme will largely be delivered by the joint venture development vehicle the council is currently seeking to establish. In addition, the council is seeking to provide new homes on its own land through infill development or on smaller sites.

The council is currently building new council homes for the first time in a generation, and this programme will be accelerated and its delivery diversified to take advantage of available sites and under-used land.

## **5.5 Encourage investment in the private rented sector**

A reasonable supply of good quality housing for private rent, especially for families, is vital to meeting the needs of local households who cannot access home ownership or affordable housing. The development of new private rented housing can also increase overall levels of supply by not competing with housing for sale.

The Council is therefore open to supporting private rented housing development through the planning system by considering its contribution to meeting housing need alongside the traditional forms of affordable housing.

To achieve this we will:

- Explore the options by which we can enable the development of new high quality, purpose built private rented accommodation for the long-term by encouraging new sources of private investment.
- Enter into discussions with developers of large schemes about the inclusion of private rented accommodation as part of the overall housing mix to be provided.
- Covenant new private rented development for an appropriate period to ensure it remains available for the long-term.

## 5.6 Securing better design across all new homes

Every balanced, stable community needs homes and public spaces which people are proud to live in and proud to live near. Our Planning service is promoting higher design standards in new housing of all tenures, with a new Haringey Quality Charter embedded in planning policy, and use of a new Quality Review Panel to support the council and its Planning Committee in ensuring robust scrutiny of major new developments.

To achieve the above we will:

- Lead by example in the homes and places we build ourselves on council land, and by ensuring that we only fund homes and places that achieve our quality aspirations.
- Ensure all new homes meet the Mayor's London Housing Design Guide standards.
- Assess all new major developments, including our own estate renewal using Haringey's Quality Review Panel.
- Ensure that all new major developments comply with the sustainability standards set out in the London Plan.
- Ensure that all new developments meet the standards set out in the Haringey Development Charter.



## 6. Objective 2: Improve help and support to prevent homelessness

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Where households face actual or threatened homelessness, councils have a legal duty to provide advice and assistance and - in some cases - accommodation. The supply of affordable housing in Haringey is diminishing at a time when we are facing rising demand in Haringey, placing significant constraints on our ability to help homeless or potentially homeless families, in particular because of the supply and cost of temporary accommodation.

The best way to deal with housing crisis and potential homelessness is to prevent it. This is true not only for the council but also for people who might experience a housing crisis, which is distressing and extremely unsettling for the people involved. Increasingly, the council and its partners are focusing on early intervention and prevention, so that people are helped with housing problems in a way that enables them to remain settled, or to be re-settled in a planned way without recourse to emergency assistance.

Our priorities are to:

- Provide timely and effective housing advice to help those in crisis or threatened with crisis to sustain their existing accommodation if at all possible. This will be at the first point of contact with the council and its partners but increasingly we want to intervene before an approach is made, where risk of homelessness can be identified.
- Act at all times to prevent homelessness but where current accommodation can't be sustained, to provide advice on realistic options and assistance to secure suitable affordable accommodation.
- Provide suitable and affordable emergency or temporary accommodation when necessary, in accordance with fair and transparent criteria, while overall reducing the number of households in temporary accommodation and the cost of it to the local taxpayer.
- Allocate council tenancies and intermediate tenures in accordance with fair and transparent criteria, both at the commencement and when reviewing the expiry of a fixed term council tenancy.

These priorities will be reflected and set out in detail in a new statutory Homelessness Strategy and a revised Allocations Policy and Tenancy Strategy which, along with a new Intermediate Housing Policy, we will consult upon and adopt during 2016/17.

### 6.1 Advice and Prevention

The provision of timely and comprehensive housing advice is not just a legal obligation, it is a

means of helping residents to help themselves, whether through providing information, signposting, enabling access to other services or more holistic advice that might help to address wider problems residents are experiencing. We are aiming to provide a range of advice services, along with our partners, that move beyond reactive housing advice to enable early intervention and prevention.

Our focus is on sustaining current housing where practical and preventing housing problems escalating to crisis point. This usually means sustaining licences or existing tenancies in the private rented sector. The main reason for homelessness in Haringey is loss of a private rented sector tenancy, often because households experience financial difficulties that lead to rent arrears or because of a landlord's wish to charge increased rents that are not affordable for the current tenant.

We need to find new ways of identifying potential problems ahead of people approaching the council, when it may be too late. Prevention aims to help people to remain independent, addressing the causes of their problems by, for example, assistance with benefits, getting into employment or financial management to ensure rent arrears do not arise and homelessness is prevented. We will work with each person or family in housing crisis, as a fundamental priority, to prevent homelessness arising, whatever the cause.

To achieve this we will:

- Work with tenants to try and sustain their tenancies whenever possible, in partnership with private landlords, housing associations and the voluntary sector, to ensure provision of the right advice and support.
- Help people to access the widest possible range of options, where it is not possible to avoid a person or family becoming homeless, including a good quality affordable home in the private rented sector and sometimes the option of a home outside Haringey.
- Build relationships with local landlords and offer a range of packages and incentives to enable households to move into or remain in the private rented sector.
- Adopt a more collaborative approach, expecting people who are homeless, or at risk of becoming homeless, to take an active role in the process, taking responsibility for their situation and the options for dealing with it and being realistic about the range of possible outcomes. This approach is not just driven by reduced resources: we believe it is the right thing to do, moving towards a more resilient and independent community which is able to prevent and resolve problems for themselves wherever possible.
- Work in partnership to provide a holistic service to households who are affected by welfare benefits changes, including offering support to secure employment, advice on budgeting and debt and advice on affordable housing options.
- Continue to work with statutory and voluntary sector organisations to provide a holistic package of emotional and practical support for survivors of domestic violence in Haringey, including legal advice, housing advice, safety planning, access to counseling and, where needed, access to refuge accommodation or the Sanctuary home security improvement scheme.

- Provide outreach services and support in settings where households who are threatened with homelessness are likely to seek early assistance, including Children's Centres.
- Ensure that we target our interventions effectively by monitoring and acting on homelessness trends, including key causes and triggers.
- Within a new Homelessness Strategy and Delivery Plan, set out a multi-agency approach to prevent homelessness and reduce rough sleeping.

## 6.2 Taking new approaches to temporary accommodation

Where homelessness cannot be prevented, we will provide emergency temporary accommodation while we help households to find a settled housing solution. However, like many other boroughs, the council finds it increasingly difficult to secure good quality, sustainable and affordable temporary accommodation of all types in London. Competition for private rented homes has driven up prices while the council is dealing with rising levels of homelessness and households spending longer in temporary accommodation. To meet the challenge on supply, and to contain costs, the council needs to work differently.

Where it is required, our strong preference is to provide temporary accommodation for all homeless households within the borough. The reality in the current climate is that this is not possible. As long as private sector rents remain high and benefits and subsidy levels remain frozen, it will be very difficult to secure the volume of homes needed at a cost that is affordable for the homeless household and will not require additional subsidy by the council.

Working differently means making more use of assured shorthold tenancies in the private sector to discharge homelessness duty, placing households out of borough and in some cases out of London in more affordable locations. This is not a matter of choice for the council. We have to take these steps and will do so in a fair and sensitive way, mitigating the potential impact on homeless households as effectively as we can and working closely with household members to ensure this.

To achieve this we will:

- Reduce the number of homeless households living in temporary accommodation, working with landlords of private rented homes to provide a greater supply of good quality, safe and well-managed homes for people who are homeless.
- Forge new partnerships with investors offering long term investment to provide affordable, good quality, secure homes to help homeless households as well as additional, cheaper temporary accommodation.
- Maximise the supply of affordable high quality temporary accommodation inside the borough boundary and within London.
- Support homeless households who cannot afford Haringey or London private rental prices to take up homes out of London. Where these homes are in the private rented

sector, the council will liaise with the host borough to check the suitability of the property and the landlord. This overall approach will be in accordance with a fair and transparent policy that will establish clear criteria for placements within and outside the borough and provide a package of support measures developed in close consultation with potentially affected households.

- Continually assess our own property portfolio and ensure we are taking opportunities to use a wider range of council assets for temporary accommodation, which might involve conversions, acquisitions and temporary use of homes that are empty awaiting redevelopment.
- Use innovative solutions, for example Modern Methods of Construction, for rapid provision of homes on sites suited to this use.
- In the case of single vulnerable households, including the very young and very young mothers, aim to provide a supported housing solution as an alternative to temporary accommodation.

Within the borough, new temporary accommodation supply should be located at suitable sites across the borough, in order to help homeless households maintain existing networks of support and to avoid high concentrations of temporary accommodation in particular areas.

Where households require accommodation to be provided by the council, we will assess priority for placement and source appropriate accommodation, either within the borough, within London or outside the London area, depending on availability, suitability and affordability.

### 6.3 Allocating affordable housing

Social housing is scarce and demand far outstrips supply; we cannot house everyone that applies to us. In 2014 and 2015 we updated our Housing Allocations Scheme, which describes how we prioritise the allocation of social and affordable rented homes across the borough. The scheme ensures that, whether the council or a housing association is the landlord, the applicants on Haringey's Housing Register with the highest level of housing need and/or an urgent need to move are prioritised for rehousing. As the supply of social housing diminishes further, it is a priority for us to continue to allocate homes fairly and in line with our strategic priorities.

We are required by recent legislation to offer new social tenancies on a fixed term, rather than for life. We would have preferred to retain the ability to grant lifetime tenancies as we value stability and settled housing (described more in chapter 8), so will implement this with care and in a way that does not undermine our strategic objectives.

The council is also becoming a landlord for a wider range of tenures – affordable rent, low cost home ownership and other intermediate tenures are adding to the mix. The council is therefore developing a specific policy on the allocation of these homes, rent levels, equity shares and related aspects as part of the suite of policies and delivery plans underpinning the Housing Strategy.

There are some key policy choices here that will increasingly be influenced by affordability. We know, and this is set out in appendix D, that we will have to allocate social housing to people who cannot afford other options. This is a stark reality – we will in any case have to gather income information from our existing tenants, for the purposes of implementing the legislative requirements for Pay to Stay. Increasingly people who can afford alternatives to social housing, whether in the private or public sector, will be helped to access those homes.

To achieve the above we will:

- Review the Housing Allocations Scheme, to reflect recent legislative change, consider the better matching of households on different incomes to different types of accommodation and to take the opportunity to consult residents and stakeholders on how we can ensure the fairest possible allocation of homes.
- Consider, as part of this review, routinely collecting income and savings information from households applying for housing to enable better matching of households to different types of accommodation.
- Encourage households who can afford higher rent levels, or mortgage repayments, or a mix, to take up shared ownership or 'affordable rent' products above Local Housing Allowance.
- Introduce an Intermediate Housing Policy which clearly distinguishes between low and high cost shared ownership, for example, by targeting lower cost shared ownership to existing Council and housing association tenants with comparatively higher incomes, thereby releasing an existing social rented home for households on lower incomes.
- Publish our annual Lettings Plan, so that it is clear how general needs accommodation will be let and which groups will receive relative priority for the limited permanent housing available.
- Update our Tenancy Strategy to comply with new legislation on fixed term tenancies and to again take the opportunity to consult residents and stakeholders, in particular on how we implement changes sensitively and fairly. We remain committed to providing settled homes and will always want to maintain tenancies, while being transparent about any circumstances in which a fixed term tenancy might not be renewed.

While we are committed to maintaining lifetime tenancies for existing council tenants and would prefer to do so for new tenants, we will never assume that social housing will meet every family's long term aspirations. Some residents will aspire to own a home, or privately rent a home in the future. We will always seek to understand these aspirations, and support our residents to work towards them.

## 7. Objective 3: Drive up the quality of housing for all residents

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Although we are committed to growth in supply it is important to note that Haringey's existing total housing stock is increasing by less than 1% each year. Even if we accelerate to the pace necessary, this would not change the fact that to meet the need for good quality housing in Haringey we need to focus a large part of our effort on ensuring that the borough's existing homes are maintained and managed to the highest standards.

As the Strategic Housing Authority the council has a role to ensure that the quality of all housing across all tenures meets high standards for residents. In addition, as a landlord we are committed to ensuring that our own housing stock is maintained at the best possible standard through continuous investment and renewal.

While the council has most direct control over the quality and management of its own homes, it is also committed to doing all it can to promote and enforce higher standards for homes of all tenures. In particular there are issues with the quality of some private rented homes in the borough, where some landlords are failing to adhere to statutory standards and tenants are living in unfit and potentially dangerous conditions. We need more private rented homes, but we also need existing and new private rented homes to be the right quality. For both social and private sector homes, we also need to ensure appropriately adapted homes are available that meet the needs of physically disabled people.

Our priorities are to:

- Improve the quality and management of homes owned by the council
- Apply and monitor high quality standards for homes owned by housing associations
- Improve the quality and reliability of homes in the private rented sector.
- Maintain a balance of tenure types across existing homes and protect family sized homes in the borough
- Improve energy efficiency and reduce carbon emissions and fuel poverty
- Make the best use of existing homes

### 7.1 Improving the quality and management of homes owned by the council

The council owns 16,000 rented properties and is the freeholder for a further 4,500 leasehold properties. These homes are managed on the council's behalf by Homes for Haringey. We have made significant investment in the stock to achieve the Decent Homes Standard, which is the Government's minimum standard for the quality and state of repair of a home. As at March 2016, 73% of the council's stock met the Decent Homes Standard.

There is no more government funding for stock investment and Housing Revenue Account (HRA) resources have been reduced. This means we have to review our priorities for

investment in our existing stock and how we invest in new homes.

The priorities for our housing stock, now and in the long term, include maintaining homes to the best possible affordable standard and proactively managing a diminishing portfolio to ensure that the homes we sell to comply with the government's compulsory levy are not simply the most valuable financially, but have the least possible impact on meeting housing need in the borough or otherwise meet our housing strategy objectives.

To achieve the above we will:

- Move to a 'whole estate' approach, so we are talking to residents not just about periodic works for individual components like windows and roofs, but also about planned programmes (e.g. lifts and heating systems), communal areas, environmental improvements and energy efficiency.
- Develop the new stock investment approach, informed by residents and based on an affordable standard for homes that where funds allow, is tailored to the needs and priorities on a particular estate and delivered as an integrated programme.
- Invest only in stock that provides good quality homes in the long term and rationalise stock where necessary to save money and raise investment funds or to meet the requirements of the government's compulsory levy.
- Balance short term investment needs with longer term estate renewal potential. We will of course always maintain our homes to the affordable standard but where larger scale investment is needed, and existing homes are not of the standard we want, we will promote estate renewal and discuss this with residents.

## **7.2 Improving the quality and management of homes owned by housing associations**

Housing associations (also known as registered providers) own and manage a range of homes in Haringey, both in street properties and in estates. These homes are a much-needed source of supply of affordable homes and play a vital role in meeting housing need. We want to ensure that these homes and estates are of at least a comparable quality to our own council homes.

To achieve this we will:

- Continue to work with all housing associations to achieve shared high standards for managing homes, based on the common management standards that we have already agreed with our preferred partners. These cover the full range of housing management including customer care, repairs, estate services, dealing with anti-social behaviour, complaints and resident involvement.
- Improve the management of multi-landlord estates, for example, through the establishment of a single responsible management body. The quality and management of these multi-landlord estates, including the public space between homes, can be of

concern to residents and the Council where the different landlords are not working well together and the housing associations themselves often recognise these problems can occur. We will work with associations and other landlords to provide better and more efficient housing management services and clearer lines of accountability to residents of these multi-landlord estates.

- Work with housing associations to monitor the quality of their homes, the services they provide and resident satisfaction, as part of a concerted effort to ensure that all tenants are benefitting from comparable standards. Our Registered Provider Partnership Agreement, with all housing associations with housing stock in the borough, outlines the roles, responsibilities and expectations of the partnership to deliver the highest standards of accommodation and housing management.

### 7.3 Improving the quality and management of privately rented homes

The private rented sector is growing: a third of Haringey residents already rent privately. Lettings of private rented homes in Haringey now outnumber lettings becoming available through the council or housing associations. Given its growing role in Haringey, it is vital that current and future residents have confidence that the private rented sector in Haringey is providing good quality, affordable and sustainable homes for the wide range of households that need and want to live in them. The council works with landlords as partners in the effort to build this confidence.

The Council has a range of statutory enforcement powers including mandatory licensing of Houses in Multiple Occupation (HMOs) to maintain minimum standards. Together with landlord accreditation schemes, we consider using these powers is the most effective way to ensure that better quality homes and management standards in the private rented sector are maintained in the long term.

To achieve this we will:

- Continue to encourage Haringey-based private rented landlords and lettings and managing agents to sign up with the London Landlord Accredited Scheme (LLAS). By April 2016, 655 Haringey landlords had become members of LLAS.
- Use our statutory powers to drive up quality in the private rented sector, whether selective, additional or mandatory licensing or other enforcement powers.
- Work with and support landlords to ensure that they are aware of the requirements they must meet in order to legally let a property to tenants.
- Ensure that all rental properties have an Energy Performance Certificate rating of E or above. Currently, the private rented sector is the least energy efficient tenure of housing with the highest proportion of energy inefficient properties (F and G rated) and one in five households in the private rented sector live in fuel poverty, compared to 8.5 per cent of the owner occupied sector. Energy efficiency is crucial to preventing fuel poverty and we are addressing this through our carbon reduction plans, described in 7.5 below.



- Increase the amount of purpose-built, professionally-managed and affordable private rented housing in the borough, which will not only improve the overall range, mix and quantity of homes but will also help to set new standards in the quality and management of private rented housing.
- Develop, consult on and adopt a comprehensive Private Sector Housing delivery plan. This will identify our ambitions, priorities and key projects and set out in detail our approach to key issues, like mandatory and selective licensing.

In the Housing & Planning Act 2016, the Government has introduced banning orders for landlords and agents to exclude them from carrying out housing related lettings work. The Council will be required to maintain a database of rogue landlords and lettings agents subject to regulations from the Secretary of State. Prior to this, the Government issued a consultation paper proposing extending the mandatory licensing of HMOs. The outcome is due to be known later in 2016 and our new Private Sector delivery plan will set out how existing and new powers will be used to improve standards.

#### **7.4 Maintain a balance of tenure types across existing homes and protect family sized homes in the borough**

It is important that the mix of tenures and property types in each locale is balanced and appropriate to meeting the needs of households of varying sizes.

To achieve this we will:

- Restrict unsuitable conversions of small family homes in areas of the Borough identified as already having a high concentration of converted properties. This is embedded in our Local Plan and will ensure the Council can protect the remaining existing stock of family houses within these areas.
- Not support proposals which result in an overconcentration of 1 or 2 bed units unless they are part of larger developments or located within neighbourhoods where such provision would deliver a better mix of unit sizes which include larger and family sized units.
- Increase the number of affordable family homes with 89% of new affordable rented homes and 70% of new intermediate homes required to be two-bedroom properties or larger as set out in Appendix C.

#### **7.5 Improving energy efficiency, reducing carbon emissions and fuel poverty**

Emissions from homes in Haringey account for roughly 50% of local carbon emissions. Meeting Haringey Council's pioneering '40:20' commitment (to reduce carbon dioxide emissions by 40% across Haringey by 2020) will require different thinking to fight fuel poverty and reduce carbon emissions.

Currently 11.9% of Haringey residents live in fuel poverty and the average annual energy bill in London is now over £1,000 per year. This means that energy efficiency is a key component in improving the comfort and economic prosperity of our residents.

When developing homes for the future we need to look decades ahead, to ensure homes are designed for future climate extremes, whether that's cold winter spells (when heating energy demands increase) or hot spells in summer and autumn (when over-heating increases energy demands for cooling).

To be truly affordable, and to create sustainable communities for the future, our new homes must be designed to the right energy efficiency standards. From October 2016 all major housing developments will be required to deliver zero carbon dwellings and we are committed to achieving this.

This can be done by working through the energy hierarchy which includes delivery of energy efficiency measures, community energy networks, and renewable technologies on site. Should developers be unable to deliver this standard, a contribution to the Council's carbon offsetting fund will be required to ensure policy compliance. This offsetting fund will be collected by the Council and will be used to deliver energy efficiency and carbon reduction projects within the borough.

To achieve the above we will:

- Ensure all newly developed homes are 'zero carbon' in line with the London Plan.
- Deliver local, low carbon decentralised energy networks that offer competitively-priced energy and warmth.
- Focus on retrofitting homes, in all tenures, in recognition that only by tackling existing housing stock can we reduce the impact of rising energy costs and support the emerging building 'retrofit' sector.
- Drive innovation with developers to deliver carbon reduction.
- Develop the Built Environment Innovation Hub to bring together large-scale property owners, developers and managing agents operating in the borough to connect them with innovative new technologies for the built environment.
- Become a testing ground for new approaches to low carbon development, through our partnership with Durham University, with Haringey a nationally recognised innovating pioneer.
- Work with local residents, businesses, social enterprises, charities and community groups on the '40:20' initiative, to combine carbon reduction with a drive for 'green growth' (growth that is efficient and sustainable and fit for the future) through the creation of a local low carbon economy.

## 7.6 Making best use of existing homes and assets

In addition to the building of new homes, the council will continue to pursue a range of other measures to ensure the maximum possible supply and availability of existing homes for Haringey residents.

To achieve this we will:

- Accelerate our programme of bringing privately owned empty homes back into use, including the use of compulsory purchase powers if needed and making these homes available as affordable permanent or temporary homes.
- Continue with initiatives to free up our existing council homes, which include tackling tenancy fraud, addressing under occupation and helping those tenants who are able to access alternative housing options to do so.
- Make best use of our land and assets by continuously looking for and maximising supply opportunities, such as underused garage sites, with the intention of redeveloping these for affordable housing where there is scope to do so.
- Develop a package of assistance and incentives to provide choice for tenants who may wish to move on from social housing. For example, this will mean helping tenants affected by recent “pay to stay” legislation to access low cost home ownership as an alternative to paying market rent or exercising the right to buy, thus releasing rented homes which can be re-let to a household on the Housing Register.

A range of measures will be delivered by our housing provider Homes for Haringey and by various parts of the council, within a clear strategic remit to make more of our existing homes available to augment our ambitious new homes programme.

## 8. Objective 4: Ensure that housing delivers wider community benefits

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Housing cannot be separated from some of the other challenges people may face, including for example, in health, education, unemployment, anti social behaviour or crime. We can't ignore the role that housing can play either in helping to meet those challenges, or in making them worse. New homes and wider regeneration programmes can – and must – have a transformative effect, not just on the physical place, but on the lives of people who live in that place. We are particularly keen to make sure that people who move into or back into regeneration areas can get the greatest possible benefit from the change in their neighbourhoods.

Existing communities can feel that higher rent and house prices and more desirable neighbourhoods bring problems and not much benefit, most obviously for those people who do not own some or all of their current home. Years of construction disruption can threaten to make this worse, especially in areas like Tottenham and Wood Green where the change will be significant and take place over many years. It is obvious that regeneration must have the support of local people, and make a genuine positive difference to those people's lives.

Central to this fourth objective is ensuring that housing services meet the needs of people at different stages of their life – this might mean providing advice about housing options, assisting with financial issues, facilitating access to education or training, employment support, relocation as a result of regeneration, short term supported housing or a social housing tenancy. While we value stability and settled homes, needs change and our services must be agile and tailored in response and where possible in anticipation.

Our priorities are to:

- Promote independence, health and wellbeing
- Provide stable, safe well-managed homes in decent environments
- Maximise training and employment opportunities
- Give residents a stake in growth

### 8.1 Promoting independence, health and wellbeing

A safe, settled good quality home is often the first building block for a healthy, independent life. We believe that independence is fundamental to wellbeing for everyone, and independent living for the widest range of people helps to achieve our aim for mixed and balanced communities. We recognise that this can be particularly challenging for some people, and that support will sometimes need to be tailored to the specific needs of particular groups.

As with housing crisis, our approach is based on early intervention and prevention, people taking responsibility for their situation (and solving their problems wherever possible) and residents and communities, which are under increasing pressure, supporting each other. Our aim is to maintain independence by providing a comprehensive response to the needs of residents, including enabling solutions that support independent living.

We are determined to take every opportunity to use housing as a way to improve people's long-term physical and mental health, while reducing the health risks that people's housing and wider environment may create.

To achieve the above we will:

- Continue to work in an integrated way with health, housing and voluntary sector partners, to make sure that each Haringey resident has a home that helps to support his or her independence, health and wellbeing.
- Prevent homelessness and reduce the need for temporary accommodation by commissioning early intervention and support services that sustain independence and provide alternative supported accommodation pathways, so that people can move through support services in a planned way.
- Complete a comprehensive strategic review of supported housing provision in the borough, including sheltered housing for the elderly, extra care housing and short term supported accommodation. Working with partners, this will enable us to ensure that the available accommodation is modern and fit for purpose with appropriate support available, and meets current and projected needs for all age groups and types of need. The review findings will inform our development plans and provide the evidence to secure new, purpose built high quality extra care schemes, hostels and all forms of supported housing.
- In particular, use the findings of the supported housing review to help us move to more modern housing options for older people, ensuring services are needs-based and not age-based. We are aiming to make the best use of the available stock and provide services more flexibly, including in the community.
- Provide suitable housing and neighbourhoods for older people, close to local services, community facilities and opportunities for outdoor activity and recreation, to help them maintain the highest possible level of activity, independence and quality of life.
- Develop options for more tailored services for individual older and vulnerable people, including extending services that are part of any purpose-built supported accommodation to provide support services to people living in the wider community.
- Provide appropriate services and support at home if possible, and working with our partners to provide wider and more innovative opportunities for support at an earlier stage to avoid institutional forms of support and care.

- Help young people, including care leavers, to secure and maintain independent housing and work with our partners to help them engage effectively in society, combat financial exclusion and make the most of training and employment opportunities.
- Seek to increase the number of people with learning disabilities who have their own home; increase the quality of housing and support for people with learning disabilities, and ensure that this housing and support is affordable
- Ensure that our investment in council-owned homes makes an important contribution to the health and wellbeing of council tenants and leaseholders.
- Improve health by tackling poor quality homes in the private sector and especially the private rented sector, where the highest levels of serious repairs and hazards occur.
- Ensure the provision of adaptations to enable people with physical disabilities to live independently in social and private sector homes.
- Ensure, through the planning process, that new housing supports residents' physical and mental health by enabling activity (for example with communal gardens), providing play areas for children with a wide range of needs, requiring accessible homes on new developments (in accordance with appendix C) and enabling older and more vulnerable adults to remain independent for as long as possible.
- Work with Homes for Haringey and the private and voluntary sectors to review Haringey's Affordable Warmth Strategy, identifying ways of helping people out of fuel poverty and reducing the risk of cold-related illnesses and excess seasonal deaths.

In all cases, our approach will focus on supporting independence. We will intervene early to prevent loss of independence, by understanding the greatest risks threatening residents' capacity to continue living safely and comfortably in their own homes, and by seeking to minimise escalating needs and reduce the long term cost to public health, social care and support services.

## 8.2 A stable home

Evidence shows that children's life chances are enhanced by living in stable homes, while being forced to move home frequently can have a detrimental effect on educational attainment. Frequent moves can also disrupt vital family connections and access to a stable job or training. Recognising that moving is sometimes necessary at different stages of life or for positive reasons; people must feel secure, safe and stable in their home and neighbourhood to thrive.

To achieve this we will:

- Work to sustain people's tenancies no matter who their landlord is.
- Provide sustainable suitable and affordable accommodation for those in housing crisis. For people in temporary accommodation, provide a settled home so that moves within

temporary accommodation are minimised as far as possible, particularly for those families with school age children.

- In partnership with investors, develop affordable private rented homes in Haringey, which offer longer tenancies than is typical in the private rented sector.
- Tackle anti-social behaviour (ASB), ensuring that repeat vulnerable victims of ASB see a joined- up and consistent approach to their problem, regardless of where they live in the borough. We will develop more coordinated tactical plans for tenants and homeowners to help prevent ASB from occurring in the future. An early priority will be to work with partners to improve sustained support to both victims and offenders.
- Promote high quality design in the council's estate redevelopment plans and planning policies, to maximise safe living conditions.

As we have said in 6.3 above, we remain committed to lifetime tenancies for existing council tenants but are required to implement fixed term tenancies for new council tenants. In doing so we will need to ensure a careful balance is struck. Tenancy reviews will be undertaken sensitively, using transparent and fair criteria. For many tenants we would expect a renewal to be agreed in a manner that minimises any uncertainty and stress and doesn't cause instability. For a small number, there may be particular circumstances (for example, an aspiration to home ownership) that will mean more discussion with tenants about whether a council tenancy remains the most appropriate option for them at that stage of their life.

Where tenants' circumstances have changed, or they are seeking a move for their own reasons, we will engage openly with tenants to discuss realistic options and work with them to find the best option. In all cases, a review of an expiring fixed term tenancy will be as far as possible a positive experience for tenants in which they feel supported to achieve their aspirations.

Achieving stability when people are in housing crisis is a particular challenge. As we have set out in 6.2 above, we will sometimes have to make use of temporary accommodation outside of the borough and outside of London. When this arises, we will give priority to helping affected households settle in to their new homes. We will provide a comprehensive and tailored support package to enable people to establish connections in their new location and become part of the community as quickly and as painlessly as possible.

### 8.3 Employment and training

Housing can also help residents to secure employment and access training opportunities, supporting the long-term aim of achieving a fully-employed Haringey. This is particularly important in the context of the benefits cap and frozen housing benefit rates, where often the best solution for affected residents is to get into employment.

The council plays a key role, together with its housing association partners, including Jobcentre Plus, local colleges, voluntary sector organisations and employers, in seeking to reduce unemployment and benefits dependency.

To achieve this we will:

- Ensure that the council's and its partners' housing advice and homelessness services are closely linked with employment and skills support, particularly in relation to young people.
- Use our buying power to help residents benefit from jobs with employers that the council contracts with for the services we provide.
- Encourage our housing providers and suppliers to offer apprenticeships and vocational training opportunities like those offered by the council itself.
- Secure training and employment for Haringey residents in construction and related trades in new building, estate renewal and improvement programmes and use section 106 agreements attached to planning permissions to secure commitments from developers to training and employment.
- Continue to commission specialist providers, in particular our housing association partners, as part of the housing related support programme, to support vulnerable individuals to access education and training or to help with job hunting.

## 8.4 Giving residents a stake in growth

We want to make a real change to the way regeneration works, finding ways for residents to have a direct stake. This means giving everyone a share in the benefits and helping the community, the council and a range of other partners unite behind a shared ambition for growth and progressive change.

The council's Economic Development & Growth Strategy sets out our long-term aims for the borough, to ensure that, by 2030, employment levels are higher, earnings are higher and workers are better trained and qualified. We are also aiming for a more dynamic borough, where there are more jobs and a better range of jobs, including a greater proportion of jobs in more highly-skilled sectors, such as sustainable technology, digital design and skilled/ craft manufacturing.

We have a number of current and planned initiatives that together will contribute to giving residents a real stake in the borough's growth aspirations

To achieve this we will:

- Seek to procure an investment partner for our Development Vehicle, which will enable the Council to maintain a long-term financial stake in regeneration and housing projects, thereby generating additional funds for our social objectives.
- Investigate ways in which we can ensure that residents have a more direct, personal and possibly financial stake in regeneration.
- Step up our commitment to co-production, whether of places or services, working with residents to enable them to influence the design of new homes and areas, of new services and to be involved in the procurement process for key providers and partners.



- Provide stronger leadership to ensure that residents are clear about the benefits they can expect to see over time. We will push hard to ensure priority access to new homes; better public spaces; new jobs and apprenticeships; investment in local services and infrastructure.
- Set targets for these outcomes and measure our progress (for example jobs created as a result of planning gain), ensuring results are achieved for the benefit of residents.
- Seek to minimise the disruption experienced by those living closest to major development sites and give a high priority to involving affected residents at an early stage, so they are able to influence plans and shape the outcomes.
- Apply the above to all developers and partners, and ensure we lead by example.

Estate renewal is well underway in North Tottenham at High Road West where residents are actively involved in shaping the nature of a new district, providing many more new and high quality homes. As we pursue these and other initiatives, we will work with residents at all times to make sure we are offering something that people genuinely want and that will make a real difference – this is absolutely central to our growth priorities.

## 9. Delivering the Housing Strategy

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Although it supports the council's Corporate Plan and Local Plan, the Housing Strategy is itself a document supported by many others. It sets out the strategic direction for housing in Haringey and what we want to achieve, focusing in particular on the big changes necessary to our approach. While it describes a number of specific initiatives that are already underway or in development, it does not offer every detail of how our objectives will be achieved. In some cases, we do not yet have all the answers and want to consult further with residents and partners before finalising plans and putting them into action. In others, there is not space here for all the detail.

### 9.1 Our Policies and Delivery Plans

Delivery of the Housing Strategy will be supported by a comprehensive suite of existing and new strategies, policies and delivery plans. The table below sets out the current and planned portfolio of housing policies and delivery plans that underpin achievement of the strategy, although this is likely to evolve over time.

## 9.2 Equalities Impact Assessment

An Equalities Impact Assessment (EqIA) of the Housing Strategy has been undertaken and this has identified ways in which the Strategy can positively impact households with protected characteristics. In effect the strategy itself is the mitigation of the adverse impacts of recent legislative changes. We are aiming to improve the delivery of genuinely affordable new housing to low income households amongst whom protected groups are over represented. The Housing Strategy will provide improved support for those in housing crisis, through delivery plans including the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy. The strategy also tackles the issues predominantly affecting low income households in the private sector including poor repair, health and safety compliance and high agency fees. Individual EqIAs will be prepared for the supporting policies and delivery plans where appropriate.

## 9.3 Delivering Together

Delivery is not just a matter for the council but will involve a broad partnership of residents, whether tenants or home owners, landlords, developers, service providers, employers, the voluntary sector and stakeholders, whether individuals or organisations. There is a central role for Homes for Haringey the council's lead provider.

Of course the council cannot do everything itself and this is a Housing Strategy for Haringey, not just the council. We recognise that leadership on housing in Haringey extends beyond the council. The approach should apply to all housing in Haringey, which means everyone involved in building and managing homes and supporting the people who live in them has a role to play in delivering it. In developing our policies and delivery plans therefore, we are striving to be inclusive and transparent.

This means we will:

- Involve residents and other partners in developing detailed proposals to deliver those objectives described in the Housing Strategy, where plans do not already exist.
- Publish on the council's website a comprehensive collection of delivery plans and policies that set out our approach to delivering the strategy, such as our updated Allocations Policy, refreshed Homelessness Strategy and forthcoming Private Sector Housing Delivery Plan.
- Publish details of our progress, as part of our transparent monitoring of performance against the council's wider Corporate Plan.

The council's role in delivering its housing strategy is increasingly one of commissioner and enabler, working with partners to maximise investment in new housing and better services. This means bringing people together around a common agenda or objective – this strategy is intended to provide the framework for this coming together, in order that we achieve growth, better housing and a better quality of life for all Haringey residents.

# Appendix A – Recent Legislation

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## Housing and Planning Act 2016

The new measures introduced in the Housing and Planning Act 2016 are set out below. The detail of many of these measures is not yet known and will be set out in Regulations due to be published over the autumn and winter of 2016/17.

### A1 Starter Homes

The Government have introduced a new form of housing to be called “Starter Homes” which will be classified as “affordable homes.” They are new build homes, to be sold to first time buyers between the ages of 23 and 40, at 80% of their market value. The discount will be maintained for a period, currently set out at 8 years, after which the owner can sell them at full market value.

As part of Planning Policy, the Government will require 20% of homes on sites above a certain threshold, (which has not yet been set), to be Starter Homes. The maximum price of a starter home in London is £450,000. No date has yet been set for this policy to start.

### A2 Voluntary Right to Buy for Housing Associations

The Housing and Planning Act gives the Secretary of State the power to pay Housing Associations to compensate them for discounts provided to tenants who exercise the Right to Buy Housing Association property (funds to come from the sale of higher value Council homes – see below). The legislation also gives the HCA the power to monitor and report on the progress of the Voluntary Right to Buy.

### A3 Forced Sale of Higher Value Council homes

The legislation imposes a duty on local authorities to consider selling all empty homes that become vacant, which are above a certain value threshold (which will be set in Regulations). It also requires local authorities to pay a levy to Central Government, which reflects the value of the empty homes above the threshold, on an annual basis. The Government will deduct a sum from the value due to be paid, which reflects the administration costs, and the sum which reflects the debt portion of the property, which the local authority can keep, but the remainder has to be paid directly to Government.

The Government will issue a Determination, setting out what they think that the local authority is due to pay and the local authority will have 28 days to comment on this; but the legislation does say that the determination does not have to be an accurate estimate of the value and number of the empty properties likely to become available, nor even that the estimate has to be likely to be accurate. There will be no adjustment in the following year, should the estimate be wrong. The Government can charge interest on late payments of the levy.

It is possible for London local authorities to negotiate a reduction in the levy, if they agree to use the retained funds to build or facilitate the building of replacement homes on a two for one basis.

Regulations on a range of matters, including the threshold, and what constitutes a replacement home are expected in the autumn of 2016.

#### **A4 Pay to Stay**

The Government have legislated to require tenants if they live in social housing, who earn more than £40,000 a year in London, to pay a market rent. The market rents are to be set by local authorities, following Guidance from the Department of Communities and Local Government (DCLG). The income counted towards the threshold, is the income of the tenants and partner. Income of adult children in the household will not be counted, unless they are one of the two joint tenants. Households in receipt of Housing Benefit are exempt, as are households where the increase to market rent would make them eligible for Housing Benefit. The increase in rent will be tapered at 15p in the pound up to the market rent. Tenants will be asked to declare their income in the first instance, and the legislation requires the HMRC to co-operate with local authorities in the verification of their income. Tenants who fail to co-operate will be charged market rents.

The money raised, minus the administration costs, has to be sent to Government. Regulations on this area of legislation are not expected until the winter of 2016/17. In the first year, the Government have indicated that they will accept whatever income is collected minus the actual administration costs; and if it proves that the income is exceeded by the costs of collection, it is possible that there are areas where this legislation will not be applied. (This might be, for example, areas where market rents are not much higher than social rents.)

#### **A5 Fixed Term Tenancies**

The Government have legislated to require that almost all new tenancies granted after the passage of a date to be set out in Regulations, will be Fixed Term Tenancies. Local authorities will have discretion to set out, in new Tenancy Strategies, their proposals for the length of tenancies that they will grant, and the grounds on which they will either be renewed, or not.

Tenancies can be as short as two years, in exceptional circumstances; and they can be as long as ten year tenancies in some circumstances (e.g. for older or disabled tenants, or for households where there is a child in full time education.). However, the discretion available to local authorities will be set out in more detail in the Regulations, when available.

Between 6 and 9 months prior to the end of the tenancy, the local authority must carry out a review, and decide whether to grant a fresh tenancy, and the grounds on which tenancies might not be renewed (e.g. where a household income has increased above a given threshold, or where a household no longer needs a home of the same size.)

All tenancies created by succession (where a partner inherits the tenancy) will be a five year fixed term tenancy.

Fixed term tenancies are a requirement for local authorities, but discretionary for Housing Associations.

#### **A6 Private Rented Sector**

The Government have introduced a range of measures to enable local authorities to better intervene in the Private Rented Sector, when landlords do not provide an adequate service for

tenants. This includes the ability for local authorities to set up a database of “rogue” landlords. These will be landlords whose contraventions of legislation and regulation have been such that they are not fit and proper persons, to own and manage housing. Local authorities can obtain “banning orders” preventing these landlords from owning and managing housing to let.

The additional measures include rent repayment orders, where landlords are in breach of their obligations, and Regulations to introduce a 5 year electrical safety check. There are in addition changes to procedures to enable landlords to repossess abandoned property more easily.

#### **A7 Social Housing Regulation**

There are a number of measures within the legislation which are designed to release Housing Associations from public sector controls. One of these measures includes the power for Government to limit the influence of local authorities on Housing Associations, by removing the requirement to have local authority nominees on Boards, even where this is currently within the company rules. Housing Associations will no longer have to consult local authorities about disposals, or use the proceeds from disposals within the local authority area.

#### **Welfare Reform and Work Act 2016**

##### **A8 Social Housing Rents**

The Welfare Reform and Work Act 2016 requires all social housing landlords to reduce their rent by 1% each year, for four years until 2020. This has removed £26m from the Haringey Housing Revenue Account Business Plan. In the first year, the Government provided for an exemption for supported housing (including sheltered housing) but has not indicated what the position will be for 2017/18 onwards.

##### **A9 Welfare Benefits**

The Act reduces the total amount of benefit that a household can receive further – this is known as the benefit cap. The amount that a single person in London can receive will be a maximum of £15,410 and the maximum that a family in London can receive will be £23,000. This reduction will be introduced in November 2016.

There will also be a freeze on most benefits for a period of four years, from 2016. This will affect Income support, Job Seekers allowance, Employment Support Allowance, Housing benefit, Universal Credit, Child Tax Credit and Working Tax Credit.

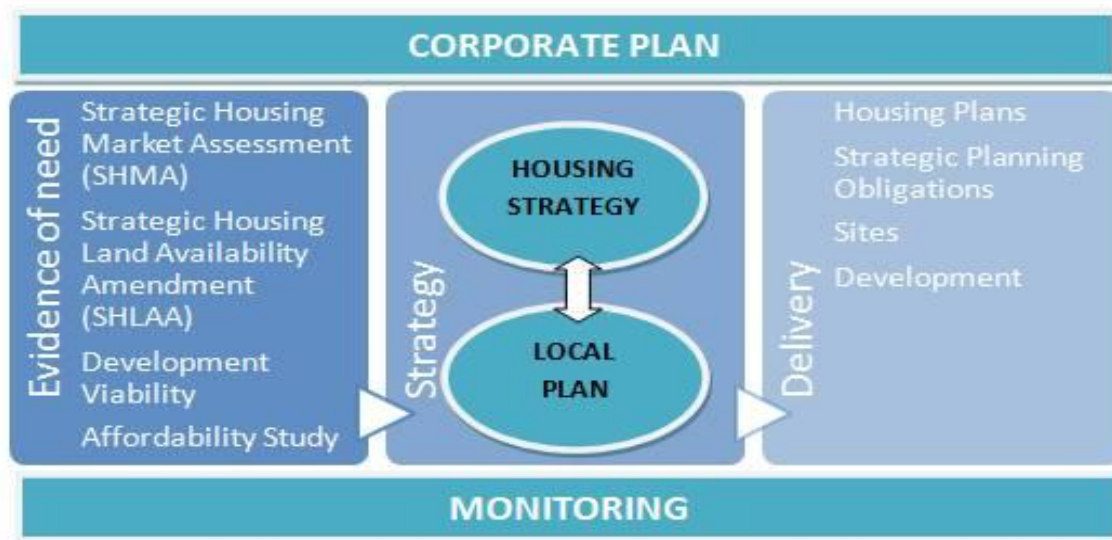
Child benefit will only be paid in respect of the first two children in a family. This will apply to all children born after 1st April 2017. The “first child premium” will also be abolished.

## Appendix B – The Housing Strategy and the Local Plan

The Housing Strategy and the Local Plan are intended to work in tandem to manage housing, new and existing, across the borough, ensuring these best meet local needs. Both rely on the same body of evidence, in particular, the Strategic Housing Needs Assessment (SHMA). The Local Plan sets out the overall development planned for within the Borough; and the Housing Strategy picks up in more detail the housing needs of local communities. Local Planning decisions are made in reference to the Local Plan, and will also look to the Housing Strategy to assess whether there is a need for the kind of housing proposed in the new development and the most appropriate mix to be provided.

Jointly, they identify Council's priorities for housing investment and guide the decisions of the Council and its partners on appropriate interventions in the local housing market.

The Supplementary Planning Document – Planning Obligations sets out in more detail the obligations that will be expected of developers, including the expectation of affordable housing. The mix, tenure and type of housing to be delivered are set out in both documents. The Housing Strategy sets the expectation of the Council and its partners, in what it believes the needs of the borough are; the Planning Obligations SPD is the mechanism by which this expectation will be secured.



The Mayor of London's Housing Supplementary Planning Guidance (SPG) was published in March 2016 and reflects changes to the London Plan. It provides updated guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals. A section on affordable housing was not published as the Housing and Planning Act was still going through the legislative process but the new Mayor has stated his commitment to greater accountability and transparency over planning viability.





# Appendix C – Affordable, Intermediate and Specialist/Supported Housing Guidance

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## Introduction

The purpose of this appendix is to confirm for all affordable housing providers (including housing associations, private developers, the Development Vehicle and the Council's own development/regeneration teams) the tenure/dwelling mix and affordability the Council expects for new affordable housing provided in the borough. It is recognised that these expectations may be subject to viability and site constraints. This strategy also makes clear that the Council will lead by example in this area of policy.

Appendices C and D will be maintained by the Council as discrete guidance to private developers and affordable housing providers, particularly at the pre-planning stage of developments in the borough. It is anticipated that this approach will clarify the Council's expectations, thereby reducing abortive work and more frequently achieving successful developments which meet local needs. During the period covered by this strategy, revised versions of this appendix may be published as housing need develops and/or better information becomes available.

## Tenure Split

It is expected that the Council's Local Plan policies for affordable housing will form the starting point for the consideration of individual development proposals i.e. that development sites with capacity to provide 10 or more units will be required to provide the maximum amount of affordable housing reasonable, contributing to a borough-wide provision of 40% affordable homes of all new homes delivered. The tenure split of the affordable housing provided will be a balance of 60% rented and 40% intermediate, except in Tottenham, where these proportions are reversed.

In terms of the specific types of rented and intermediate homes, the Council expects providers to develop rented homes at rents that are affordable for Haringey residents and, as a minimum, rents below Local Housing Allowance levels. The Council's preferred intermediate provision is low cost shared ownership affordable to households on gross incomes at or below £40k per annum.

## Maximum Rent Levels

Affordable rents should be set as a proportion of private rents. We recognise that because of government funding requirements, housing associations and other partners are required to

charge a rent higher than a target rent on new properties and some existing properties. We are therefore providing guidance on maximum rent levels where rents are set above target rent level.

Providers should aim for *average* rents to be no more than 65% of local market rents and should ensure that all individual property rents are below the Local Housing Allowance (LHA) threshold. Where providers do set rents above 65% of local market rents they should target those homes at working households who are not affected by the benefit cap, and in particular those who are seeking to downsize from existing council or housing association homes. Homes where rents are below 65% of local market rents should be targeted at those in greatest need and whom the benefit cap affects. The table below provides a guide to maximum rents in Haringey.

| Number of bedrooms | Maximum affordable rents as % of local market rents |
|--------------------|---|
| 1 bedroom          | Up to 80%   |
| 2 bedrooms         | Up to 65%   |
| 3 bedrooms         | Up to 55%   |
| 4 or more bedrooms | Up to 45%   |

In recognition of the higher market rents in the west of the borough, affordable rents in this part of the borough should be assessed against lower quartile market rents.

## Shared Ownership

The requirement for 'lower cost' shared ownership is that the three cost elements (mortgage costs on the percentage share purchased, rent charged on the unsold equity and service charges) should not exceed 45% of the net income received by a household (see appendix D). To achieve this, providers will need to consider offering the lowest possible percentage share (normally 25%), the lowest possible rent charged on the unsold equity and low service charges from the design and management arrangements for the scheme.

## Dwelling Mix for Affordable Rented Housing

- 11 % one bedroom units
- 45 % two bedroom units
- 33 % three bedroom units
- 11 % four (or more) bedroom units

of which, a minimum 10% to be wheelchair accessible, with aspiration of 20%.

## Dwelling Mix for Intermediate Housing

- 30 % one bedroom units
- 60 % two bedroom units
- 10 % three bedroom (or more) units

of which, a minimum 10% to be wheelchair accessible, with aspiration of 20%.

## Supported Housing Supply

The council's strategic review of Supported Housing is due for completion in early 2017 and this is assessing the current and required supply of specialist housing in the borough. Initial findings from the review anticipate that there is a shortfall in the supply of specialist supported housing for the following groups:

- Older people with complex needs such as learning disabilities, mental health and substance misuse, and accessible sheltered housing units for those with physical disabilities.
- People with mental health conditions leaving hospital and/or secure units, and specific units for women being released / discharged from hospital.
- People with learning disabilities who require supported living units.
- Single homeless adults requiring move on accommodation, including those with complex needs.
- Vulnerable young people/care leavers with complex offending/gang related needs; young women at risk of exploitation; and smaller services for young people to learn independent living skills.
- Survivors of domestic violence, and particularly provision for women from BAME backgrounds and for women with disabilities.

All new and converted supported housing is required to be accessible or adaptable for those with physical disabilities.

## Student Housing

There is no identified need for additional student housing in the borough and proposals to develop student housing would not normally be supported and, in any event, will not fulfil the Council's expectations for affordable housing as set out above in this appendix.

## Appendix D – Affordability

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Haringey is an expensive place to live. It is one of 17 boroughs across the capital where households in the private sector are, on average, spending more than 50% of their net income on housing costs. Home ownership in particular is beyond the reach of many who currently live in the borough, or would like to move here. As well as entry level affordability being an issue in Haringey, moving up the property ladder once you are on it can also prove difficult. Overall, affordability is a major barrier to the local housing market, both for prospective renters and prospective buyers, and the council is committed to helping people overcome this barrier.

Affordable rented housing should be genuinely affordable to those most in need. For our existing 16,000 council homes, the council will maintain rent levels at or near so-called “target rents” to ensure that homes are available that local people in housing need can afford. We will encourage the landlords of Haringey’s 12,000 housing association homes in the borough to do the same and maintain target rent levels for the majority of the homes they re-let after a tenant moves out. Even if we meet our targets for building new affordable homes, these existing homes are likely to form the majority of affordable rented housing in the borough – which means target rents will remain the most common kind of affordable rent in Haringey.

There is more of a challenge in setting rents for the new affordable rented homes which Haringey needs, and the homes for which housing associations are able to change the rent. The Government has reduced investment in new affordable housing by around 65% since 2010, which simply means that anyone wanting to build new affordable rented homes – whether council or a housing association - needs to set higher rents to secure the necessary investment. The Government’s affordable rent model is therefore pushing rents well above target rent levels, but we have to accept that without being able to charge these rents, the much-needed new homes simply cannot be built.

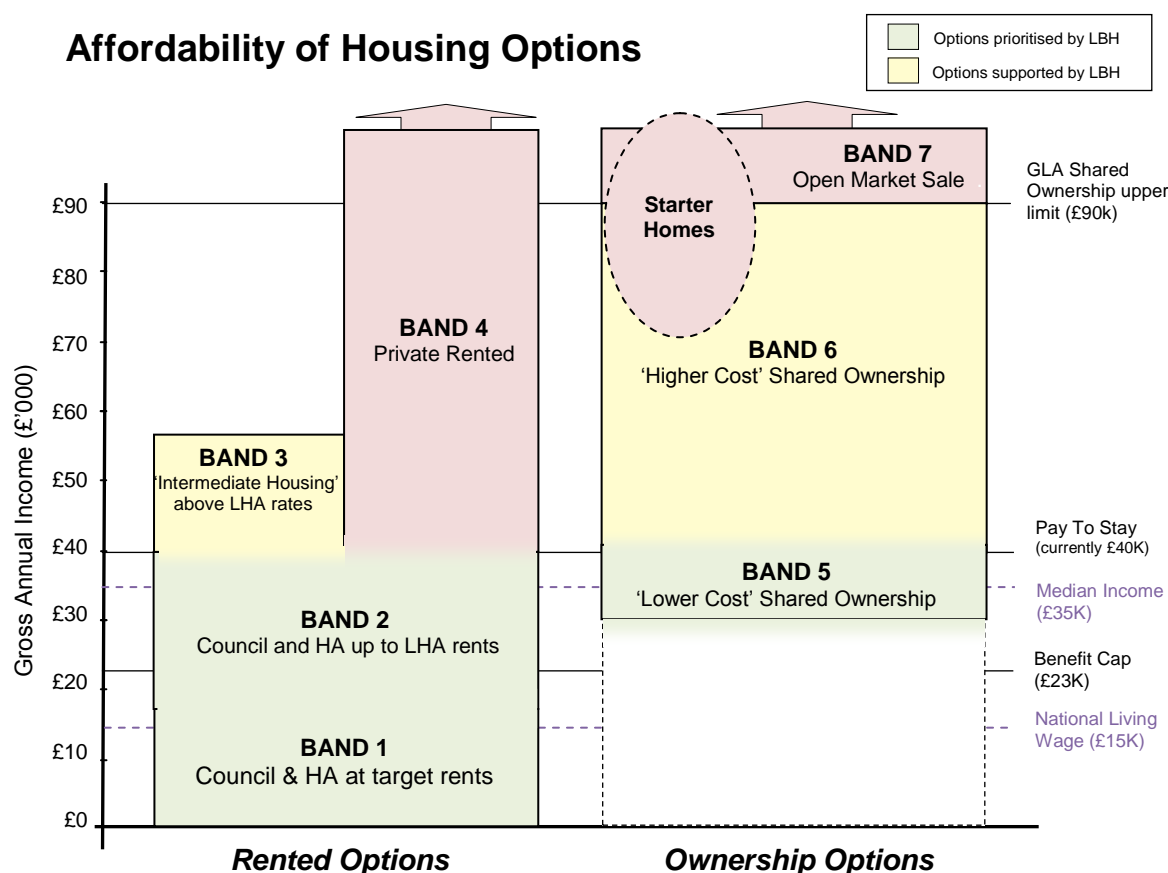
Although affordable rents will continue to be described as a percentage of market rents, for us there is a straightforward principle to apply to an assessment of affordability, which is that rent must be reasonable in relation to someone’s income.

Initial DCLG Guidance on Strategic Housing Market Assessments (SHMA) suggested using an affordability multiple (3.5 times income) to assess whether a household could access open market house purchase, at a lower quartile house price; and 25% of income to assess whether a household could afford a private rent. However, this is national guidance, and the London situation is very different - in reality households in London pay more than this to meet their housing costs. The Strategic Housing Market Assessment (2014) for Haringey suggests that households in Haringey are more likely to be paying between 30 – 40% of their income towards their housing costs. Recent research by Countrywide (reported in *The Guardian*) found that households in London are typically paying 57% of their income on housing costs, with tenants responding to this by moving into shared accommodation.

The Housing Strategy is therefore seeking to strike a realistic balance, by adopting an approach to affordability based on households paying up to 45% of their net income on housing costs, as this is closer to the current reality for many households.

We are keen ensure that that we provide or enable housing options for people that are appropriate to their financial circumstances, and recognise that achieving the right mix is central to our commitment to mixed and balanced communities. This means that when we talk about affordability we have to be able to answer the question – affordable for whom?

The chart below identifies the range of rental and home ownership options in relation to income, including 'lower cost' shared ownership aimed at those households earning less than £40,000 a year and traditional "higher cost" home ownership for households with incomes above this level.



The seven gross income bands set out above have been determined by applying the principle that weekly housing costs for households in each band are limited to 45% of net income. This approach means different housing products will need to be aimed at different income bands as follows:

| Band   | Gross Income      | Affordable Products (assuming housing costs do not exceed 45% of net household income)        |
|--------|-------------------|---|
| Band 1 | Up to £17,000     | Council and housing association homes at target rents   |
| Band 2 | £17,000 – £40,000 | Council and Housing Association homes and private rented homes within Local Housing Allowance |
| Band 3 | £40,000 - £56,000 | Intermediate housing at rents above Local Housing Allowance                                   |

| Band   | Gross Income       | Affordable Products (assuming housing costs do not exceed 45% of net household income)   |
|--------|--------------------|--|
| Band 4 | £40,000 upwards    | Private rented homes above Local Housing Allowance   |
| Band 5 | £30,000 - £40 ,000 | Lower Cost Shared Ownership for lower income households, including those at or just above proposed Pay to Stay threshold (currently £40,000) |
| Band 6 | £40,000 - £90,000  | Higher Cost shared ownership   |
| Band 7 | Above £90,000      | Open market purchase   |

Increasingly the council has to ensure that the diminishing supply of social housing must be prioritised for those who cannot afford the alternatives and it is clear from the above that the council's priority must be to assist those people in bands 1, 2 and 5.

The Council's preferred intermediate provision is lower cost shared ownership affordable to households on gross incomes at or below £40k per annum and this Strategy sets out what we will do in order to provide or enable the types of new housing which are affordable to households in bands 1, 2 and 5. However, we will also promote intermediate rent products which are affordable to those in bands 3 and 6 who are unable to afford the open market.

It should be noted that at the time of writing, detailed regulations on the Government's Pay to Stay proposals are not available. The Council's preference is that social housing tenants do not pay market rents while remaining in social housing and instead consider alternative options developed as part of the policies and delivery plans supporting this Strategy. This will be set out in the Allocations Policy, Tenancy Strategy and Intermediate Housing Policy and be consulted upon, and will reflect the Pay to Stay position when known and may define income thresholds for different types of housing and bedroom sizes.

Also, the Government response to the consultation it initiated which proposes a new and different definition of affordable housing is awaited. The current definition of affordable housing, according to the Government includes social rented, affordable rented, discounted rented, discounted market sale and intermediate housing, provided to specified eligible households whose needs are not met by the market. The new definition proposed in the Government consultation paper broadens the definition and in particular, proposed that new "starter homes" can be counted as "affordable" within the Government definition. Estimates of this new type of housing so far suggest that these homes will not be affordable for people on average incomes in Haringey; the statutory definition includes properties for sale at up to £450,000.

The potential inclusion of this revised definition of affordable housing in amended national planning policy guidance later this year would create a divergence between the national and Haringey definitions of affordable housing. This could mean that, if an affordable housing provider ignored the Council's preferred affordable housing (as set out in appendix C of the strategy) and failed to provide even the higher cost forms of affordable housing which meet the Haringey definition, preferring for example to opt for 'Starter Homes' instead, this may not be preventable under the new emerging national planning framework. This would not stop the Council from promoting its local definition of affordable housing and specifically its preferred model of affordable housing (as set out above).

# Appendix E – Supporting Information

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## E1 Who this strategy is for

This strategy is a public document, and we want it to be accessible to everyone. There are some people that we expect will be particularly interested in some or all of the strategy, and its supporting policies and delivery plans, which provide more detail. These include:

- Existing Haringey residents (especially those who rent their home from the council, a housing association or a private landlord), so they know what they have a right to expect, and what is expected of them.
- People looking for a new home in Haringey (whether they currently live here or not), so they can understand what their options are and what support they might expect, especially if they want to rent that home or buy some or all of it through an affordable home ownership scheme.
- Private developers and housing associations proposing to build new homes in Haringey, so they know what is expected in their proposals.
- Private landlords and housing associations who rent out homes in Haringey, so they know what standards are expected and how those standards might be enforced.
- Regional and central government agencies such as the Greater London Authority (GLA) and the Department for Communities and Local Government (DCLG), to help inform their funding decisions.
- Public bodies and voluntary sector organisations that provide services or advice to current or future Haringey residents, so they can make sure their own work with residents is consistent with the council's approach and links properly to the work being done by housing providers.
- The council itself, and its provider Homes for Haringey, to ensure that our approach to future challenges is consistent with the overall strategic approach set out here.

## E2 How the strategy was developed

The Council held two major consultation exercises to encourage input from residents, partners and stakeholders to help shape the content of Haringey's Housing Strategy.

During the consultation exercises, respondents highlighted a range of issues and concerns, which, in summary, covered 3 main areas:

- Housing affordability: recognition that house prices in Haringey are beyond the reach of households on average incomes



- Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing
- Vulnerable groups: support for a strategy which addresses the needs of residents with vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents.

The final version of the strategy addresses these points, and this is set out in a detailed consultation report, including a list of stakeholders consulted and feedback from respondents. The full report is available online at [www.haringey.gov.uk](http://www.haringey.gov.uk)

### E3 Sources of Information

| Information/<br>Statistics   | Source  |
|--|---|
| Housing Requirements and shortfall<br>Tenure Preferences<br>Houses in Multiple Occupation – location<br>Central Heating prevalence | Haringey Strategic Housing Market Assessment (SHMA) 2014<br><a href="http://www.haringey.gov.uk/sites/haringeygovuk/files/strategic_housing_market_assessment.pdf">http://www.haringey.gov.uk/sites/haringeygovuk/files/strategic_housing_market_assessment.pdf</a> |
| Property Sizes by tenure   | Census 2011 / NOMIS table LC4405EW - Tenure by household size by number of bedrooms<br><a href="https://www.nomisweb.co.uk/census/2011">https://www.nomisweb.co.uk/census/2011</a>  |
| Annual Sales figures   | Land Registry House Price Index<br><a href="https://data.gov.uk/dataset/monthly-land-registry-property-transaction-data">https://data.gov.uk/dataset/monthly-land-registry-property-transaction-data</a>  |
| Median Household Incomes   | GLA Household Income Estimates 2012/13, updated by a 4.3% increase in wages between 2012 and 2015 (ASHE)<br><a href="http://data.london.gov.uk/apps/gla-household-income-estimates/">http://data.london.gov.uk/apps/gla-household-income-estimates/</a>             |
| Average Property Prices June 2016  | Zoopla - year to June 2016<br><a href="http://www.zoopla.co.uk/market/uk/">http://www.zoopla.co.uk/market/uk/</a>   |
| Average Rents by bed size  | Valuation Office Agency (VOA) / GLA Rent Map- year to March 2016<br><a href="https://www.london.gov.uk/what-we-do/housing-and-land/renting/london-rents-map">https://www.london.gov.uk/what-we-do/housing-and-land/renting/london-rents-map</a>                     |
| Issues around Houses in Multiple Occupation  | Haringey HMO and Planning Policy Development Research Paper, August 2012<br><a href="http://www.haringey.gov.uk/">www.haringey.gov.uk/</a>  |
| Fuel Poverty   | Department of Energy and Climate Change/Sub-regional Fuel Poverty Table 2<br><a href="https://www.gov.uk/government/collections/fuel-poverty-sub-regional-statistics">https://www.gov.uk/government/collections/fuel-poverty-sub-regional-statistics</a>            |
| Savings and Housing Costs  | Hollow Promise: How London fails people on modest incomes and what should be done about it, Centre for London (2014)<br><a href="http://centreforlondon.org/publication/hollow-promise/">http://centreforlondon.org/publication/hollow-promise/</a>                 |



| Information/<br>Statistics         | Source  |
|------------------------------------|---|
| Roma & Irish Traveller assessments | Roma & Irish Traveller Needs Assessment<br><a href="http://www.haringey.gov.uk/">www.haringey.gov.uk/</a>   |
| Planning Evidence base             | North London Strategic Housing Market Assessment<br>Local Housing Needs Assessment 2007<br>Affordable Housing Viability Study 2010<br>Strategic Housing Land Availability Assessment (SHLAA)<br><a href="http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-plan-evidence-base">http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-plan-evidence-base</a> |

## E4 Supporting Policies and Delivery Plans

This Strategy, and its various supporting policies, delivery plans and sub-strategies can be found here:

<http://www.haringey.gov.uk/housing/housing-strategies-policies-and-plans>

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**Haringey Council**

## Equality Impact Assessment

|  |   |   |                           |
|--|---|---|---------------------------|
| <b>Name of Project</b>                           | Haringey's Housing Strategy 2017-2022             | <b>Cabinet meeting date<br/>If applicable</b> | 18 October 2016           |
| <b>Service area responsible</b>                  | Housing Commissioning,<br>Investment & Sites Team |   |                           |
| <b>Name of completing officer</b>                | Kathryn Booth / Martin Gulliver                   | <b>Date EqlA created</b>                      | 19 May 2015 (first draft) |
| <b>Approved by Director / Assistant Director</b> | Dan Hawthorn                                      | <b>Date of approval</b>                       |                           |

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013. Haringey Council also has a 'Specific Duty' to publish information about people affected by our policies and practices.

**All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.**

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

| Stage 1 – Names of those involved in preparing the EqlA |    |
|---|----|
| 1. Project Lead – Martin Gulliver                       | 5. |
| 2. Equalities / HR – Kathryn Booth                      | 6. |
| 3. Legal Advisor (where necessary) – Robin Levett       | 7. |
| 4. Trade union N/A                                      | 8. |

**Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening** (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqlA is required. If a full EqlA is required move on to Stage 3.

### The Housing Strategy

Haringey Council wishes to put in place a new Housing Strategy which better reflects the Council's Corporate Plan, includes key objectives on housing and growth in the borough, and takes account of changes in national and regional housing and welfare policy, changes in the local housing market and demographic changes in the borough.

Haringey's draft Housing Strategy 2016-2021 explains the Council's approach to housing across all tenures and in all areas of the borough. The **vision** for the Housing Strategy is:

“Housing is about people and communities, not just bricks and mortar. This means mixed and inclusive neighbourhood where residents can lead happy and fulfilling lives.”

There are a wide range of specific approaches to achieving the Housing Strategy's vision, grouped under its **objectives** which are to:

- Achieve a step change in the number of new homes being built
- Improve help for those in housing crisis
- Drive up the quality of housing for all residents
- Ensure that housing delivers a clear social dividend

The Housing Strategy will be delivered through a range of housing-related policies and plans, which are already in place or are being developed/updated. These are shown in the lists below. These policies and plans relate to the full range of housing tenures in the borough. For example, the Private Sector Strategy will focus on the private rented and owner occupied sectors. EqlAs related to these policies and plans will be carried out as appropriate. The outcomes envisaged by the Housing Strategy will be monitored and reviewed annually to ensure they continue to be responsive to changes in the local, regional and national landscape.

Examples of policies and plans already in place include:

- Homelessness Strategy 2012-2014
- Affordable Warmth Strategy 2009-2019
- Housing Investment and Estate Renewal Strategy 2013-2023
- Housing Commissioning Plan 2012-2015
- Older Peoples' Housing Strategy 2011-2021
- Tenancy Strategy 2014-2016
- Allocations Scheme

Examples of policies and plans being developed/updated include:

- Estate Renewal Re-housing and Payments Policy
- Allocations Scheme (update)
- Tenancy Strategy (update)
- Intermediate Housing Policy
- Homelessness Strategy/Delivery Plan
- Private Sector Strategy/Delivery Plan
- Affordable Warmth Strategy (update)
- HRA Business Plan
- Supported Housing Review
- Temporary Accommodation Placements Policy
- Housing Supply Plan
- Stock Investment & Estate Renewal Policy

This EqlA is an update of the EqlA approved in June 2015 and incorporates the outcome of the second consultation and reflects changes made to the Housing Strategy following that consultation. Further EqlA's will be undertaken for the underlying policies and plans set out

above e.g. the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy.

## **Final Draft**

The proposed final Housing Strategy contains five main amendments from the draft. These main changes are summarised below:

### **(a) Updates to ensure the Housing Strategy and the Local Plan are in alignment**

The final strategy has been amended to strengthen its alignment with the Local Plan. This will enable the Housing Strategy to support the Local Plan in providing guidance for new development, in particular in regards to the delivery of affordable housing. These changes are of a technical nature and will have no specific impact on this EqIA.

### **(b) Clarification of the definition of affordable housing**

Following feedback from the second stage of consultation, the definition of affordable housing has been clarified to reflect the view that market properties in Haringey are beyond the reach of households on average incomes. This clarification will allow the Council and its partners to target resources towards those households who are most in need and on lower incomes. For example, support for low cost shared ownership will benefit both existing social housing tenants who are supported to become home owners, as well as those in housing need who will be able to move into the social rented homes vacated. Those most in need are likely to include disproportionate numbers of households with protected characteristics including age, gender and ethnicity.

### **(c) Confirmation of the Council's commitment to social housing providing settled homes, despite the abolition of lifetime tenancies for new lettings**

The Housing and Planning Act introduced fixed term tenancies for future social housing tenants. This change directly contradicts Haringey's current policy of providing lifetime tenancies for social tenants, in order to support secure and stable communities. The Housing Strategy has been updated to reflect impact of this change. It reiterates a commitment to maintain lifetime tenancies for existing tenants and to minimise potential negative impacts of fixed term tenancies for new tenants, by continuing to support secure and stable communities. This commitment will be expanded on in the forthcoming Tenancy Strategy update, which will seek to mitigate adverse effects by, for example, maximising tenancy length and minimising the burden of tenancy renewal.

### **(d) Confirmation of the Council's commitment to fighting fuel poverty, delivering energy efficiency and reducing carbon emissions within new and existing housing using a range of measures, in the light of the withdrawal of the Code for Sustainable Homes**

The Code for Sustainable Homes was withdrawn from Government planning guidance in March 2015. The final Housing Strategy confirms a continued commitment to effective carbon management to meet objectives for both environmental sustainability and the reduction of fuel poverty and outlines our approach to improving energy efficiency in the borough's housing stock. These changes to the

Housing Strategy will deliver a reduction in carbon emissions, but will also benefit low income households who are most affected by fuel inefficiency and who are likely to be over-represented amongst individuals with protected characteristics.

(e) Updated arrangements for delivery of the Housing Strategy via a range of integrated plans and policies

In addition to the changes outlined above, the Housing Strategy confirms the council's approach of developing integrated plans and policies to support the Housing Strategy. Each plan or policy will be supported by an EqlA. These changes are of a technical nature and will have no specific impact on this EqlA.

**Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment**

**Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.**

| <b>Data Source (include link where published)</b>                                 | <b>What does this data include?</b> |
|---|-------------------------------------|
| N/A – the proposed Housing Strategy does not impact on Haringey Council employees |                                     |

**Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment**

**This section to be completed where there is a change to the service provided**

| <b>Data Source (include link where published)</b>   | <b>What does this data include?</b>   |
|---|---|
| 2011 census data ( <a href="#">Census 2011</a> )  | Tenure, ethnicity, sex, religion, sexuality, disability & age   |
| GVA (2014) Haringey Strategic Housing Market Assessment based on a Housing Needs Survey of 1004 residents with a minimum of 10% of respondents (100 people) from each of the Housing Market Areas identified within the borough. ( <a href="#">SHMA</a> ) | Population, household spaces, dwelling stock, occupancy, age, ethnicity, household composition, occupational levels, tenure, house price and rents, household incomes |
| Joint Strategic Needs Assessment – Housing ( <a href="#">JSNA-Housing</a> )   | Population, tenure, house prices and affordability, homelessness, ethnicity of homeless households  |
| Trust for London/New Policy Institute, London's Poverty Profile ( <a href="#">London Poverty Profile</a> )  | Population, ethnicity, wealth inequality, income, tenure  |

## **Sex**

- Data indicates high levels of homelessness amongst female lone parents. This will be explored further in the forthcoming Homelessness Review and action planning, which will be set out in Haringey's revised Homelessness Strategy/Delivery Plan.

## **Age**

- Data indicates that homelessness in the age group 16-24 and 25-44 is high compared to their expected profile from census data. This will be explored further in the forthcoming Homelessness Review and action planning set out in Haringey's revised Homelessness Strategy/Delivery Plan.
- There is so far a small amount of data available on the age of buyers of shared ownership homes in Haringey, so it is difficult to draw firm conclusions. Age data on new shared ownership purchasers will be monitored and any relevant findings may influence the content of Haringey's planned Intermediate Housing Policy

## **Disability**

- Homelessness acceptances due to mental or physical disability is higher than would be expected given the profile of disability in the 2011 census, indicating that disability may be a factor in causing homelessness for these groups of households. This issue will be explored in the forthcoming Homelessness Review and an appropriate response set out in Haringey's new Homelessness Strategy/Delivery Plan.

## **Race & ethnicity**

- Homelessness data indicates Black households approach as homeless at a level which is more than twice their representation in Haringey's population. This compares with White households who present in numbers which are around two thirds of their representation in Haringey's population.
- There is so far a small amount of data available on the ethnicity of buyers of shared ownership homes in Haringey, so it is difficult to draw firm conclusions. Ethnicity data on new shared ownership purchasers will be monitored and any relevant findings will influence the content of Haringey's planned Intermediate Housing Policy.

## **Sexual Orientation**



Currently there is no information on sexual orientation recorded for any of the internal data sources used as part of this review. However, 3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013. In it's research for "Housing, homelessness and young LGBT people" (2015), the TUC advised that nationally LGBT have slightly higher home ownership rates (69% compared with 64%), but represent 24% of all homeless young people and that Stonewall Housing report that two-thirds of their callers have housing problems arising from discrimination because of their sexuality or gender identity.

### **Religion and Belief**

Currently there is no information on religion and belief recorded for any of the internal data sources used as part of this review.. However, the 2011 Census reports that 45% of residents were Christian, 14% were Muslim and 3% Jewish. There were low numbers of Hindu (1.8%) and Sikh (0.3%) residents. A quarter of Haringey residents stated that they did not have a religion,

### **Pregnancy and Maternity**

Currently there is no information on pregnancy and maternity recorded for any of the data sources used as part of this review.

### **Marriage and Civil Partnership**

Currently there is no information on marriage and civil partnership recorded for any of the internal data sources used as part of this review. However, the Census in 2011 found 50% were single, 34% were married or in a civil partnership, and 16% were separated, divorced or widowed. As noted under the protected characteristic of sex, data is collected on lone parents, which indicates that female lone parents have the highest level of homelessness acceptances of all groups in Haringey.

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.**

|                            | <b>Positive</b> | <b>Negative</b> | <b>Details</b>   | <b>None – why?</b>  |
|----------------------------|-----------------|-----------------|--|---|
| <b>Sex</b>                 | ✓               |                 | <p>Currently lone female parents are over-represented in homelessness acceptances and temporary accommodation. Objective 2 of the Housing Strategy, “Improving help for those in housing crisis” addresses this issue, which will be taken forward in revisions to the Homelessness Strategy/Delivery Plan. The situation of lone female parent homeless households, and other groups, will also be addressed through Objective 4 “Ensure that housing delivers a clear social dividend”; Objective 3, “Drive up the quality of housing of all residents” (which includes proposals to tackle quality in the private housing sector) and Objective 1, “Achieve a step change in the number of new homes built”.</p> <p>To help those in housing crisis, the Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The Council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit female-headed households on the Council’s Housing Register as they receive the majority of social and affordable lettings. With its partners, the Council will help residents to secure employment and apprenticeships and access training opportunities as a means of improving access to housing.</p> |   |
| <b>Gender Reassignment</b> |                 |                 | <p>Young LBGT are more likely to be affected by Housing Crisis, and in particular in relation to family relationships. These will need to be addressed as part of the Homelessness Delivery Plan.</p>  | <p>The needs for these groups in specific contexts will be explored in more detail through subsequent needs assessment e.g. the</p> |

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.**

|                             | <b>Positive</b> | <b>Negative</b> | <b>Details</b>  | <b>None – why?</b>                                      |
|-----------------------------|-----------------|-----------------|---|---|
|                             |                 |                 |   | homelessness delivery plan and supported housing review |
| <b>Age</b>                  | ✓               |                 | <p>The Housing Strategy should have a positive impact on homeless applicants from all age groups under objective 2– ‘Improving help for those in housing crisis’</p> <p>The Housing Strategy objective to achieve a step change in the number of new homes being built includes plans to assist more people to access home ownership. This is likely to benefit first time buyers who tend to be in younger age groups but should also have a positive impact on buyers from all age groups.</p>  |   |
| <b>Disability</b>           | ✓               |                 | The Housing Strategy recognises the needs of those with disabilities and seeks to address these through a range of provisions. Proposals include increasing the provision of housing related support services through the development of new support pathways and enabling independent living, for example, through disabled facilities grants.   |   |
| <b>Race &amp; Ethnicity</b> | ✓               |                 | Objective 2, “Improve help for those in housing crisis” - The Housing Strategy should have a positive impact on homeless applicants from all ethnic backgrounds. Black households should benefit most from initiatives to prevent homelessness, as they are currently disproportionately represented amongst homeless acceptances. Objectives 1, 2, 3 and 4, “Achieve a step change in the number of new homes being built”, “Improving help for those in housing crisis”, “Drive up the quality of housing for all residents” and “Ensure that housing delivers a clear social |   |

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.**

|  | <b>Positive</b> | <b>Negative</b> | <b>Details</b>  | <b>None – why?</b> |
|--|-----------------|-----------------|---|--------------------|
|  |                 |                 | <p>dividend” respectively, should also lead to a positive outcome for people from all ethnic groups.</p> <p>Data shows that housing crisis disproportionately affects Black households. The Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit Black households who are disproportionately represented on the council’s Housing Register as they receive a substantial number of social and affordable lettings. With its partners, the council will help residents to secure employment and apprenticeships and access training opportunities as a means of improving access to housing.</p> <p>Initial research into who bought the shared ownership units at one scheme of 48 units in the Borough, gave rise to cause for concern that households from BME communities were under represented in those households buying properties. In response to this concern, further research has been done on all shared ownership schemes sold in the borough during the last 2 years. This data analysis shows a much more complex picture. The proportion of households from different communities that buy into shared ownership schemes varies from scheme to scheme, and is influenced by such factors as geography, marketing, sales values, and the share of a property, that households are able to buy in the property that they purchase.</p> <p>The Council intends to use this research to develop an Intermediate</p> |                    |

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.**

|  | <b>Positive</b> | <b>Negative</b> | <b>Details</b>  | <b>None – why?</b>                                  |
|--|-----------------|-----------------|---|---|
|  |                 |                 | <p>Housing Policy that seeks to maximise the opportunities for all lower income households to be able to access intermediate products, both shared ownership, and intermediate market rented homes. An EQiA will be produced to assess the new policy, which is scheduled for consideration by the Cabinet during 2016/17.</p> <p>An additional benefit will arise from the new Intermediate Housing Policy because the policy will target sales to households who can release a social housing unit. These units will be allocated on the basis of the Allocations Scheme to households on the Housing Register, which reflects housing need in the borough. Disadvantaged households including those with protected characteristics are over represented on the Housing Register.</p> |   |
| <b>Sexual Orientation</b>                |                 |                 | <p>Young LBGT are more likely to be affected by Housing Crisis, and in particular in relation to family relationships. These will need to be addressed as part of the Homelessness Delivery Plan.</p> <p>Information on sexual orientation is not available for Haringey homeless and tenant households but 3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013.</p>   |   |
| <b>Religion or Belief (or No Belief)</b> |                 |                 | <p>Information on religion on homeless and tenant households is not available. However, the 2011 Census reports that 45% of residents were Christian, 14% were Muslim and 3% Jewish. There were low numbers of Hindu (1.8%) and Sikh (0.3%) residents. A quarter of Haringey residents stated that they did not have a religion,</p>  |   |
| <b>Pregnancy &amp; Maternity</b>         |                 |                 |   | There is insufficient data and research to comment. |

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.**

|   | <b>Positive</b> | <b>Negative</b> | <b>Details</b>  | <b>None – why?</b>                                  |
|---|-----------------|-----------------|---|---|
| <b>Marriage and Civil Partnership</b><br>(note this only applies in relation to eliminating unlawful discrimination (limb 1)) |                 |                 | However, the Census in 2011 found 50% were single, 34% were married or in a civil partnership, and 16% were separated, divorced or widowed. | There is insufficient data and research to comment. |

**Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups:**

|   | <b>Positive</b> | <b>Negative</b> | <b>Details</b> | <b>None – why?</b>  |
|---|-----------------|-----------------|----------------|---|
| <b>Sex</b>  |                 |                 |                | The Housing Strategy has no impact on staffing structures |
| <b>Gender Reassignment</b>  |                 |                 |                | As above  |
| <b>Age</b>  |                 |                 |                | As above  |
| <b>Disability</b>   |                 |                 |                | As above  |
| <b>Race &amp; Ethnicity</b>   |                 |                 |                | As above  |
| <b>Sexual Orientation</b>   |                 |                 |                | As above  |
| <b>Religion or Belief (or No Belief)</b>  |                 |                 |                | As above  |
| <b>Pregnancy &amp; Maternity</b>  |                 |                 |                | As above  |
| <b>Marriage and Civil Partnership</b><br>(note this only applies in relation to eliminating unlawful discrimination (limb 1)) |                 |                 |                | As above  |

| Stage 6 - Initial Impact analysis                      | Actions to mitigate, advance equality or fill gaps in information  |
|--|--|
| Achieve a step change in the number of new homes built | <p>The Housing Strategy provides the framework for enabling the Council to meet the Mayor of London's target of building 1,502 new homes per year over the next 10 years. This will improve housing support and access to housing for a wide range of households including social housing for those in highest need and shared ownership, with support for those that need it to mitigate any negative impacts.</p> <p>The Council will monitor all shared ownership sales with Housing Association partners in order to better understand if certain groups access these schemes less than others.</p>  |
| Improve help for those in housing crisis               | <p>The impact of the Housing Strategy will be more targeted housing related support to help people live more independently, including services to prevent rough sleeping. Homelessness prevention services will promote early intervention, as well as building community capacity to help prevent homelessness. Supporting work and strategies, such as the Homelessness Strategy/Delivery Plan, will address any particular concerns the data highlights about particular groups with protected characteristics.</p>   |
| Drive up the quality of housing for all residents      | <p>The Housing Strategy will drive up standards:</p> <ul style="list-style-type: none"> <li>• In the private rented sector by introducing a licensing scheme for private landlords working in the borough and setting up a lettings agency . These initiatives will tackle issues of poor repair and management, improve health and safety in the private rented sector and ensure statutory compliance with property standards.</li> <li>• In the social rented sector by progressing improvement works to Council-owned homes and working with partner registered providers to improve quality of the homes they manage.</li> <li>• Ensure the design of new homes built meets Haringey's Quality Charter</li> </ul> |
| Ensure that housing delivers a clear social dividend   | <p>Examples of how the Housing Strategy will provide an impact include improved community cohesion and self-help through increasing community capacity and building resilience within individual households</p>  |

| Stage 7 - Consultation and follow up data from actions set above   |   |
|--|---|
| Data Source (include link where published)   | What does this data include?  |
| <p><b>First stage consultation report</b></p> <p>Between October and December 2014, a wide range of stakeholders were consulted on the proposed vision, priorities and principles for Haringey's new Housing Strategy.</p> <p>The outcome from the first stage consultation was broad support for the vision, priorities and principles set out in the consultation document.</p> <p>As a result of consultation, one of the original priorities was split into two objectives: "Improve help for those in housing crisis" and 'Ensure that housing delivers a clear social dividend'.</p> | <p><b>First stage consultation report</b></p> <p>There were 330 responses to the survey, which was available in online and in paper format.</p> <p>Of the respondents:</p> <ul style="list-style-type: none"> <li>• The majority of respondents were in the middle of the age range; 49% aged 25-44 and 32% aged 45-64.</li> <li>• 16% reported that they had a disability.</li> <li>• Regarding ethnicity, the majority of respondents were White 46%, but Black and minority ethnic respondents were almost as numerous at 43%. 11% preferred not to say.</li> <li>• 61% of respondents were female, 34% male and 5% preferred not to say.</li> </ul> <p>The following issues were raised in first stage consultation which have an equalities impact:</p> <ul style="list-style-type: none"> <li>• Addressing the needs of a growing older population by making sure all new homes meet Lifetime Homes standards and 10% meet wheelchair housing standards.</li> <li>• Residents should have access to better support with their housing problems by introducing new support pathways which lead to independence for people who are vulnerable and have complex housing needs.</li> </ul> <p>These issues were addressed in the draft strategy. Wheelchair standards for example are addressed in supporting planning policy. Support pathways are developed in further detail in supporting policies and plans, and through Housing Related Support</p> |
| <p><b>Second stage consultation report</b></p> <p>Second stage consultation took place over a 14 week period between July and October 2015.</p> <p>During the second consultation exercise,</p>  | <p><b>Second stage consultation report</b></p> <p>There were 97 responses to second stage consultation, which was available online and in paper format.</p> <p>Of the respondents:</p>  |



| Stage 7 - Consultation and follow up data from actions set above   |   |
|--|---|
| Data Source (include link where published)   | What does this data include?  |
| <p>respondents highlighted a range of issues and concerns which, in summary, covered 3 main areas:</p> <ul style="list-style-type: none"> <li>Housing affordability: recognition that house prices in Haringey are beyond the reach of households on average incomes</li> <li>Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing</li> <li>Vulnerable groups: support for a strategy which addresses the needs of residents with additional vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents</li> </ul> | <ul style="list-style-type: none"> <li>The majority were in the middle of the age range, 35% were aged 25-44 and 24% aged 45-64. However, a considerable group (29%) chose not to say.</li> <li>A majority, 54%, recorded themselves as having a disability. However, 38% preferred not to say.</li> <li>Seen in terms of broad ethnic categories, the most numerous respondents were White British (34%). Taken together, Black and minority ethnic respondents were almost as numerous (30%). However, 35% preferred not to say.</li> <li>As with the first stage consultation, the majority of respondents (43%) were female. 6% preferred not to say.</li> </ul> <p>The following issues were raised in second stage consultation which have an equalities impact:</p> <ul style="list-style-type: none"> <li>Concern about 'gentrification' and increased house prices on existing communities, particularly BAME groups.</li> <li>Recognising the need to meet the needs of people with disabilities on new build schemes through the planning system</li> <li>Concerns over exclusion of LGBT residents where homelessness is related to sexual orientation; 'over 50% of people who approach Stonewall Housing state that their housing problem is directly related to their sexual orientation or gender identity'</li> <li>Concern that young people are not adequately represented</li> <li>Keep people with mental health issues in their own homes as long as possible</li> <li>Fuel poverty can be alleviated through improving energy efficiency e.g. bringing Council owned properties up to SAP 80.</li> </ul> <p>The final draft strategy seeks to address some of these issues through strengthening the Council's position in regards to housing affordability and carbon management. In regards to protected characteristics (e.g. age, sexual orientation) it should be noted that the Housing Strategy is a high-level strategic document which aims to provide an overview of the Council's position in regard to delivering the objectives set out by the Corporate Plan, and therefore applies to all residents. Effort has been made to ensure that the strategy conveys basic principles which can apply across different demographic groups.</p> |

## Stage 8 - Final impact analysis

Data shows that housing crisis disproportionately affects Black households and lone female parents, who are both over-represented in homelessness acceptances and amongst those in temporary accommodation.

To help those in housing crisis, the Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The Council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit both these groups as they receive the majority of social and affordable lettings. With its partners, the Council will help residents to secure employment and apprenticeships and access training

The outcome from the first stage consultation was broad support for the vision, priorities and principles set out in the consultation document.

There was strong support for the strategy from the second stage consultation with over 80% agreeing or strongly agreeing with the proposals, but with concerns raised around housing affordability, the supply and allocation of new homes, and support for vulnerable groups. Respondents were generally representative of Haringey's population, with an over-representation of respondents recording disability at the second stage. Changes to the Housing Strategy will mitigate these concerns through improved support for those in housing crisis, additional supply of affordable housing and through delivery plans, including the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy.

This EqlA has identified ways in which the Housing Strategy can positively impact households with protected characteristics. The changes in the final version of the strategy seek to mitigate the adverse impacts of recent legislative changes and improve the delivery of genuinely affordable new housing to assist low income households, amongst whom protected groups are likely to be over represented.

Stage 9 - Equality Impact Assessment Review Log

|  |  |                |  |
|--|--|----------------|--|
| Review approved by Director / Assistant Director |  | Date of review |  |
| Review approved by Director / Assistant Director |  | Date of review |  |

Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council’s policy.

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**REGULATORY COMMITTEE COMMENTS ON  
HARINGEY'S HOUSING STRATEGY 2017-2022**

The Committee considered a report on the final proposed draft of Haringey's Housing Strategy following completion of the second stage of consultation, comments from which were summarised within the report. The Strategy would progress to Cabinet with a view to recommending adoption to Full Council. A brief outline was provided of amendments made to the draft as a result of the consultation process, although the visions and strategic objectives remained unchanged. Revisions made reflected local policy decisions such as changes to the definition of affordability, and national policy changes such as 'pay to stay', the levy on local authorities to fund the extension of Right to Buy to housing associations etc. It was advised that there would be a suite of underpinning policies and plans to support delivery of the Strategy's key objectives.

The Committee raised the following points in discussion of the Strategy:

- (a) It was requested that a further breakdown be undertaken of table 2, page 517 of the agenda pack summarising consultation responses on priorities for type of tenure, in particular subdividing the responses between Council and housing association tenure to provide continuity with the remainder of the document. Officers agreed to action this subject to the availability of the information **(action: D. Hawthorn)**.
- (b) It was proposed that the Strategy should set out a clear position to facilitate the allocation of affordable housing units on development sites in excess of 1000sqm for management by Homes for Haringey. Officers expressed some reservation on the basis that this approach had yet to be trialled and as such there was no evidence it would be successful or that Homes for Haringey would formally accept. Feasibility would also be reliant on service charge levels. The request was however noted **(action: D. Hawthorn)**.
- (c) Concerns were expressed over the future approach to be adopted for the development of small infill sites on Council estates within the borough. It was considered that the expertise developed in-house should be utilised to bring these schemes forward in order to retain new units within Council ownership and management instead of delivery through alternate housing providers. Officers advised that the Strategy did not incorporate such a level of detail regarding delivery which would be covered in underpinning policies and plans but noted the comment **(action: D. Hawthorn)**.
- (d) The ambitious 19,800 net new homes target by 2026 was identified by the Committee as an area of concern including the associated demand pressure imposed on local public services such as education and health provision. Assurances were sought that this would be fully assessed and managed within underpinning delivery plans and strategies. Officers agreed to double check the start point for this target, which came directly from the London Plan, to clarify whether it aligned with the start date of the Strategy or was already underway **(action: D. Hawthorn)**. Officers advised that the focus on new

homes delivery in the key growth development areas of Tottenham and Wood Green in line with the associated Tottenham and Wood Green Area Action Plans would incorporate planned social infrastructure arrangements. This included the safeguarding of sites for the delivery of new school and medical facilities although it was cautioned that bringing forward delivery would be reliant on the release of associated funding such as from the NHS.

**RESOLVED**

- (a) To note the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy set out in appendix one of the report and to note the revised and final version of the Equalities Impact Assessment attached as appendix three to the report.
- (b) That the Committee's comments on the revised and final version of Haringey's Housing Strategy attached as appendix two to the report be forwarded onto Cabinet for consideration.

**Report for:** Cabinet

**Item number:** 17

**Title:** Housing Supply Plan and Temporary Accommodation Placements Policy

**Report authorised by:** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officers:** Mustafa Ibrahim, Head of Housing Commissioning, Investment and Sites

**Ward(s) affected:** All

**Report for Key/** Key Decision  
**Non Key Decision:**

## **1. DESCRIBE THE ISSUE UNDER CONSIDERATION**

1.1. The purpose of this report is to adopt the Housing Supply Plan for the borough, which includes the final Temporary Accommodation Placements Policy, following public consultation on that policy.

1.2. The Housing Supply Plan is an overarching plan that supports Haringey's new Housing Strategy. It sets out the current and projected housing need, demand and supply in the borough and describes how the council will meet need and demand and maximise the supply of homes needed to achieve this. This includes the impact of estate renewal proposals on the supply and allocation of general needs housing and the supply and use of temporary accommodation, which is a critical factor in responding to demand, in particular homeless households who approach the council in acute housing need.

## **2. CABINET MEMBER INTRODUCTION**

2.1 The Housing Supply Plan sets out in one place the demand for housing in Haringey, the range of measures in place to address need and the projected numbers and overall critical supply position that this shows. In particular this demonstrates starkly the shortfall of affordable homes in the borough for use as temporary accommodation.

2.2 We remain strongly committed to assisting people who approach the council in crisis in acute housing need. This will often mean providing either short term or more settled temporary accommodation, or both, and this is becoming increasingly difficult to do within the borough boundaries. The supply of private rented accommodation in the borough or nearby is inadequate to meet need and in any case the market is leaving many households behind as rents continue to rise beyond what lower income households, including those affected by the benefits cap, can reasonably afford. Government changes to the benefit system have had a particularly damaging effect.

- 2.3 We also try very hard to find homes in Haringey or nearby when it is possible to do so. We have steadfastly maintained this position, despite the pressures that have prompted a number of other London councils to place families in homes outside of London for some time. We have resisted implementing this for as long as we possibly can. Reluctantly however, we now have to accept that the pressures have reached a point where we can no longer avoid joining the other councils who have taken this step.
- 2.4 In order to best protect and support those residents most in need, we will aim to find homes for the most vulnerable households in the borough. This means that some households that are not prioritised to remain will be offered accommodation outside of Haringey, and where necessary outside of London, but this will be a last resort. It is therefore important that when we do have to place households outside of Haringey, we do so consistently, fairly and transparently using criteria designed to safeguard the most vulnerable and those with the highest need to stay within Haringey. It is also important that we provide the necessary support to enable households to relocate as easily as possible in these circumstances.
- 2.5 The policy and this report set out the sensitive approach we will take to this. It has been arrived at following constructive consultation with people affected or potentially affected by the policy. A good number of residents took the opportunity to provide feedback on the policy and in particular the support arrangements that will be necessary to mitigate its impact. This valuable input has been taken into account in bringing the policy forward for approval.

### **3. RECOMMENDATIONS**

It is recommended that Cabinet:

- 3.1 Approves the Housing Supply Plan set out in appendix 1, notes that the Plan requires regular updating and delegates authority to the Director of Regeneration, Planning & Development to maintain a current and comprehensive plan in line with prevailing conditions and requirements.
- 3.2 Notes the consultation feedback and the revised Equalities Impact Assessment for the Temporary Accommodation Placements Policy, attached as appendix 2 and appendix 3 respectively.
- 3.3 Approves the Temporary Accommodation Placements Policy, attached as appendix 4.
- 3.4 Approves the support package for households placed outside London set out in paragraph 6.25, which has been finalised following consultation, and notes the budget implications set out in paragraphs 6.28-6.29.



#### **4. REASONS FOR DECISION**

- 4.1 A decision is necessary for the council to establish and maintain a current and comprehensive plan for all forms of housing supply in the borough, in order that housing need can be identified and supply initiatives formulated for all forms of permanent and temporary accommodation required to meet that housing need (recommendation 3.1).
- 4.2 It is necessary for the council to take into account the results of consultation and the revised Equalities Impact Assessment in considering approval of the Temporary Accommodation Placements Policy (recommendation 3.2).
- 4.3 Having consulted on the Temporary Accommodation Placements Policy and considered the revised Equalities Impact Assessment, a decision on approval of the policy is required in order that it can be adopted and implemented (recommendation 3.3) and that officers are able to demonstrate a clear rationale, agreed eligibility criteria for suitable placements and due consideration of the support required.
- 4.4 Households that may be placed out of London will require assistance and support and a decision is necessary to put appropriate arrangements in place and ensure budgetary provision (recommendation 3.4).

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 All feasible options to improve supply and meet demand have been considered in the preparation of the Housing Supply Plan.
- 5.2 The procurement and allocation of temporary accommodation has become increasingly difficult within the Haringey and London market. Alternative options to meet demand are not available to the council within current budget provisions and the allocation of any additional funding would detrimentally affect the provision of other council services.
- 5.3 The council could choose not to adopt a placement policy for temporary accommodation. However, officers must be able to demonstrate a clear rationale, eligibility criteria for suitable placements and consideration of support packages in order to comply with current case law and be clear and transparent about its placement activity.

#### **6. BACKGROUND INFORMATION**

##### Strategic Context

- 6.1 The supply of affordable housing in Haringey is diminishing as a result of a housing market which has made private renting or home ownership unaffordable for the majority of people in housing need, while new home building is not meeting national or local targets. The demand for affordable housing, whether for use as permanent homes or temporary accommodation (TA), is an increasingly serious problem for the council and even the most ambitious plans for future housing supply will not provide enough homes to meet that demand.

- 6.2 Measures to manage demand in Haringey have been very successful; homelessness preventions have increased significantly, greater emphasis is being placed on conciliation and crisis intervention and on assisting people into alternative accommodation. Incentives are available to landlords to provide private rented accommodation and a new pathway has been implemented to improve provision of supported housing as an alternative to TA.
- 6.3 Despite this commitment to prevention, early intervention and measures to minimise the need for TA, the number of households in TA has been increasing. Residents to whom the council has a statutory duty to accommodate are having to wait longer to be rehoused while the supply of TA for them is diminishing and becoming more expensive. As well as requiring council subsidy, more expensive private rented accommodation is simply unaffordable and increasingly is not providing a settled and sustainable solution for homeless households, as eviction from private rented accommodation is now the single biggest cause of homelessness.
- 6.4 The situation is being exacerbated by legislative and policy changes affecting housing, planning and welfare benefits. Welfare benefits changes in particular have had an adverse impact for many families and the biggest single reason for homelessness acceptances now is eviction from private rented accommodation. The changes made or planned include the benefit cap, a freeze on Local Housing Allowance (LHA, which determines maximum housing benefit levels), restrictions on LHA rates for under 35s, the introduction of the spare room subsidy ("bedroom tax") and the introduction of Universal Credit, under which housing benefit will be paid to tenants rather than direct to landlords. The cumulative impact of these changes is a reduction of private sector accommodation available for prospective tenants, more evictions from the private sector and a consequent increase in demand for social housing. This is very serious for those requiring TA, as the council relies on private rented homes for the bulk of its TA supply.
- 6.5 Other provisions in the Housing and Planning Act 2016 will bring pressures to the supply of both new affordable housing, through the new Starter Homes initiative, and existing social rented housing through the introduction of Right to Buy for Housing Association tenants, forced sales of council homes and Pay to Stay. The Pay to Stay provisions may result in tenants exercising their Right to Buy rather than pay higher rents, resulting in a further reduction of council housing stock.
- 6.6 Further changes are expected to the subsidy regime related to the costs of TA, although these details are not yet published and will not come into force until 2017.
- 6.7 In addition, the council's own ambitions for estate renewal (while eventually increasing the overall housing stock in the borough) will in the short term bring some pressures on council housing stock as re-housing requirements are met.
- 6.8 In general, the cumulative impact of these changes, coupled with local housing market conditions, will be to exacerbate the lack of affordable housing in Haringey and impair the ability of the council and its partners to meet the

demand for it. In these circumstances the council has little option but to seek to widen the available pool of affordable supply, which includes securing affordable TA outside the borough as part of a coherent long term plan.

### The Housing Supply Plan

- 6.9 The proposed Housing Supply Plan is a key supporting document underpinning Haringey's new Housing Strategy, which sets out that new homes are a key element of the council's growth ambitions. The Plan, attached as appendix 1, provides an assessment of current and projected housing supply in order to show how demand can be met for permanent and temporary accommodation. It is informed by detailed projections of need, demand and supply based on service intelligence, the latest available market data, including the Strategic Housing Market Assessment 2014, and input from residents and key stakeholders, in particular those in need of housing and those who play a role in supplying housing.
- 6.10 The Plan covers the full range of rented supply in the borough, in summary as follows:
- (a) Making the best use of the available social housing stock, council and registered provider (RP), including effective voids control, under-occupation transfers and the take-up of housing association nominations.
  - (b) Increasing the supply of permanent and/or settled homes for those in need of rehousing, from all sources, including estate renewal/regeneration schemes, council new build, acquisitions, housing association new build/acquisitions, bringing empty homes back into use and initiatives to access the private rented sector.
  - (c) Increasing the supply of homes for use as temporary accommodation, whether as emergency or longer term settled homes, and identifying how/where these will be procured and used.
- 6.11 At this stage, the plan does not include:
- (a) Demand and supply for low cost home ownership
  - (b) Requirements for all forms of supported housing, including sheltered housing for older people.

These are subject to separate policies and reviews and will be added to the plan when these conclude.

- 6.12 The Supply Plan also deals with housing demand, setting out the main client groups and the measures being taken to manage and where possible reduce demand. The Plan has strong links to the Housing Allocations Scheme and the annual Lettings Plan and incorporates the TA Procurement Plan, which is for all of the main types of emergency and longer term temporary accommodation including "annexes" (self-contained accommodation paid for on a nightly basis) and 'last resort' options such as the use of bed and breakfast hotels.

- 6.13 Current supply and demand projections within the Plan illustrate the significant issues with current and future requirements for permanent affordable rented homes and for TA. Although the Council and its partners will be providing around an additional 1,800 affordable homes and financial incentives for 1,200 private tenancies, the Plan shows that on current projections, there will be a shortfall of permanent rented homes of around 9,700 by the end of 2025/26 taking into account all registered demand.
- 6.14 The shortfall in permanent housing comprises around 3,200 homeless households at the end of 2016/17 increasing to just over 4,400 homeless households in 2025/26. In the absence of additional affordable supply – either in the social or private sector – these households will require temporary accommodation while they await rehousing. The Council is seeking to increase its supply of temporary accommodation, both in its own stock and through additional offers to encourage private landlords to lease their properties to the Council. However, there remains both a shortfall of units in the borough and in neighbouring boroughs, leading to 1,573 households being placed in expensive nightly rated accommodation at the end of 2015/16.
- 6.15 Nightly rated accommodation is in any case becoming more difficult to obtain in the borough and the Council will need to acquire more accommodation in neighbouring boroughs or out of London. The projections in the Plan show that the Council will need to source affordable housing through the private market wherever it is affordable.
- 6.16 These projections are based on current plans and assumptions and the numbers can only ever be a snapshot at a particular time. The rationale for the projections, and any assumptions made, are detailed in background papers available to support appendix 1. Although endorsement of the direction and specific actions set out in the Plan is sought, the projections will change and new or varied responses may be required to continue to improve supply and meet demand. The Plan and detailed projections will therefore be maintained by officers and a delegation is sought for this purpose.

### **Temporary Accommodation Placements Policy**

- 6.17 As a result of the general supply challenges and in particular the TA shortfall, the council has had to recognise that new approaches are needed. The current approach is to seek to procure accommodation within the borough or close by but we are now in a position where there is insufficient supply and we can only meet our statutory obligation by sourcing suitable TA out of the borough. One of the key tests of suitability is affordability, and affordable rented properties are not available in sufficient numbers within the borough. Inevitably, we will have to increasingly look throughout London and outside of London to source suitable properties that meet the affordability requirement for homeless households. For this reason, a new proposed TA Placements Policy has been prepared and consultation on it was authorised by a Lead Member Signing on 4 July 2016.
- 6.18 Placements outside of the Borough are currently small in number and generally with the agreement of the applicant. The new Policy is designed to establish a structured and transparent approach to placing homeless families and

determining who should be prioritised for in-borough accommodation and to allocating out-of-borough placements in accordance with robust and fair criteria. The Policy will ensure that placements within the borough are prioritised for those who need them most, as some homeless families will be particularly vulnerable and/or have strong links to Haringey or neighbouring boroughs. The proposed policy takes this into account by including a support package for any households placed outside London to help mitigate this impact. The criteria for placements, and the detail of the support package, were key elements of the consultation.

- 6.19 Consultation began on 13<sup>th</sup> July and ended on 7<sup>th</sup> September. A consultation questionnaire and pamphlet/flyer was produced, setting out a summary of the policy, the criteria for prioritising placements inside/outside Haringey and the proposed mitigation measures, with a link to the full policy on line. Consultation documents including an equalities feedback form were sent to targeted TA residents that may be affected, with a covering letter setting out the reasons for the council's proposal to adopt the policy. In addition, four drop in events to consult TA residents face to face took place, discussions with partners including the Homlessness Core Group were held and interviews were held with applicants at Apex House as part of planned housing options sessions. The consultation documents were made available in full on the Council's website.
- 6.20 A total of 369 TA residents responded to the consultation by completing either a paper questionnaire (192) or online (177). The profile of the respondents was a reasonable representative sample of the TA population; this is described further in appendix 2. The majority of respondents agreed with the proposed six criteria to prioritise accommodation in Haringey for those in greatest need as well as the two criteria for prioritising accommodation close to Haringey/within an hour's travel for those who worked more than 16 hours a week or had children doing GCSEs or post-16 vocational exams in that academic year in Haringey. Respondents did make suggestions for additional criteria, which are set out in appendix 2, along with the council's response to this feedback.
- 6.21 The criteria for prioritising the placing of households in Haringey have been amended to take on board the suggestion that households in receipt of specialist support should be prioritised, as well as those providing support to other family members. This has been added as a new clause in paragraph 4.2 of the policy (appendix 4).
- 6.22 The criteria for prioritising the placing of households in neighbouring boroughs, or not more than one hour away from their place of work or school, have been amended in response to feedback that some priority should be awarded to people in higher education, apprenticeships, vocational or professional training or the self-employed. This has been added as a new clause in paragraph 4.3 of the policy (appendix 4).
- 6.23 The policy will apply to both new applicants and also those already accommodated by the council when they need to move. Although respondents were asked their view on whether the policy should apply to the latter (appendix 2, section 2, Q.4a), no changes have been made as a result of those responses.



- 6.24 For the support package, respondents prioritised finding a job and getting their children into school as top priorities for support they may need if moved out of London. Respondents also made suggestions for other support needs that could be considered which is also set out in appendix 2, along with the council's response to this feedback.
- 6.25 Of these suggestions, the council considers that some financial support to help meet the immediate expense of relocation is appropriate, without the previous prescription that this would be for travel expenses. Such payments will need to be capped. Also, the importance of ensuring continuity of benefits payments has been recognised in the revised support package. The following changes have been made to the support package:

| <b><i>Draft Support Package</i></b>   | <b><i>Revised Support Package</i></b>   |
|---|---|
| Finding employment  | Retain – second highest priority for residents  |
| Identifying and arranging schools   | Retain – highest priority for residents   |
| Child care  | Retain - we will provide assistance with identifying local child care   |
| Health e.g. signing up with a local GP  | Retain - we will provide assistance with identifying local GPs and health facilities  |
| Council links e.g. Council Tax, electoral register  | Retain and broaden to include assistance with ensuring continuity of welfare benefits   |
| Utility connections (i.e. electricity/gas/phone/internet)   | Retain  |
| Removals and storage of personal effects  | Retain - we will provide assistance with identifying appropriate storage but this is not funded by the council. Removal cost to be included in initial support package. |
| Obtaining new furniture and white goods   | This will be considered as an immediate expense of relocation on a discretionary basis only   |
| Financial support to travel back to Haringey to see family and friends                            | Replace with capped financial support to help meet the immediate expense of relocation  |
| Identifying links to local support e.g. contact with community, voluntary, faith and other groups | Retain  |

- 6.26 At the time of the consultation, it was envisaged that support for relocating households should be available for six months from the time of the move. 50% of respondents considered this was a reasonable period of time, whereas 23% did not. However, the approach to providing support has developed, in part as a result of consultation, and support will need to be highly tailored to meet a

particular household's needs. Also, it is clear that many of the support elements need to be addressed some weeks and months before the actual move takes place – for example utility connections, or assistance with welfare benefits or school places. This type of support must be provided successfully well within the six months previously envisaged and ideally be in place from the first day of the move or very soon after.

- 6.27 For this reason, it is envisaged that support will be initiated immediately a potential move is identified, likely to be 3-4 months before the actual move. This will provide an easier transition for relocating households and more effectively mitigate the potentially adverse impact of moving than the previous approach. This more flexible and tailored approach will allow for discretion in individual cases rather than working to a defined time period; however, it is expected that overall the duration of support may well be six months, but beginning some time before the actual move. The support provided and the duration of its provision will differ according to household needs but the feedback from consultation with residents has confirmed that the priorities for support are as outlined above.
- 6.28 The potential costs of implementing the policy fall into three areas as follows:
- (a) Pre-move preparation, which will require additional staff resources within the service. This is likely to require two posts, costing £80,000 p.a.
  - (b) Move costs, involving an initial support package of up to £1,000 per household to include moving costs, travel and other immediate expenses.
  - (c) The provision of ongoing support post-move, likely to be provided by a local agent on our behalf as required. It is not possible to quantify this at this stage as this will depend on the number of households placed in a particular area, but could be about £700 per household.

Pre-move costs will be funded from the ring fenced Housing Related Support budget while the other costs of implementing the new policy will be met from the Homelessness Budget. This is also a ring fenced demand-led budget and currently under significant pressure, but securing more affordable accommodation out of borough is part of the action plan already in place to reduce spend in this area.

- 6.29 Based on Supply Plan projections (appendix 1), 50 moves will mean move and post-move costs of up to £85,000 in 2016/17. It should be noted that these costs will offset the savings that will be made by reducing the use of expensive nightly rated properties, which currently make up about half of the temporary accommodation in use. These properties are in effect subsidised by the Council by around £2,600 per annum over and above rental income and this deficit is funded from the Homelessness Budget. Depending on locations, it is expected that savings of about £3,000 for an average 2-bed property will be realised (more for larger properties), achieving £600,000 in savings if 200 moves are made in 2017/18 (as projected in the Supply Plan). Budget provision for 2017/18 and beyond will be determined in the light of operational experience gained from the first few months of implementation.
- 6.30 It is envisaged that when adopted the TA Placements Policy will provide a long term framework, however, it will need to be updated periodically. Placements

under the policy will be monitored and reviewed on an annual basis, including equalities monitoring to assess the impact on protected groups, particularly where households have been placed in neighbouring boroughs or outside London. Costs will be closely monitored to ensure affordability, both for affected residents and the council. The policy, together with an annual monitoring report, will be made publicly available and published on the Council's website.

## **7. CONTRIBUTION TO STRATEGIC OUTCOMES**

- 7.1 Haringey's Housing Strategy 2017-2022 seeks to deliver the housing priorities defined in Haringey's Corporate Plan, with four strategic objectives as follows:

Objective 1 – Achieve a step change in the number of new homes built  
 Objective 2 – Improve support and help to prevent homelessness  
 Objective 3 – Drive up the quality of housing for all residents  
 Objective 4 – Ensure that housing delivers wider community benefits

- 7.2 The strategy provides a broad strategic direction for housing in the borough, but delivery of its objectives will be achieved through a range of housing related sub-strategies and policies. The Supply Plan and Temporary Accommodation Placements Policy discussed in this report are two of these sub-strategies/policies and provide the detail to support achievement of strategic outcomes.

- 7.3 The Supply Plan and Temporary Accommodation Placements Policy contribute to achievement of the housing strategy by addressing the management of housing demand and bringing together the supply measures being taken. This includes housing advice and homelessness prevention, the supply of new permanent and temporary accommodation, and the use of private sector homes as a key source of supply. The Housing Strategy demonstrate the challenges facing the Council and this report focuses in particular on the need to source additional temporary accommodation in the borough, within London and beyond.



## **8. STATUTORY OFFICERS COMMENTS (CHIEF FINANCE OFFICER (INCLUDING PROCUREMENT), ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE, EQUALITIES)**

### **Finance and Procurement**

- 8.1 There was a forecast budget overspend of around £7.5m as at the end of period 4 for 2016/17 in respect of the temporary accommodation budget. The budgetary pressure arises from a number of factors, an increase in demand resulting in an increase in the number of households placed in temporary accommodation but also a reduction in the supply of/inability to resource less expensive accommodation. At the same time unit costs are also increasing even for the less expensive options.
- 8.2 Based on current demand trends and projected increases in costs, without any interventions to manage demand or source alternative cheaper supply units, this overspend could rise to around £15m at the end of the 5-year MTFP.
- 8.3 The supply measures included within the Housing Supply plan will have a positive impact on the TA budget overspend to a greater or lesser extent. Each additional unit of alternative supply will mean a reduction in the use of the most expensive type of emergency accommodation but the actual net saving will be dependent on the alternative supply in question and will change in each new financial year.
- 8.4 The supply measures included within the plan (appendix 1) have already received separate Cabinet approval although some schemes are still subject to final business cases being signed off.
- 8.5 However, the out-of-borough initiative included within this report is a new proposal and this particular supply measure will produce a net saving to the Council of £2,441 per annum from using the most expensive form of emergency accommodation. This report also indicates that there will additional one-off support costs associated with this measure totalling £1,700. Therefore, the net saving is only £741 p.a and this has been modelled into the supply plan MTFS projects below. However, the introduction of two new posts adds an additional annual cost of £80,000 which means that 108 out-of-borough placements annually are needed to break even although the position could change for any future year's subsidy/cost changes.
- 8.6 The has previously been a target set to achieve 400 ASTs (Assured Shorthold Tenancies) in 2016/17. The current budget will fund 160 incentive payments and therefore any increase in numbers will have a detrimental affect on the budget in the year of acquisition. The actual net cost will depend on a number of factors including timing and bedroom size. The revised target for 2016/17 is now 250 ASTs which will add an additional cost of £281k for the additional 90 ASTs against a forecast full-year saving of £261k meaning that over the 24 month tenancy there is a saving of £241k (£522k - £281k).

- 8.7 The table below shows the current forecast Supply Plan profile which has been modelled into the latest Corporate MTFP projections:

| Description                                   | 2016/17      | 2017/18      | 2018/19      | 2019/20      | 2020/21      | 2021/22      |
|---|--------------|--------------|--------------|--------------|--------------|--------------|
| GF: Emergency Hostels Funded                  | 58           | 78           | 78           | 78           | 78           | 78           |
| GF: Emergency Hostels Unfunded                | 0            | 0            | 60           | 60           | 110          | 110          |
| GF: Privately Owned Emergency Hostels         | 42           | 0            | 0            | 0            | 0            | 0            |
| GF: Bed & Breakfast                           | 0            | 0            | 0            | 0            | 0            | 0            |
| HRA: Empty Estate Renewal Properties          | 70           | 40           | 30           | 20           | 47           | 140          |
| HRA: Own Stock including Self-contained units | 212          | 212          | 212          | 212          | 212          | 212          |
| HRA: Modular Build & Demountables             | 0            | 44           | 64           | 84           | 104          | 125          |
| GF: Acquisition Programme                     | 0            | 20           | 44           | 71           | 100          | 100          |
| GF: Housing Association Leasing               | 252          | 227          | 202          | 177          | 152          | 127          |
| GF: Private Sector Leasing                    | 1,030        | 1,030        | 1,030        | 1,030        | 1,030        | 1,030        |
| GF: Annexes                                   | 1,427        | 1,129        | 760          | 498          | 147          | 0            |
| Out of London Supply                          | 50           | 200          | 300          | 400          | 400          | 400          |
| <b>Sub Total</b>                              | <b>3141</b>  | <b>2,980</b> | <b>2780</b>  | <b>2630</b>  | <b>2380</b>  | <b>2322</b>  |
| AST's Move on                                 | 100          | 120          | 120          | 120          | 120          | 120          |
| <b>Overall Total</b>                          | <b>3,241</b> | <b>3,100</b> | <b>2,900</b> | <b>2,750</b> | <b>2,500</b> | <b>2,442</b> |
| AST's Prevention                              | 150          | 180          | 180          | 180          | 180          | 180          |

- 8.8 If the above Supply Plan is delivered then the overall gross saving is forecast to be in the region of £3.2 million. However, the current MTFP pressure for 2021/22 is still forecast as £6.1m and the net saving of only £1.4m (£7.5m - £6.1m) from the current position is due to the BMRA (Broad Rental Market Areas) subsidy being frozen until 2020 but PSL costs expected to increase by 15% upon lease renewal and Annexes expected to increase by 2% annually.

### Legal

- 8.9 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.
- 8.10 Part VII of the Housing Act 1996 ("the Act") imposes duties on the Council as a local housing authority to secure suitable temporary accommodation for the homeless while investigations are made into their entitlements and, subsequently if certain conditions are met.
- 8.11 The Homelessness (Suitability of Accommodation) (England) Order 2012 ("the 2012 Order") and the accompanying Supplementary Guidance issued by the Secretary of State, confirms that the location of the accommodation – including,

where the accommodation is out of the borough, its distance from the borough - is relevant to suitability of the accommodation secured. The 2012 Order also identifies a series of other matters related to location to which the authority must have regard in considering suitability of accommodation.

- 8.12 By s208 of the Act the Council must, so far as practicable, secure temporary accommodation within its district.
- 8.13 The Supreme Court decision in the case of *Nzolameso v Westminster City Council* ("Nzolameso") reiterates the need for local authorities to have proper regard to its statutory duties under ss206 and 208 of the Act. It emphasises that where "in-borough" accommodation cannot be secured, a local housing authority must secure accommodation as close to the borough as reasonably practicable (which may include considerations of cost to the authority), and be prepared to explain in any individual case why the specific accommodation that was offered was considered suitable having regard to the statutory duties. To this end the Supreme Court gives guidance to local authorities. It acknowledges that authorities will predict likely demand and recommends that:

*"...Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority's statutory obligations under both the 1996 Act and the Children Act 2004..."*

and:

*"...Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of "in borough" units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away..."*

both policies of course to be democratically approved and publicly available.

The policies at Appendices 1 and 4 respectively are intended to meet these recommendations and to provide the basis for decision-making both as to procurement generally and as to individual cases.

### **Equality**

- 8.14 In formulating these policies the Council has had regard to its public sector equality duty under the Equality Act 2010, which requires it to have due regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between people who share a 'protected characteristic' and people who do not;
  - foster good relations between people who share a relevant 'protected characteristic' and people who do not.

The 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation. They also cover marriage and civil partnership with regards to eliminating discrimination.

- 8.15 The report seeks Cabinet approval for a new Supply Plan and TA Placements Policy. These proposals relate to the Council's approach to meet the housing needs of some of the borough's most vulnerable residents, including those that share the protected characteristics. An EqlA has therefore been completed for the TA Placements Policy and is attached as appendix 3 to this report. Cabinet is asked to pay specific regard to its public sector equality duty (including the EqlA) in considering whether or not to approve the Policy. This includes considering the mitigating measures proposed and the changes made to the Policy as a result of the consultation.
- 8.16 The EqlA assesses which protected groups would be affected by giving greater priority to decants as compared to homeless households (or vice versa) and the impact on the households who would either spend longer waiting for a decant (e.g. prior to demolition of their home) or spend longer in temporary accommodation. Support arrangements will be in place for residents affected by estate renewal schemes and to support vulnerable households in temporary accommodation, but these will need to be strengthened to mitigate delays in the re-housing for some households in the protected groups.
- 8.17 The EqlA has been amended to reflect changes made to the TA Placements Policy as a result of consultation. Concern was expressed for those residents receiving support and the policy has been amended to address this concern, with a new criteria added to 4.2 of the policy to protect continuity of support. There were also concerns raised over supporting adults who are in employment, training or education and to address this, a new criterion for placements in neighbouring boroughs has been added to 4.3 of the policy. With regard to support needs, additional support has been added to provide assistance to ensure the continuity of benefit payments and a capped financial payment to assist households with the immediate costs of re-locating.

## **9. USE OF APPENDICES**

- Appendix 1 – Housing Supply Plan 2016-2026
- Appendix 2 – Summary of consultation feedback on the Temporary Accommodation Placements Policy
- Appendix 3 – Equalities Impact Assessment for the Temporary Accommodation Placements Policy
- Appendix 4 – Temporary Accommodation Placements Policy

## **10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Background papers:

Draft Temporary Accommodation Placements Policy, Lead Member Signing 4<sup>th</sup> July 2016.

Detailed Supply and Demand Projections 2016-2026.

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## **HOUSING SUPPLY PLAN**

### **1 Introduction**

- 1.1 The purpose of the Housing Supply Plan is to identify demand for housing from all sources over a 10 year period, and to identify the available supply, both from current sources and planned new homes, by drawing on and setting out a range of existing policies, programmes and delivery plans. This enables the Council to assess the total demand for housing supply and to plan its activities accordingly, in particular in the following areas:

- (a) Ensuring the best possible use is made of its own and housing association stock;
- (b) Increasing the supply of housing, whether existing or new affordable homes; and,
- (c) The procurement and use of temporary accommodation.

The Supply Plan therefore essentially consists of a 10 year projection of housing need and supply delivery, with supporting narrative as necessary. This brings together a wide range of housing initiatives that the Council is engaged in to provide a single view of demand and supply but does not replicate detailed narrative available in the Housing Strategy and elsewhere.

### **2 Housing Need and Temporary Accommodation**

- 2.1 Haringey's growing population means that 20,361 new households could be formed by 2026. The borough has an annual requirement for an additional 1,357 household spaces in Haringey between 2011 and 2026 and a net requirement for 497 new affordable homes per annum.
- 2.2 The main form of expressed demand is the council's Housing Register and there are currently nearly 8,500 applicants registered for housing. In addition, other need arises from management transfers, mutual exchanges, mobility schemes and the council itself fulfilling its obligation to meet a range of particular needs in the form of quotas. Rehousing need also arises if the Council decides to redevelop an existing housing estate, and there is also significant demand for emergency and temporary accommodation, for people in acute housing need.
- 2.3 Temporary, or emergency, accommodation is required for people who approach the council as homeless. This "first stage" temporary accommodation must be provided by law while a homelessness case is assessed and determined. If the Council accepts a statutory homelessness duty, more settled, or "second stage" temporary accommodation is provided while the applicant waits for permanent rehousing.
- 2.4 The supply of housing whether as permanent homes, or for use as first or second stage temporary accommodation, is insufficient and the current and future supply landscape is challenging. As part of the London market,

Haringey faces rising house prices and private rent levels while the supply of affordable housing is reducing as national new build targets are not being met. The existing stock of social housing is diminishing and the council is facing demand that far outstrips supply.

- 2.5 Haringey's Housing Strategy 2017-22, due to be adopted in November 2016, sets out the direction for housing in the borough and defines the role of the Council and its partners. Alternative forms and sources of supply will be required, with a greater mix of tenures, supporting the development of mixed communities and the aspiration of those who are able to move towards home ownership. At this point the Supply Plan focuses on rented housing, as the precise tenure mix of new supply in the borough is impossible to forecast, and although low cost home ownership and intermediate rented homes are very important, relatively little of our current demand for affordable housing will be met by these tenures. As this impact becomes more certain, it will be reflected in future.
- 2.6 The Supply Plan does not forecast future supported housing supply. A strategic review of all supported housing in the borough is currently in progress and the needs identified by that review will be incorporated into future iterations of the plan.
- 2.7 The Supply Plan reflects the difficult position set out above. Housing need, and the supply available or planned to meet it, is quantified in the projections at the end of this plan. The sections that follow describe the detailed tables and the steps being taken or planned to be taken by the council and its partners.

### **3 Management of housing demand (Table A)**

#### **Housing Advice and Homelessness Prevention**

- 3.1 Over 3,000 households a year approach the Council for housing advice, and the number is projected to increase as a result of rising housing costs, the impact of welfare reform and as the population grows. Households seeking advice may be homeless or have an imminent threat of homelessness, but may also include those who have difficulties with their current landlord or accommodation which may not lead to homelessness in the near future.
- 3.2 The council and its partners are focusing on sustaining current housing where practical and preventing housing problems escalating to crisis point. Early intervention seeks to prevent homelessness by either supporting the household to remain in their current home or by helping them to find alternative accommodation. Current and planned initiatives include;
  - (a) The provision of outreach services and support in settings where households who are threatened with homelessness are likely to seek early assistance, including Children's Centres;



- (b) A targeted response to welfare reform and the benefits cap across the Council including work with statutory and voluntary agencies to enable early identification of those in housing need
- (c) The use of Discretionary Housing Payments to prevent homelessness where tenants are threatened with rent increases
- (d) Use of mediation services, for households at risk of eviction or to enable those currently living with their families to remain at home
- (e) Financial incentives to encourage private landlords to maintain their current tenancy or offer households a new tenancy, with an increased budget seeking to fund incentives for 300 private sector Assured Shorthold Tenancies (ASTs)
- (f) New “find your own” initiatives to enable households find their own rented home and benefit from landlord incentives.
- (g) A dedicated Housing Benefit officer, to provide welfare support to residents and service providers and speed up payments where delays are likely to cause homelessness.

- 3.4 Prevention of homelessness is a priority for vulnerable individuals or households who have become homeless or are threatened with homelessness. In general, mainstream temporary accommodation provided to homeless households is not suitable in these cases. Housing Related Support is designed to support vulnerable households maintain independence, without the need to enter temporary accommodation or high-need support schemes or institutions, such as residential care. This programme provides supported accommodation for a range of housing needs, such as elderly people, people with learning disabilities, and people with mental health, drug or alcohol issues.

#### **Acceptances of Homelessness Duty**

- 3.5 By improving early intervention and prevention, the Council is aiming to minimise the number of statutorily homeless households in the borough. Temporary accommodation often has to be provided to those who approach as homeless while their case is assessed and if accepted as statutorily homeless, they are entitled to accommodation until a settled home is found for them, in the private sector or in social housing. This causes pressures on temporary accommodation supply, and the housing advice and prevention measures set out above are designed to minimise acceptances and demand for temporary accommodation.

#### **4. Current Demand & Supply of Permanent Rented Housing (Table B)**

- 4.1 Over 3,000 are currently in temporary accommodation awaiting rehousing. In addition there is demand for rehousing arising from estate renewal schemes and from those already housed who may require a transfer. The Housing

Register, which brings together all this demand, currently holds over 8,000 applicants.

- 4.2 The level of re-lets of the council's own stock of 16,000 properties has been declining as a result of the Right To Buy. In recent years, the reduction has been around 13% a year, but a number of uncertain factors will affect the future rate, including the introduction of fixed term tenancies, Pay to Stay and disposals needed to pay the government's Higher Value Void Levy described below.

The council is seeking to maximise the number of existing social homes made available each year in a range of ways including:

- (a) Ensuring that homes that become empty are re-let as quickly as possible.
- (b) Assisting households that are under-occupying their current home to move to smaller accommodation.
- (c) Carrying out checks to ensure that any fraudulent activity is eliminated and that tenancy terms and conditions are enforced.
- (d) Assisting households who are able to access alternative tenures to move on from social housing.
- (e) Ensuring that the Council's nomination rights to re-lets of the 12,000 Housing Association homes within the borough are fully exercised.
- (f) Promoting self help initiatives such as mobility schemes and mutual exchanges.

- 4.3 The Housing and Planning Act 2016 set out a requirement to pay a levy based on the value of higher value properties that are anticipated to become void each year. The size of this levy will be based on regulations to be set out later in 2016 but it is expected that the levy will be based on a third of council homes being above the threshold for higher value. This means a significant number of properties will need to be sold. Current mid-range estimates are that around 100 properties a year will need to be sold from 2018/19 and if this estimate is correct and continues, then this will represent around 40% of the council's re-lets in 2018/19 and over 50% after 2020/21.

- 4.4 The Council will seek to minimise the impact of the levy by taking up the option to negotiate a "2 for 1" replacement programme. Full details are not yet known but the new supply initiatives set out in section 5 below will be used to mitigate the levy as far as possible.

- 4.5 The current demand exceeds the known supply of permanent rented housing. To address this shortfall, the Council is seeking to improve the supply of rented properties, described in the section and table that follows.

## **5 Supply of New Permanent Rented Housing (Table C)**

- 5.1 The measures that the council is taking to increase housing supply are set out in Haringey's Housing Strategy. The strategy identifies six supply priorities as follows:

- Maximise the number of new homes in Haringey and achieve our planned targets
- Increase the supply of affordable homes for rent and for home ownership
- Ensure the right mix of housing tenures across key development sites in Haringey
- Promote estate renewal, and the development of smaller available sites, where appropriate
- Encourage investment in private rented sector homes
- Make the best use of existing homes

Over thirty specific initiatives and commitments are set out to achieve these priorities and the impact of these is reflected in the Supply Plan projections in the following ways.

### **Estate Renewal Programmes**

- 5.2 One of the biggest sources of new homes in the future will be the Estate Renewal programme, which is being taken forward in three ways:
- Large scale regeneration schemes in Tottenham and Wood Green
  - Schemes that are and will be identified for delivery by the Haringey Development Vehicle
  - Schemes other than the above that the council may take forward

Although in part about replacing lower quality housing stock, estate renewal also aims to increase the number of units that can be provided on the site and, where available, adjacent land. These are long term programmes and will have the effect, in the shorter term, of increasing pressures on supply as affected households are decanted and rehoused.

### **Council New Build Homes**

- 5.3 The Council is building the first new Council housing in Haringey for over 25 years, providing 31 high-quality affordable homes on seven sites. A further twenty sites have been appraised and will form a second phase programme, to be delivered with our partners. An ongoing programme of identifying and appraising potential development sites in council ownership is in place, with a view to enabling further new build programmes.

### **Housing Association New Rented Homes**

- 5.4 Housing Associations provide a significant number of new homes for rent and low cost home ownership. The new Local Plan aims to achieve 40% affordable housing on sites of 10 units or more. The Council has secured 100% nomination rights for new affordable rented homes and 75% for re-lets

with all housing associations that operate in the borough. The Council has also developed a Preferred Partnership Agreement to work more closely with key housing association developers to maximise the supply of affordable housing.

### **Acquisitions Programme**

- 5.5 The Council has committed a significant capital sum to fund property acquisitions, where such acquisitions are viable and represent good value for money. A small number of acquisitions have been completed to date and this is projected to accelerate, providing much needed affordable housing supply. These acquisitions will be both General Fund and HRA and for the latter, Right to Buy receipts are being used.

### **Private Sector Rented Homes**

- 5.6 The Council is introducing new initiatives to increase the supply of rented sector homes available to it, both to prevent homelessness and to provide stable accommodation for those in temporary accommodation. This includes increased incentives for landlords to provide up to 400 private sector tenancies, new “find your own” initiatives and the use of Homes for Haringey’s lettings agency to provide increased access to private tenancies.

### **Shortfall of rented properties after new supply**

- 5.7 The above programmes will significantly increase affordable supply but there remains a projected shortfall. This means that where possible, demand will need to be met in other ways – for example, households resolving their re-housing for themselves. However it is evident that as supply of social housing reduces, households in temporary accommodation, many of whom cannot afford to find alternative solutions, will wait longer to be re-housed.

## **6 Temporary Accommodation Supply/Procurement Plan (Table D)**

### **First Stage Temporary Accommodation**

- 6.1 First Stage temporary accommodation is emergency accommodation used for households while their homelessness applications are being assessed. This accommodation is typically a hostel or bed and breakfast hotel, often with shared facilities. However, the shortage of these units has led to longer term accommodation, normally self contained second stage temporary accommodation, being used during the assessment period.
- 6.2 The council currently does not have any shared facility hostel units (apart from two units at Princes Avenue which have a shared bathroom) and is seeking to increase the supply of its own hostel accommodation. This is being done by identifying council assets for conversion or potential conversion and developing a programme to increase this stock. Reducing the use of private hostels, bed & breakfast units and second stage temporary accommodation will also have the benefit of reducing the council’s expenditure.

## **Second Stage Temporary Accommodation (in borough)**

- 6.3 Second stage temporary accommodation is interim accommodation provided to households where a homeless duty has been accepted and who are awaiting permanent housing. This is typically self-contained flats or houses which are owned by the Council, or leased from the private sector or housing associations. However, due to the shortage of this accommodation, currently around half of these units are nightly paid “annexes” (self contained flats) rented from private landlords.

## **Empty Estate Renewal Homes**

- 6.4 Homes on estates being regenerated will become empty as part of the rehousing process and are being used for second stage temporary accommodation until the properties are demolished. Use of this stock is dependent on the timescales for the regeneration programme but estimates for available vacant stock has been included in the table.

## **Council Stock**

- 6.5 The Council's stock of temporary accommodation consists of blocks/estates with self-contained homes and a small number of units previously used as permanent accommodation. A modest increase in numbers is projected with an additional 20 units a year purchased through the Acquisitions Programme described above.

## **New Build Temporary Accommodation**

- 6.6 A programme of new TA build of 125 units is planned, with 20-25 units completed each year between 2017/18 and 2021/22. This new build will be based on Modern Methods of Construction (MMC), where components are manufactured separately and then assembled on site. This will include ‘Demountables’, MMC homes which can be moved. Delivering this will require the identification of suitable sites.

These units can be used to provide temporary accommodation on interim sites and can provide a relatively quick source of additional temporary accommodation. This option is particularly useful given Haringey's programme for estate regeneration, as demountable housing will enable meantime use of land awaiting redevelopment.

## **Housing Association Leased Homes**

- 6.6 The Council has contractual agreements with housing associations to provide and manage temporary accommodation, currently around 250 units (of which 4 are out of borough) leased mainly from Genesis and Omega Housing Associations. Housing associations are reluctant to enter into new leases without significant increases in management fees and this source of temporary accommodation is expected to slowly decline.

## **Private Sector Leased Homes**

- 6.7 The main form of second stage temporarily accommodation is the use of rented properties leased from private landlords (PSLs), which represents around a third of all current temporary accommodation. There were 689 units as at 31 March 2016, with another 363 located outside the borough. The PSL stock has become more difficult to sustain as landlords seek to take advantage of rising market prices through early termination of their lease and/or unwillingness to renew upon expiry. A new offer to landlords has steadied the decline, and the supply in borough is expected to continue at the same levels.

## **Second Stage Temporary Accommodation (Neighbouring Boroughs)**

- 6.8 As at 31 March 2016, there were 363 PSL properties located outside the borough. As noted above, this supply is becoming more difficult to obtain as landlords can achieve more rents for their properties in the private rented sector or convert to other more lucrative schemes. The PSL supply out of borough is also projected to be maintained at current levels with a d new increased offer to landlords.

## **7 Shortfall in Temporary Accommodation (Table E)**

- 7.1 This table repeats data from previous tables in order to calculate the shortfall in temporary accommodation. This quantifies the shortfall in both first and second stage temporary accommodation. In practice, this shortfall has to be met with whatever accommodation is available, which usually means nightly rated annexes, or private hostels and in rare cases, bed and breakfast units. This is not sustainable financially and does not provide an appropriate settled solution for homeless households, as families in unaffordable accommodation are likely to have to move more often.
- 7.2 There are some 1,500 nightly rated units currently in use with around 60% located outside the borough. With rents significantly above LHA rates, these units are also unaffordable for the tenants and have an average net cost to the Council of around £2,600 per unit before management costs, and with the most expensive 240 units requiring a subsidy of £1.6 million. Although the use of annexes has to continue to fulfil statutory obligations, the Council must seek to reduce dependence on this form of temporary accommodation.

## **Out of Borough Procurement**

- 7.3 While it is preferable to place homeless households in accommodation as near to their last home as possible (except where this may place them at risk), this has become increasingly difficult to achieve. Market rents in Haringey are well above LHA levels which in any case are set at the 30<sup>th</sup> percentile of market rents (i.e. designed to cover only the lowest cost 30% of market rented homes). The Council has taken a range of initiatives, set out above, but it

clear that more rented homes within LHA levels are needed and these are increasingly difficult to secure in Haringey and in London generally.

- 7.4 This plan recognises the need to re-shape the current temporary accommodation portfolio so that it is more cost effective and provides more settled and affordable homes for homeless households. This will mean procuring homes that are more affordable, both for the Council and for the household, in locations out of borough and out of London, but as close to Haringey as possible.

## Supply and Demand Projections for Affordable Rented Housing

## Annex A

| Table A: Management of housing demand | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|---------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| All Households seeking housing advice | 3,226   | 3,393   | 3,558   | 3,624   | 3,690   | 3,756   | 3,821   | 3,885   | 3,947   | 4,008   | 4,069   |
| Homelessness Preventions              | 756     | 801     | 853     | 874     | 888     | 895     | 895     | 870     | 870     | 870     | 870     |
| Homelessness Duty Acceptances         | 603     | 490     | 477     | 489     | 501     | 512     | 524     | 560     | 571     | 582     | 592     |

| Table B: Current demand & supply of permanent rented housing                                      | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Homeless Households in temporary accommodation at end of financial year                           | 3,164   | 3,195   | 3,222   | 3,309   | 3,250   | 3,514   | 3,778   | 3,970   | 4,103   | 4,265   | 4,431   |
| Households awaiting rehousing from Estate Renewal schemes in the following year                   | 72      | 47      | 12      | 55      | 106     | 89      | -       | -       | -       | -       | -       |
| Households with other housing needs (e.g. Overcrowded, management transfers, under-occupiers etc) | 4,859   | 4,957   | 5,051   | 5,142   | 5,235   | 5,329   | 5,420   | 5,507   | 5,596   | 5,681   | 5,767   |
| All Households on Housing Register at end of financial year                                       | 8,095   | 8,199   | 8,285   | 8,506   | 8,591   | 8,932   | 9,198   | 9,477   | 9,699   | 9,946   | 10,198  |

|  |       |       |       |       |       |       |       |       |       |       |       |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Existing supply of permanent rented housing (Council and Housing Association re-lets less disposals) | 495   | 453   | 409   | 291   | 269   | 251   | 236   | 224   | 215   | 208   | 203   |
| Shortfall of existing supply of rented housing   | 7,600 | 7,746 | 7,876 | 8,215 | 8,322 | 8,681 | 8,962 | 9,253 | 9,484 | 9,738 | 9,995 |

| Table C: New Supply of permanent rented housing  | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Total new Council and Housing Association rented properties from estate renewal & other new builds, and acquisitions | 4       | 128     | 116     | 149     | 367     | 127     | 121     | 155     | 223     | 203     | 203     |
| Private sector rented homes  | 89      | 100     | 120     | 120     | 120     | 120     | 120     | 100     | 100     | 100     | 100     |
| Total new supply of rented properties  | 93      | 228     | 236     | 269     | 487     | 247     | 241     | 255     | 323     | 303     | 303     |
| Shortfall of rented properties after new supply  | 7,507   | 7,518   | 7,640   | 7,946   | 7,835   | 8,434   | 8,722   | 8,998   | 9,161   | 9,435   | 9,692   |



## Supply and Demand Projections for Affordable Rented Housing

| Table D:<br>Temporary Accommodation Supply/Procurement Plan | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| First Stage emergency accommodation                         | 2       | 58      | 78      | 78      | 78      | 78      | 78      | 78      | 78      | 78      | 78      |
| Second Stage accommodation in borough                       | 1,215   | 1,244   | 1,253   | 1,262   | 1,274   | 1,325   | 1,414   | 1,509   | 1,559   | 1,564   | 1,493   |
| Second stage accommodation in neighbouring boroughs         | 363     | 320     | 320     | 320     | 320     | 320     | 320     | 320     | 320     | 320     | 320     |
| Total supply of temporary accommodation                     | 1,580   | 1,622   | 1,651   | 1,660   | 1,672   | 1,723   | 1,812   | 1,907   | 1,957   | 1,962   | 1,891   |

| Table E: Shortfall in temporary accommodation                             | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 | 2024/25 | 2025/26 |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Supply of First Stage, shared facility emergency accommodation in borough | 2       | 58      | 78      | 78      | 78      | 78      | 78      | 78      | 78      | 78      | 78      |
| Households requiring first stage, emergency accommodation                 | 220     | 188     | 185     | 188     | 192     | 195     | 198     | 208     | 211     | 214     | 217     |
| Shortfall in first stage emergency accommodation                          | 218     | 130     | 107     | 110     | 114     | 117     | 120     | 130     | 133     | 136     | 139     |

|   |       |       |       |       |       |       |       |       |       |       |       |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Supply of second stage interim accommodation in borough                           | 1,215 | 1,244 | 1,253 | 1,262 | 1,274 | 1,325 | 1,414 | 1,509 | 1,559 | 1,564 | 1,493 |
| Households requiring second stage interim accommodation                           | 2,944 | 3,007 | 3,037 | 3,121 | 3,058 | 3,319 | 3,580 | 3,762 | 3,892 | 4,051 | 4,214 |
| Second stage households to be placed out of borough or in emergency accommodation | 1,729 | 1,763 | 1,784 | 1,859 | 1,784 | 1,994 | 2,166 | 2,253 | 2,333 | 2,487 | 2,721 |

|  |       |       |       |       |       |       |       |       |       |       |       |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Total shortfall in temporary accommodation in borough<br>(Total shortfall of first and second stage accommodation) | 1,947 | 1,893 | 1,891 | 1,969 | 1,898 | 2,111 | 2,286 | 2,383 | 2,466 | 2,623 | 2,860 |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|

|   |       |       |       |       |       |       |       |       |       |       |       |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Second stage interim accommodation in neighbouring boroughs | 363   | 320   | 320   | 320   | 320   | 320   | 320   | 320   | 320   | 320   | 320   |
| Total shortfall in supply of temporary accommodation        | 1,584 | 1,573 | 1,571 | 1,649 | 1,578 | 1,791 | 1,966 | 2,063 | 2,146 | 2,303 | 2,540 |

|  |       |       |       |       |       |       |       |       |       |       |       |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Second stage interim accommodation out of London     | -     | 50    | 200   | 300   | 400   | 400   | 400   | 400   | 400   | 400   | 400   |
| Total shortfall in supply of temporary accommodation | 1,584 | 1,523 | 1,371 | 1,349 | 1,178 | 1,391 | 1,566 | 1,663 | 1,746 | 1,903 | 2,140 |

These tables show homeless households in temporary accommodation at the end of the financial year. This does not include households who are placed in temporary accommodation for reasons other than homelessness (e.g. temporary decants, fleeing violence and care leavers). As at 31 March 2016, this was 24 households.

14/09/2016

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## Temporary Accommodation Placements Policy Summary of Responses to Consultation

### 1. Introduction

The majority of the 369 consultation responses were received) through returned paper consultation booklet questionnaires (192) although we did receive (177) online questionnaires completed through the online survey. A series of drop in events were also held throughout the Borough between the 20<sup>th</sup> July 2016 and 22<sup>nd</sup> August 2016 to provide information to temporary accommodation tenants on the proposed policy and assist them in completing the questionnaire, a total of 158 TA tenants attended the four drop in events.

All 3200 Temporary Accommodation tenants were written to or e-mailed with a paper copy of the consultation booklet enclosed or a pdf of the booklet attached. They were invited to take part in the consultation and given details of the drop in events being held if they wished to attend. The letter also directed them to a web page [www.haringey.gov.uk/tapp-consultation](http://www.haringey.gov.uk/tapp-consultation) which explained the policy, allowed respondents to download the consultation booklet as well inviting them to complete the online survey.

### 2. Summary of quantitative responses

1. Please tell us if you agree or disagree with each of the proposed policy criteria for giving priority/preference for accommodation in the borough.

|  | Agree | Disagree | No Opinion | No reply | Total |
|--|-------|----------|------------|----------|-------|
| <b>A severe long-term illness</b>  | 293   | 32       | 37         | 7        | 369   |
|  | 79%   | 9%       | 10%        | 2%       | 100%  |
| <b>A health care benefits package not available outside the borough</b>                          | 231   | 62       | 63         | 13       | 369   |
|  | 63%   | 17%      | 17%        | 4%       | 100%  |
| <b>A severe long-term mental illness</b>   | 266   | 49       | 41         | 13       | 369   |
|  | 72%   | 13%      | 11%        | 4%       | 100%  |
| <b>A child on the Child Protection Register impact on their welfare</b>                          | 262   | 48       | 45         | 14       | 369   |
|  | 71%   | 13%      | 12%        | 4%       | 100%  |
| <b>A child with special educational needs where support is not available outside the borough</b> | 268   | 46       | 34         | 21       | 369   |
|  | 73%   | 12%      | 9%         | 6%       | 100%  |
| <b>A long-standing arrangement to provide care and support to another family member</b>          | 234   | 59       | 61         | 15       | 369   |
|  | 63%   | 16%      | 17%        | 4%       | 100%  |

**2. Please tell us if you agree or disagree with each of the proposed policy criteria for giving priority/preference for accommodation in neighbouring boroughs.**

|  | Agree | Disagree | No Opinion | No reply | Total |
|--|-------|----------|------------|----------|-------|
| A child enrolled in GCSE, AS or A level or post 16 vocational qualifications in Haringey | 237   | 63       | 51         | 18       | 369   |
|  | 64%   | 17%      | 14%        | 5%       | 100%  |
| A worker, working 16 hours/week  | 257   | 49       | 48         | 15       | 369   |
|  | 70%   | 13%      | 13%        | 4%       | 100%  |

**3a. Please rank the types of support that may be offered to residents who are moved into Temporary Accommodation outside of London in order of importance from 1 – 9, with 1 being the most important and 9 being the least important:**

|    |   | No of people giving a priority of 1 to 3 |
|----|---|--|
| 1. | Help finding a school for children in the new area  | 230                                      |
| 2. | Help finding employment in the new area   | 199                                      |
| 3. | Help finding child care   | 178                                      |
| 4. | Help finding a local GP or other medical assistance   | 169                                      |
| 5. | Help to arrange getting set up with things like Council Tax, getting set up with local support (formal social work or informal) | 135                                      |
| 6. | Removals and storage of items   | 122                                      |
| 7. | Reconnections (e.g. electricity /gas / phone / internet)  | 103                                      |
| 8. | Financial support to travel back to Haringey to see family and friends  | 83                                       |
| 9. | Help finding local community groups / religious groups  | 65                                       |

**NB: 5% of respondents incorrectly completed this question so their responses were invalid**

**3b We expect that we will provide assistance, set out in 3a. for the first 6 months of being relocated. Do you agree that this is a reasonable period of time?**

| Agree | Disagree | No Opinion | No reply | Total |
|-------|----------|------------|----------|-------|
| 186   | 83       | 67         | 33       | 369   |
| 50%   | 23%      | 18%        | 9%       | 100%  |

**4a. Do you think the Temporary Accommodation Placements Policy should be applied to new applicants only or should it also be applied to those already temporarily accommodated by Haringey**

|  | Yes | No  | No reply | Total |
|--|-----|-----|----------|-------|
| New applicants only  | 187 | 95  | 87       | 369   |
|  | 51% | 26% | 24%      | 100%  |
| New applicants plus those already temporarily accommodated by Haringey | 195 | 119 | 55       | 369   |
|  | 53% | 32% | 15%      | 100%  |

**3. Summary of qualitative response**

**Criteria for giving priority/preference for accommodation in the borough**

- The majority of respondents agreed with the proposed criteria. Some made a few suggestions for additional criteria, ranked below in order of popularity.

| Top 10 | Additional criteria for prioritising placing residents in temporary accommodation in Haringey   | Weighting / no. of people of commented on this point | Council response   |
|--------|---|--|--|
| 1.     | The length of time someone has been in temporary accommodation waiting for a permanent home and local connections they had with the borough | 23   | Waiting time is not an indicator of housing need and is not considered appropriate additional criteria. The policy provides discretion for special circumstances.  |
| 2.     | Families with children at schools in Haringey   | 18   | We have made provision for families who have children approaching examinations but a more general priority to cover all school age children cannot be achieved with the available housing supply within the borough or nearby. |
| 3.     | Single parents with kids who rely on support from family / friends in Haringey  | 10   | We agree with this point and have changed the policy to include additional criteria in relation to receipt of support.   |
| 4.     | People who have suffered physical abuse/domestic violence   | 5  | It will not always be appropriate to place such people within the borough. The policy provides discretion for special  |

| <b>Top 10</b> | <b>Additional criteria for prioritising placing residents in temporary accommodation in Haringey</b>  | <b>Weighting / no. of people of commented on this point</b> | <b>Council response</b>   |
|---------------|---|---|---|
|               |   |   | circumstances.  |
| 5.            | Someone who needs support and/or supervision - e.g. ex-offenders, people on sex offenders list - or those who have committed ASB / on probation or has injunctions against them | 3   | In practice we deal with such cases in collaboration with the police and probation service and it would not be appropriate to make a blanket provision; this is a case by case assessment and the policy provides discretion for special circumstances. |
| 6.            | Those that are receiving help for addiction and those in recovery in Haringey   | 2   | We agree with this point and the new criteria relating to receipt of support deals with these cases.  |
| 7.            | Adults with learning difficulties but not a severe mental health issue  | 2   | We agree with this point and the new criteria relating to receipt of support deals with these cases. In addition the policy provides discretion for special circumstances.  |
| 8.            | Pensioners with financial hardships   | 2   | Financial hardship is not a factor as the policy is designed to place people in more affordable areas, with appropriate support that addresses any hardship. In addition the policy provides discretion for special circumstances.                      |
| 9.            | Pregnant woman  | 2   | We have accepted that the timing of any moves will need to be sensitive in certain cases but do not agree that pregnancy should be a priority for placement within the borough.   |

**Criteria for giving priority/preference for accommodation in neighbouring boroughs/not more than one hour away from the school or place of work**

- The majority of respondents agreed with the proposed criteria. Some made a few suggestions for additional criteria, ranked below in order of popularity.

|    | <b>Additional criteria for prioritising placing residents in temporary accommodation in Haringey</b>                    | <b>Weighting / no. of people</b> | <b>Council response</b>  |
|----|---|----------------------------------|--|
| 1. | The length of time someone has been in temporary accommodation waiting for a permanent home and their local connections | 13                               | Waiting time is not an indicator of housing need and is not considered appropriate additional criteria. The policy provides discretion for special circumstances.  |
| 2. | All families with children at school  | 11                               | We have made provision for families who have children approaching examinations but a more general priority to cover all school age children cannot be achieved with the available housing supply within the borough or nearby. |
| 3. | People dependent on local connections (friends / family to survive)   | 8                                | We have changed the policy to include additional criteria in relation to receipt of formal support. However informal support is much more difficult to assess. The policy provides discretion for special circumstances.       |
| 4. | People who are on apprenticeships   | 4                                | We agree with this point and have changed the policy to include additional criteria to cover these people.   |
| 5. | People in adult education / at university   | 3                                |  |
| 6. | Self employed people / or have a business in Haringey   | 2                                |  |
| 7. | People who have not started work but have a start dated confirmed   | 2                                |  |
| 8. | Those people actively seeking work in Haringey  | 2                                | This is covered by the change above, for those people that can be verified as meeting this.  |

### **Possible types of support that may be offered to residents who are moved into Temporary Accommodation outside of London**

- As mentioned above in the quantitative summary, respondents prioritised support in finding employment and getting their children into a good school as the top priorities, however some did make alternative suggestions a lot of them were repeating the support already listed as examples however there were a few different variations of these which I have set out below.

| <b>Top 10</b> | <b>Additional criteria for prioritising placing residents in temporary accommodation in Haringey</b> | <b>Weighting / no. of people who said this</b> | <b>Council response / Changes to the support package that may be offered to residents who are placed out of London based on consultation feedback</b> |
|---------------|--|--|---|
| 1.            | Travel expenses to get back to work in Haringey / London   | 14   | We have accepted the need for some financial assistance and a one off payment will be made to assist with immediate relocation expenses               |
| 2.            | Travel expenses for children to travel back to school in Haringey                                    | 10   |   |
| 3.            | Finances to help them settle into the new place  | 7  |   |
| 4.            | Travel expenses for going to hospital / doctor's appointments in Haringey                            | 6  |   |

#### **4. Issues which were raised at Drop In sessions by attendees**

General concerns that they may be moved outside of London and away from family and friends although a few welcomed the idea as they were finding accommodation in Haringey / London to be too expensive

- Residents wanted to know which areas they would be placed if it was outside of the Borough / London
- Wanted to know how long they may have to stay outside of London if placed there.
- Concerns about disrupting children education (even if they were not doing GCSEs or BTECs that year) as they were in settled schools
- Some attendees said that would be more supportive of being moved out of London if they were being moved into a permanent home
- Worried about loss of local connections/support. One respondent though that this would be more difficult for the traveller/gypsy community residents stating that they were more reliant on family support and networks and took longer to form new relationships e.g. with GPs
- Some thought that a priority should be the length of time that you were in TA
- Concerns that they might experience racial prejudice if moved to an unsuitable area
- Almost all of those who turned up to the drop in wanted to talk about their particular circumstances and find out about their options to get a settled home



#### 4. Feedback from housing partners and internal council departments

- Residents who are actively seeking work should be given priority to be placed in temporary accommodation near to Haringey.
- Young people and DV service users – should be included in the criteria for accommodation within the borough, as agreed on a case by case, personal needs basis, i.e. some cases should have priority to remain in the borough, others will benefit from out of borough placements in relation to risk/safeguarding issues
- It is important that there is a detailed design of data on needs, and recording of the customer's journey/use of support, so that the appropriate levels of support can be effectively provided and or signposted.

#### 5. Who responded?

The profile of the 369 respondents is a good representative sample of the actual profile of the 3,200 Temporary Accommodation residents' population in terms of gender. For age, there was a higher response from residents aged 25-64.

##### What is your age?

| 16-24 | 25-44 | 45-64 | 65+ | Prefer not to say | No reply | Total |
|-------|-------|-------|-----|-------------------|----------|-------|
| 11    | 238   | 99    | 2   | 3                 | 16       | 369   |
| 3%    | 64%   | 27%   | 1%  | 1%                | 4%       | 100%  |

##### Do you have a physical or mental health condition or illness lasting or expected to last 12 months or more?

| Yes | No | Prefer not to say | No reply | Total |
|-----|----|-------------------|----------|-------|
| 249 | 32 | 77                | 11       | 369   |
| 67% | 9% | 21%               | 3%       | 100%  |

##### What is your gender?

| Male | Female | Prefer not to say | No reply | Total |
|------|--------|-------------------|----------|-------|
| 263  | 93     | 4                 | 9        | 369   |
| 71%  | 25%    | 1%                | 2%       | 100%  |

##### What is your ethnic group?

|               |           |
|---------------|-----------|
| White British | 37<br>10% |
| White Irish   | 1<br>0%   |

|  |     |
|--|-----|
| White Other -<br>Greek / Greek<br>Cypriot        | 3   |
|  | 1%  |
| White Other -<br>Turkish                         | 18  |
|  | 5%  |
| White Other -<br>Turkish<br>Cypriot              | 7   |
|  | 2%  |
| White Other -<br>Kurdish                         | 8   |
|  | 2%  |
| White Other -<br>Gypsy / Roma                    | 2   |
|  | 1%  |
| White Other -<br>Irish Traveller                 | -   |
|  | -   |
| Black or Black<br>British:<br>African            | 108 |
|  | 30% |
| Black or Black<br>British:<br>Caribbean          | 43  |
|  | 12% |
| Asian or Asian<br>British: Indian                | 4   |
|  | 1%  |
| Asian or Asian<br>British:<br>Pakistani          | 3   |
|  | 1%  |
| Asian or Asian<br>British:<br>Bangladeshi        | 9   |
|  | 3%  |
| Asian or Asian<br>British: East<br>African Asian | -   |
|  | -   |
| Mixed: White<br>and Black<br>African             | 5   |
|  | 1%  |
| Mixed: White<br>and Black<br>Caribbean           | 9   |
|  | 2%  |
| Mixed: White<br>and Asian                        | 2   |
|  | 1%  |
| Chinese  | 4   |
|  | 1%  |
| Any other<br>ethnic<br>background                | 43  |
|  | 12% |
| Prefer not to<br>say                             | 34  |
|  | 9%  |
| No reply   | 29  |
|  | 8%  |
| Total  | 369 |



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## Equality Impact Assessment

|  |   |  |                   |
|--|---|--|-------------------|
| <b>Name of Project</b>                           | Temporary Accommodation Placements Policy         | <b>Cabinet meeting date<br/><i>If applicable</i></b> | 18 October 2016   |
| <b>Service area responsible</b>                  | Housing Commissioning, Investment & Sites Service |  |                   |
| <b>Name of completing officer</b>                | Nick Smith/Martin Gulliver                        | <b>Date EqlA created</b>                             | 21 March 2016     |
| <b>Approved by Director / Assistant Director</b> | Dan Hawthorn                                      | <b>Date of approval</b>                              | 30 September 2016 |

The Council has a public sector equality duty under the Equality Act 2010 to have due regard to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; ;
- advance equality of opportunity between people who share a 'protected characteristic' and people who do not;
- foster good relations between people who share a relevant 'protected characteristic' and people who do not.

The 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation. They also cover marriage and civil partnership with regards to eliminating discrimination.

Haringey Council also has a '**Specific Duty**' to publish information about people affected by our policies and practices.

**All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.**

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the duties outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

| <b>Stage 1 – Names of those involved in preparing the EqIA</b> |    |
|--|----|
| 1. Project Lead      Nick Smith/ Martin Gulliver               | 5. |
| 2. Equalities / HR    Kathryn Booth                            | 6. |
| 3. Legal Advisor      Robin Levett /Michelle Williams          | 7. |

## **Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups.**

This report relates to the Council's approach to meeting the housing needs of households requiring temporary accommodation, including those that share the protected characteristics. Members are being asked to approve the Temporary Accommodation Placements Policy. The Policy is informed by the overall Supply Plan, which identifies a shortage of supply in the borough. The Policy therefore provides criteria for the placement of households in temporary accommodation within and outside of the borough and sets out the support that will be provided for households placed outside of London.

It is of relevance to the Council's Equality Duty as the demographic profile of those in housing need has a high proportion of those within the protected groups, and because applicants who meet none of the criteria under the Policy for being offered accommodation in the borough are likely to be offered properties outside of Haringey and in the neighbouring boroughs, other parts of London or outside London.

### Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment

| Data Source    | What does this data include?   |
|----------------|--|
| Not Applicable | The proposed Temporary Accommodation Placements Policy does not impact on Haringey Council employees (unless residents of the borough and are also homeless or likely to become homeless) and thus included below. |

### Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment

#### Individuals and Households

An assessment based on households captures only the characteristics of the head of household. As members of the household will have different characteristics, the following analysis has been made on all the individuals living in temporary accommodation rather than the head of the household. This has allowed inclusion of partners and children into the assessment. However, it should be noted that family units have been used for the analysis of family structure in the gender section.

#### Data used in this Analysis

This Equalities Impact Assessment has used available data to assess individuals who were living in temporary accommodation on 29 February 2016, at the time when the first draft assessment was being prepared.

#### Assessment of work status

One priority for placement in neighbouring boroughs is based on the work status of each member within a household, and to assess a household against these criteria, full work status is needed for each working age adult within that household.

From the sources available, full work status data was held on 2,102 households and only partial or no work status on the

remaining 1,070 households. The placement criteria on working hours could therefore only be completed on 2,102 households. **The analysis has been applied to the cohort of 6,758 individuals who live within these 2,102 assessable households.**

This cohort represents 61.5% of all individuals living in temporary accommodation and has a similar gender, age and ethnicity profile as the whole population of temporary accommodation. These profile comparisons are shown in the following tables.

| Gender       | All individuals living in temporary accommodation | Individuals within the Cohort |
|--------------|---|-------------------------------|
| Female       | <b>6,280</b><br>57.7%                             | 3,953<br>58.5%                |
| Male         | <b>4,611</b><br>42.3%                             | 2,805<br>41.5%                |
| <b>Total</b> | <b>10,891</b>                                     | <b>6,758</b>                  |

| Age   | All individuals living in temporary accommodation | Individuals within the Cohort |
|-------|---|-------------------------------|
| 0-16  | <b>5,268</b><br>48.4%                             | <b>3,422</b><br>50.6%         |
| 16-24 | <b>1,506</b><br>13.8%                             | <b>790</b><br>11.7%           |
| 25-34 | <b>1,540</b><br>14.1%                             | <b>1,015</b><br>15.0%         |
| 35-44 | <b>1,505</b><br>13.8%                             | <b>954</b><br>14.1%           |
| 45-54 | <b>842</b><br>7.7%                                | <b>464</b><br>6.9%            |
| 55-64 | <b>175</b><br>1.6%                                | <b>84</b><br>1.2%             |
| 65+   | <b>40</b><br>0.4%                                 | <b>21</b><br>0.3%             |

| Ethnicity                     | All individuals living in temporary accommodation | Individuals within the Cohort |
|-------------------------------|---|-------------------------------|
| Asian                         | <b>756</b><br>6.9%                                | 419<br>6.2%                   |
| Black                         | <b>3,796</b><br>34.9%                             | 2,446<br>36.2%                |
| Chinese or Other Ethnic Group | <b>1,422</b><br>13.1%                             | 871<br>12.9%                  |
| Mixed                         | <b>396</b><br>3.6%                                | 304<br>4.5%                   |
| Not known                     | <b>1,303</b><br>12.0%                             | 708<br>10.5%                  |
| White                         | <b>3,218</b><br>29.5%                             | 2,010<br>29.7%                |
| <b>Total</b>                  | <b>10,891</b>                                     | <b>6,758</b>                  |



|              |                   |                  |
|--------------|-------------------|------------------|
| Not Known    | <b>15</b><br>0.1% | <b>8</b><br>0.1% |
| <b>Total</b> | <b>10,891</b>     | <b>6,758</b>     |

### **Assessment of education status and examinations**

One priority for placement in neighbouring boroughs is based on whether a member of the household is in education and due to be taking exams in that academic year. The assessment is therefore based on the age of children in the household and it has been assumed that all children aged 15 for the following September will be taking GCSEs and anyone aged 16 or 17 and recorded as being 'in school' or 'full time education' will be taking GCSEs, AS or A' Levels (or their equivalent). Anyone over 18 is an adult and therefore would not meet the priority criteria.

It is accepted that some children taking A 'levels may not be recorded as "in school" and so not included in the assessment, but also that some 17 & 18 years olds recorded as 'in school' or in 'full time education' may have left studies and/or may not be taking exams in the current academic year.

**Data Source**

**What does this data include?**

|  |   |
|--|---|
| EqIA Profile on Harinet  | Age, gender, ethnicity, disability information – for the Council and the Borough  |
| Internal Crystal report: HW0116 Households in Temporary Accommodation                            | Date of Birth and ethnicity of all individuals in temporary accommodation, including family members. Taken 29 February 2016<br>Cross referenced with reports HW0137 & TA0181 below  |
| Internal Crystal report: HW0137 Single Vulnerable Adults   | Vulnerabilities in Single Households in temporary accommodation, including Pregnancy, Physical & Mental Health, Learning Difficulties, Ex-offenders, Substance Misuse, 16/17 year olds and Leaving care. Cross referenced with reports HW0116 above & HW0137 below. |
| Internal Crystal report: TA0181 Households in Temporary Accommodation                            | Nationality, Family Structure & Housing Benefit and Net Rent, of Homeless Households in Temporary Accommodation over the previous 6 months, as of 29 February 2016. Cross referenced with reports HW0116 & HW0137 above.  |
| ONS LC3304EW - Provision of unpaid care by age (Census 2011) <a href="#"><u>ONS LC3304EW</u></a> | Provision of Unpaid Care by age and borough   |

**Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:**

|                       | Positive                          | Negative                               | Details  | None – why?           |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
|-----------------------|-----------------------------------|--|--|-----------------------|--|--|----------------------|-----------------------------------|--|--------|----------------|----------------|------|----------------|--------------|-------|-------|-------|--------|------------|------------------|--------|-------|-------|------|-------|-------|--|
| Gender                |                                   | ✓                                      | <p>In comparison to all individuals within the cohort, there is a higher percentage of females who would not meet the priority to remain in the borough or in neighbouring boroughs. These comparisons include all individuals in the cohort including children.</p> <table><tr><th colspan="3">Individuals in Cohort</th></tr><tr><th>Gender (Individuals)</th><th>All individuals within the cohort</th><th>Individuals in cohort with no priority</th></tr><tr><td>Female</td><td>3,953<br/>58.5%</td><td>1,490<br/>62.4%</td></tr><tr><td>Male</td><td>2,805<br/>41.5%</td><td>898<br/>37.6%</td></tr><tr><td>Total</td><td>6,758</td><td>2,388</td></tr></table> <p><b>Gender</b></p> <p>■ All Cohort      ■ Without Priority</p> <table><thead><tr><th>Gender</th><th>All Cohort</th><th>Without Priority</th></tr></thead><tbody><tr><td>Female</td><td>58.5%</td><td>62.4%</td></tr><tr><td>Male</td><td>41.5%</td><td>37.6%</td></tr></tbody></table> | Individuals in Cohort |  |  | Gender (Individuals) | All individuals within the cohort | Individuals in cohort with no priority | Female | 3,953<br>58.5% | 1,490<br>62.4% | Male | 2,805<br>41.5% | 898<br>37.6% | Total | 6,758 | 2,388 | Gender | All Cohort | Without Priority | Female | 58.5% | 62.4% | Male | 41.5% | 37.6% |  |
| Individuals in Cohort |                                   |  |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Gender (Individuals)  | All individuals within the cohort | Individuals in cohort with no priority |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Female                | 3,953<br>58.5%                    | 1,490<br>62.4%                         |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Male                  | 2,805<br>41.5%                    | 898<br>37.6%                           |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Total                 | 6,758                             | 2,388                                  |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Gender                | All Cohort                        | Without Priority                       |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Female                | 58.5%                             | 62.4%                                  |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |
| Male                  | 41.5%                             | 37.6%                                  |  |                       |  |  |                      |                                   |  |        |                |                |      |                |              |       |       |       |        |            |                  |        |       |       |      |       |       |  |

|                                     | Positive               | Negative                            | Details  | None – why?        |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
|-------------------------------------|------------------------|-------------------------------------|--|--------------------|--|--|-------------|------------------------|-------------------------------------|--------------------------------|-------------|------------|-----------------------------------|------------|-----------|-------------|------------|------------|-------------------------------------|----------------|--------------|-----------|------------|------------|-----------------------------------|------------|------------|-------|------------|-----------|-------|-------|-----|--|
|                                     |                        |                                     | <p>As the majority of households living in temporary accommodation are lone females with dependant children, this analysis has also assessed the impact of different family structures. In this assessment it is observed that 'Lone females with dependant children' represent 62.7% of the families, but 77.9% of those families who would not be given priority to remain in the borough or in neighbouring boroughs.</p> <table><tr><th colspan="3">Families in Cohort</th></tr><tr><th>Family Type</th><th>All families in cohort</th><th>Families in cohort without priority</th></tr><tr><td>Couple with dependant children</td><td>195<br/>9.3%</td><td>39<br/>4.8%</td></tr><tr><td>Couple with no dependant children</td><td>11<br/>0.5%</td><td>2<br/>0.2%</td></tr><tr><td>Lone female</td><td>58<br/>2.8%</td><td>18<br/>2.2%</td></tr><tr><td>Lone female with dependant children</td><td>1,319<br/>62.7%</td><td>636<br/>77.9%</td></tr><tr><td>Lone male</td><td>49<br/>2.3%</td><td>15<br/>1.8%</td></tr><tr><td>Lone male with dependant children</td><td>82<br/>3.9%</td><td>28<br/>3.4%</td></tr><tr><td>Other</td><td>388<br/>18%</td><td>78<br/>10%</td></tr><tr><td>Total</td><td>2,102</td><td>816</td></tr></table> | Families in Cohort |  |  | Family Type | All families in cohort | Families in cohort without priority | Couple with dependant children | 195<br>9.3% | 39<br>4.8% | Couple with no dependant children | 11<br>0.5% | 2<br>0.2% | Lone female | 58<br>2.8% | 18<br>2.2% | Lone female with dependant children | 1,319<br>62.7% | 636<br>77.9% | Lone male | 49<br>2.3% | 15<br>1.8% | Lone male with dependant children | 82<br>3.9% | 28<br>3.4% | Other | 388<br>18% | 78<br>10% | Total | 2,102 | 816 |  |
| Families in Cohort                  |                        |                                     |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Family Type                         | All families in cohort | Families in cohort without priority |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Couple with dependant children      | 195<br>9.3%            | 39<br>4.8%                          |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Couple with no dependant children   | 11<br>0.5%             | 2<br>0.2%                           |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Lone female                         | 58<br>2.8%             | 18<br>2.2%                          |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Lone female with dependant children | 1,319<br>62.7%         | 636<br>77.9%                        |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Lone male                           | 49<br>2.3%             | 15<br>1.8%                          |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Lone male with dependant children   | 82<br>3.9%             | 28<br>3.4%                          |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Other                               | 388<br>18%             | 78<br>10%                           |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |
| Total                               | 2,102                  | 816                                 |  |                    |  |  |             |                        |                                     |                                |             |            |                                   |            |           |             |            |            |                                     |                |              |           |            |            |                                   |            |            |       |            |           |       |       |     |  |

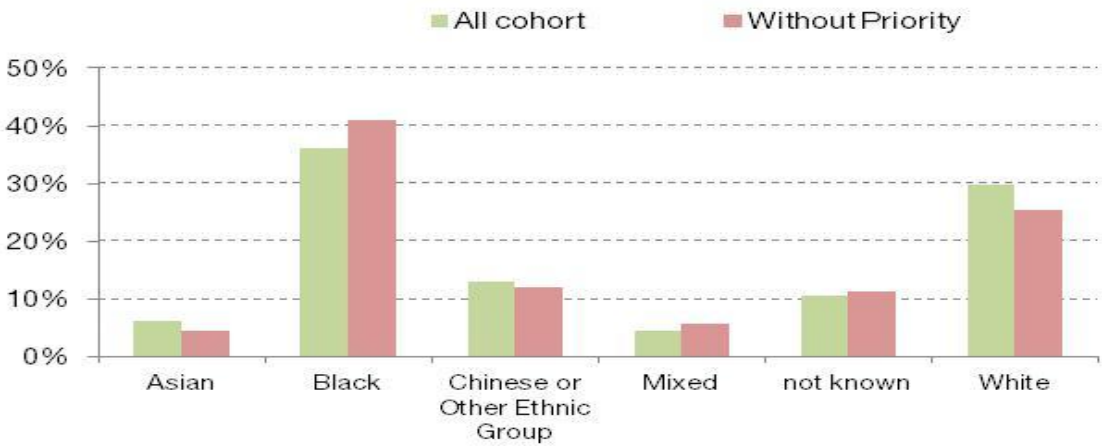
|                     | Positive | Negative | Details  | None – why? |
|---------------------|----------|----------|--|-------------|
|                     |          |          | Lone parent families are more likely to have informal support in the local area, and may also find it more difficult to return to the borough for medical, schooling and other reasons due to child care commitments. This may also affect the continuity of schooling for children who are not taking GCSE, A/O or A' Levels.   |             |
| Gender Reassignment |          |          | Information on gender reassignment is not available in relation to the proportion of households presenting as homeless, accessing temporary accommodation or on the council's housing register. However, the Temporary Accommodation Placements Policy is not anticipated to have a disproportionate impact on this protected group.   | ✓           |
| Age                 |          | ✓        | <p>Children under 16 make up 48.4% of individuals in Temporary Accommodation and 50.6% of those in the cohort. The Policy will therefore affect this age group and the percentage of those aged under 16 (55.9%) is significantly higher in those who would not be given priority. There is also a small difference in those individuals aged between 25 to 34 who will not be given priority (15.0%) compared with the cohort (16.7%).</p> <p>This difference is in contrast to that for those aged 35-44 and 45-54 who together represent 8.1% of the sample but 5.2% of those not given priority.</p> |             |

|  | Positive | Negative | Details                            | None – why? |                                   |  |
|--|----------|----------|------------------------------------|-------------|-----------------------------------|--|
|  |          |          | Individuals in cohort              |             |                                   |  |
|  |          |          | <b>Age Groups</b><br>(individuals) |             | All individuals within the cohort | Individuals in cohort with no priority |
|  |          |          | 0-16                               |             | <b>3,422</b><br>50.6%             | <b>1,335</b><br>55.9%                  |
|  |          |          | 16-24                              |             | <b>790</b><br>11.7%               | <b>228</b><br>9.5%                     |
|  |          |          | 25-34                              |             | <b>1,015</b><br>15.0%             | <b>399</b><br>16.7%                    |
|  |          |          | 35-44                              |             | <b>954</b><br>14.1%               | <b>298</b><br>12.5%                    |
|  |          |          | 45-54                              |             | <b>464</b><br>6.9%                | <b>105</b><br>4.4%                     |
|  |          |          | 55-64                              |             | <b>84</b><br>1.2%                 | <b>18</b><br>0.8%                      |
|  |          |          | 65+                                |             | <b>21</b><br>0.3%                 | <b>3</b><br>0.1%                       |
|  |          |          | Not Known                          |             | <b>8</b><br>0.1%                  | <b>2</b><br>0.1%                       |
|  |          |          | <b>Total</b>                       |             | <b>6,758</b>                      | <b>2,388</b>                           |

|            | Positive       | Negative             | Details   | None – why? |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
|------------|----------------|----------------------|---|-------------|----------------|----------------------|------|-----|-----|-------|-----|----|-------|-----|-----|-------|-----|-----|-------|----|----|-------|----|----|-----|----|----|--|
|            |                |                      | <div><p><b>Age</b></p><table><thead><tr><th>Age Group</th><th>All cohort (%)</th><th>Without Priority (%)</th></tr></thead><tbody><tr><td>0-16</td><td>50%</td><td>55%</td></tr><tr><td>16-24</td><td>11%</td><td>9%</td></tr><tr><td>25-34</td><td>14%</td><td>16%</td></tr><tr><td>35-44</td><td>13%</td><td>12%</td></tr><tr><td>45-54</td><td>7%</td><td>4%</td></tr><tr><td>55-64</td><td>1%</td><td>1%</td></tr><tr><td>65+</td><td>0%</td><td>0%</td></tr></tbody></table></div> <p>This EqlA analysis has not assessed the criteria around provision of care as this data is unavailable. However, from the census 2011, 5.0% of households aged 25 to 34 year olds provide unpaid care, compared with 9.8% for those aged 35 to 49. There will therefore be a lower proportion of this age group than suggested by the above analysis.</p> | Age Group   | All cohort (%) | Without Priority (%) | 0-16 | 50% | 55% | 16-24 | 11% | 9% | 25-34 | 14% | 16% | 35-44 | 13% | 12% | 45-54 | 7% | 4% | 55-64 | 1% | 1% | 65+ | 0% | 0% |  |
| Age Group  | All cohort (%) | Without Priority (%) |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 0-16       | 50%            | 55%                  |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 16-24      | 11%            | 9%                   |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 25-34      | 14%            | 16%                  |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 35-44      | 13%            | 12%                  |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 45-54      | 7%             | 4%                   |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 55-64      | 1%             | 1%                   |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| 65+        | 0%             | 0%                   |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
| Disability |                | ✓                    | <p>The Temporary Accommodation Placements Policy is not expected to adversely affect those with severe disabilities as the policy sets out a priority to remain in the borough for those with severe and enduring health conditions and mental health problems where treatment or care outside of borough would be detrimental to their health or wellbeing.</p> <p>Some disabled people with low level support needs may be affected by the policy. However, individual assessments will seek to determine if moves unduly affect each household and to consider any issues raised.</p>  | ✓           |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |
|            |                |                      |   |             |                |                      |      |     |     |       |     |    |       |     |     |       |     |     |       |    |    |       |    |    |     |    |    |  |

|                  | Positive  | Negative                          | Details  | None – why? |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|------------------|---|-----------------------------------|--|-------------|-----------------------|--|--|-----------|-----------------------------------|--|-------|-------------|-------------|-------|----------------|--------------|-------------------------------|--------------|--------------|-------|-------------|-------------|-----------|--------------|--------------|-------|----------------|--------------|-------|-------|-------|
| Race & Ethnicity |   | ✓                                 | For most ethnicities, the proportion of individuals who would not be given priority is broadly similar to the proportion of all individuals within the cohort. However, there is a slightly higher percentage of those with a Black ethnicity who would not be given priority (41.1% compared with 36.2%) and a correspondingly lower percentage of those with a White Ethnicity (25.4% not given priority compared with 29.7% of the cohort). These comparisons include all individuals in the cohort including children. |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | <table><tr><td colspan="3">Individuals in cohort</td></tr><tr><td>Ethnicity</td><td>All individuals within the cohort</td><td>Individuals in cohort with no priority</td></tr><tr><td>Asian</td><td>419<br/>6.2%</td><td>105<br/>4.4%</td></tr><tr><td>Black</td><td>2,446<br/>36.2%</td><td>981<br/>41.1%</td></tr><tr><td>Chinese or Other Ethnic Group</td><td>871<br/>12.9%</td><td>289<br/>12.1%</td></tr><tr><td>Mixed</td><td>304<br/>4.5%</td><td>136<br/>5.7%</td></tr><tr><td>not known</td><td>708<br/>10.5%</td><td>270<br/>11.3%</td></tr><tr><td>White</td><td>2,010<br/>29.7%</td><td>607<br/>25.4%</td></tr><tr><td>Total</td><td>6,758</td><td>2,388</td></tr></table> |                                   |  |             | Individuals in cohort |  |  | Ethnicity | All individuals within the cohort | Individuals in cohort with no priority | Asian | 419<br>6.2% | 105<br>4.4% | Black | 2,446<br>36.2% | 981<br>41.1% | Chinese or Other Ethnic Group | 871<br>12.9% | 289<br>12.1% | Mixed | 304<br>4.5% | 136<br>5.7% | not known | 708<br>10.5% | 270<br>11.3% | White | 2,010<br>29.7% | 607<br>25.4% | Total | 6,758 | 2,388 |
|                  | Individuals in cohort   |                                   |  |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | Ethnicity   | All individuals within the cohort | Individuals in cohort with no priority   |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | Asian   | 419<br>6.2%                       | 105<br>4.4%  |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | Black   | 2,446<br>36.2%                    | 981<br>41.1%   |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | Chinese or Other Ethnic Group   | 871<br>12.9%                      | 289<br>12.1%   |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | Mixed   | 304<br>4.5%                       | 136<br>5.7%  |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | not known   | 708<br>10.5%                      | 270<br>11.3%   |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
|                  | White   | 2,010<br>29.7%                    | 607<br>25.4%   |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |
| Total            | 6,758   | 2,388                             |  |             |                       |  |  |           |                                   |  |       |             |             |       |                |              |                               |              |              |       |             |             |           |              |              |       |                |              |       |       |       |



|                                   | Positive       | Negative             | Details  | None – why?  |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
|-----------------------------------|----------------|----------------------|--|--------------|----------------|----------------------|-------|-----|-----|-------|------|------|-------------------------------|------|------|-------|-----|-----|-----------|------|------|-------|------|------|--|
|                                   |                |                      | <div><h3>Ethnicity</h3><table><thead><tr><th>Ethnic Group</th><th>All cohort (%)</th><th>Without Priority (%)</th></tr></thead><tbody><tr><td>Asian</td><td>~6%</td><td>~4%</td></tr><tr><td>Black</td><td>~36%</td><td>~41%</td></tr><tr><td>Chinese or Other Ethnic Group</td><td>~13%</td><td>~12%</td></tr><tr><td>Mixed</td><td>~4%</td><td>~5%</td></tr><tr><td>not known</td><td>~10%</td><td>~11%</td></tr><tr><td>White</td><td>~30%</td><td>~25%</td></tr></tbody></table><p>Placement out of London may have an adverse affect on access to cultural facilities and links to established communities.</p></div> | Ethnic Group | All cohort (%) | Without Priority (%) | Asian | ~6% | ~4% | Black | ~36% | ~41% | Chinese or Other Ethnic Group | ~13% | ~12% | Mixed | ~4% | ~5% | not known | ~10% | ~11% | White | ~30% | ~25% |  |
| Ethnic Group                      | All cohort (%) | Without Priority (%) |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Asian                             | ~6%            | ~4%                  |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Black                             | ~36%           | ~41%                 |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Chinese or Other Ethnic Group     | ~13%           | ~12%                 |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Mixed                             | ~4%            | ~5%                  |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| not known                         | ~10%           | ~11%                 |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| White                             | ~30%           | ~25%                 |  |              |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Sexual Orientation                |                |                      | Information on sexual orientation is not available in relation to the proportion of households in temporary accommodation. However, the Temporary Accommodation Placements Policy is not anticipated to have a disproportionate impact on this protected group.  | ✓            |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |
| Religion or Belief (or No Belief) |                |                      | Information on religion is not available for those in temporary accommodation. However, it is noted that for those in temporary accommodation who may be moved out of the borough, distance to appropriate religious institutions and should be taken into account when assessing each client.   | ✓            |                |                      |       |     |     |       |      |      |                               |      |      |       |     |     |           |      |      |       |      |      |  |

|   | Positive                          | Negative                               | Details   | None – why?           |  |  |           |                                   |  |              |           |          |  |
|---|-----------------------------------|--|---|-----------------------|--|--|-----------|-----------------------------------|--|--------------|-----------|----------|--|
| <b>Pregnancy &amp; Maternity</b>  |                                   | ✓                                      | <p>The Policy gives priority to those who are on maternity leave to remain in the borough. It is also noted that on 30 August 2016 there were only 14 pregnant women living in Temporary Accommodation and 11 in the cohort. Of these, 8 pregnant women who would not be given priority for other reasons.</p> <table><tr><td colspan="3">Individuals in Cohort</td></tr><tr><td>Pregnancy</td><td>All individuals within the cohort</td><td>Individuals in cohort with no priority</td></tr><tr><td><b>Total</b></td><td><b>11</b></td><td><b>8</b></td></tr></table> <p>It is noted that new parents are likely to need higher support levels and this should be taken into account when assessing each client.</p> | Individuals in Cohort |  |  | Pregnancy | All individuals within the cohort | Individuals in cohort with no priority | <b>Total</b> | <b>11</b> | <b>8</b> |  |
| Individuals in Cohort   |                                   |  |   |                       |  |  |           |                                   |  |              |           |          |  |
| Pregnancy   | All individuals within the cohort | Individuals in cohort with no priority |   |                       |  |  |           |                                   |  |              |           |          |  |
| <b>Total</b>  | <b>11</b>                         | <b>8</b>                               |   |                       |  |  |           |                                   |  |              |           |          |  |
| <b>Marriage and Civil Partnership</b><br>(note this only applies in relation to eliminating unlawful discrimination (limb 1)) |                                   |  | <p>There is no information for individuals in temporary accommodation on their marriage/civil partnership status. However, it is noted that single parent households will be affected and may have more need for local support networks, which should be taken into account when assessing each client.</p>   | ✓                     |  |  |           |                                   |  |              |           |          |  |

**Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups:**

**Positive and negative impacts identified will need to form part of your action plan.**

|  | <b>Positive</b> | <b>Negative</b> | <b>Details</b> | <b>None – why?</b>                     |
|--|-----------------|-----------------|----------------|--|
| <b>Sex</b>   | Not applicable  | Not applicable  | Not applicable | The proposals will not impact on staff |
| <b>Gender Reassignment</b>   | As above        | As above        | As above       | As above                               |
| <b>Age</b>   | As above        | As above        | As above       | As above                               |
| <b>Disability</b>  | As above        | As above        | As above       | As above                               |
| <b>Race &amp; Ethnicity</b>  | As above        | As above        | As above       | As above                               |
| <b>Sexual Orientation</b>  | As above        | As above        | As above       | As above                               |
| <b>Religion or Belief (or No Belief)</b>   | As above        | As above        | As above       | As above                               |
| <b>Pregnancy &amp; Maternity</b>   | As above        | As above        | As above       | As above                               |
| <b>Marriage and Civil Partnership</b><br><i>(note this only applies in relation to eliminating unlawful discrimination (limb 1))</i> | As above        | As above        | As above       | As above                               |

| Stage 6 - Initial Impact analysis  | Actions to mitigate, advance equality or fill gaps in information  |
|--|--|
| <p>The Council will, wherever possible, seek to acquire affordable temporary accommodation within the borough and in neighbouring boroughs. However, where there is insufficient affordable temporary accommodation, placing families in borough may cause them excessive financial hardship. Where sufficient affordable temporary accommodation is not available the Council will have to seek alternative accommodation further afield. The Council will seek to minimise the number of households placed outside of the borough.</p> <p>The Placements Policy criteria will ensure that the most vulnerable groups are given priority for in-borough and neighbouring borough placements. However, the EqlA identifies that some protected groups may be disproportionately affected by the policy.</p> <p>Lone female households with dependent children will be particularly affected as they represent 77.9%% of all households who won't meet the priority. This is household breakdown is also reflected in the Age profile with those under 16</p> | <p>Haringey Council has consulted on the Temporary Accommodation Placements Policy and possible mitigation measures formed a key part of this consultation.</p> <p>Following consultation, Homes for Haringey is finalising the support package, which has been amended in the light of consultation</p> <p>The outcomes of the approved Temporary Accommodation Placements Policy will include an assessment of the impact on the protected groups and the support packages. This annual appraisal will give particular attention to those households who have been placed in accommodation in neighbouring boroughs and, exceptionally, out of London. The policy and the annual monitoring reports will be publically available.</p> <p><u>Mitigations</u></p> <p>Support will be offered to help finding a school for children in the new area, together with a capped payment for households to assist with the costs of re-locating outside of London. Households will be allowed to use this money on their own priorities, including immediate expenses such as school uniforms.</p> <p>Distance to appropriate religious institutions should be taken into account when assessing each client. The support package includes</p> |

| Stage 6 - Initial Impact analysis  | Actions to mitigate, advance equality or fill gaps in information  |
|--|--|
| <p>representing 55.9% of individuals not being given priority.</p> <p>There may also be an impact on location of placement with access to religious institutions.</p> <p>Those receiving support may also have more barriers to moving to new locations.</p> <p>Out of borough placements may have a negative impact for certain protected groups, for example, disruption to schooling for families with dependent children, separation from cultural and religious facilities which may have a larger effect on smaller communities, and loss of local support networks.</p> | <p>help to find local community groups / religious groups.</p> <p>Priority is given to households with severe and enduring health conditions and mental health problems where treatment or care outside of borough would be detrimental to their health or wellbeing.</p> <p>Following consultation, additional support has been added to those with low level support. Individual assessments will also seek to determine if moves unduly affect each household and to consider any issues raised. The support package also includes help to re-connect with health services.</p> |

## Stage 7 - Consultation and follow up data from actions set above

| Data Source (include link where published)   | What does this data include?   |
|--|--|
| <p><b>The consultation</b></p> <p>Consultation on the Temporary Accommodation Placements Policy commenced on 13<sup>th</sup> July and ended on 7<sup>th</sup> September 2016. All residents of temporary accommodation on 13<sup>th</sup> July 2016 were either sent an email or a letter inviting them to comment on the placement priorities and support package. There were also four drop-in sessions at Russell Road temporary accommodation unit, and at Wood Green and Marcus Garvey libraries.</p> <p>The consultation focused on the following areas:</p> <ul style="list-style-type: none"> <li>• Criteria for placement within the borough</li> <li>• Criteria for placement in a neighbouring borough</li> <li>• Support packages and length of support</li> <li>• Whether the policy should apply to all residents of temporary accommodation or just new applicants</li> </ul> | <p><b>Demographics of respondents</b></p> <p>There were 369 responses split fairly evenly between on-line and paper replies. This represents 12% of all households in temporary accommodation.</p> <p>Of all respondents:</p> <ul style="list-style-type: none"> <li>• The majority (64%) were aged 25-44, 27% aged 45-64 and 5% preferred not to say or did not supply an answer.</li> <li>• 21% recorded themselves as having a disability with 12% preferred not to say.</li> <li>• Seen in terms of broad ethnic categories, the most numerous respondents were Black or Black British African (31%) or Caribbean (12%), and then White British (8%). However, 17% preferred not to say or did not respond.</li> <li>• The majority of respondents (71%) were female and 25% were male. 4% preferred not to say or did not respond.</li> </ul> <p><b>Views of Respondents on Placement Criteria</b></p> <p>All placement criteria were supported with at least 63% of all respondents supporting each criterion and no more than 16% against. A significant proportion (12% to 21%) gave no response.</p> <p>Additional criteria suggested for in the borough placement included;</p> <ul style="list-style-type: none"> <li>• The length of time someone has been in temporary</li> </ul> |

## Stage 7 - Consultation and follow up data from actions set above

| Data Source (include link where published) | What does this data include?   |
|--|--|
|  | <p>accommodation or living in Haringey (20 respondents)</p> <ul style="list-style-type: none"> <li>• Families with children at schools in Haringey (18 respondents)</li> <li>• Single parents with kids who rely on support from family / friends in Haringey in the borough (10 respondents)</li> <li>• People who have suffered physical abuse/domestic violence (5 respondents)</li> <li>• Someone who needs support and/or supervision (3 respondents)</li> <li>• Those that are receiving help for addiction and those in recovery in Haringey (2 respondents)</li> <li>• Adults with learning difficulties but not a severe mental health issue (2 respondents)</li> <li>• Pensioners with financial hardships(2 respondents)</li> <li>• Pregnant woman (2 respondents)</li> </ul> <p>These additional criteria were mirrored in criteria suggested for placement in neighbouring boroughs. However, additional criteria suggested included those who are:</p> <ul style="list-style-type: none"> <li>• apprentices (4 people)</li> <li>• in adult or formal education or university (3 people)</li> <li>• self employed (2 people)</li> <li>• have an confirmed offer of employment (2 people)</li> <li>• those actively seeking work in Haringey (2 people)</li> </ul> <p><b>Views of Respondents on the Support Package</b><br/>Respondents were also asked to rank various support packages.</p> |

## Stage 7 - Consultation and follow up data from actions set above

| Data Source (include link where published) | What does this data include?  |
|--|---|
|  | <p>Although many respondents used this to score each criteria rather than ranking, there showed strong support for help in finding new schools, employment and child care with 230, 199, 178 respondents giving this a ranking of 1-3. Lower priority was given to reconnections (103), financial support for travel (83) and help finding local groups (68).</p> <p>Additional support packaged focused on travel expenses to get back to work in Haringey / London (14), to get children to school (10) and to medical appointments (6). A further 7 suggested financial support to help them settle into the new place</p> <p>50% of respondents believed that 6 months was an adequate time for support, and only 23% disagreed. The remaining respondents did not offer any preference.</p> <p>In addition to the formal responses, the drop-in sessions were well attended and allowed extended conversation with residents of temporary accommodation. A repeated concern raised by residents was that they were unhappy with another temporary move, and especially outside London, but were more favourable if the move was a final move to a settled home.</p> <p><b>Views of Respondents on the application of the policy</b></p> <p>Finally, there was an even split in support for whether the placements policy should be applied to all residents of temporary accommodation, or just to new applicants.</p> |



## Stage 7 - Consultation and follow up data from actions set above

| Data Source (include link where published) | What does this data include? |
|--|------------------------------|
|  |                              |

## Stage 8 - Final impact analysis

Under the proposed Temporary Accommodation Placements Policy, placement outside of London would be a measure of last resort and will affect around 50 households in 2016/17 rising to 400 a year in 2019/20. However, in situations where placement out of London is unavoidable due to the limited availability of affordable temporary accommodation, and placement in London could cause a family unacceptable financial hardship, a clear package of support will be agreed to mitigate the impact for these households.

Following consultation, the Council has added additional placement criteria based on needs identified in the consultation. These new criteria support those in adult education, apprentices, and self-employed, and for those receiving support for lower level needs including those recovering from addictions. Suggested placement criteria not based on need, such as length of time living in temporary accommodation or Haringey, have not been accepted.

In the light of responses on support, the support package has been revised to include assistance to ensure the continuity of welfare benefits. As financial based support for travel was not a priority for respondents, this has been replaced by a single payment to assist households with the immediate costs of re-locating.

As highlighted in the consultation, the primary concern for both selection criteria and support was around education. The data shows that housing crisis disproportionately affects lone female parents who 63% of households, but 78% of those households who would not be given priority to remain in the borough or in neighbouring boroughs. The support package includes assistance with school admissions in the new area.

The consultation asked respondents about the length of time that relocating households should receive support for and 50% of respondents considered that six months was a reasonable period of time, whereas 23% did not. However, it has been identified that providing support earlier, pre-move, is the best way to mitigate the impact of moving. It is clear that many of

the support elements need to be addressed some weeks and months before the actual move takes place – for example utility connections, or assistance with welfare benefits or school places. This type of support must be provided effectively well within the six months previously envisaged and ideally be in place from the first day of the move or very soon after. For this reason, it is envisaged that support will be initiated immediately a potential move is identified, likely to be 3-4 months before the actual move.

This will provide an easier transition for relocating households and mitigate some of the potentially adverse impact of moving more effectively than the previous approach. Also, support will need to be highly tailored to meet a particular household's needs. This more flexible and tailored approach will allow for discretion in individual cases rather than working to defined time period; however, it is expected and overall the duration of support is likely to be six months, but this will differ according to household needs.

This EqIA will be updated annually in line with the equalities monitoring for these policies and monitored on an annual basis under the Council's Corporate Priority Five reporting and monitoring.

### Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director

Date of review

Review approved by Director / Assistant Director

Date of review

### Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.

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**Haringey Council****Temporary Accommodation Placements Policy****1 Introduction**

- 1.1 This document sets out our approach to the placement of households in temporary accommodation, both in and out of the borough, on the periphery of London and when required further afield. It covers both *interim* placements made under Section 188 Housing Act 1996 ("HA96"), while homelessness enquires are undertaken, and longer-term temporary accommodation placements for households accepted as homeless under Section 193 HA96.
- 1.2 The Policy takes into account the statutory requirements on local authorities in respect of the suitability of accommodation, including the Suitability of Accommodation Orders, the Homelessness Code of Guidance 2006, and Supplementary Guidance issued in 2012. It has also been formulated having regard to the need to safeguard and promote the welfare of children, as required by section 11 of the Children Act 2004.
- 1.3 As per section 208 of the Housing Act 1996, and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable, the council seeks to accommodate homeless households in Haringey and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to an acute shortage of affordable housing locally and rising rental costs, an increasing number of households are likely to be placed out of the borough as it will not be reasonably practicable to provide accommodation within Haringey.
- 1.4 When determining whether it is reasonably practicable to secure accommodation in Haringey, as opposed to simply what is reasonable, the cost of the accommodation is a relevant and proper consideration given the intensive pressures on housing stock in Haringey and a high demand for a range of suitable accommodation with a limited budget.
- 1.5 The Local Housing Allowance (LHA) is used to work out how much Housing Benefit a tenant will receive to pay their rent. LHA rates depend on who lives in the household, and the area they are making their claim in. These areas are called Broad Rental Market Areas (BRMA).
- 1.6 Haringey Council is divided into two Broad Rental Market Areas which are used to calculate LHA rates in Haringey. Inner North London BRMA and Outer North London BRMA.
- 1.7 Due to the lack of supply of affordable, suitable temporary accommodation across London, it may be necessary to procure some units outside London. Where possible, these units will be in the periphery of London, for example in Essex and Hertfordshire. However, at times of high demand and limited supply, it may be

necessary to secure units further away from London. Such units will only be procured when all other reasonable options have been exhausted. Prior to placing a household into such accommodation, an assessment will be undertaken to determine that the placement is affordable in cases where travel to employment is a factor.

- 1.8 This Policy details how applicants will be prioritised for temporary accommodation in Haringey, and out of the borough.

## **2 Temporary Accommodation Offers and Refusals**

- 2.1 Homeless applicants who are housed under the council's interim duty to accommodate pursuant to Section 188 HA96 may initially be placed into accommodation with shared facilities. Where this is non-council owned accommodation, families will be moved to alternative accommodation within 6 weeks to comply with the legislation on B&B use. There is no restriction on the length of time a household can spend in council owned accommodation with shared facilities. It is also possible that families will be moved to nightly paid self-contained accommodation. This accommodation is increasingly likely to be out of the borough. If the council decides it has a duty to house the household, they may be moved to longer-term accommodation such as council owned hostel, Housing Association leased or other leased accommodation as soon as a suitable property becomes available.
- 2.2 Where the council decides that applicants housed under Section 188 HA96 are not owed the main homelessness duty, they will be asked to leave following reasonable notice, after being notified of the decision. The reasonable notice period would generally be 7-14 days for single applicants and 28 days for families (having regard to the need to safeguard and promote the welfare of any children in the family). The cessation of temporary accommodation will always be notified to Social Services in cases where there are dependent children.
- 2.3 Applicants will be given one offer of suitable interim or longer term temporary accommodation and they will be asked to accept it straight away. There is no obligation upon the council to enable applicants to view the accommodation prior to acceptance. In making the offer, the household's individual circumstances will be considered, taking into account the factors set out in section 3 of this Policy and the council's criteria on out of borough placements (section 4).
- 2.4 If an applicant refuses an offer, they will be asked to provide their reasons for refusal and to sign a pro-forma confirming that they understand the consequences of the refusal. Failure to agree to sign the refusal pro-forma will be noted. This applies to new applicants to whom the council has an interim duty to accommodate under Section 188 HA96, as well as those being transferred to alternative temporary accommodation. The council will consider the reasons given and undertake further enquires as necessary. If the council accepts the reasons for refusal as valid, the offer will be withdrawn and a further offer will be made.
- 2.5 Where applicants refuse suitable emergency accommodation (which may include out of borough placements) and the council does not accept their reasons for

refusal, and considers that the offer is suitable, applicants will not be offered further accommodation and will be required to make their own arrangements. There is no right of internal review against the suitability of accommodation offered to applicants under Section 188 HA96 (although applicants can apply for judicial review through the courts). For applicants where the council has accepted a rehousing duty under Section 193 HA96, (s193 duty) there is a right to request an internal review of the suitability decision, pursuant to Section 202 HA96.

- 2.6 In cases where the applicant still refuses a suitable offer of accommodation, the homelessness duty will be discharged. If the applicant is resident in emergency accommodation, they will usually be asked to vacate the property and advised that no further assistance will be provided. If they are already in longer-term temporary accommodation not managed by the council, the relevant housing provider should be advised that the duty has been discharged so that they can start possession action.
- 2.7 Where applicants, towards whom the council has accepted a s193 duty, refuse a suitable offer and submit a review request, they will only continue to be accommodated during the review period in exceptional circumstances. Each case will be considered on an individual basis, taking into account the overall merits of the review request, any new information or evidence that may affect the original decision, and the personal circumstances of the applicant and the potential impact of the loss of accommodation.

### 3 Suitability of accommodation – factors to consider

- 3.1 In offering temporary accommodation, the council will consider the suitability of the offer, taking into account the following factors:
- 3.2 **Location** – if suitable, affordable accommodation is available in its area, applicants will be housed in Haringey, allowing them to maintain any established links with services and social/support networks. However, when there is a lack of suitable accommodation or there are higher priority households needing accommodation in the borough, out of borough placements will be used to meet the council's housing duty (see section 4 on priority for local accommodation below). If no suitable accommodation is available in the borough, attempts will be made to source accommodation within other parts of London. If this is not available, the provision of accommodation on the periphery of London or further afield may have to be considered.
- 3.3 **Size condition and facilities** – accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. In deciding on the fitness of the property, consideration should be given to the length of time needed to complete any necessary repairs and whether it is reasonable to complete these while the property is occupied. The quality of the decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are extremely unlikely to be acceptable reasons for a refusal.

- 3.4 **Health factors** – the council will consider health factors, such as an ability to get up the stairs, care and support provided by other statutory agencies or the need to access any specialist medical services that are only available in Haringey. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant will be asked to submit medical information within 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the housing offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, as the problems would persist in any sort of accommodation.
- 3.5 **Education** - attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in the borough (see Section 4).
- 3.6 **Employment** –the council will consider the need of applicants, who are in paid employment, to reach their normal workplace from the accommodation that is secured. This will include having a regard to both travelling time and the costs associated with this travel (see Section 4).
- 3.7 **Proximity to schools and Services** - The council will consider the proximity to schools, public transport, primary care services, and local services in the area in which the accommodation is located
- 3.8 **The need to safeguard and promote the welfare of any children in the household** – Insofar as not already identified, the council will seek to identify any particular needs of the children in the household. It will have regard to the need to safeguard and promote their welfare in making decisions on whether the offer is suitable (although it has to be borne in mind that almost all families seeking temporary accommodation are families with children).
- 3.9 **Any special circumstance** - The council will consider any other reasons put forward by the applicant and come to an overall view about whether the offer is suitable.

#### **4 Criteria for prioritising placements inside/outside the Borough**

- 4.1 As a number of applicants will be housed out of the borough, it will increasingly be necessary to make decisions about the suitability of out of borough placements for individual households and balance these against the type and location of temporary accommodation that can be offered. In many cases housing out of the borough will be more sustainable for the household in the long-term, with lower rents allowing them to better meet their subsistence and household costs and avoid rent arrears.
- 4.2 **Priority for accommodation in the borough will be given to\*:**
- (a) Members of an applicant's household with a severe and enduring health condition requiring intensive and specialist medical treatment where a move from Haringey would disrupt that treatment and continuity of care.



- (b) Members of an applicant's household who are in receipt of a significant package and range of health care options that cannot be easily transferred.
- (c) Members of an applicant's household with a severe and enduring mental health problem who are receiving psychiatric treatment and aftercare provided by community mental health services and have an established support network where a transfer of care would severely impact on their well being.
- (d) Households with children registered on the Child Protection Register in Haringey who are linked into local services and where it is confirmed that a transfer to another area would adversely impact on their welfare.
- (e) Households containing a child with special educational needs who is receiving education or educational support in Haringey, where change would be detrimental to their well-being.
- (f) An applicant or a member of their household who have a longstanding arrangement to provide care and support to another family member in Haringey who is not part of the resident household and would be likely to require statutory health and social support if the care ceased.
- (g) An applicant or a member of their household who have a formal arrangement to receive housing related or other support, including addiction help or recovery, and where a move from Haringey would disrupt that support.
- (h) Any other special circumstance will also be taken into account (including any particular needs of the children in the household not already identified).

\*Whilst priority will be given for these placements, this is dependent on such accommodation being available.

#### **4.3 Priority for placements within neighbouring boroughs will be given to:**

- (a) Applicants who have as part of their household, a child or children who are enrolled in GCSE, AS or A level courses or post 16 vocational qualifications (for example, BTEC) in Haringey, with exams to be taken within the academic year. Wherever practicable we will seek to place such households within 60 minutes' travelling distance of their school or college.
- (b) Wherever practicable, an applicant or a member of their household who works for more than 16 hours per week will not be placed more than one hour travelling distance by public transport, from their place of employment. Consideration will also be given to the affordability of the travel arrangements needed to reach the place of employment. This will include women who are on maternity leave from employment.
- (c) 4.13 An applicant or a member of their household who is in higher or adult education, vocational or professional training, a recognised apprenticeship, self-employed with a business predominantly in Haringey, have a confirmed

start date to commence employment in Haringey or are enrolled in a Haringey work readiness programme.

(d) Any other special circumstance will be taken into account (including any particular needs of the children in the household not already identified).

4.4 Applicants who meet none of the above criteria are likely to be offered properties outside of Haringey and the neighbouring boroughs, in other parts of London or outside London.

4.5 If placed outside London the council may offer assistance and support for a reasonable period, on a case by case basis. Support may include help with:

- Finding employment
- Identifying and arranging schools
- Child care
- Health e.g. signing up with a local GP
- Council links e.g. Council Tax, electoral register
- Welfare benefits
- Utility connections (i.e. electricity/gas/phone/internet)
- Removals and assistance with identifying appropriate storage
- Identifying links to local support e.g. contact with community, voluntary, faith and other groups
- Financial assistance with immediate resettlement costs

The package will be kept under review and amended as required to ensure the provision of appropriate support.

## **5 Minimum Size Criteria**

5.1 Accommodation must provide adequate space and room standards for the household and be fit to inhabit. Households in temporary accommodation will often be placed into units with 1 bedroom less than they would be entitled to on a permanent basis, with the expectation that the living room provides dual purpose as a living and sleeping area. The following minimum size criteria will apply:

5.2 Studio accommodation:

- Single applicants
- Couples
- Lone parents with a child under the age of 12 months.

5.3 One bedroom accommodation:

- Lone parents or couples with 1 child over the age of 1 year (no upper age limit)
- Lone parents or couples with 2 children of the same sex (no upper age limit)
- Lone parents or couples with 2 children of opposite sexes where both children are under the age of 10 years.

5.4 Two bedroom accommodation:

- Lone parents or couples with 2 children of opposite sexes where one is over the age of 10 years.

5.5 Three bedroom accommodation:

- Lone parents or couples with between 3 and 6 children.

5.6 Four bedroom accommodation:

- Lone parents or couples with more than 6 children.

## **6 Criteria for prioritising moves between temporary accommodation**

6.1 Transfers between TA will be prioritised in the following order:

1. Transfer from TA found to be in serious disrepair that poses threat to life
2. Transfer from TA because of evidenced critical medical need e.g. TA accessed by stairs and tenant unable to negotiate
3. Transfer from non-council shared accommodation for families who have been in occupation for at least 5 weeks (to avoid penalties of sharing accommodation beyond 6 weeks)
4. Transfer from TA found to be unsuitable following a review.
5. Transfer from PSLs at least 5 months beyond lease expiry date
6. Transfer because of evidenced serious medical need
7. Transfer from TA found to be in serious disrepair that cannot be rectified while the tenant is in situ
8. Transfer from expensive TA to cheaper units
9. Transfer for overcrowding/under occupation.

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**Report for:** Cabinet 18<sup>th</sup> October 2016

**Item number:** 18

**Title:** Housing Investment Programme

**Report**

**authorised by :** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Mustafa Ibrahim, Head of Housing Commissioning, Sites and Investment

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

**1. Issue Under Consideration**

- 1.1 This report proposes a new approach to housing stock investment, in support of the new Housing Strategy and sets out the changed landscape and resources available to achieve investment in our housing stock. It proposes the adoption of a new affordable investment standard to replace the previous Haringey Standard, provides a progress report on the previous Estate Renewal Strategy, and proposes principles for the delivery of future estate renewal.

**2. Cabinet Member Introduction**

- 2.1 Haringey's Housing Strategy defines the vision, strategic objectives and key priorities for housing in the borough and sets the direction for everyone involved in achieving our ambitious plans, including residents affected by it. The Strategy includes our aspirations on increasing housing supply, preventing homelessness, improving the quality and management of our existing homes and ensuring that housing delivers wider community benefits.
- 2.2 Developing the Strategy has involved some tough choices, as government policies and market factors present significant challenges in meeting the need for affordable housing in the borough. Our commitment to stable communities and settled homes is undermined by the introduction of mandatory fixed term tenancies, Pay to Stay proposals and the lack of affordable housing supply within the borough. Our ability to provide more social housing, and maintain the stock we have to a better standard, is also undermined by the government's compulsory voids levy, the mandatory cut in social rents and the introduction of "Starter Homes", which will not be affordable for the vast majority of our residents.
- 2.3 The proposed Housing Investment Programme carries on from the previous Decent Homes programme, without the benefit of government funding and, with reduced Housing Revenue Account resources available to us, sets out a new approach and standard for the maintenance of our existing council homes.

Although we are not able to commit to doing everything we would wish to do, we will engage with residents to prioritise works where possible while ensuring that homes are maintained to the best possible standard with the available resources.

- 2.4 Alongside this, we will be adopting more active management of our assets, an essential requirement given government plans to force the Council to sell its most valuable housing stock, whenever it becomes vacant. We will approach this in a way that maximises the opportunity to achieve an overall improvement in our stock, by disposing of poor stock and replacing it with new or better quality homes under the potential 2-for-1 replacement programme or other supply initiatives. Where appropriate, estate renewal will continue to be an important way forward to address deeper issues of housing quality, layout and environment.

### **3. Recommendations**

It is recommended that Cabinet:

- 3.1 Approves the adoption of a new standard for investment in the Council's stock, as set out in paragraphs 6.13 – 6.18 and appendix 1.
- 3.2 Approves the principle of active asset management that will be detailed in the Council's new Asset Management Delivery Plan, to ensure that the best stock is retained and invested in and assets are appraised for possible disposal when necessary using a Stock Options Appraisal process as illustrated in appendix 2.
- 3.3 Agree that the receipts from the sale of Housing Revenue Account (HRA) assets will be ring fenced to the HRA and applied to payment of the required levy and to funding the two for one replacement programme or other approved new supply initiatives.
- 3.4 Delegates authority to approve the detailed Asset Management Plan and investment programme, and any variations to it, to the Director of Regeneration, Planning and Development after consultation with the Lead Member for Housing and the Chief Operating Officer;
- 3.5 Notes the programme of continuous engagement with residents described in paragraphs 6.23 – 6.24, to ensure that tenants and leaseholders are aware of the new standard of investment and the choices that need to be made in relation to the maintenance and investment in the housing stock;
- 3.6 Notes the progress made to date on the previous Estate Renewal strategy and agrees the proposed principles for estate renewal in this report at paragraph 6.31 and appendix 3.
- 3.7 Notes that the need for disposals of Council homes will require regular decisions by the Leader and Lead Members, which would formerly be undertaken by Cabinet.

### **4. Reasons for decision**

- 4.1 The recommendation to approve a new approach to stock investment is required to reflect the new environment since the ending of the Decent Homes programme. It also reflects the reduced resource position that all local authorities find themselves in, since the introduction of the 1% rent reduction in April 2016 and the forthcoming requirement to pay a levy to Central Government reflecting higher value properties.
- 4.2 The recommendation to approve the active asset management programme and a continuous Stock Options Appraisal process is necessary to prepare for the forthcoming requirement to pay a levy reflecting higher value properties which become empty during the course of each year.
- 4.3 Recommendation 3.3 is required to ensure that members are informed of the use to which any receipts from the sale of HRA assets will be applied.
- 4.4 This report sets out the high level approach to the principles of investment in the housing stock. These principles will be applied to the stock and programmes of work developed in a more detailed Asset Management Plan. It is proposed that this more detailed Asset Management Plan be approved by the Director of Regeneration, Planning and Development in consultation with the Lead Member for Housing and the Chief Operating Officer. (Recommendation 3.4).
- 4.5 The reason for the recommendation to adopt an engagement approach (3.5) is to ensure that tenants and leaseholders are well informed about the financial position of the HRA and the resources available for investment in the housing stock, and are engaged as far as possible in the planning and prioritisation necessary to ensure that their homes are maintained within available resources.
- 4.6 Recommendations 3.6 seeks approval for the next steps in our Estate Renewal Strategy, which is updated since it was first adopted in November 2013 to reflect the lessons learnt from the experience of consulting with, and delivering specific projects. It sets out the principles for Estate Renewal in the future and the next steps for delivery.
- 4.7 The reason for the recommendation that Members note the process of disposal of Council housing assets will be undertaken by the Leader and Lead members in the future is to ensure that Members are aware that disposals of Council assets, where in relation to the HRA and the requirement to fund the compulsory levy, will not in the future normally be approved by Cabinet.

## **5. Alternative options considered**

- 5.1 An alternative approach to stock investment is to continue with a programme of works as set out in the Decent Homes standard, to the remaining stock which has not yet achieved Decent Homes. However, this option is unaffordable, and the Council would not be able to carry out basic maintenance of its stock, if it did not adopt a more affordable approach.
- 5.2 The alternative approach to the decisions on the way forward for the Estate Renewal progress report (appendix 2) and the medium and larger size estates is not to make any decision on these estates or make decisions on only those

which are going forward for further option appraisal work at this stage. This was rejected, as there has been consultation and information provided to the tenants, and they will want to know what the future is for their homes, and their estates. Whilst not all decisions can be made on all estates now, it will be helpful to those tenants and leaseholders living on those estates to have as much information as is currently available, so that they can plan their lives with the best possible information.

## **6. Background information**

- 6.1 Cabinet agreed a Housing Investment and Estate Renewal Strategy in November 2013. Progress on the Investment Programme and New Build Programme was reported to Cabinet in July 2015. There have been a number of significant changes to the resources available for the Council to deliver these programmes that have occurred since those reports. In addition, some work has progressed, and other work has had to be reconsidered, in the light of the experience on the ground of delivering these programmes of work. It is necessary therefore that these changes are brought to the attention of members, and to enable decisions to be made to adjust the Asset Management Plan, and the Estate Renewal Strategy to reflect the new legal, regulatory and financial position.
- 6.2 The Decent Homes programme has come to an end. It achieved a great deal: £240m overall has been invested in the housing stock, £181m of which was Central Government funding. At the end of the programme in March 2016, 27% of the Council's housing stock did not meet the Decent Homes standard and this is due either to homes which have fallen out of decency, since the programme started; and secondly a cohort of properties which were excluded from the programme, in anticipation that they were likely to be included in estate renewal programmes. However the Decent Homes Programme does not do everything that the Council wishes to do to manage its housing stock, and the Council now wishes to adopt a new approach to the management of its stock, one which fits better with our current resource position and responsibilities.
- 6.3 The Social Housing Regulator is responsible for monitoring the "Home Standard" in all social housing providers, including local authorities. The Home Standard requires social housing providers to achieve the Decent Homes Standard, and to maintain it. Where a social housing provider is not at Decent Homes, they should inform the Regulator, and their plans of how and when they intend to achieve it; and they are required to keep their tenants informed of the position, and their plans. Officers have been in touch with the Social Housing Regulator to fulfil this requirement, including the fact that the achievement of the Decent Homes standard is likely to be delayed by a further eight years. The Council will continue to monitor decency and report progress on non decency to the Department of Communities and Local Government, and following recent discussions, the Regulator has accepted that this approach fulfils the requirement.
- 6.4 The second of these reasons why the Council needs a new approach is financial. The task of maintaining our homes in the future to a good standard is increasingly under pressure due to a range of measures taken by Government. The first of these was the increase in the Right to Buy discount, which



increased the annual sales of properties under the Right to Buy from 16 a year in 2012 to 215 in 2014/15. (143 in 2015/16). When properties are sold, rental income is reduced and costs cannot be reduced 100% in line with reduced income.

- 6.5 There is a measure in the Welfare Reform and Work Act 2016, which will also reduce the resources available to local authorities to manage and maintain their stock. This is the requirement for all social housing providers, to reduce their rents by 1% a year for four years from 2016. This applies to all general needs housing in 2016/17, as the government gave a last minute exemption from the measure, to sheltered housing. This has resulted in the loss of an estimated £26m over the four years, from the anticipated resources in the original Housing Revenue Account (HRA) Business Plan.
- 6.6 A range of measures that have been passed in the Housing and Planning Act 2016 ("Act") will (when these provisions come into force) further reduce the resources available to the Council. The Act enables the Government to set out a definition of "higher value" homes. It will create a duty on local authorities to consider selling homes that meet this definition when they become vacant. This is intended to finance the voluntary Right to Buy established within Private Registered Provider stock. The Act allows the Government to estimate in advance the amount of money they would expect each individual authority to receive in each financial year from the sales of these higher value homes. The Council will then be required to pay this amount to the Treasury. The determination of the definition of "higher value" will be set out in Regulations, which will also need to be scrutinised by both Houses of Parliament. The information we have received so far, suggests that "higher value" may be defined as the top third of the Council's vacant homes by value. Given the potential size of the levy to be paid it is necessary to prepare for the financial consequences of the decisions that are likely to be made by Government. The timetable put forward by Government, is that the first levy to be paid will be announced shortly after the legislation is passed, and will need to be paid in January 2017, reflecting the value of voids that became empty in the previous quarter. This timetable looks increasingly unlikely, as following recent political events, the Government does not anticipate publishing Regulations before the autumn.
- 6.7 The Council must consider selling but is not obliged to sell the properties above the published threshold as they become void. The Government only requires that the Council pay the levy, that represents an estimate of the value of the higher value properties becoming void, set out in the determination. The resources to pay the levy can be identified from any source. In order to be able to sell properties at the time when the receipts are required, the process of selling assets needs to be prompt, and efficient. Currently, due to the infrequency with which residential open market sales take place, there are few delegations, and lengthy processes required to achieve an open market sale. It is proposed to improve this process, by the procurement of multiple contracts with local estate agents, and auctioneers. It is not possible to delegate authority to take key decisions to an officer (such as the disposal of assets over £0.5m) and therefore the best way forward for prompt and regular sales, is for the Council to have regular monthly reports seeking authority from the Leader or Lead Member to dispose of the required assets.

- 6.8 The Act includes a clause which enables local authorities in London to negotiate a reduction in their levy in return for replacing the “sold” properties by using the rebate to provide two alternative properties. These need to be new residential properties. Again the exact details of what constitutes a replacement is not yet published, but is likely to include new build, grant to RPs to provide new residential homes, or conversions of properties (e.g. a large property into a number of flats, or conversions of industrial or community buildings into residential accommodation.) Regulations for the way in which the Higher Value sales will be implemented are not now expected until the autumn. The Council’s approach to the “two for one” replacement options, are set out in the Cabinet report on the proposed forward supply; which is included in another report to this Cabinet.
- 6.9 Whilst there is a great deal of information still missing on how exactly the Higher Value Voids levy will work, the impact is likely to be very significant. For this reason, the Council is planning to prepare for the forthcoming changes, putting forward proposals to meet the possible impact. The Government has indicated that one of their indicators of the size of the disposal programme may be that they seek to encourage local authorities to sell the top third of their vacant stock, by value, as it becomes vacant. For Haringey this would produce an annual levy in the region of £50m, and a loss of around 146 properties a year. Haringey does not currently have a disposals programme that would meet this requirement and therefore it is necessary to start preparing for this legislation immediately, even though we do not have a full picture of how it will work. We are developing our plans from our knowledge of the primary legislation, and information that has been provided by civil servants as part of the preparation for the legislation.
- 6.10 A further measure which may trigger additional Right to Buy applications is the legislation that tenants with a household income above a certain threshold (expected to be £40,000 in London) will be required to pay a market rent. Any income raised from the additional rent, will, after administration costs, be taken by Central Government.

### **Stock Investment**

- 6.11 With these considerations in mind, the Council now needs to update its approach to stock investment. Homes for Haringey (HfH) commissioned a stock condition survey in 2015, which confirmed the work required to be done to bring the housing stock up to a good standard, or alternatively a reasonable standard of repair. These costs were calculated to be, for the good standard, £305m over 5 years (tenancies only, and not including cyclical repairs, disabled adaptations or routine repairs and voids) or £61m a year; and the “reasonable” standard was calculated to be £227m on the same basis, or £45.5m a year. The current resource position is difficult, in that the impact of the forced sale of higher value properties cannot yet be accurately assessed. This is not likely to be available for some time, and therefore it is difficult to forecast the financial position for 2017/18 and beyond at this stage.
- 6.12 The position currently is that there are insufficient resources to meet the Council’s preferred standards in the forthcoming year and the position is likely

to get worse as the 1% rent reduction continues to have an impact for the next three years. The forced sale of higher value properties, which is an indefinite programme, will also have an impact. This gap could be met in the short term by borrowing. However, generally borrowing is undertaken in order to invest in replacement homes (thereby generating additional income) rather than using borrowing to fund the maintenance of the stock.

6.13 The proposal is therefore that we will fund the levy from sales and this will enable us to maintain a medium term stock investment programme of an estimated £40m a year. The alternative is to reduce further the stock investment programme, and pay the levy from balances, or borrowing. This is not recommended, as it would only be a short term measure. This means that the current shortfall in resources to achieve the £40m programme will need to be addressed in the new HRA Business Plan and Medium Term Financial Plan in early 2017.

6.14 The new investment approach focuses less on the Decent Homes standard and seeks to meet the council's obligation as landlord in the maintenance of its housing stock at an *affordable standard*, and any resources available above the minimum obligations will be allocated to schemes in line with agreed priorities. We are not abandoning the Decent Homes standard but the decisions we make will be based more on our understanding of the needs of our stock. We have modelled the impact of this new programme on the level of non decency; and we will achieve Decent Homes for all our stock at the end of 2023/24 but we will not be making significant progress against the Decency Standard for the next three years. The principles of our new approach to Stock Investment are:

- An 'Active' approach to Asset Management
- Keeping homes safe, warm and dry, to a good quality standard
- Delivering sustainable investment which contributes positively to the local community
- Improving the quality of life for residents on our estates
- Involving residents in determining priorities and influencing works on their estates, including how discretion is exercised where possible within available resources

The new investment approach sets out a core standard of works which will be undertaken within the resources available. It is focused on ensuring that components are replaced on a lifecycle basis and that any discretionary works above the core standard are subject to available resources.

6.15 The new Asset Management Delivery Plan will reflect the following priorities for investment:

- Stock that has not had investment in the past (longest period without investment first)
- Stock where investment is or has been deferred or reconsidered pending estate renewal and works to the core standard are required
- Investment in estates where there are high ongoing repair costs, but are an essential part of our high demand "core" stock

- Essential health and safety works, such as fire risk assessment work, legionella and asbestos programmes that are vital to ensure that residents are kept safe.
- 6.16 The new *affordable housing standard* and the investment programme that supports it, also identifies area where investment will not be made. These are:
- Stock identified for disposal, under the Options Appraisal process (see paragraph 6.19.)
  - Where a scheme has been identified for estate renewal, or for transfer to the Haringey Development Vehicle, properties will be maintained to meet landlord obligations, but improvements will not be carried out.

The new investment standard is described in appendix 1.

- 6.17 These priorities have been applied to the housing stock. Using these priorities a stock investment programme has been developed for the next three years, and detailed in a separate Asset Management Delivery Plan. It is proposed to delegate approval of the Asset Management Delivery Plan to the Director of Regeneration Planning and Development, after consultation with the Lead Member for Housing and the Chief Operating Officer.
- 6.18 The approach outlined above makes the best use of available resources. However, it does mean that progress on the reduction of non-decency will be incremental, and on current projections take eight years to achieve in full.

### **Stock Rationalisation**

- 6.19 In response to the forthcoming proposals to require local authorities to pay an annual levy it is proposed that the Council adopts a more active asset management plan that disposes of property, on the basis of a number of specific criteria. Each of these criteria will prompt a review, and properties above the threshold will be sold, quickly, and those below the threshold will be retained repaired and relet quickly. The only alternative to this approach is to pay the levy from balances and borrowing, but this approach is likely to be exhausted within two years. Nor is it prudent to pay a revenue requirement from borrowing.
- 6.20 It is anticipated that the Council will be faced with its first annual levy in the financial year 2017/18, and it is possible that the Council will not receive information about the size of the levy until January 2017. This will allow very little time for preparation for disposals. The Council wishes to avoid a position where it is forced to sell vacant properties during the first part of the year to meet the costs of the levy that in the longer term it would wish to retain. It is therefore proposed to adopt a more considered approach to disposals. Appendix 2 sets out the proposed arrangements for consideration of sales. It is proposed that some types of properties are excluded from consideration of sales; and others are listed as ones where sale is presumed. Of the remaining, the criteria which will prompt a consideration of sale, are:
- The financial performance of the asset, calculated as a Net Present Value
  - The cost of bringing the property back into use;

- The number of leaseholders within the block – a higher proportion of leaseholders may prompt further sales
- The strategic needs of the Council – making sure that the properties in the highest demand from those on the Register are retained, where possible; and
- Capital Values.

6.21 Some of these criteria are difficult to balance. For example, it is likely that the higher value properties will be the larger properties and family sized properties generally are those for which the Council has the greatest need. A discussion of the criteria is set out in the proposed process.,

6.22 It is anticipated that this may generate a requirement for a high number of sales. The Council has an estimated 10 empty properties a week – and each week, around 3 of these will have to be sold. We currently do not have an appropriate process for this and it will be necessary to put in place arrangements for prompt approval of sales, by the Leader or Lead Members. These decisions, which formerly were taken by Cabinet will need to be made more quickly and there is likely to be a weekly or monthly list of sales to be approved.

### **Resident Engagement**

6.23 There have been many significant changes brought about by both the Welfare Reform and Work Act 2016 (the 1% rent reduction) and the Housing and Planning Act 2016 that a programme of engagement with residents has begun, to ensure that they understand the financial position, how it has arisen, and know the difficult choices that the Council has to make. The resident engagement programme includes:

- Meetings of both the Tenants' Panel, and the Leaseholder Panel, to engage residents in understanding the impact of the new legislation, and the changes to the Council's programme of work, as a result of the Housing and Planning Act.
- Newsletter to residents, outlining:
  - update on the Decent Homes programme since it was started in 2008
  - update on the position regarding investment need across the borough and results of stock surveys
  - update on current financial position and changes nationally which impact the level of resources in the future
  - update on plans to develop a new cycle of programmed investment for 2017 onward
  - update on forward plan of decisions to be taken by Cabinet in the coming months setting out the proposed way forward.
- A new section on the website related to capital investment, with updated search functionality also introduced when the new capital programme is approved so residents can search for works.



- Four drop in sessions, held at locations around the borough, for residents to speak to staff about the changes and hear about proposals for the future.
- After the new Stock Investment and Estate Renewal Plan are approved, a newsletter will be sent to residents in the Winter of 2016, outlining timetable for publication of the programme and details of local consultation plans.

6.24 Beyond the communications on the strategic issues outlined above, Homes for Haringey has developed a local consultation plan which will be implemented ahead of works to residents' homes once the detailed plan approved. Through this local consultation, Homes for Haringey will:

- Set out the proposed investment for the area based on the '*affordable standard*'
- Request feedback on these proposals and, using a short feedback form, request priorities from residents in the event of additional resources being available.
- Combine feedback from residents with technical survey detail so that a detailed construction scope can be drawn up.

### **Estate Renewal**

6.25 Having established that the resources available to invest in the housing stock are constrained and likely to become more so, the Council has had to consider alternative ways of delivering improvements to the housing stock. Estate Renewal, through partnership with alternative providers are one possible way forward for our most difficult estates.

6.26 The Council has taken forward, in its report to Cabinet in November 2015, the establishment of a Joint Venture with the private sector of a vehicle to carry out extensive estate and other private development – the Haringey Development Vehicle (HDV). The purpose of this vehicle is the deliver high quality new homes, economic and social benefits in an accelerated way that would otherwise be unachievable. The HDV is also expected to make a financial return to the Council. The Cabinet report of November 2015 identified a number of assets which will transfer into the vehicle when established, and it is expect that the HDV will take the development of these sites forward. The first tranche of assets includes the Northumberland Park Regeneration area. There is a second list (List 2) which includes further estates and projects that may transfer following a review of the success of Phase 1. These include some of the estates listed in the Estate Renewal Strategy of November 2013. These are: Broadwater Farm, Leabank and Lemsford, Park Grove, Tunnel Gardens, Turner Avenue, Reynardson, and the Demountables at Watts Close and Barbara Hucklesbury Close.

6.27 When fully established, which is anticipated to be in the first half of 2017, the HDV will make its own assessment of which estates it can realistically and usefully take forward in its programme of investment. Where the HDV decides on the basis of size, or viability that a particular estate cannot usefully be delivered through its programme, the responsibility for taking forward estate renewal will revert to the Council.

6.28 The Housing Investment and Estate Renewal Strategy adopted by Cabinet in November 2013 set out the Council's strategy to create homes and communities fit for the 21<sup>st</sup> century within the context of the Housing Revenue Account business plan, focusing on:

- Financing a Council new build programme
- Supporting the housing renewal element of the physical regeneration of Tottenham
- Creating mixed and balanced communities that contribute to positive social outcomes and engaging local residents in key investment and regeneration decisions that affect their homes and estates

The strategy acknowledged the significant challenges of poor construction quality and unbalanced housing mix within some existing estates and the complexity and viability issues created by leasehold or freehold ownership via the right to buy.

6.29 The strategic approach adopted included dual priorities:

- To deliver regeneration in priority locations across the borough focusing on Tottenham and key regeneration sites across the borough
- Ensuring that everyone has a decent place to live by increasing the supply of new homes including affordable homes and increasing the Energy performance of homes and tackling fuel poverty

6.30 The Estate Renewal Strategy provided a description of the housing stock at that time, together with aims and objectives, and proposed delivery of consultation on a number of named sites. Since that date, there have been significant changes in both the resource position, the condition of the housing stock and the Council's thinking in its approach to Estate Renewal, in particular with the HDV initiative. The change in thinking is informed by the experience of delivering the start of the Estate Renewal Programme, and an external review of the market, carried out by Turnberry in the autumn of 2014, the results of which were reported to Cabinet in November 2015. A refreshed approach is therefore needed to take account of these changes, and to establish principles for future delivery. Appendix 3 sets out the progress on the schemes named in the November 2013 Cabinet report..

6.31 Rather than focus on estates specifically named in reports, estate renewal will be more closely linked to stock appraisal and investment needs in line with the approach set out above. Delivery of schemes will be as part of our major regeneration programmes, or by the HDV, or thirdly, by the Council as discrete initiatives with our partners. The experience from the schemes currently being delivered or in consultation with residents points to the need for some common principles that would apply to future estate renewal schemes.

- **Resident views** - sometimes it becomes clear that an estate is not popular, because of a range of factors. Residents' views will be an important factor when deciding whether estate renewal is the right solution for any difficulties

with a particular estate. On the other hand, sometimes an estate may present an opportunity for change, but the overwhelming view and the strength of the community indicate that radical change will not be welcome. The Council is committed to listening to the views of current residents in any future plans for an estate.

- **Poor Stock Profile** - the current stock that the Council owns, does not meet the most pressing housing needs of applicants on the Housing Register. Estate Renewal presents an opportunity of creating stock which more closely matches the current and future needs of the local population.
- **High stock investment requirements** - resources within the Housing Revenue Account are limited and have been reduced in recent years because of Government measures, including the 1% rent reduction, and the requirement to pay a Government levy on higher value void properties. For this reason, it may become very difficult to invest in the housing stock at a level that it needs; and a way forward may be to generate additional resources by regenerating the estate, building more homes within the same curtilage, or on vacant land nearby.
- **Structural or technical flaws** - where an estate suffers from poor building quality, trying to maintain it will involve disproportionate costs and renewal may be the best option.
- **Poor design and physical layout** - some estates were designed at a different time, when land space was used differently. Some estates have poor layouts which give rise to poor personal safety, enclosed spaces, and narrow roads and walkways.
- **High levels of crime and/or antisocial behaviour** - some estates become unpopular because they have a poor history or reputation, which may be associated with some of the factors set out above.
- **Lack of diversity in the community** - Haringey's Housing Strategy seeks to create mixed and balanced communities with different household income groups and tenures across the locality. Estate Renewal will seek to resolve the lack of diversity and strengthen mixed communities.
- **Financial viability** - it may be the case, that despite the need to invest more in an estate, it will not be financially viable. This is typically where there is no or limited vacant land to generate cross-subsidy, or where there are a high proportion of leaseholders and freeholders, which may make the housing solutions for this group of residents very challenging.

6.32 There remain a number of significant uncertainties in the legislative, regulatory and financial markets at the present time, but this report seeks to provide a comprehensive update of the situation with regard to stock investment at the present time. It is anticipated that a further report with a more specific Delivery Plan on the estate renewal programme will be developed, when the position of the Haringey Development Vehicle is more established, and the future plans of estate renewal within the Council's remit can be more firmly defined.

## 7. Contribution to Strategic Outcomes

7.1 Priority 5 of the Corporate Plan includes the objective, of driving up the quality of housing for all residents. Within this objective the Plan states that the Council aims to:



- Deliver Decent Homes
- Improve some council owned estates by building new good quality energy efficiency affordable housing for rent and sale

7.2 Due to the significant change in the resource position set out in this report, it is no longer possible to deliver the plan, to the original time frames. The Council will assess the investment needs of the housing stock and seek to deliver that investment effectively. The Council will have to be more innovative in delivering an affordable standard of housing investment, including using the approach of estate renewal, drawing in additional resources from external sources to deliver a better standard of housing in the Borough.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance and Procurement**

- 8.1 The HRA forecast revenue surplus for 2017/18 including the operating surplus and adding back the depreciation charge is forecast to be around £35m and this reduces to around £32m in 2019/20 as a result of the 4-year 1% rent reduction. In the original 3-year MTFS the forecast figure was around £40m but this may have included use of reserves.
- 8.2 This report indicates a new standard in the region of £40m but this does not include professional fees (which are usually at 8%) of around £3.2m giving a total of around £43m. There are other capital costs such as Aids and Adaptations which also need to be funded from HRA surpluses and for 2016/17 the budget allocation is £1.2m. Therefore, there the new standard gives a total call on the HRA of around £44m against total annual surpluses of £35m.
- 8.3 A proportion of the costs of the new standard and programme will be met by leaseholders and these are currently forecast to be in the region of £2m which would reduce the cost of the programme to the HRA and it may be that actual leaseholder contributions are higher than this and this will only be known once actual works are costed.
- 8.4 There are also some other policy decisions to be proposed which will be subject to a separate report and may lead to additional resources in the region of £2m per annum.
- 8.5 If the total programme was restricted to £40m including fees and disabled adaptations then there is likely to be a gap of around £5m to fund the proposed programme for 2017/18 and the gap is likely to increase going forward.
- 8.6 This gap could be funded from borrowing. There is currently borrowing capacity of around £56m within the HRA but as indicated in the report, borrowing would usually not be used for investment in existing stock. Any additional borrowing undertaken will increase debt servicing costs and reduce operating surpluses available.

- 8.7 The gap could also be funded from reserves. Brought forward general reserves were £39m although a large proportion of these have been earmarked for the current approved programme and other capital schemes within the HRA. Actual forecast total reserves for this year are currently being assessed. The HRA reserve balance level has been set to a minimum of £10m to be maintained.
- 8.8 As the report sets out, there is currently no definitive and quantitative information available in respect of the proposed high value levy. Current corporate procedures and regulations would normally require any HRA any asset disposal proceeds to be retained by the General Fund as a funding stream for the Council's wider capital programme. However, the HRA would not be able to fund the levy on an ongoing basis without the ring-fence in place. It is possible that the levy could be funded from the General Fund.
- 8.9 It is assumed that any additional activity arising from this report such as the active asset management and consultation will undertaken within existing staff and budgetary resources.

### **Legal**

- 8.10 The Assistant Director for corporate resources has been consulted on the content of this report. As stated in this report the Housing and Planning Act 2016 will when the relevant provision come into force have an impact on the Council's housing stock.
- 8.11 Member should note the provisions of the Act referred to in this report are not as yet in force and should also note the following:
- 8.12 The Act also allows authorities to retain some or all of the levy, by agreement, provided that the authority replaces each property the subject of the retained levy by (in London ) two affordable homes (including starter homes).
- 8.13 The details of both the definition of higher value homes and the mechanism by which it will be calculated is yet to be published and will be discussed in Parliament before implementation.
- 8.14 The report requires members to approve a new set of "Haringey Standard". This standard is different from the Decent Homes standard but must in any event comply with the Council's statutory and contractual obligations as a landlord.
- 8.15 Where consultation is being carried out the following general principles must be adhered to:
- That consultation must be at a time when proposals are still at a formative stage;
  - That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
  - That adequate time must be given for consideration and response; and
  - That the product of consultation must be conscientiously taken into account in finalising any statutory proposals.

- 8.16 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.
- 8.17 Further legal comment appears in the body of the report.

## **Equality**

- 8.18 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 8.19 An Equality Impact Assessment has been prepared and it demonstrates that there are a number of issues to be considered in this report. The report sets out some difficult choices to be made when deploying limited resources to achieve a number of investment priorities.
- 8.20 Women headed households, older people, disabled people and ethnic minorities are currently over-represented in Council housing. The EQIA considers the issue of stock disposal, and notes that the loss of housing stock will have a disproportionate impact on these households. The Council is proposing to take steps to mitigate this impact by first, excluding from sale properties which are adapted for disabled people, and also sheltered housing stock, which is suitable for older people. Second, the Council is putting in place a process to ensure that sales are made on the basis of a number of objective criteria that do not have a disproportionate impact on any of these groups, and that decisions are carefully considered both by officers, and then approved by appropriate Lead Members.
- 8.21 The report proposes to monitor the impact of sales by size, value and geography and the impact on groups with protected characteristics will also be considered as part of that report.
- 8.22 The report notes that there will be reduced resources available for investment in the housing stock, including in the disabled adaptations programme. The Council will continue to meet its statutory obligations to meet the needs of disabled people. The Council will have to examine carefully the way in which these resources are used, to ensure that the programme is maintained within affordable limits.

## **9. Use of Appendices**

### **Appendix 1 – Affordable investment standard**

Appendix 2 – Stock Options Appraisal Scheme

Appendix 3 – Estate Renewal Update

**10. Local Government (Access to Information) Act 1985**

Cabinet Report – 28 November 2013 – Housing Investment and Estate Renewal Strategy

Cabinet Report – 15 July 2015 – Housing Investment Strategy

## Appendix 1

## Affordable Standard (£40M p.a.) Summary

| INTERNAL ITEMS         |  |
|------------------------|--|
| Kitchen                | Renewed on a 'just in time' basis. Where space and/or layout is considered inadequate, improvements to be made where possible. |
| Bathroom               | Renewed on a 'just in time' basis  |
| Electrical Wiring/CCU  | Renewed on a 'just in time' basis  |
| Boiler/Heating         | Renewed on a 'just in time' basis. New systems installed where not currently in place.   |
| Smoke and CO Detectors | Renewed on a 'just in time' basis. If not currently present in property they will be installed.                                |

| EXTERNAL & COMMUNAL ITEMS   |   |
|---|---|
| Front Door  | Renewed on a 'just in time' basis   |
| Roof  | Renewal or Repair of Roof covering and/or structure as required.          |
| Windows   | Renewed on a 'just in time' basis   |
| Rainwater Goods   | Renewed on a 'just in time' basis   |
| Fascias/Soffits/Barge-Boards  | Renewed on a 'just in time' basis   |
| Structural Repair   | Essential repairs will be undertaken.                                     |
| Wall Finish/ Brickwork repairs  | Essential repairs will be undertaken.                                     |
| Other External Dwellings Doors  | Renewed on a 'just in time' basis   |
| Communal Entrance Door  | Renewed on a 'just in time' basis   |
| Door Entry System   | Existing systems renewed on a 'just in time' basis                        |
| Communal Electrics/Lighting   | Renewed on a 'just in time' basis   |
| Insulation  | Loft insulation to be installed or topped up to min 270mm where possible. |
| Lifts   | Lifts will be renewed on a 'just in time' basis                           |
| Other communal and external items (eg fencing, communal flooring etc) | Where these items exist they will be renewed on a 'just in time' basis    |

Works will generally be carried out at the time the property is included in the major works programme. This may result in some renewals being carried out later than required. In these instances, the items in question will continue to be maintained through the responsive repairs service until they can be renewed. In some cases, where an item is assessed as having a remaining useful life of only a few years at the time a property is included in the programme, this item may be renewed ahead of schedule if other works are being carried out at the same time in order to minimise disruption. The main exceptions to the above will be lift renewal and essential structural repairs.

| <b>ESTATE WORKS</b>   |   |
|---|---|
| Estate improvements, Unadopted roads/paths/ drains/sewers/lighting, play areas) | An allowance is made for these works. An assessment of what is required will be made when an estate is included in the programme. |

| <b>ASBESTOS</b>             |  |
|-----------------------------|--|
| Asbestos Survey and Removal | An allowance is made for any asbestos related works that arise when a property/estate is included in the programme |

| <b>EXCEPTIONAL EXTENSIVE WORKS</b>  |  |
|---|--|
| Extensive voids   | An allowance is made for dealing with voids requiring extensive works. The decision to proceed with any extensive void works will be determined by the disposals policy. |
| High Rise and Non-Trad Structural Works   | An allowance is made for dealing with essential structural repairs to the high rise and non-trad dwelling stock based on the surveys carried out by Ridge in 2015        |
| Works arising from Fire Risk Assessments  | An allowance is made for carrying out works identified by the Fire Risk Assessments  |
| Lead Water Main Renewal, Water Supply/ Soil & Vent Pipework, Central Ventilation Systems in High Rise, Other common parts M&E systems | An allowance is made in the business plan for these works. An assessment of what is required will be made when an estate is included in the programme.                   |

**Stock Options Appraisal Scheme****1. Introduction**

- 1.1 The Council has ambitions to improve the quality of housing for existing and future tenants, deliver much needed new housing, and enhance the environment and quality of life in the borough. This ambition has come under pressure as a result of reducing resources and government legislation. Therefore it is necessary to enter into a more active asset management programme, to maintain our existing stock within our new Asset Management Plan and to deliver our legal obligations to pay the annual levy to Government. We also wish to address the imbalance in the stock. We have a greater proportion of one bed properties, than is reflected in local housing demand, and we have a lower proportion of two and three bed properties than we need to meet local housing needs. This can only be achieved by consideration of disposals and conversions of existing stock, in order to reconcile all the conflicting pressures.
- 1.2 This scheme sets out the circumstances in which social housing units within the Housing Revenue Account (HRA) will be considered for sale on the open market (disposal) or be converted to an alternative tenure. The key criteria underpinning any assessment are:
- The current condition and financial performance of the property
  - The need for the property (i.e. size, location and property type)
  - The market value of the property
  - The opportunity to use proceeds to deliver more/better affordable housing elsewhere.
- 1.3 Disposals allow the Council to capitalise upon the value of properties, to pay the required levy to central government and to develop or to facilitate the provision of additional more accessible and higher quality affordable housing units.
- 1.4 Re-provision through the facilitation of alternative tenure homes, can assist the Council to meet a range of housing needs. The conversion of larger properties into two or more homes, whilst retaining the asset, improve the performance of the Housing Revenue Account, and generate revenue to invest in the stock, and regeneration opportunities.
- 1.5 This scheme describes the route by which housing units or freehold interests may be sold or converted. The decision to dispose of or convert an affordable housing unit continues to be at the discretion of the Council, and is an individual decision in each case. This scheme proposes that capital receipts arising from the sale of properties under this scheme will be ringfenced to the HRA to meet the costs of the Government's levy under the Housing and Planning Act, and the provision of replacement homes under the potential "2 for 1" programme set out in the legislation.

2. Scope

- 2.1 This scheme covers the circumstances in which the Council will consider the sale on the open market or conversion of existing affordable housing properties currently held within the HRA. The Council may choose not to sell or convert a property which meets the criteria set out in the scheme.
- 2.2 This scheme covers the sale of properties under Section 32 of the Housing Act 1985. It also covers the sale of freehold interests to blocks which are either entirely or contain a high percentage of leaseholders (meaning 80% or more). It does not include the sale of properties under the Right to Buy.

3. Purpose

- 3.1 The purpose of the Scheme is to introduce an active management programme to dispose of stock that costs most to maintain, and least fits the Borough's strategic housing requirements. It seeks to raise resources to manage and maintain the core housing stock and to continue to meet the needs of those in housing need in the borough. It will also enable the Council to meet with the Government's requirements under the Housing and Planning Act 2016.
- 3.2 Clear processes and policies need to be put in place to support decision making, as other local authorities and housing associations have already done. The purpose of the scheme therefore is to set out the circumstances under which housing units or other freehold interests would be considered for sale on the open market or converted to an alternative tenure.

4. Legal Framework

- 4.1 The disposal of vacant social housing by the Council is permissible under Section 32 of the Housing Act 1985 (amended by the Housing and Regeneration Act 2008) and as set out in The General Housing Consents.

5. Disposal

- 5.1 The Council has a need for all kinds of property, types and sizes, and therefore disposal of units will always be a difficult decision. However, it is an essential part of the process of managing the financial situation, and ensuring that the best and most needed stock is retained. Therefore the Council will actively need to assume a level of sales, and achieve that level of sales in order to keep pace with all the legislative and financial requirements. The Council has therefore developed a list of types of properties which will always be presumed to be sold, if they become vacant, and a second list of properties which will be considered for sale, if they become vacant.
- 5.2 The list of properties where a sale is presumed, other than in exceptional circumstances are:

- (a) Listed properties



Listed properties are particularly difficult to manage and maintain, due to the constraints of listed status.

(b) Properties where the cost of work is in excess of £50,000

To maintain an easily managed and maintained stock of rented properties, the Council needs to divest itself of properties which have major structural problems. When works required are in excess of £50,000 this is likely to be because of significant major faults.

(c) Properties which are the last rented property in a block of leasehold properties

Blocks of homes which are largely leasehold, are costly to maintain and manage. Although the Council does get back the costs from leaseholders over time, there is always a time lag, and the costs of the management of services and service charges are not always completely recovered. Where the block becomes wholly occupied by leaseholders, the Council will offer the leaseholders the option of buying the freehold, and if they are not interested, the Council will consider disposing of the freehold on the market.

5.3 Properties which will not be sold include:

- (a) Properties in an area identified for Regeneration
- (b) Properties part of the portfolio in plans for the Haringey Development Vehicle (HDV).
- (c) Adapted properties
- (d) Individual Sheltered properties

5.4 Consideration of the disposal or conversion of housing when one or more of the following criteria apply:

(a) Negative Net Present Value

The Council maintains a full list of all the Net Present Values (NPV) of all its assets, by individual property and grouped by estates. The NPV takes into account all the income and expenditure on a property, brought forward into the current year represented as a discounted value. Approximately 500 homes have negative values; this represents only 3.4% of the Council's housing stock. A further 677 have NPVs below £10,000 over 30 years, which represent a further 4.3% of our stock. Whilst these properties clearly make a contribution to the HRA, it has to be remembered that it is possible that the Council will be required to dispose of a third of all its vacant stock, which means that disposing only of properties with negative NPVs will not raise sufficient funding to pay the levy.

(b) Strategic needs of the Council

The strategic needs of the Council will always be a key consideration. For example, whilst there is a need for housing of all kinds, types and sizes of

homes within Haringey, there are some homes which are in greater demand, because of the demography of the households on the Housing Register. The greatest demand is for family sized homes and in particular, homes which have two or three bedrooms. Homes which have only one bedroom are in the least demand and waiting times for this type of home are far lower than for family homes. Where there is scope to convert larger properties into two or more properties of at least two bedrooms, this can be an improvement in meeting the needs of the housing register, and can also improve the financial performance of the asset, by providing two rental incomes, where currently only one is forthcoming. In addition, conversion of properties into additional homes may be counted as “2 for 1” replacement under the levy rules, and meet more than one aim. This should therefore be considered in all cases.

(c) Capital values

Clearly, the quickest way of raising sufficient capital to pay the levy, and also to enable the provision of the replacement of two homes for the price of the sale of one, is to sell those with the highest values. Higher value properties therefore will be part of the consideration when deciding which homes to sell. The Council maintains a “book” value of all its stock for the purposes of accounting. Using these values, which are updated once a year, the top third of properties by value, would be any home above £306,000. This would impact most strongly on the west of the borough, where the highest value properties are located. When a property over the value of £306,000 therefore becomes vacant, it is proposed that it should be considered for disposal.

(d) Cost of works

There are a number of cases, where properties become empty either because they have structural defects, or structural defects are discovered after they become empty. The costs of works in bringing these properties back into use can be very high, and when combined with other factors, such as high value (even though they have defects) or where the NPV is negative, it is recommended that before embarking on high expenditure, consideration should be given to alternative options where the cost of works exceeds £10,000.

- 5.5 Whilst all these criteria are relevant in deciding what should be disposed of, what should be converted and what should be retained and let as quickly as possible, all these factors will be considered together and an individual decision made in each case.

6. Assessment

- 6.1 The Stock Options process will require a complete review of all the options available to make the best of use of each property. The options under consideration are: retain and rent, retain but convert to an alternative tenure or use; dispose.

- 6.2 Properties that meet one or more of the appraisal criteria will be identified by Homes for Haringey in the first instance, when carrying out their housing and asset management functions during the tenancy, and will be flagged up on their asset management system for consideration once they become void. An Options Appraisal report will be provided for each case, and a recommendation made to the Council.
- 6.3 The performance of sales against a quarterly target will be monitored, and the programme increased or decreased in order to ensure that there are sufficient funds to meet the requirements of the levy.
- 6.4 Hostels are an important part of the Council's management of emergency housing situations, as they are within the HRA, cost effective and immediately available. They are also exempt from the levy. Therefore, where there are large properties which may be suitable as shared facilities type hostels, this option should always be considered.
- 6.5 Where a recommendation is made to change the tenure the Council could invest in the property, but decide to use the property as for an alternative use. This could be temporary accommodation for a time. This would generate additional income, and provide good quality temporary accommodation for those in need. Alternatively, the Council could decide to dispose of a selection of properties on a shared ownership basis. This would enable the Council to generate a capital receipt (although not 100% of the value) and retain the property in the affordable housing sector.
- 6.6 A recommendation on disposal or conversion will be prepared for Member decision. As it is anticipated that there will need to be regular decisions on sales, these may need to be scheduled as Leader or Lead Member Signings on a monthly basis.
- 6.7 Properties will be sold at full market value, either by auction or through estate agents, on the advice of the Property Services. Properties will not be sold at less than best value. Where a property is not considered appropriate for disposal or conversion, it will be repaired and let.

#### Sale of Freehold Interests

- 6.8 Freehold interests in blocks where all properties are leasehold properties will be considered for disposal. This will assist the Council in that although leaseholder contributions to major works do eventually come back into the HRA, they are delayed, often for some time where leaseholders seek repayment options over a long period of time. The Council will first offer the freehold of the block to the leaseholders and enable them to enfranchise to purchase the freehold if they wish to do so.

In circumstances where the leaseholders do not wish to purchase the freehold, the Council will consider the disposal of the freehold on the open market.

7. Use of Receipts

- 7.1 The additional income generated from the disposal of properties will be needed to pay the mandatory levy to the Government under the provisions of the Housing and Planning Act 2016. Where the Council is successful in negotiating a reduction in the levy, on condition of replacing homes sold with new homes on a “2 for 1” basis, the receipts will be put to that purpose.

8. Monitoring of disposals and conversions

- 8.1 It is proposed that any disposals and conversions undertaken under this scheme will be included in the HRA Business Plan report and any updates.
- 8.2 Quarterly sales and receipts will be monitored in order to ensure that the Council has sufficient funds to meet its financial obligations.
- 8.3 In addition the monitoring report will consider the impact of the sales programme on groups with protected characteristics in line with the Council’s Equality duty.
- 8.4 Expenditure on the “2 for 1” replacement programme will also be monitored quarterly in order to ensure that any conditions of this programme are met.
- 8.5 The Asset Management Delivery Plan will provide an annual update on Key Performance Indicators, including the stock, by size, type, age and tenure to monitor the impact of this and other Government legislation.

**Assessment Criteria**

| <b>Reason</b>   | <b>Criteria</b>   | <b>Commentary</b>   |
|---|---|---|
| Uneconomic asset  | Net present value   | Negative and marginal assets will be considered for disposal, and where it is not possible to improve the NPV |
| Significantly higher than average void costs should trigger an assessment | Void costs over £10,000   | Assessed by void inspection   |
| Reduce leaseholder liabilities/cash flow issues                           | Leaseholder costs; high percentage of leaseholders  | Consideration of disposal of freehold   |
| Strategic needs of the Council/Size of the property                       | Where a larger property can be converted into a minimum of two two bed properties               | Proactive assessment during void period   |
| Capital Value   | Where a void property is over the threshold for disposal – the top third by value of properties | Assessed when void; checking the asset value register   |

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### **Estate Renewal Strategy**

#### **1. Introduction**

In November 2013, the Council set out its approach to estate regeneration on a number of sites across the Borough, which suffered from a range of problems, including high investment needs, poor physical environment and poor design. The Council's approach to development opportunities and estate renewal was categorised under the 3 broad headings of infill/small; medium size estates; and large estates. Progress on these is set out below

#### **2. Infill/small sites**

- 2.1 There were initially eleven sites listed in the Cabinet report of November 2013. Seven of these are currently in construction to provide 31 high-quality affordable homes which will be completed and ready for occupation this financial year. Large family dwellings comprise a high proportion of the rented homes (67%) and 13 homes will be available on a shared ownership basis to help local people who cannot afford to buy on the open market, onto the property ladder.
- 2.2 All dwellings will achieve the equivalent of Code 4 for Sustainable Homes to ensure energy efficient homes and to combat fuel poverty. These first phase infill sites will provide the first new Council housing in Haringey for over 25 years.

#### **3. “Medium” estates**

- 3.1 The Cabinet Report of November 2013 agreed to initiate consultation with residents on ten of the borough's 'medium' estates, to identify the best solutions for renewal/regeneration.

A progress update for all 10 medium estates is included within the Table below:

| <b><i>Medium- size estates</i></b>   | <b><i>Progress</i></b>   |
|--|--|
| Chesnuds/Hamilton/Tamar Estates N17 (Land for development and estate options review) | Following consultation with residents, a refreshed stock condition survey and consideration by officers, Tamar Way is not recommended as a priority for regeneration. It is proposed that the building will be retained and included within the next mainstream investment programme. A decision was made to include Chesnuds/Hamilton within the Decent Homes Programme which is now in its final phase and will complete this year and consultation therefore did not proceed. |
| Helston Court/Culvert Road N15 (Poor   | Consultation has not proceeded here as following the completion of Decent Homes works prior to November  |

|   |  |
|---|--|
| Building structures and environment)  | 2013, it was felt that this estate is not a priority for regeneration but has further improvement potential, which is to be assessed with residents.   |
| Hillcrest N6 (Land for development)   | Consultation commenced, a Resident Steering Group was formed and outline design proposals were progressed. Residents generally oppose development. A decision whether or not to proceed beyond outline design will be considered after adoption of the new Local Plan which will establish the principle of residential development on this estate.  |
| Imperial Wharf N16<br>L.B. Hackney<br>(Uneconomic for investment)   | Consultation commenced and a Resident Steering Group was formed. This out-of-borough scheme does not appear to be financially viable for regeneration and LB Hackney rejected a stock transfer option for this reason. Hackney is consulting on proposals for an Area Action Plan (AAP) which may enable an increased development density, improving potential viability and options for regeneration will need to be considered in that context. In the meantime essential maintenance works are being carried out.   |
| Larkspur Close N17<br>(Uneconomic for investment)   | Consultation did not proceed as it was decided that this former sheltered housing scheme should convert to a good neighbour scheme, and this has now taken place.  |
| Leabank View/Lemsford Close N15<br>(Uneconomic for further investment)  | Consultation did not proceed as initial feasibility work showed that the high level of leaseholders and freeholders means regeneration is not financially viable. This estate is included within the Category 2 List for the Haringey Development Vehicle (HDV) which will re-assess development options.  |
| Park Grove (including Durnsford Road) N11<br>(Uneconomic for investment)<br>Tunnel Gardens (including Blake Road) N11<br>(Uneconomic for investment)<br>Turner Avenue/Brunel Walk N15 (uneconomic for investment) | <p>Consultation commenced and Resident Steering Groups formed for each estate, supported by Independent Advisers appointed. Residents generally oppose redevelopment.</p> <p>Architects have been appointed for a fresh capacity study, outlining development options and consultants appointed to conduct financial appraisals.</p> <p>The outcome of these will be discussed with residents during October 2016. As these estates are included in the Category 2 List for the HDV, this work will be shared with successful bidder as soon as possible so a decision can be made on how to proceed. In the meantime essential maintenance works are being carried out.</p> |
| Demountables at Watts Close N15 & Barbara Hucklesbury Close N22<br>(uneconomic for investment)  | Resident consultation did not commence given these sites are let as temporary accommodation. These sites are included in List 2 of the HDV, and are now likely to be progressed via this means. Should the HDV not express further interest then other options will be   |



|  |   |
|--|---|
|  | considered including the Council developing or disposal for development by a partner. |
|--|---|

#### 4. **Large estates**

- 4.1 The Cabinet Report of November 2013 agreed to widen consultation beyond High Road West across all large estates in Tottenham and to invite Northumberland Park residents to work with the Council on potential Masterplanning solutions for the area and to investigate options to improve the poor housing at Noel Park and associated wider area socio- economic issues in Wood Green.
- 4.2 High Road West is an 11 hectare estate with an adopted master plan which will see the delivery of a major residential led, mixed use development. A Resident Design Panel is established together with an Independent Tenant and Leaseholder Advisor resource. The scheme will deliver:
- Up to 2000 new homes, a minimum 30% of which will be affordable
  - A new London Overground station at White Hart Lane
  - 'Moselle Square', a new public square surrounded by new commercial and community uses that will be at the heart of the new neighbourhood, linked to the new Tottenham Hotspur FC stadium
  - A new, modern library and learning centre
  - 35,000sqm of commercial space that will complement and reinforce the commercial and leisure offer emerging across north Tottenham
- 4.3 Northumberland Park is a 32 hectare estate, where 3 Resident Associations have been established together with an Independent Tenant and Leaseholder Advisor resource. A Strategic Masterplan Framework has been developed in partnership with the local community, and will see the delivery of a transformational residential- led development scheme. The scheme will deliver:
- 3700 new homes, a minimum 24% of which will be affordable
  - A significant, high quality, private rented sector offer
  - A new all-through academy school to help create a world class education offer for north Tottenham
  - New health facilities
  - Generous new public space connecting north Tottenham with the open spaces and waterways of the Lee Valley Park
  - An initial increase to 4 trains per hour to Northumberland Park by 2019 and, longer term, four tracking to deliver frequency upgrades as a precursor to Crossrail 2
- 4.4 As well as re-providing homes for existing residents, the regeneration of these estates can deliver 4500 additional homes. In addition to providing the opportunity to increase housing density, the regeneration of these estates will deliver substantial place-making and employment benefits and promote wider investment in the area.
- 4.5 Broadwater Farm is an 8.46 hectare housing estate consisting of 1,159 homes. Homes for Haringey has engaged with Broadwater Farm residents to

gain their perceptions of living on the estate and neighbourhood and how this could be improved. There was a high return rate (63%) and results identified that for the majority of the estate, internal improvements and tackling antisocial behaviour and crime are the immediate priorities.

- 4.6 The survey information is currently being analysed in greater depth and will contribute to the brief for the next steps in exploring improvement and re-development options with residents. One block, Tangmere House (116 homes) will be considered for re-development given a previous survey indicated a preference for demolition from residents. Next steps may include assessment of:
- Demolishing and replacing Tangmere and using this, along with other developable sites as a catalyst to improve the environment of the surrounding estate.
  - Introducing genuinely integrated mixed tenure living in what is currently a socially isolated estate with an imbalanced mix of unit types.
  - An improved retail offer, such as a major supermarket chain investing in the estate, something existing residents have expressed a desire for.
  - Partnership working with Transport for London (TFL) to introduce a regular bus route that would increase Public Transport Accessibility Level (PTAL) ratings.

## 5. **Wood Green Regeneration**

- 5.1 Although not specifically covered in the previous Estate Renewal Strategy the Council's Corporate Plan identifies Wood Green as one of the council's two priority regeneration areas, alongside Tottenham. The Wood Green area is a focus for considerable growth and development in the borough over the period of the Local Plan to 2026.
- 5.2 Work on site opportunities, and the grant of planning permission on the Clarendon Road site (1,300 new homes) is providing the impetus to support economic development of the town centre. There is scope to provide up to 6,000 additional homes and up to 4,000 jobs on development sites in and around the town centre, including Council owned sites. Further development potential will be supported by Crossrail 2 and an Area Action Plan (AAP) issues and options report has accordingly been prepared having regard to the potential of Crossrail 2. To ensure development and growth takes place in a managed and coordinated manner and delivers the best outcomes for local residents and businesses, an Investment Framework is being established in tandem with the AAP, which is scheduled for adoption in late 2017.

**Report for:** Cabinet 18<sup>th</sup> October 2016

**Item number:** 19

**Title:** Housing Allocations Policy, Tenancy Strategy and Homelessness Strategy – Proposed Consultation

**Report authorised by :** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Mustafa Ibrahim Head of Housing Commissioning, Investment and Sites

**Ward(s) affected:** All

**Report for Key/  
Non Key Decision:** Key

## **1. Describe the issue under consideration**

- 1.1 The Council is adopting a new Housing Strategy 2017-2022, which provides the overarching strategic framework for housing activity in the borough. Its successful delivery is dependent on a range of detailed policies and delivery plans. In order to develop and adopt a number of these supporting policies and plans, a major consultation is planned.
- 1.2 This report sets out the potential changes that will be consulted upon, in three policy and delivery areas - the Housing Allocations Policy, the Tenancy Strategy and the Homelessness Delivery Plan. These changes are necessary to support achievement of the new Housing Strategy or to comply with changes in legislation.

## **2. Cabinet Member Introduction**

- 2.1 Haringey's Housing Strategy defines the vision, strategic objectives and key priorities for housing in the borough and sets the direction for everyone involved in achieving our ambitious plans, including residents affected by it. The Strategy includes our aspirations on increasing housing supply, preventing homelessness, improving the quality and management of our existing homes and ensuring that housing delivers wider community benefits.
- 2.2 Developing the Strategy has involved some tough choices, as government policies and market factors present significant challenges in meeting the need for affordable housing in the borough. Our commitment to stable communities and settled homes is undermined by the introduction of mandatory fixed term tenancies, Pay to Stay proposals and the lack of affordable housing supply within the borough. Our ability to provide more social housing, and maintain the stock we have to a better standard, is also undermined by the government's

compulsory voids levy, the mandatory cut in social rents and the introduction of “Starter Homes”, which will not be affordable for the vast majority of our residents.

- 2.3 The Housing Strategy makes clear that as government policy causes our social housing to be lost faster than we can replace it, we will have to focus more on preventing homelessness and making difficult decisions about how to prioritise remaining social homes. We are also obliged to revise our Tenancy Strategy as a result of government legislation.
- 2.4 This report is one of a number being brought forward to deliver the new Housing Strategy, which relies on a suite of policies and delivery plans to support its achievement. I want to ensure that these proposals are consulted upon widely so that residents, housing providers and other stakeholders all have the opportunity to express their views and influence the final documents. These are difficult issues and I hope that we can have a frank and honest conversation about them. We strongly welcome views from residents and organisations – we want to get these changes right, so please do give us your views and ideas.

### **3. Recommendations**

It is recommended that Cabinet:

- 3.1 Authorises public consultation with residents, partners and stakeholders on:
- (a) The proposed changes to the Council’s Housing Allocations Scheme, set out in appendix 1.
  - (b) The proposed changes to the Council’s Tenancy Strategy, set out in appendix 2.
  - (c) The new Homelessness Strategy and Delivery Plan, set out in appendix 3.

### **4. Reasons for decision**

- 4.1 A decision is required to ensure that the Council complies with its obligations to consult about changes in housing services. There is a legal requirement that before making major changes to its Allocations Scheme the Council consults private registered providers of social housing and registered providers with whom we have nominations rights. It is also good practice to consult residents.
- 4.2 There is a statutory duty to consult the Greater London Authority (GLA) and registered providers operating in the borough on its Tenancy Strategy; and again, it is considered best practice to consult more widely and the Council has done so previously.
- 4.3 The Homelessness Act 2002 requires local authorities to carry out a homelessness review of their area and from that information publish a homelessness strategy. The council published its last 5 year Homelessness Strategy in 2012, as a multi-agency document delivered with partners. The Council wishes to consult widely on a new homelessness plan and the views of

our partners and all stakeholders are critical in developing this. A decision is required to ensure that the Council properly engages with partners and stakeholders in tackling homelessness in the borough.

## **5. Alternative options considered**

- 5.1 An alternative approach to the Allocations Policy would be to make no further changes to the Policy, which was last reviewed in 2014 (changes arising from that review were adopted in September 2015). There is some merit in this approach as changing the Allocations Policy is an extensive exercise, and should be undertaken only when there is a need to make amendments as a result of legislation, policy change or case law. However, there are a number of environmental and legal factors driving the need for change, such as the reducing supply of housing; and the need to ensure that those most unable to solve their housing problems in the open market are supported. It has therefore been decided to bring forward these changes which should assist the Council achieve its objectives of ensuring that those most in need receive assistance, and that those most able to find alternative housing to social housing, are assisted to do so. It is also important that the Allocations Policy supports the Council's current and changing policy objectives, as reflected in the new Housing Strategy.
- 5.2 There is no alternative to consulting on a new Tenancy Strategy. The legislation contained within the Housing and Planning Act 2016 means that the current Tenancy Strategy will no longer be effective when the legislation comes into force, as lifetime tenancies will be abolished. If the Council does not adopt a new tenancy strategy, then new tenancies will become five year tenancies by default, and tenants will not be sufficiently aware of the change in their status, and the need to review their tenancies during the period of the tenancy. The Council will also not have a legally compliant Tenancy Strategy.
- 5.3 It is a statutory obligation to have a Homelessness Strategy and to consult with those likely to be affected by it. Not having a Homelessness Strategy would render the Council ineffective in setting out its strategic approach to tackling homelessness, working in partnership would be more difficult without a clear agreed direction and the allocation of resources would be more difficult to justify.

## **6. Background information**

- 6.1 Haringey's Housing Strategy 2017-2022 is being presented to Cabinet and subsequently to full Council for approval following extensive consultation. It sets out the current context and future direction for housing policy within the Borough. Although the Housing Strategy sets out overall direction, it needs to be supported by a number of specific policies, setting out in more detail, how different aspects of housing policy will be applied. These new policies must be subject to consultation with those likely to be affected, and therefore this report seeks approval to consult on three of these policies and plans. These are the Allocations Policy, the Tenancy Strategy, and the Homelessness Strategy, supported by a Delivery Plan.

## **Housing Allocations**

- 6.2 The Housing Strategy sets as its second objective, the need to improve help and support to prevent homelessness. It clearly sets out that the Council must “Allocate council tenancies and intermediate tenures in accordance with fair and transparent criteria, both at the commencement and when reviewing the expiry of a fixed term council tenancy.” It states that the Council will consult on a revised Allocations Policy during the course of 2016/17. This report seeks authority to fulfil that commitment.
- 6.3 Cabinet considered and agreed to consult on a number of changes to the Allocations Policy in October 2014, and further changes largely prompted by legislation were approved by Cabinet Member decision in August 2015. All these changes have now been implemented. Allocations Policies however do have to be kept under constant review, because of a number of important legal, and environmental factors that change and influence how the Council may wish to allocate the scarce number of homes it has to let.
- 6.4 The particular changes that are driving the need for a further review at this time are:
- (a) The Housing and Planning Act 2016, which requires the local authority to charge market rents, to tenants where the household income is above a threshold, expected to be £40,000 but not yet confirmed;
  - (b) The changes to Housing Benefit, which states that the Local Housing Allowance (a notional market rent, set at the lowest third of market rents and defining the maximum amount of Housing Benefit paid to tenants dependent upon benefit), will be extended to social housing. Whilst this is not a problem for most tenants in general needs housing, as Council rents are well below the Local Housing Allowance, it is a problem for single person households under the age of 35. These households are assumed to be able to live in shared accommodation (a room in a shared house) and therefore their Housing benefit is capped at what is known as the “Shared Room Rate.” Some of these rates are below Council rents for one bed properties.
  - (c) The new Housing Strategy, which identified the shortage of affordable housing for those with lowest incomes, and concludes that the Council needs to provide different housing options across the income range. At one end, those with the lowest incomes, who can afford nothing else should be prioritised for social housing on target or affordable rents; and those who are on higher incomes should be assisted into intermediate housing. This implies that there should be an income threshold, within the Allocations Scheme, above which households who can with assistance move into alternative housing, will not be entitled to social housing.
  - (d) The reduction in supply, is another factor which is influencing the need for a further review of the Allocations Policy. Currently, there are around 450 General Needs lets forecast to be available in 2016/17. This is forecast to fall to under 250 by 2020/21, taking into account the potential impact of disposals required to fund the government’s compulsory levy. Given the reduction in supply, these units cannot meet the need of the 8,600 applicants on the Housing Register or those forecast to need assistance in the next five years. They need to be allocated to those households who have no other option. There are other policy options which are designed to

make the best use of the social housing stock that we do have; and the Council would wish to seek the views of applicants, tenants and partners on these proposals.

The specific changes on which it is proposed to consult are set out in appendix 1.

### **Tenancy Strategy**

- 6.5 The Housing Strategy states that the Council would have preferred to retain lifetime tenancies but that this will have to change. In view of government legislation it therefore commits the Council to:

*“Update our Tenancy Strategy to comply with new legislation on fixed term tenancies and to again take the opportunity to consult residents and stakeholders, in particular on how we implement changes sensitively and fairly. We remain committed to providing settled homes and will always want to maintain tenancies, while being transparent about any circumstances in which a fixed term tenancy might not be renewed.”*

- 6.6 This report fulfils this commitment in the Housing Strategy. The Housing and Planning Act 2016 will end the provision of lifetime tenancies once it has become law (no date has yet been set for implementation, although April 2017 was the Government’s original intention). Each stock owning Council must have a Tenancy Strategy setting out the Council’s approach to variable fixed term tenancies. This must set out the length of tenancies the Council will grant and in what circumstances. Some of this will be set in Regulations, but some will be at the discretion of the local authority. In addition, the Council will be required to carry out a review of the tenancy 6 – 9 months prior to the ending of the fixed term tenancy. The Tenancy Strategy must state the circumstances in which a tenancy will be renewed, or may be ended either by moving the tenant to alternative accommodation, or ending the tenancy altogether.
- 6.7 The Council would prefer to grant the longest possible tenancy available to households, to provide stability and reassurance on which to build stable homes and communities. The Council will therefore consult on
- the option of providing for the maximum length of tenancy allowed;
  - the presumption of a renewal of tenancies, except where a review is triggered; and
  - the factors that would prompt such a review to be triggered, including the tenant’s ability and aspiration to access alternative tenures, such as home ownership, and/or if they no longer need accommodation of the size that they currently occupy.

The full set of proposed issues on which the Council wishes to consult tenants affected is set out in appendix 2.

### **Homelessness Strategy and Delivery Plan**

- 6.8 The Housing Strategy sets out the current position in relation to homelessness in the borough, and housing demand more generally. It sets out the scale of the challenge and how we will aim to meet those needs. It commits the Council



to a refresh of our current Homelessness Strategy, in a new Homelessness Delivery Plan. The Housing Strategy states:

*“These priorities will be reflected and set out in detail in a new statutory Homelessness Strategy and a revised Allocations Policy and Tenancy Strategy which, along with a new Intermediate Housing Policy, we will consult upon and adopt during 2016/17.”*

This report seeks authority to undertake the consultation requirement to fulfil this commitment. The Council is required to have in place a Homelessness Strategy, setting out its assessment of the causes and scale of the problem within its boundaries, and developing plans and programmes of work to reduce it. The Council has been working with a core group of partners to develop a new Homelessness Strategy and the draft is set out at appendix 3. The Council now seeks approval to consult those affected, and partners on the proposed plan, and to consider responses to the consultation before drawing up a final plan for approval by March 2017.

6.9 The Council wishes to consult on whether:

- The analysis of the extent and causes of homelessness in the borough have been correctly assessed or whether there are other issues that the Council should take into account
- The assessment of supply and demand is fair and reasonable, or whether there are other factors that the Council should take into account;
- The effects of demand, and the impact on temporary accommodation, and the need to enable households to move on to more settled accommodation have been accurately assessed;
- Finally, whether the proposed actions included within the Delivery Plan are the right ones, and likely to have the intended effect
- The Homelessness Strategy and Delivery Plan includes specific analysis of rough sleeping in Haringey; and proposed actions to reduce the incidence of rough sleeping in the Borough. Views on these specific aspects are also being sought.

### **Consultation**

- 6.10 In order to introduce any or all of the proposed changes to the Allocations Policy and Tenancy Strategy, and to adopt the Homelessness Strategy and Delivery Plan, the Council wishes to consult those affected, partners and stakeholders and to consider those views before adoption. It is proposed to carry out consultation on these three policies and delivery plans together. Consultation will take place for 10–12 weeks from late October 2016 to January 2017. A leaflet and questionnaire will be prepared for completion online or on paper, with a link to the Cabinet report and consultation documents on the website.
- 6.11 A full stakeholder analysis is being prepared to ensure that consultation topics and methods are directed at those most affected by the proposed changes. As well as the leaflet and questionnaire, it is proposed to organise a number of stakeholder events, for partners, and residents where they will be able to ask



questions and express their views. The target audience for these consultations will be:

- Tenants (for the Allocations Policy changes and the Tenancy Strategy)
- Applicants on the Housing Register
- Residents in the borough – through the Council's website
- Partners, such as the voluntary sector and Registered Social Providers
- MPs and Councillors
- The GLA

6.12 The results of the consultation, and the findings of the Equalities Impact Assessment, will be reported back to Cabinet with a new amended Allocations Policy, Tenancy Strategy and Homelessness Strategy for consideration and approval in March 2017.

## **7. Contribution to strategic outcomes**

7.1 This initiative supports the objectives of Priority 5 in the Corporate Plan – Creating homes where people choose to live and are able to thrive. In particular, the Corporate Plan notes that “We will provide realistic and achievable options for people to find housing or alternative housing.” In seeking to direct households more closely matched to the housing that they can afford, the revised Allocations Policy will contribute to this objective. If the consultation supports the proposals in the consultation, the Allocations Policy can also support the objective to increase the number of vulnerable residents who are able to access employment and training options.

7.2 The Corporate Plan Priority 5 includes the objective to “Prevent homelessness and support residents to live fulfilling lives” and aims to assess success in this objective, by measuring both the number of households where homelessness has been prevented and also the number of households who have been helped into settled homes, whether in the social rent or private rented sector. The Homelessness Delivery Plan aims to drive this objective forward and improve performance in this area.

7.3 As set out in the report, these policies and plans support delivery of Haringey's Housing Strategy 2017-2022, and contribute to all four strategic objectives:  
 Objective 1 – Achieve a step change in the number of new homes built  
 Objective 2 – Improve support and help to prevent homelessness  
 Objective 3 – Drive up the quality of housing for all residents  
 Objective 4 – Ensure that housing delivers wider community benefits

7.4 The strategy provides a broad strategic direction for housing in the borough, but delivery of its objectives will be achieved through a range of housing related sub-strategies and policies. The Allocations Policy, Tenancy Strategy and Homelessness Delivery Plan are three of these policies/delivery plans and provide the detail to support achievement of strategic outcomes.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance and Procurement**

- 8.1 Some of the proposals in the Revised Allocations Policy may have a either a positive or negative impact on the Council's temporary accommodation budget. For example, reducing the priority banding for certain households within temporary accommodation may mean that they will continue to be housed in more expensive and less settled forms of accommodation for a longer period of time. However, the introduction of the automated system bidding may mean that duty can be discharged quicker. It is not possible to quantify the impact as this stage.
- 8.2 There may also be other costs arising from the proposals such as conversion of existing council-owned accommodation into shared facilities to house the under 35s. Once firm plans are known, then these costs can be quantified but availability of budgets to fund these costs would be subject to a business case and Cabinet approval if these could not be contained within existing approved budgets.
- 8.3 The introduction of new fixed term tenancies will involve additional activity for the Council in reviewing tenants and their circumstances. There is an assumption that any additional activity arising from the proposals will be funded from within existing staff and budgetary resources unless subject to a separate business case and formal approval of additional funds.

#### **Legal**

- 8.4 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows. Legal implications are otherwise set out in the body of the report.

#### ***Allocations Scheme***

- 8.5 The Council is required by Housing Act 1996 s166A to have a scheme for determining priorities and as to the procedure to be followed in allocating housing accommodation, and to allocate accommodation according to that scheme. The scheme applies (s159) to (i) selection to be a secure or introductory tenancies in its own stock (ii) nomination to be a secure or introductory tenant of another provider's stock and (iii) nomination to an assured tenancy of stock held by a private registered provider or a registered social landlord.
- 8.6 In framing its Scheme, the Council must have regard to its own Homelessness and Tenancy Strategies and to the London housing strategy (s166A(12)).
- 8.7 The Council must also (s166A) give reasonable preference to certain categories of persons on the Register – in particular those found to be homeless within Part VII of the Housing Act 1996 – and additional preference to others. There is however no requirement that equal preference be given to each priority category, provided that those falling within any of the categories are generally given preference over those who do not.
- 8.8 It is open to a Council, within its Scheme, to include provisions to meet local needs and priorities and allocate to persons of a specific description (such as

key-workers) (s166(6)(b)) provided that those provisions do not dominate the Scheme and subject to the same proviso as the preceding paragraph.

- 8.9 Before making a major alteration to its Scheme, the Council is required (s166A(13)) to send a copy of the proposed alteration to every private registered provider and registered social landlord with whom they have nomination arrangements and give them a reasonable opportunity to comment on the proposals.
- 8.10 While there is no statutory requirement to do so, the Council adheres to best practice in consulting its residents on significant changes to its Allocations Scheme, and residents have a legitimate expectation that the Council will continue to do so.
- 8.11 The legislative changes driving the proposed changes are outlined in the body of the report.
- 8.12 The proposed changes, in particular proposal 2, have significant potential equalities implications and the impact must be carefully assessed before changes can be agreed.
- 8.13 Bringing to an end the Council's duty under s193(2) to continue to provide temporary accommodation for those found to be owed the full housing duty by provision of accommodation requires suitable accommodation to be offered; which means accommodation suitable for the applicant and all those living with, and who can reasonably be expected to live with, the applicants as a member of their family.
- 8.14 That being the case, implementation of proposal 2 in relation to family membership will require care to minimise both equalities impacts and also knock-on effects on use of temporary accommodation, ensuring that larger and extended families do have access to routes out of temporary accommodation.
- 8.15 The effect of the progressive reduction of the minimum age for accessing sheltered housing has been to expose that housing in certain cases to fragmentation by right to buy applications. Restoring the minimum age to 60 will assist in maintaining the integrity of those schemes that it is considered, following a review, to be appropriate to keep.

### ***Tenancy Strategy***

- 8.16 The Council as local housing authority has strategic housing responsibilities under various legislative provisions, including now the Localism Act 2011 ("LA11"). It is required under the provisions in ss150-153 of LA11 to publish a Tenancy Strategy within 1 year of LA11 coming into force setting out its own policies and also the matters to which it expects Registered Providers within its district to have regard in setting their own policies on:
  - (a) the kinds of tenancies they grant,
  - (b) the circumstances in which they will grant a tenancy of a particular kind,
  - (c) where they grant tenancies for a term certain, the lengths of the terms, and
  - (d) the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy

- 8.17 In drafting its Tenancy Strategy, the Council is required to have regard to its current Allocation Scheme and Homelessness Strategy.
- 8.18 The Council as landlord was given, by ss154-6 of LA11, power to grant “flexible tenancies” - that is fixed term tenancies of at least 2 years (although guidance expects that they will be of 5 years or more other than in exceptional circumstances). It was for each individual Council to decide its own policy, to be published as part of the Tenancy Strategy.
- 8.19 That power was not taken up by the Council. From the date of coming into force of s118 and Schedule 7 Housing and Planning Act 2016 (“HPA16”), however, the Council will be required when granting new tenancies to grant fixed term tenancies (with certain exceptions broadly where the tenant has been forced to move to a new tenancy). The Council has discretion as to the length of tenancies to grant, up to a maximum of 10 years (or, if longer, until the 19<sup>th</sup> birthday of any resident child aged less than 9 years old). There also changes to statutory succession rights.
- 8.20 This requires a modification of the Tenancy Strategy adopted in October 2014, both to take account of the abolition of “lifetime tenancies”, and to adopt a policy for the length of fixed term tenancies.
- 8.21 Registered Providers are required to grant tenancies in accord with the Tenancy Standard published from time to time by the Homes and Communities Agency. The current version of the Tenancy Standard permits them to grant, in addition to Assured Tenancies (the broad equivalent of a lifetime secure tenancy), fixed term tenancies broadly similar to the former local authority flexible tenancies.
- 8.22 There are detailed consultation requirements in formulation of the Tenancy Strategy in s151 of the Act; the Council is required to consult with Registered Providers operating in the Borough and the Mayor of London. While consultation with tenants is not statutorily required, it is best practice and the Council consulted tenants and others on the strategy adopted in October 2014. Those persons therefore have a legitimate expectation that the Council will continue to do so. The body of the report sets out how consultation will be carried out.
- 8.23 The proposals set out in the draft Tenancy Strategy accord with the provisions in ss150-153 of the Act.

### ***Homelessness Strategy***

- 8.24 By s1 Homelessness Act 2002 the Council was required to carry out a homelessness review for its district and formulate a Homelessness Strategy informed by that review by 31 July 2003. It must keep that strategy under review, and publish a new strategy at intervals of no more than 5 years thereafter.
- 8.25 The Homelessness Strategy is by s3(1), “a strategy formulated by a local housing authority for:
- (a) preventing homelessness in their district;

(b) securing that sufficient accommodation is and will be available for people in their district who are or may become homeless;

(c) securing the satisfactory provision of support for people in their district  
 (i) who are or may become homeless; or  
 (ii) who have been homeless and need support to prevent them becoming homeless again.

8.26 The Council is required (also by s1) to take its Homelessness Strategy into account in the exercise of its functions.

8.27 In formulating its Homelessness Strategy, the Council (s3(7A)) must have regard to its current Allocation Scheme, Tenancy Strategy and the current London Housing Strategy.

8.28 By s3(8), “Before adopting or modifying a homelessness strategy the authority shall consult such public or local authorities, voluntary organisations or other persons as they consider appropriate.” The Council has a practice of consulting service users and providers, housing staff and other stakeholders, as well as more general public consultation to capture ideas, views and feedback. Again, those groups have a legitimate expectation of consultation.

## **Equality**

8.29 All three policies have potential implications for households whose members have protected characteristics. The proposals for changes to the Allocations Policy will, if adopted, directly affect the priority of people on the Housing Register and those seeking to join it. This will include for example, those under 18 who are unable to obtain a guarantor and single households under 35. The proposals for changes to the Tenancy Strategy will affect people whose tenancies may not be renewed at the end of a fixed term tenancy. Some protected groups are over-represented in homeless households and in those in housing need. The proposals presented in the draft Homelessness Delivery Plan will provide better support and more realistic options for these groups.

8.30 The potential impact of any agreed changes will be assessed during and after consultation. Equalities monitoring will be used for participants in the consultation and this will enable the draft Equalities Impact Assessments for each of these policy areas to be finalised. Specific mitigating actions will be identified to address the impact on particular groups of the agreed policy changes.

## **9. Use of Appendices**

Appendix 1 Proposed Changes to the Allocations Policy

Appendix 2 Proposed Changes to the Tenancy Strategy

Appendix 3 Proposed new Homelessness Strategy and Delivery Plan

## **10. Local Government (Access to Information) Act 1985**

Background papers:

Housing Allocations Policy 2015  
Tenancy Strategy 2012-15  
Homelessness Strategy 2012-14

## Appendix 1 – Proposals for Changes to the Allocations Policy

**1. Income thresholds****Proposal**

It is proposed that households with incomes above a certain threshold or with savings of over £100,000 should not be able to join the Housing Register for social rented housing. Such households could be invited to join a register for Intermediate Housing (a separate report on this Cabinet agenda). The income thresholds would be applied when the applicant first applies for housing, and if they have a change of circumstances in which their income goes either up, or down, then they would be obliged to inform the Council, and the application amended.

The current scheme does not set any income threshold for admission on to the Housing Register.

**Reason**

The Housing Strategy, due to be adopted in November 2016, sets out what households in different income bands can afford and establishes the definition of affordability as housing costs not exceeding 45% of household net income. When applied to homes of differing bedroom sizes, this would establish thresholds as follows:

| Size    | Annual household gross income required, to spend no more than 45% of net income |
|---------|---|
| 1 Bed   | £33,000   |
| 2 Bed   | £42,200   |
| 3 Bed   | £52,000   |
| 4 Bed + | £64,200   |

It is proposed to exclude from the Housing Register those households whose gross income exceeds the thresholds indicated above.

A second reason for proposing an income threshold is that under the provisions of the Housing and Planning Act 2016, households with an income above a certain threshold (currently set at £40,000) in London, will be obliged to pay market rents. It seems appropriate that rather than paying market rents in social housing, these households pay market rents in market housing, and that the scarce social housing resource be reserved for households who cannot afford market rents. When confirmed, the Pay to Stay threshold will be an important consideration in finalising the above proposal.

Bearing in mind that rents and incomes change regularly, it is proposed that the Policy does not indicate an actual figure for the income threshold, but will refer to a separate regularly updated table indicating the income thresholds applying at the time. The Government have also committed to raising the threshold of the Pay to Stay Scheme annually by CPI, and it also makes sense for our threshold to rise in line with this. This will also be published, but updated regularly without a requirement to obtain Cabinet approval.

Pay to Stay is being introduced in a tapered way, so that households on incomes above the threshold (currently set at £40,000) will pay an additional 0.15p a week for each £1 of additional income that they have, above the thresholds. The additional income has to be paid to government. This means, for example that a households on an income of £45,000 will have to pay an additional £14.42pw.

**Impact**

This is likely to have the effect of reducing the number of households on the Housing Register, although it is not possible at this stage to say by how much. Income data is collected from households in the Housing Register but not retained or analysed, once applicants have been successful, and therefore the impact will have to be monitored closely. The policy will also encourage households to think of alternative housing options, which they may not have previously

considered; and encourage households into a more mixed range of tenures, such as Intermediate rented, or Intermediate ownership housing.

Where applicants are applying as homeless, our duty to provide temporary accommodation, and access to settled accommodation will apply irrespective of income, and such households may be owed the duty to provide temporary accommodation; clearly the aim of the policy will be to assist them to Intermediate or private rented accommodation as a settled home.



## 2. Definition of a household who can register for housing

### Proposal

Currently, a household can register with the following members: husband, wife or civil partner; son and/or daughter; brother and/or sister; grandparents and/or grandchildren. Bearing in mind households including extended members of the household, are likely to need larger properties which are in short supply, it is proposed to change the definition of a household to the immediate family: husband/wife or civil partner; sons and daughters. This proposal could be combined with an exception in the case of households where an extended family member either receives or provides care to another family member – this could be childcare, or care for a vulnerable family member. It is proposed that discretion would be provided to an appropriate officer to allow other members to be added to the household, for example where they have lived together for a long time; but that the standard household application would be limited to the immediate family.

### Reason

The proposed change with regard to the definition of the household is driven by lack of larger properties in our housing stock and the very long waiting time for them. If such households are homeless, and provided with temporary accommodation, this represents a very high cost to the Council until such accommodation becomes available. Currently 58.9% of our stock is two or three bed property; 35% is one bed and only 4.5% is four bed or more.

The homelessness legislation recognises as a household, people who have been living together, and who are reasonably expected to do so: this definition of course will continue with homeless applicants; but active conversations take place with larger households about how their housing needs can best be met which may include separate applications for different generations.

The definition of households who may be housed together is changing fairly consistently across London. **Brent** include within the household only tenants and their children, and the only additional non dependents who may be included are those giving or receiving care, which has to be supported either by a court order or social services or health professional. **Croydon** define the household as tenant, partner and children, and close relatives if they are dependent on the tenant, or if the tenant is dependent upon them. **Enfield** define household as tenant, partner and children and not parents, grandparents sisters or brothers, unless there is an exceptional need to be with the tenant. There are a range of options for the way forward on this proposal. One option would be to use the definition within the homelessness legislation of a households, as one where the members have lived together in the past, *and* are reasonably expected to do so; an alternative would be just to limit those who are able to register on the Housing Register as those giving or receiving care (as in the Brent scheme).

### Impact

There are currently 306 multigenerational households on the Housing Register of which 78 need four bed properties, or larger. The proposal to reduce the size of the household definition, to just the immediate family, may increase the number of households on the Housing Register, if different generations of a household make separate applications; but those applications are more likely to be successful if they are for the size of property, of which we have more stock. The policy would in effect prompt households to apply for housing that they are more likely to be successful in obtaining.

There may be an impact on particular households from cultures where cross generational living is more common. It is also possible that in giving or receiving care, for example for grandchildren, there is a positive contribution made by multi-generational families. However This will be mitigated by the proposal that the definition of households is extended to include members of the family who give or receive care. In addition, there will be discretion for officers to allow additional members to be added in exceptional circumstances. There are potential equalities issues which will need to be considered as part of the consultation exercise.

### 3. Review of Housing Needs Bands

#### Proposal

The current scheme provides for three bands of housing need: Bands A, B & C. Most homeless households are in Band B, but some who have severe welfare or medical needs may be placed in Band A, the highest priority band. Because of the high demand for housing from homeless applicants, the proportion of lettings that are made to homeless households is high, so much so that other people who are waiting on the Housing Register may feel that their chances of being rehoused in this way are low. Currently, households with a housing need because they are overcrowded would be placed in Band C, whilst a homeless household would have a higher priority although even if placed in suitable temporary accommodation.

The proposal is that there should be a review of the bands, and the different groups that are prioritised within each band. In particular, it is proposed to give higher priority to households in overcrowded circumstances on the Housing Register. In addition, it is proposed to place all households who are under occupying their properties, no matter what the size, in Band A.

#### Reason

The proposal is designed to influence the behaviour of applicants. In this case, by giving a general greater priority to households waiting on the Housing Register, it is hoped that it may encourage households to wait for rehousing patiently in their current housing circumstances, and have a realistic prospective of success. If households think that they have no realistic prospect of being rehoused, then housing circumstances which are difficult become intolerable and trigger homelessness applications. If households believe that they have a realistic prospect of rehousing, if they remain where they are on the Housing Register, then homeless applications may reduce. This message is embedded in the Allocations Policy of for example, Camden, where applicants in temporary accommodation know that they are only likely to be offered private rented accommodation, and almost all lettings are directed through the Register. Camden has only 450 households in temporary accommodation, which appears to support this approach.

In addition, it is very much in the Council's interest to increase the number of households who down size as this releases valuable properties for households on the Register. Therefore it makes sense to give the highest possible priority to households who are under occupying, no matter whether they are giving up one or two bedrooms.

#### Impact

In the immediate short term, it is possible that waiting times in temporary accommodation may increase, and temporary accommodation costs increase as well. Once a more widespread understanding of this approach is shared, people's approach to their application may change, and a shift in the balance of lettings takes place so that over time, homeless applications and temporary accommodation use will reduce. However it is clear that there may be concerns with this approach at this time, when the numbers in temporary accommodation are high and rising. Such a policy would need to be closely monitored and amended if the costs to the Council are significantly worse.

There is a risk from the increasing proportion of homelessness applications arising from private rented sector evictions, where the household will have no way of delaying or postponing their homelessness application and will be adversely affected by this proposal.

The proposal will have the impact of informing applicants of the relevant priority that the Council attaches to different kinds of applicant for housing.

The impact of raising the priority of households who are under occupying their homes may not have a major impact, as this is only one of the factors that encourage households who are under occupying to move. This, together with a support service and the offer of higher quality homes may as a whole package provide additional strength to the offer that we make to households under occupying their homes.

#### 4. Single person households under the age of 35

##### Proposal

Currently anyone over the age of 16 can register for housing on the Housing Register. As already seen there are difficulties with the cohort between the ages of 16 – 18 for which proposals are set out above. There are also however problems with households over the age of 18 and below the age of 35, if they are a single person household.

The Government's proposal that Local Housing Allowance rates will apply to social housing, when applicants in social housing apply for Housing Benefit, will have an adverse impact on this cohort of people. Single people under the age of 35 are assumed to be able to find accommodation in a shared house – where they rent a room, and share all other facilities. The amount of Housing Benefit they receive is therefore set at what is known as the "Shared Room Rate". Some, but not all of the Council's one bed housing stock has rents (including service charges) which are above the Shared Room Rate, and therefore it is possible that single person households under the age of 35 will not be able to afford our one bed flats.

The policy options on which we wish to consult is how to deal with this situation. The options include:

- Removing all single person households under the age of 35 from the Housing Register, and advising such applicants to find a shared room within the Private Rented Sector
- The Council letting some of its accommodation as shared housing, where applicants under the age of 35 are allocated one room in a shared house; and that rents are charge per room;
- Setting aside all one bed accommodation with low rents, (where they are below the Shared Room Rate) for such households as a priority, over other applicants for one bed properties.

##### Reason

The change in the Government's Regulations for the administration of Housing Benefit has caused a difficulty for the cohort of households who are under the age of 35, single and in need of housing. It is the case that the majority of single person households under the age of 35 who are accepted by the Council as homeless, will be very vulnerable, and may not be suited to shared housing.

The policy options set out above are alternative approaches to dealing with this problem. If we continue with our existing policy, the danger is that some single person households under the age of 35 will be allocated to a home, where they will not receive full Housing Benefit, and will therefore be unable to afford it.

The full effect of this change does not take place until April 2018, although the proposal does apply to all tenancies which start after 1.4.16. In addition, the Government is still considering the impact of this change on supported housing and other groups, and has promised to publish research into the costs of supported housing, and to make decisions on the long term future of this policy.

The Government's proposal does not affect single person households under the age of 35 who are working. It should be noted of the 72 households in this category currently in Temporary Accommodation waiting for rehousing, 10 are working.

The Local Housing Allowance cap already applies in the Private Rented Sector. A limited number of tenants are exempt from the cap:

- Care leavers until the age of 22
- Over 25 year olds who have lived in a homeless hostel in the last three months, and are receiving support
- People who have left prison and are being managed under a MAPPA programme for high risk offenders
- Disabled people who need overnight care
- Disabled people who receive the middle or high rate of Disability Living Allowance
- Disabled people who receive the daily living component of the Personal Independence Payment

At this stage, the Government have not made any announcement about whether these exemptions will also apply to the social housing sector, when the cap comes into force in April 2018.

#### 4. Single person households under the age of 35

##### Impact

The change in the rules on benefit for such households may undermine the effort of Councils to successfully settle some of the most vulnerable households who are accepted – those with a history of mental illness, those leaving care; single women fleeing domestic violence.

The alternative approaches to the change in rules, will have different impacts. If we decide not to house this cohort at all in social housing, clearly they will end up in shared housing in the private rented sector, which may not be the best and most appropriate housing for them, and certainly will not be the preferred choice of most of the applicants. Shared housing is of course more difficult and costly to manage, and carries risks which will need to be fully assessed.

#### 5 . Sheltered Housing

##### Proposal

Currently, any person or couple over the age of 50 can apply for sheltered housing. Sheltered housing provides independent accommodation, in a setting with communal facilities, such as lounge, laundry, gardens and some social activities. There are staff allocated to support the residents. There is a review of supported housing, including sheltered housing underway at the present time. Its early findings suggest there are a significant number of residents who have relatively low level support needs.

Options are to:

- Raise the age threshold to state retirement age and ensure a more robust support need threshold operates;
- Remove the age threshold entirely and operate an entirely needs-based system, which would require schemes to be designated differently to the current arrangements.

The Council wishes to ensure that the provision of sheltered housing better matches need and demand, which may necessitate revisions to the current arrangements for assessment and prioritisation. These and other options will be influenced to a significant degree by the findings of the supported housing review, which will influence the detailed proposals included in the consultation.

##### Reason

Sheltered Housing has particular qualities and characteristics which are designed to support older people to live more independently through increasing frailty. However, this type of accommodation has become less popular, partly because many schemes were built to standards appropriate in the 1960s and 1970s which are no longer so popular today. As a result, one tactic used in the past to ensure that properties in sheltered complexes are let, has been to reduce the age of qualification for this type of accommodation. This has meant in some cases, a clash of lifestyles, with more independent people living in sheltered accommodation alongside more elderly and frail households.

The review of supported housing is identifying that there is a proportion of residents in sheltered accommodation who do not need the support and facilities that are provided.

The reason for this proposal is to move back to a model of housing and support that is wanted, and needed by the residents who live in the schemes.

##### Impact

One impact of this change may be to reduce the cohort of people awaiting sheltered accommodation, as single people and couples between 50 and 60 are removed from the Register for sheltered housing. This may also lead to an increased number of vacancies in sheltered housing schemes, which may assist with implementing the findings of the review.

The positive impact will be to restore the original purpose and function of sheltered housing. The review may conclude that there is a reduced need for all the current schemes and provision of sheltered housing, and this may lead to specific decisions about particular buildings, which could be converted for another use.

## 6. Removing choice from homeless households, and quota applicants

### Proposal

In the current arrangements, households to whom the Council has accepted a duty to provide settled accommodation, are placed in temporary accommodation of various kinds, and then are able to bid via Choice Based Lettings, for a home of their choice. However some people do not bid as they prefer to remain in their temporary accommodation. This situation cannot be sustained, as temporary accommodation generally is a net cost to the Council's General Fund. For this reason, these households are put on an "Autobidding system" which means that the computer system will bid for properties of the appropriate size on their behalf, and they are asked to view, and to accept the property if they are successful.

In one sense, therefore their "Choice" is forced, and does not meet the aspirations of the Choice Based Lettings system. The proposal is to remove this "choice" and to make all homeless households one offer of appropriate accommodation. If they refuse this accommodation, the Council may declare that it has discharged its duty towards them, and may proceed to evict them from their temporary accommodation.

In addition, there are individuals living in supported accommodation, who are ready to move on. However they do not bid on the Choice Based system, or only bid very selectively for very few properties. This could be because they feel more comfortable and safe in the supported scheme, even when they are ready to move on and no longer need as much support. The proposal is that they should be made a direct offer of accommodation.

### Reason:

One reason for proposing this approach is that it makes a further distinction between homeless applicants and other applicants in difficult housing circumstances on the Housing Register. The message that the Council would be giving to applicants is that those waiting on the Housing Register will have the benefit of choice, but those applying as homeless would have no choice, and would only receive in effect an offer of whatever the Council has available at the time. In addition, the proposal reflects the reality of what is occurring with homeless households now, and removes the administration of setting applicants up on the Choice Based Lettings system, and then forcing their choice by submitting auto bids on their behalf. It may also speed up the process of making offers of accommodation to homeless households, and either moving them into settled accommodation more quickly, or discharging duty towards them, if they refuse an offer of reasonable accommodation.

The reason for seeking the additional ability to make direct offers to households on the various quotas is in order to ensure that they do move on when they no longer need the support provided within the supported housing scheme. This will free up accommodation for new applicants in greater need of the support.

### Impact

This policy may be unpopular with homeless households, particularly those in temporary accommodation who prefer to remain there. The positive impact for the Council will be to move the process of moving homeless households more quickly either into settled accommodation, or where they refuse the single offer of accommodation, enabling the Council to discharge its duty towards such households. This may also have the effect of reducing the numbers and costs of temporary accommodation.

Making direct offers to households subject to social housing quotas, such as care leavers, or those moving on from supported housing schemes, will ensure that these quotas are fully taken up and that supported accommodation is released for those with greater support needs. However, it does have the negative effect of removing bidding from the process by which care leavers and other vulnerable individuals are encouraged to take responsibility for engaging with their housing solution and managing their lives generally.

## 7. Prioritising decant cases

### Proposal

The current policy states that the Lead Member for Housing and Regeneration has authority to award permanent decant status to households affected by the demolition or redevelopment of their estate. They will be awarded the highest priority, band A and are able to bid for alternative accommodation.

Currently when decant status is awarded, it is awarded for all the applicants in a particular block at the same time, and accordingly they enter the Housing Register with the same priority date. This can mean that a large number of tenants have identical priority.

It is proposed that tenants affected by redevelopment status should be awarded Band A, but that the effective date should be the date of their tenancy. This will mean that tenants will have different levels of priority, and mean that they are not all competing for the same properties and end up in the same priority, making it difficult to be clear about who has priority for each property.

### Reason

The reason for this proposal, is to differentiate between people who are all being given decant status at the same time. This will ensure that they are all not competing on an equal basis for the same properties.

### Impact

This will provide a prioritising system, simple and understandable for households who need to move by reason of the redevelopment of their estate and should facilitate more efficient rehousing.

**Appendix 2 – Proposals for Changes to the Tenancy Strategy****Tenure length and renewal of fixed term tenancies****Proposal**

Currently, the Tenancy Strategy states the Council's policy on lifetime tenancies. The proposal is to use flexibilities in the Housing and Planning Act to maximise family/community stability, whilst enabling higher income tenants to move on at tenancy renewal stage to take up low cost home ownership or other intermediate housing options and requiring under-occupiers to move to smaller accommodation, thereby releasing rented homes for re-letting,

1. The Act requires that most new Local Authority tenancies are granted for fixed terms of between 2 and 10 years (subject to forthcoming regulations), although Local Authorities can grant households containing a child under the age of 9 a longer tenancy, which will last until the child reaches the age of 19. The Council's new proposed policy will be to grant the longest fixed term tenancy (permissible under the regulations in individual cases) up to maximum 10 years duration, following an introductory tenancy, except where a longer tenancy can be granted to a household containing a child under the age of 9.
2. The Act requires that before the end of a fixed term, landlords will have to conduct a review to decide between 3 options:
  - Option 1 - grant new tenancy on same property
  - Option 2 – grant new tenancy on another property
  - Option 3 – seek possession

The Council's new proposed policy will be to normally grant a new tenancy on the same property (option 1). In some circumstances, a review will be triggered where:

- (a) the household's gross annual income exceeds either the Pay to Stay threshold (currently set at £40,000) or those income thresholds that may be defined in the Allocations Policy (subject to consultation), in which case the household may be advised and supported in finding alternative accommodation (Option 3)
- (b) the household is under-occupying, in which case the household may be granted a new tenancy of another smaller property (Option 2).
- (c) there are tenancy management issues.

In these cases, relevant personal circumstances will be taken into account. Under the Act a decision not to renew a tenancy is subject to a review (appeal) process.

**Reason**

1. To comply with Housing and Planning Act 2016 but operate in line with the Housing Strategy by offering the longest fixed term tenancies possible, in order to maximise stability for families and communities.
2. To be consistent with proposed Allocations Scheme changes on income thresholds, and the 'Pay to Stay' threshold
3. To free up rented units and make best use of our stock, where households can afford alternative options or move to smaller properties.
4. To align with the draft Intermediate Housing Policy, which prioritises households for 'low cost' shared ownership. The minimum income for purchasing a shared ownership home, or renting an Intermediate rented property will be set for each scheme, depending upon the overall costs.

**Impact**

| <b>Tenure length and renewal of fixed term tenancies</b>  |
|---|
| <ol style="list-style-type: none"><li>1. New tenants will not benefit from lifetime tenancies, but will benefit from the maximum length of tenancy available under the Act.</li><li>2. Lifetime tenancies are retained for existing tenants – however succession rights are affected</li><li>3. Fixed term tenants with higher incomes may not be granted a new tenancy at renewal stage, but will be advised/supported in finding alternative accommodation.</li><li>4. Fixed term tenants who are under-occupying may only be granted a new smaller home at renewal stage.</li><li>5. Households on the Housing Register may benefit from greater access to re-lets released by 3 and 4 above</li></ol> |



## Appendix 3

**DRAFT HOMELESSNESS STRATEGY AND DELIVERY PLAN 2017-2022**

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## 1. Introduction

The Homelessness Act 2002 introduced the requirement for local authorities to formulate and publish a Homelessness Strategy every five years based on the results of a Homelessness Review. This draft Homelessness Strategy 2017-22 is the third Homelessness Strategy that the Council has produced, and incorporates our Homelessness Review and Delivery Plan.

The draft has been developed and will be consulted upon during a period of unprecedented change in the national housing landscape. As well as the continued buoyancy of the London housing market, there has been significant government legislation that has or will affect housing provision and together, these factors are having a substantial impact on homelessness and our ability to deal with it.

During the period the Council has brought forward Haringey's Housing Strategy 2017-2022, which acknowledges this very different landscape and sets out a new, ambitious strategic direction for all housing activity in the borough.

## 2. Consultation

This draft Homelessness Delivery Plan has been developed in partnership with our partners in the Homelessness Forum and Core Group. This collaborative approach will continue with formal consultation with the public, and specifically with those in housing need including residents of temporary accommodation and households on the housing register.

The consultation will also invite partners to develop, enhance and extend the Delivery Plan to include our partners own strategic homelessness commitments, and invite them to lead and provide resources to support specific actions, and to work jointly with the Council to improve outcomes for homeless households.

## 3. National Context

There has been a series of national policy changes affecting homelessness. These have included significant welfare reform changes, the Localism Act 2011 and most recently, changes introduced in the Housing & Planning Act 2016, though much of this is to be confirmed in regulations.

### 3.1 Welfare Reform

There are increasing pressures on low income families following welfare changes that have both affected their incomes and limited the amount of benefit payable towards housing costs. Welfare reforms with the most significant implications for housing and homelessness include:

- Local Housing Allowance (LHA) reductions including total LHA caps and the limiting of LHA to the 30th percentile of market rents. However, the Government has frozen increases in LHA Rates for 4 years from April 2016 meaning fewer properties are available within these rates.
- The Total Benefit Cap limiting maximum benefits that a family can receive to £500 per week, with the benefit removed from housing benefit payment towards rent. This will be reduced further from November 2016.
- Spare Room Subsidy (known as the 'Bedroom Tax') reducing housing benefit entitlement to social housing tenants considered to be under occupying their homes.

- Transfer of responsibility for Social Fund payments to local authorities and to Council budgets.
- Disability Benefit changes and the replacement of Council Tax Benefit with local Council Tax support, reducing benefit income to a wide range of working age adults.
- Universal Credit will provide a single stream-lined benefit paid to residents directly rather than to their landlords.
- Single Person Households under-35 may also have the amount of benefit capped to the LHA rate for the shared room rate. This restriction is currently affects private sector tenants but in April 2018 will affect new social tenancies starting after 1 April 2016.

### **3.2 Localism Act 2011**

The Localism Act 2011 introduced important changes affecting social housing and homelessness, enabling councils to permanently discharge their homelessness duty by making use of suitable accommodation in the private rented sector. The Act also changed the statutory succession rights of new tenants, restricting the right to the partner of the deceased tenant.

### **3.3 Housing & Planning Act 2016**

This is the most significant change since the Localism Act to affect social housing. The implications of the changes have been set out in the Housing Strategy and include the loss of homes as the council will be forced to sell vacant council homes to fund the right to buy for housing association tenants, reducing supply further.

### **3.4 No Second Night Out**

A strategy for rough sleeping was set out by a Ministerial working group in a 'Vision to end rough sleeping: No Second Night Out Nationwide', published in July 2011. No Second Night Out (NSNO) has five standards:

- 1) New rough sleepers can be identified and helped off the streets immediately.
- 2) The public can alert services if they see anyone sleeping rough so they get help.
- 3) Rough sleepers can go to a place of safety, where their needs can be assessed and they can get help.
- 4) Rough sleepers are able to get emergency accommodation and other services they need.
- 5) Rough sleepers from outside their area can be reconnected with their community.

## **4. Regional Context**

The provisions in the Localism Act 2011 devolved housing strategy and funding to the GLA from the Homes and Communities Agency (HCA). The current Housing Strategy (of the previous Mayor of London) was published in June 2014.

Currently the Mayor of London spends around £9 million on a range of commissioned pan-London rough sleeping services and projects and also funds the Social Impact Bond

programme of up to £5 million over three years. In July 2016, the new London Mayor committed to setting up a “No Nights Sleeping Rough Taskforce”, which is aiming to focus on prevention as its core approach.

He also committed to deliver greater co-ordination of councils’ efforts to find stable private rented housing for those unable to move into social housing, instead of council competing for homes with increasing incentives to private landlords.

## 5. Local Strategic Context

Haringey Council’s Corporate Plan, Building a Stronger Haringey Together, describes the Council’s overall priorities and programme of work for the period for 2015-18. It identifies housing as one of its five priorities, committing us over that period to ‘Create homes and communities where people choose to live and are able to thrive’. A key objective is to: “Prevent homelessness and support residents to lead fulfilling lives”. The new Housing Strategy describes Haringey’s housing context and builds on the Corporate Plan, defining four strategic objectives:

1. Achieve a step change in the number of new homes being built.
2. Improve support and help to prevent homelessness.
3. Drive up the quality of housing for all residents.
4. Ensure that housing delivers wider community benefits.

The Strategy is ambitious yet realistic in acknowledging the challenges and the difficult choices that the Council has to make in the current climate. Some of these choices are reflected in this Homelessness Strategy & Delivery Plan, along with further development of the effective work the Council and its partners have been doing to tackle homelessness. Much of this good work will continue and in some areas our focus and emphasis will develop to reflect changed circumstances.

Early intervention, prevention of housing crisis and improved supply and cost effective use of temporary accommodation remain the top priorities. We will put more emphasis on self-help, and supporting people who can help themselves to do so. At times the message on realistic housing options will not be welcomed by people, but we will strive to provide and enable appropriate solutions to their housing problems. Increasingly, the solution will not be social housing.

We will treat people as individuals, offering targeted and appropriate advice and support depending on need and circumstances. Those households that can afford alternatives to social housing will be pointed in that direction, while those affected by welfare benefits changes will be offered more holistic support, including assistance with employment, training and financial management.

Early intervention means more focus on outreach work, working with and through voluntary and community organisations to reach people in difficulty before they experience crisis. Sustaining existing tenancies remains a high priority and we are pushing our services upstream, engaging with people before their circumstances force them to approach us.

Where homelessness cannot be prevented and a duty is accepted, we will provide good quality, affordable temporary accommodation, accepting that for some people this will be outside the borough and outside London. Holistic support will be provided to mitigate the impact of this. Those that are prioritised to remain in Haringey will do so, but for others this may mean settling permanently in a new location that is more affordable for them.

Temporary accommodation supply is a critical challenge, which can only be met by widening our pool of supply, making better use of our own assets and building strong relationships with existing and new landlord partners, providing incentives where needed and offering stability and convenience to them. We are open that the financial costs to Haringey taxpayers are a significant factor in our thinking and our plans must therefore include effective action to minimise these costs.

The reduced supply of social housing means that how we allocate it will become more important. The Housing Strategy acknowledges that social housing must be targeted at those who cannot afford alternative options; those that can will be enabled to take up options including the private rented sector and low cost home ownership.

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## 6. Homelessness Review

### 6.1 Haringey Overview

There are approximately 274,800 people living in Haringey in about 113,500 households. Haringey ranks as the fifth most diverse borough in London. Overall 39.4% of Haringey's population were born overseas, with around 4.3% coming from Poland and 4.0% from Turkey. Around three-quarters of our young people are from ethnic minority backgrounds. Haringey has one of the highest proportions of low paid workers in London and 36% of children in Haringey live in poverty (8th highest in England) and in Tottenham, this increases to 44% of children.

Buying a home in Haringey is expensive; lower wages and high house prices make it impossible for some people to ever buy a house. The average price of a two bed flat is £440,947 whereas the estimated median household gross income is around £35,400.

Private rent levels are also rising sharply in Haringey with the average weekly rent for a two bedroom property in June 2016 at £430 a week. There are around 33,500 privately rented properties in the borough (constituting about 33% of all households) but only 6% of households see this as their preferred tenure.

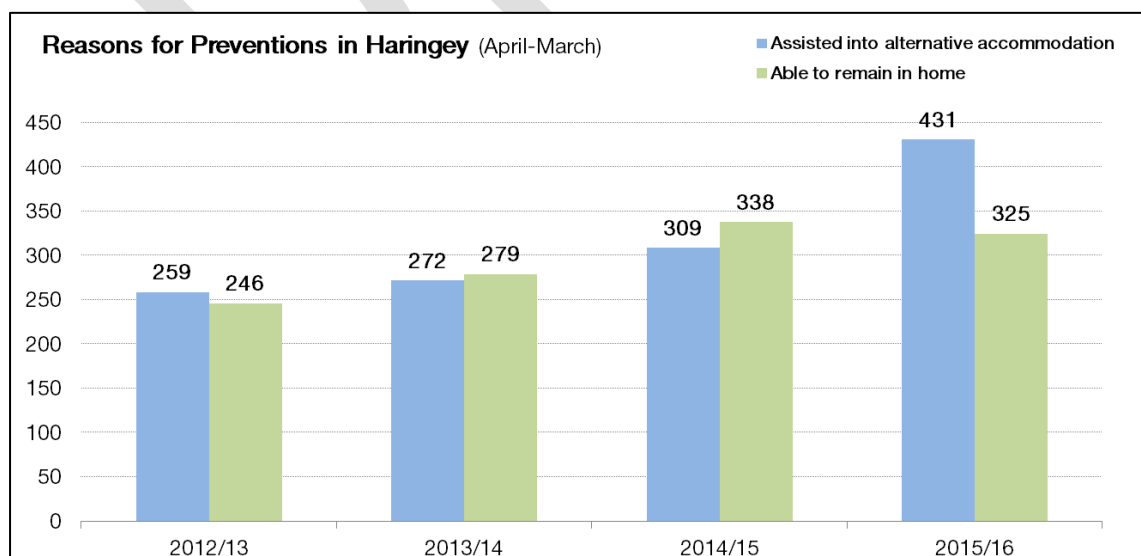
### 6.2 Homelessness in Haringey

#### Approaches and Preventions

In 2015/16, over 3,226 households approached the council for advice on housing issues – about two thirds were women and 58% were aged between 25 and 44 year old. 96% were of working age.

Between 1 April 2012 and 31 March 2016, 2,459 households were prevented from becoming homeless. Of these, 1,188 of these were helped to remain in their homes; and 1,271 were helped to move into alternative accommodation.

In 2015/16, the Housing Advice and Options teams were able to prevent homelessness in 756 cases, with 57% of these households being helped into alternative accommodation, whilst 43% were able to remain in their current home.



## Housing Related Support Pathway

The Housing Related Support Pathway for single vulnerable people commenced in 2014/15. Early results have shown a 62% and 58% reduction into the number of vulnerable single people booked into Temporary Accommodation for the first two quarters of 2015/16.

The impact of the pathway is reflected in the absence of care leavers and ex-offenders from the acceptances in 2015/16 but who accounted for 24 and 9 respectively in 2012/13.

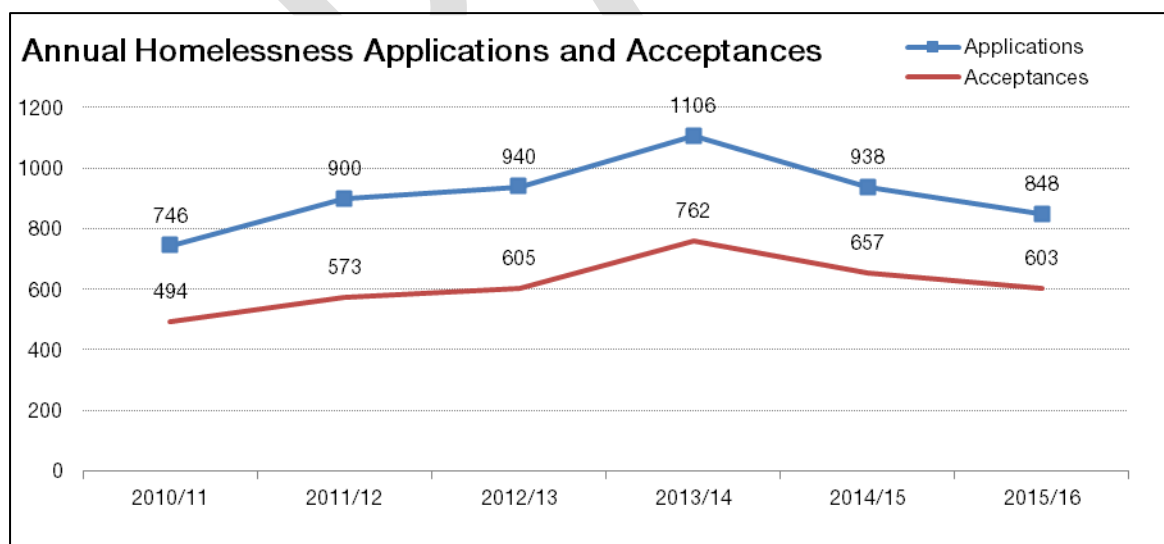
Current the Council spends over £3 million per annum on a combination of long term services for older people and people with learning and physical disabilities. A further £6 million is spent on a combination of short term services that include Pathway services for people with mental health, young people, single homeless, substance misuse clients; and general floating support services for BME clients and women at risk of domestic violence.

Over the course of a year, nearly 7,000 people are supported to maintain their independence.

## Homelessness Applications and Acceptances

The level of homelessness applications and acceptances in Haringey is reducing from the peak in 2013/14. After a rise in applications for four consecutive years (from 746 applications in 2010/11 to 1,106 in 2013/14), there has been fall to 938 in 2014/15 and 848 in 2015/16.

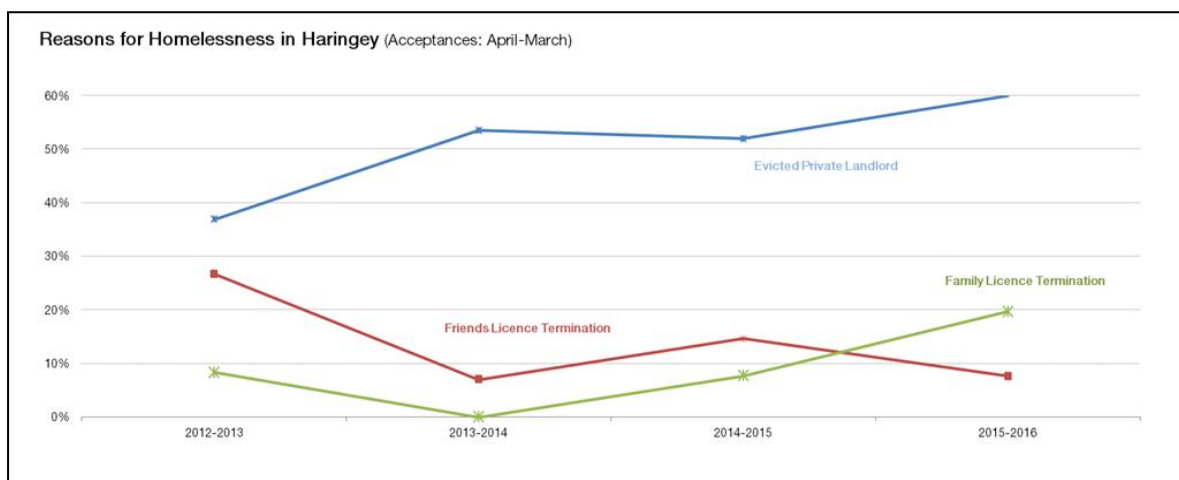
During this time, there has been a similar pattern in the number of acceptances with 762 acceptances in 2013/14 and 603 in 2015/16. This reduction is in part due to the use of pathways to divert vulnerable groups from homelessness, and a focus on homelessness prevention.



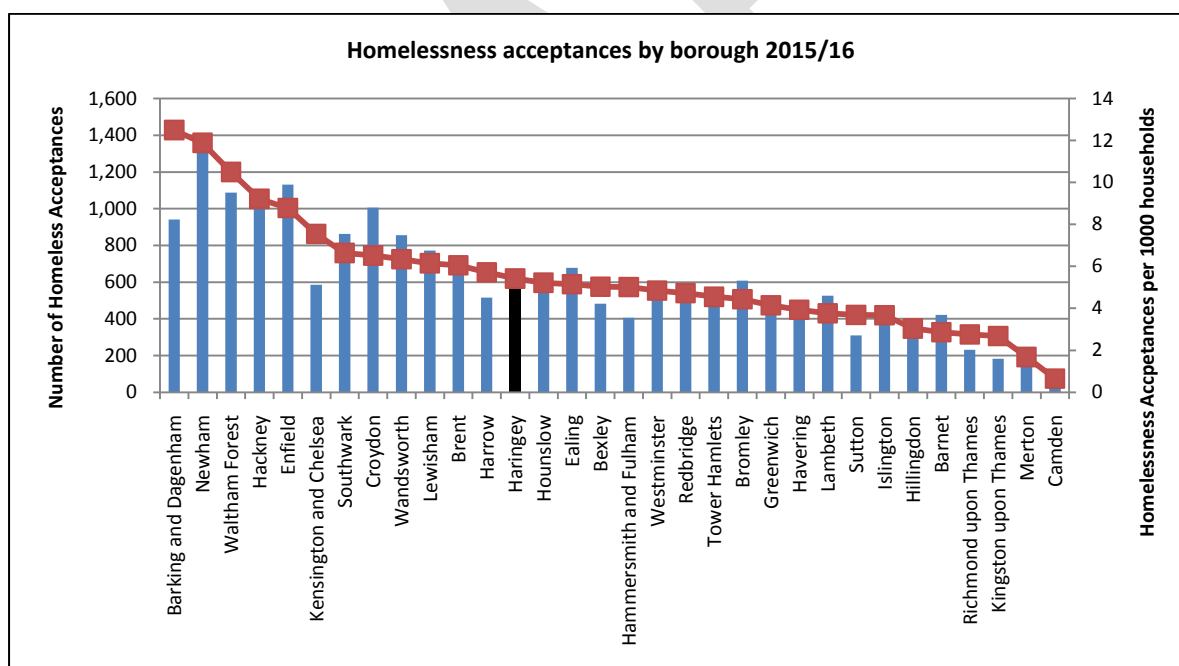
## Reasons for Homelessness

There have been significant changes in the reason for homelessness, with 'Evicted by Private Landlords' rising from 37% of all acceptances in 2012/13 to 60% in 2015/16. In 60% of these cases, the landlords ended the tenancy without declaring any grounds relating to a breach of tenancy.

There has also been an increase in those coming from a family home from 8% in 2012/13 to 20% in 2015/16. However, there has also been a fall in those previously living accommodation with friends which has falling from 27% to 8%.



The chart below shows the comparison rate of acceptances per 1,000 households by each London Borough. The rate for Haringey of 5.5 puts it in the middle range of London Boroughs. This has reduced from 7.14 in 2013/14.

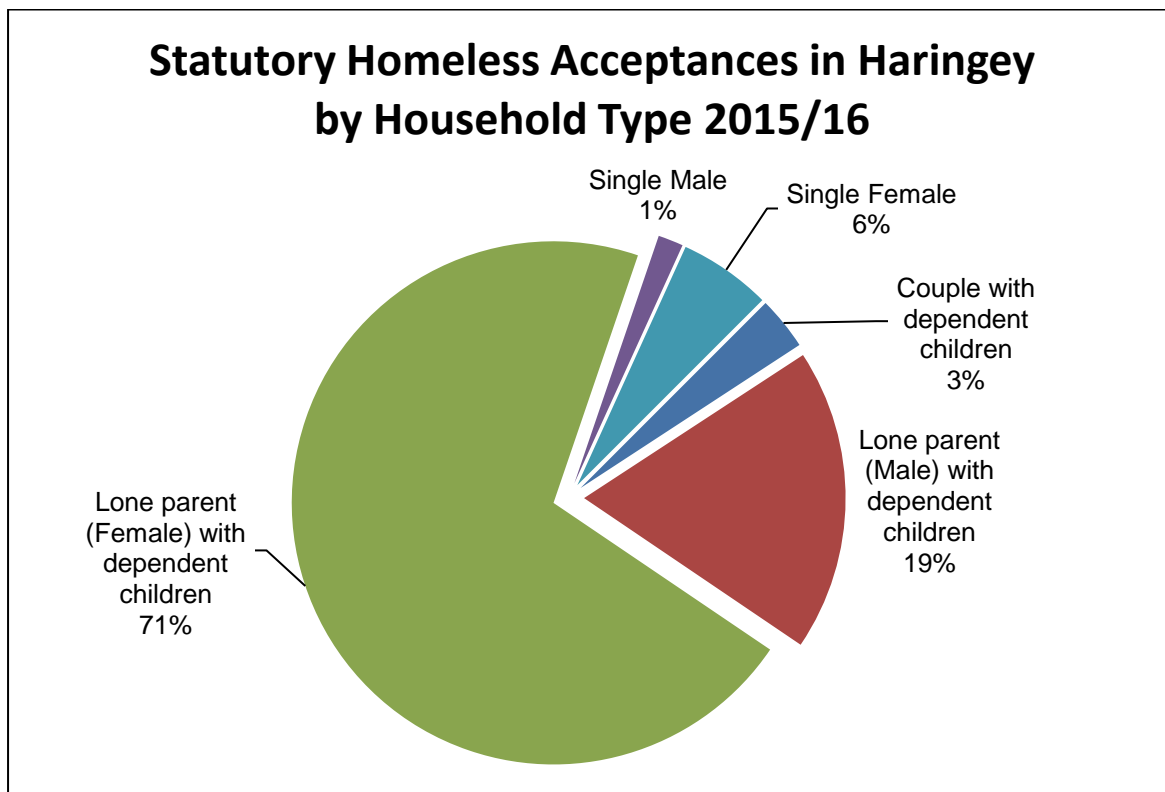


In 2015/16, the lead applicants of 40% of accepted households were of black origin, compared with 19% of the population in Haringey. 89% had priority need because they had dependent children or were pregnant, 3% because of a physical disability and 2 cases due to a mental illness or disability.

Since the introduction of the supported housing pathway, we have seen fewer applications and acceptances from single person households. 7% of homelessness acceptances in 2015/16 were from single person households much reduced from 2010/11, when the figure was 39%. This compares to a London wide percentage of 16%.



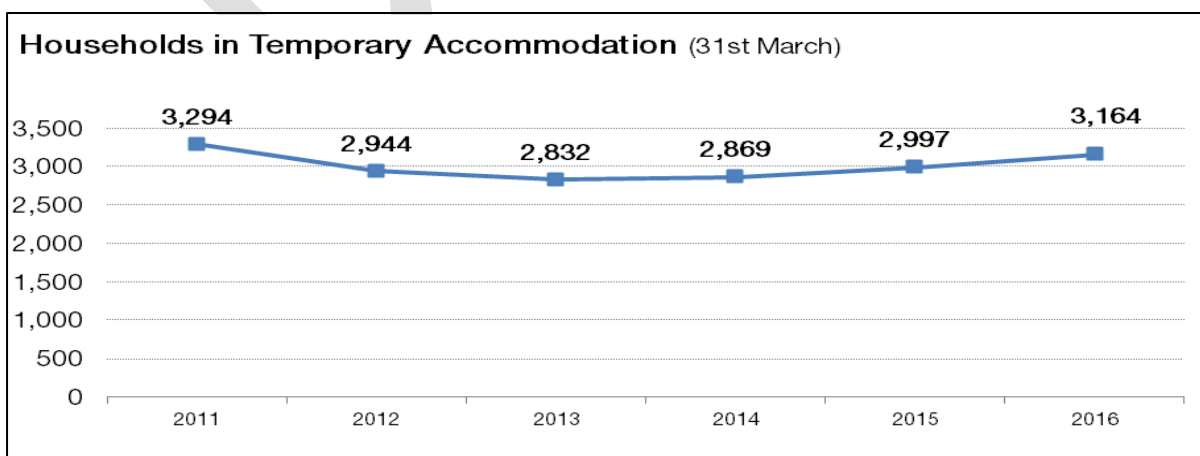
517 households (90% of all) households accepted were lone parents, compared to a London wide percentage of 53% whilst the number of people becoming homeless due to domestic violence reduced from 35 in 2014/15 to 6 in 2015/16.



### Temporary Accommodation

Although there has been a fall in the number of acceptances in the previous two years, the number of households in temporary accommodation (TA) has increased for the last four years due to the declining supply of social housing lets as described above, and a reduction in supply of available of private rented housing.

On 31 March 2016 there were 3,164 households living in temporary accommodation placed by the London Borough of Haringey - the second highest in London. Over the past year, the proportion of departures from TA reduced by 21%. This means a net inflow into TA as more households are entering TA than leaving it.

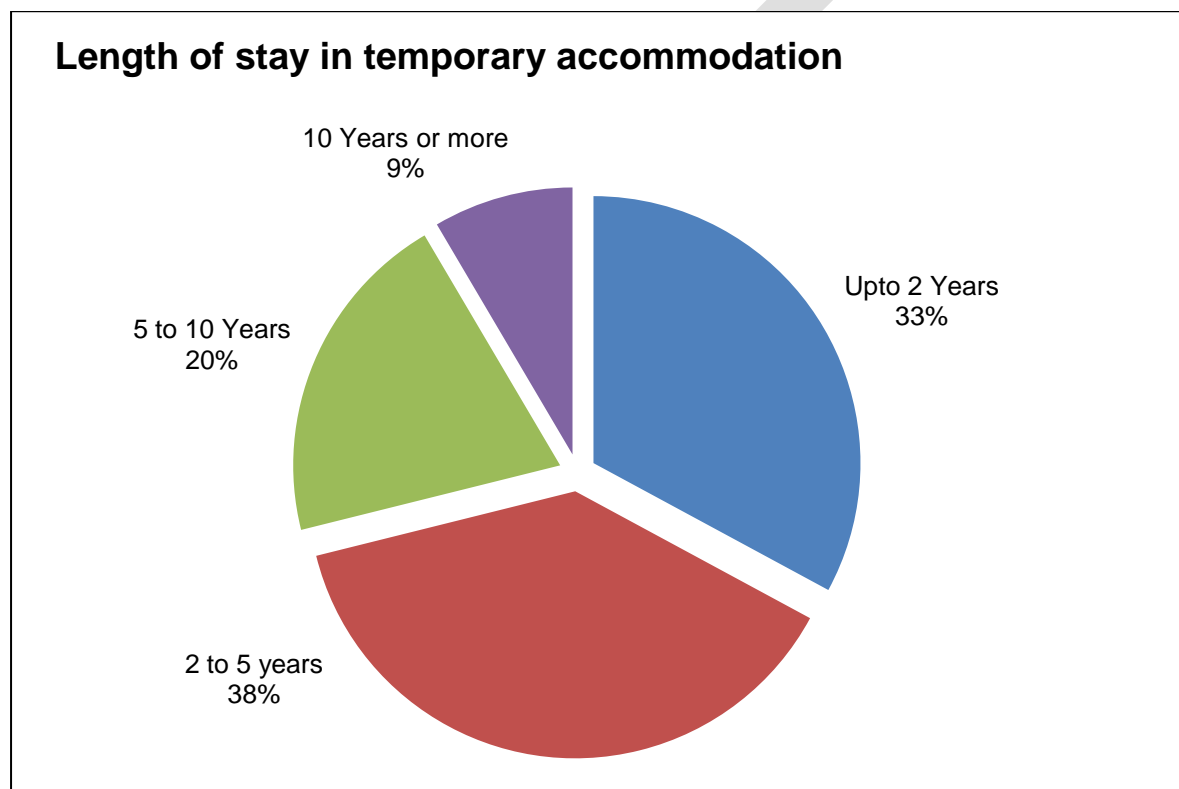


Almost all residents in temporary accommodation were statutory homeless, with 5% awaiting an assessment of their homelessness.

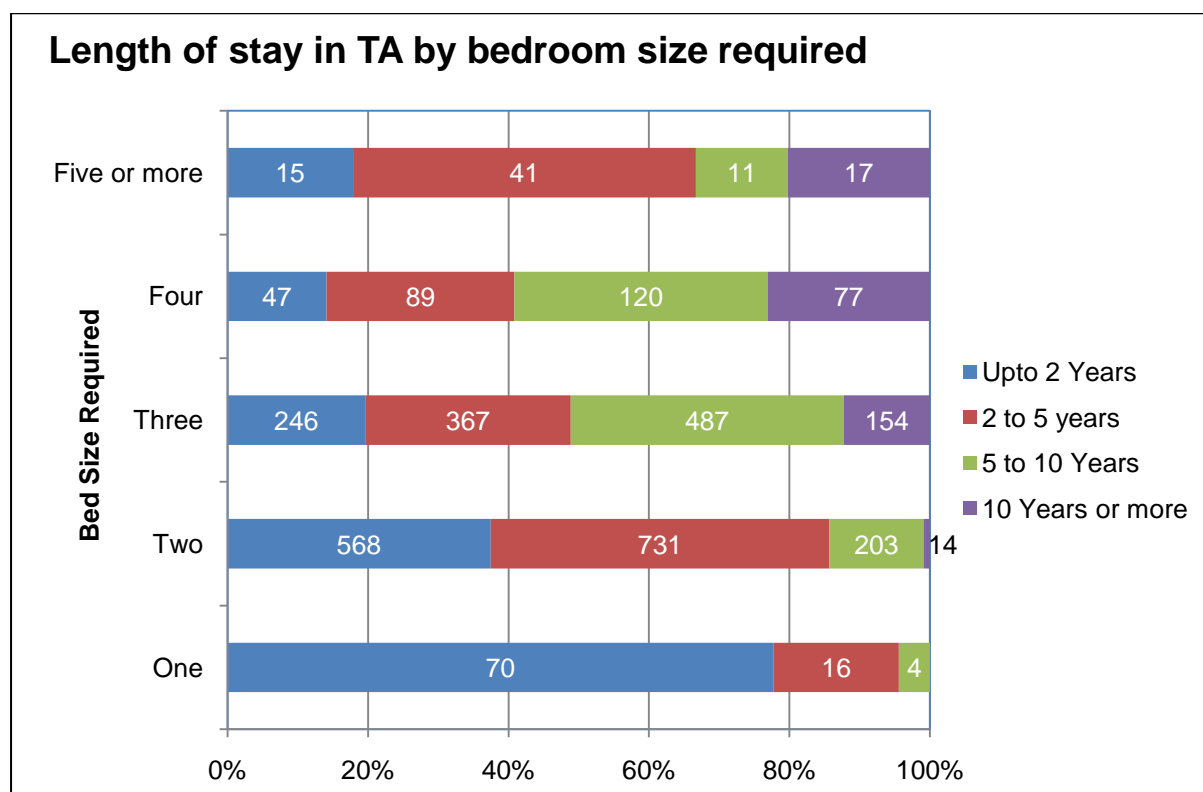
These households consisted of around 10,000 individuals – just under half of which were children. 67% of the head of households in temporary accommodation were aged 25 to 44 and only 5% were over 55.

Around 59% of households in temporary accommodation are single parents with at least one child. Single Black women are over-represented within this group, representing just over half of single parent families accommodated but only 43% of the total households in TA are from Black backgrounds. Comparatively just over a quarter (16%) of single parent families in temporary accommodation are from White backgrounds although White people make up 34% of the total.

The pie chart below indicates the average length of stay of households in temporary accommodation. Around a third are up to two years, another 38% up to five years; whilst nearly 30% of households have been in TA for over five years.



The graph below highlights the difficulty in procuring suitable accommodation for larger households as they will tend to stay in TA for much longer.



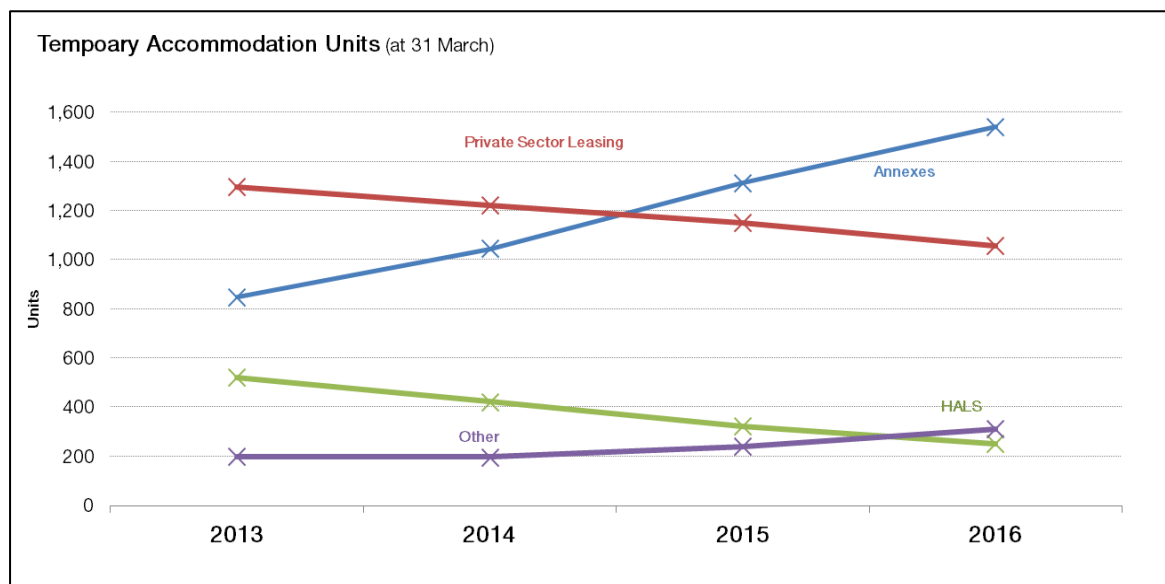
### Supply of Temporary Accommodation

On 31 March 2016, Haringey Council provided temporary accommodation for 3,164 households.

Since the last strategy, there has been a significant fall in the number of properties which are leased from private landlords ('Private Sector Leasing') – a fall from 1,297 in March 2013 (45% of all accommodation) to 1,058 (33%).

During this time, the number of properties leased from Housing Associations (Housing Association Leasing) has almost halved from 521 units in March 2013 to 252 in March 2016.

Leased properties represent a cost effective source of accommodation but increasing private sector rents have led to higher costs when leases are renewed. The drop in leased properties has largely been replaced by the use of 'annex' properties (self contained flats) which have increased from 849 units (30% of all accommodation) to 1,543 units (49%). The rent charged to the council for annex units is significantly more than housing benefit subsidy available.

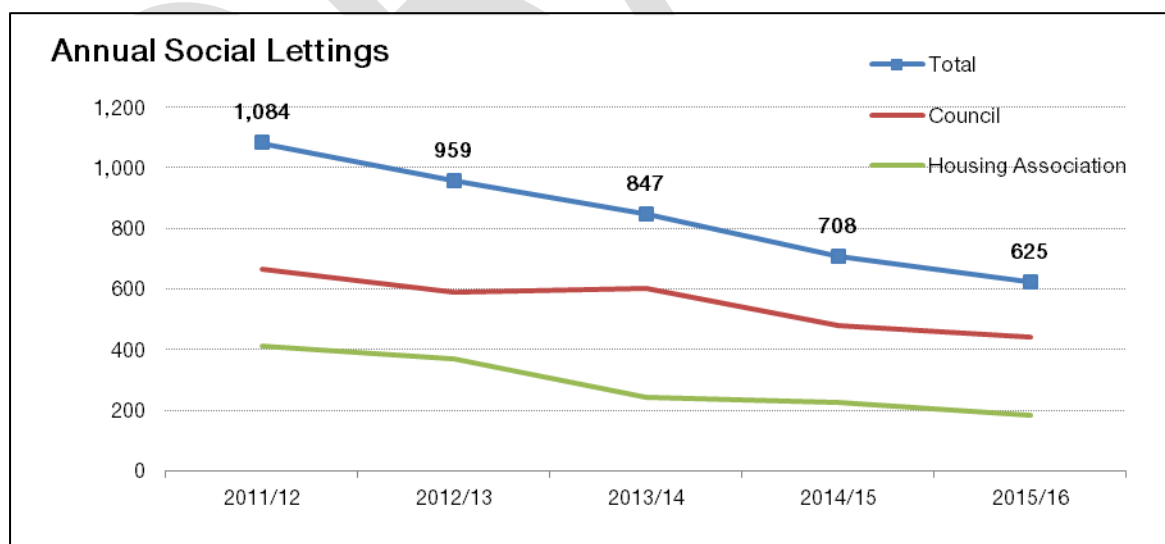


The difference between the cost of temporary accommodation units and the maximum recoverable rent (set by the Local Housing Allowance) is as high as £6,500 per unit per annum. This has led to a total net spend of £5.9m in 2015/16.

Alternative sources of supply are being sought both internally through the use of vacant properties on estate regeneration sites, conversion of former residential homes and modular build properties. Currently around half of the temporary accommodation provided is outside of Haringey.

### Social Housing & Private Sector Lettings

In 2015/16, there were 625 social housing lettings in Haringey. This compares with 955 in 2012/13, a drop of one third of the available lets in just three years. 442 lets (71%) were for council properties and 183 lets (29%) related to housing association homes.



Of all lets, 495 were to general needs properties and 137 for sheltered housing. 288 general need lettings were made to homeless households living in temporary accommodation. The current priority for lettings is to households in TA, though the target of 70% is not being reached.

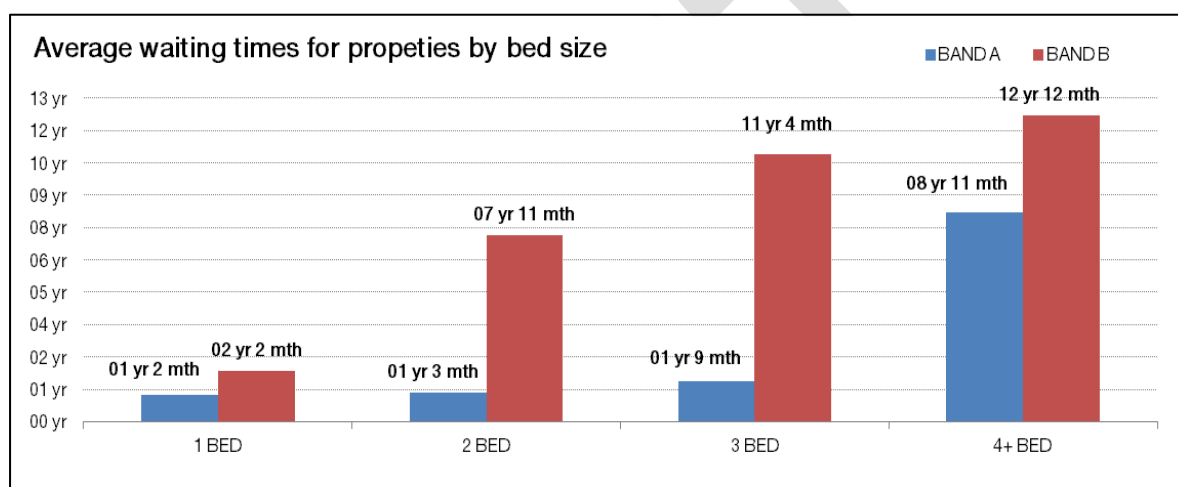
The number of lettings is expected to fall following the introduction of the Housing and Planning Act which came into force on 12<sup>th</sup> May 2016. This legislation introduces a levy on

Councils based on the sale of higher value voids. The number of lettings will be further reduced if sale of properties is needed to fund this levy.

In 2015/16, only 3% of lets (15 properties) were for properties with four or more bedrooms. This represents a significant drop from 31 lets in 2014/15 which was 6% of all general need lets. This contrasts with 46% of lets (226 properties) which were for one bedroom properties and an average waiting times for such properties is just under 1 year 8 months.

Shortages of larger properties have led to an average waiting times for four or more bedroom properties being just under 9 years for those in Band A and just over 12 for those in Band B. This in addition to the length of stay in temporary accommodation highlighted above.

Average times for Band A are considerably lower in smaller properties ranging from 2years 2 months for a one bed and 1 year 9 months for a three bed. Average waiting times for households in Band B are significantly higher for two and three bed properties at 7 years 11 months and 11 years 4 months respectively.



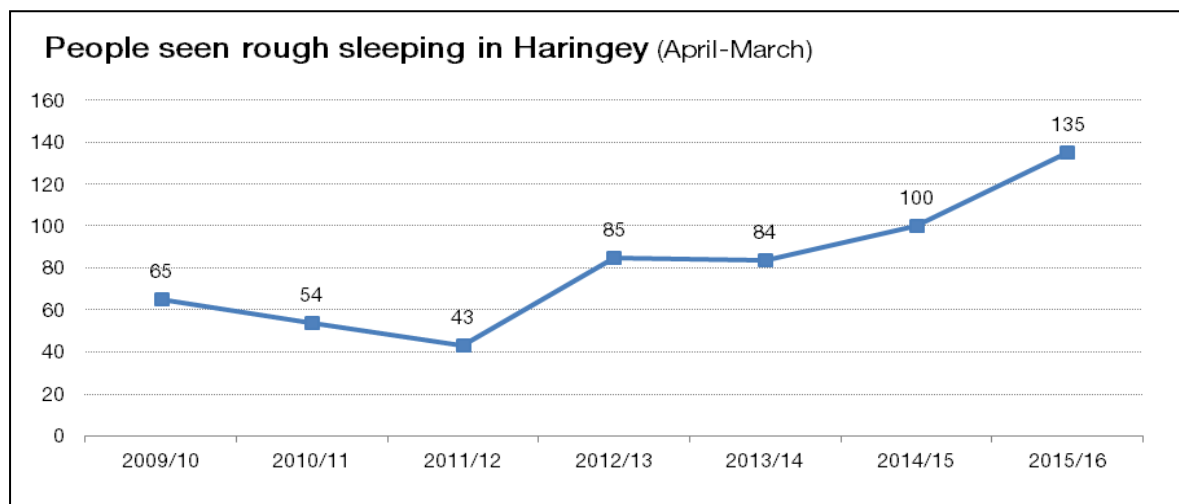
The shortage of social lets has created a need to seek alternative accommodation in the private sector. However, private sector supply has reduced significantly. There were 1,000 lets into the private rented sector in 2009/10 but in 2015/16, only 65 homeless households were re-housed into private tenancies.

The landlords who operate in the sector have reported back on their ability to secure higher rents above the existing LHA rates, given the buoyancy of the London housing market. The demand from tenants means they can also secure up to three months rent in advance from non Housing Benefit tenants.

### 6.3 Rough Sleepers in Haringey

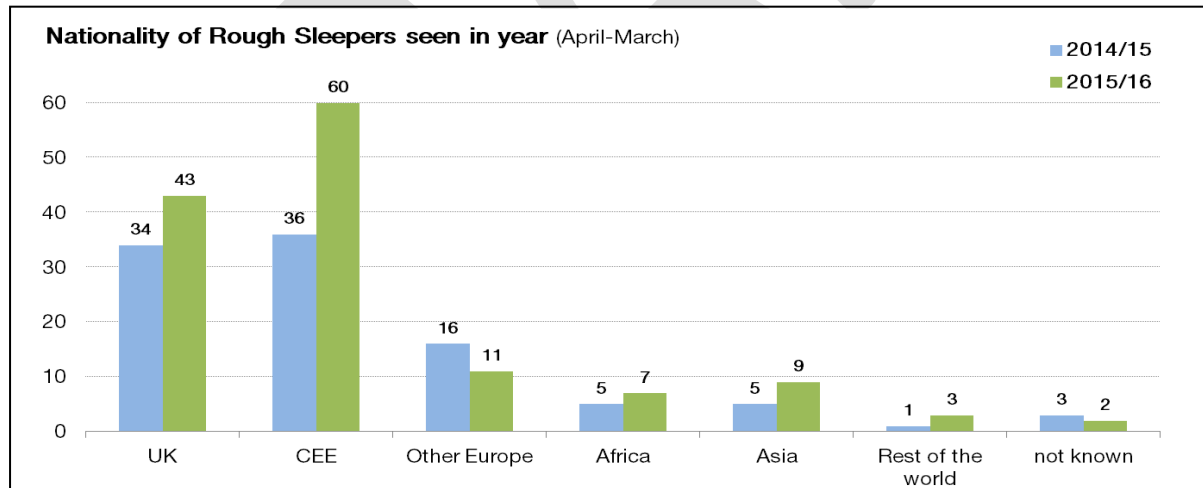
Most rough sleepers are single people who often face barriers to obtaining support due to usually being classed as non-priority. Many have issues with mental and physical health, substance misuse, and the lack of move on accommodation.

Although the Council has submitted an annual estimate, the CHAIN (The Combined Homelessness and Information Network) - a multi agency database recording information about rough sleepers and the wider street population in London, is able to provide more reliable evidence of trends. CHAIN reports that reveal that rough sleeping in Haringey has increased every year since 2011/12. In 2015/16, 135 rough sleepers were seen in Haringey in comparison to 43 in 2011/12.

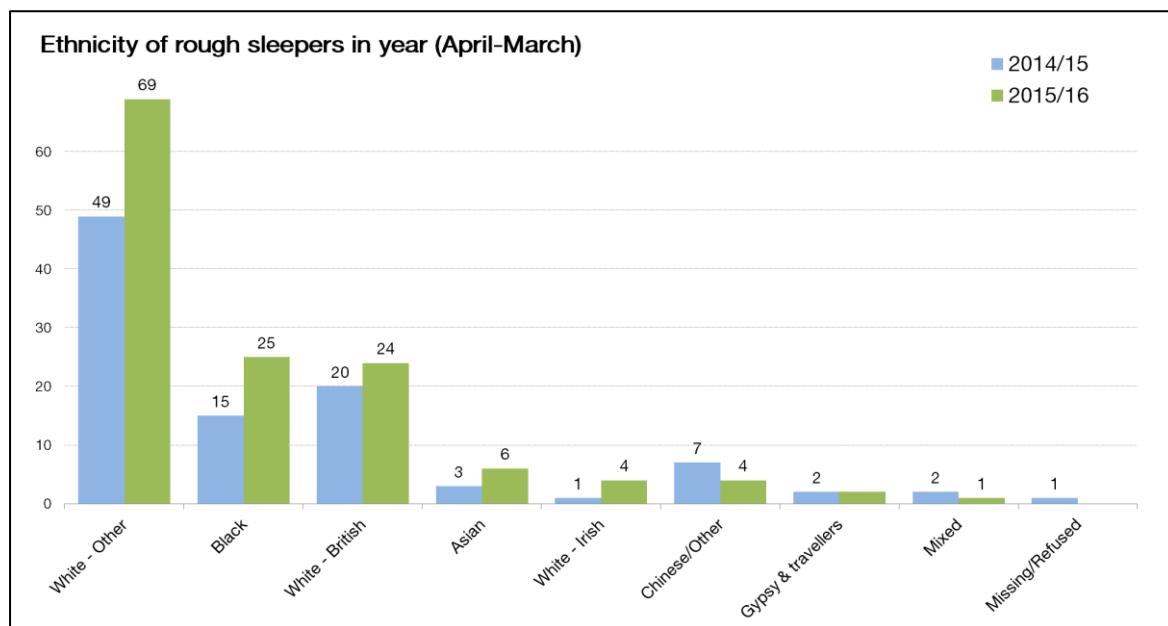


There is an increasing number of rough sleepers from Central and Eastern European countries (CEE) which almost doubled from 36 in 2014/15 (36% of all rough sleepers) to 60 (44%) in 2015/16. This contrasts with 27% (2014/15) and 29% (2015/16) for Outer London. CEE nationals' presence on the streets is higher as CEE nationals remain on the street for longer as they do not have access to public funds and cannot access emergency accommodation. When CEE nationals are found to be rough sleeping, they will be given 30 days to provide evidence that they are working and paying tax. If they fail to do this within 30 days, they will be deported.

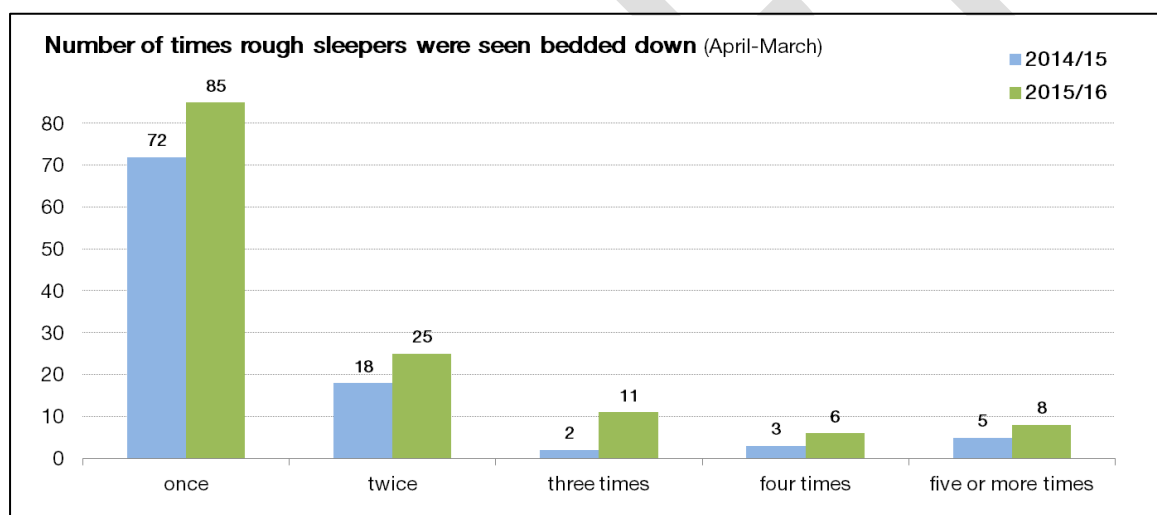
There has also been a smaller increase in those with a UK nationality rising from 34 to 43 representing 34% and 32% respectively – and compares with a stable 50% for Outer London.



Of the 135 people seen last year 119 were male and 110 were between the ages of 26 and 55. A total of 97 rough sleepers gave their ethnicity as White and 25 as Black and 6 as Asian.



Most rough sleepers were only seen once but there is an increasing percentage of those who were seen more than once from 28% in 2014/15 to 37% in 2015/16.



There are 76%(103) were new rough sleepers who had not been seen before April 2015, 15 were people they had seen the previous year, and 17 were not seen in 2014/15 but had been seen. Of the 135 people seen, 74 had their support needs assessed, with reported issues including Mental Health (36), Alcohol Use (35), Drug issues (31) and only 13 having no support needs. Of 92 who had gave their history, 34 had previously been in prison, 9 in care and 10 had been in the armed forces.

CHAIN data also recorded the last settled base of 40 of the 103 new rough sleepers seen in Haringey in 2015/16. This data reveals that the previous settled base for almost half (18) was private sector rented accommodation and a quarter (10) from permanent or temporary accommodation provided by a local authority. Two of the three who left local authority temporary accommodation had been given a 'non priority decision'.

## 6.4 Welfare Reform

The benefit cap will be reduced from November 2016 from £26,000 to £23,000 per year, in London, for couples and families with children, and from £18,200 to £15,410 for single people without children.

Our analysis indicates that 2,007 Haringey households will be affected by the lower benefit cap - including those already capped at the current rate. This is almost five times the number of households that are currently capped. Currently the cap applies almost exclusively to households with children. Under the lower benefit cap almost 27% of those affected will be childless households, mainly single people.

- **Universal Credit (UC)** will replace six existing means-tested benefits and is intended to simplify the system and improve work incentives. 61% of households in Haringey that will be entitled to Universal Credit when it is fully implemented across the borough will have a lower work allowance as a result of the changes announced in the Summer 2015 Budget.
- **Local Housing Allowance (LHA)** limits the amount of housing benefit a household can claim and was previously based on the lowest third of rents for each property size in each of the two 'Broad Rental Market Areas' within the borough. However, the Government has frozen increases in LHA Rates for 4 years from April 2016 meaning fewer properties are available within these rates. The most significant financial impact will be felt by large families currently living in homes that have more than four bedrooms because of the introduction of the Local Housing Allowance Cap of £388.65 per week for most of the borough.
- **Single Person Households Under 35** may also have the amount of benefit capped to the LHA rate for the shared room rate. This rate is currently £90.64 a week in most of the borough and is less than half the one-bedroom rate of £199.68. This restriction is currently affects private sector tenants but in April 2018 will affect new social tenancies starting after 1 April 2016. As at 1 June 2016, there were 857 housing benefits claims from single person under-35 private sector tenants. Of these, 819 were assessed against the LHA rates and 671 (78% of all claims) had payment restricted to the LHA shared room rate.

### ***Cumulative Impact of Welfare Reform***

Low-income working-age households in Haringey have seen their incomes fall by an average of £14.16 per week as a result of welfare reforms implemented in the previous Parliament, such as the under-occupation charge, benefit cap, LHA cap and cuts to council tax support. 48% of the 3,164 households in temporary accommodation are affected by Welfare Reform



## 7. Previous Homelessness Strategy

Haringey's Homelessness Strategy 2012-14 set out the borough's strategic priorities in five key objectives as follows:

1. Preventing homelessness and sustaining tenancies.
2. Working in partnership.
3. Mitigating the negative impacts of the welfare reforms.
4. Increasing the availability of affordable housing.
5. Improving the life chances of homeless people.

These objectives had a total of 107 specific actions, of which 92% were completed and/or have become business as usual. The remaining seven actions are either ongoing work or due to be completed in 2016/17.

The main achievements since the Homelessness Strategy 2012-2014 include:

- 2,459 households prevented from becoming homeless between 1 April 2012 and 31 March 2016. Some 1,188 of these were helped to remain in their homes; the other 1,271 were helped to move into alternative accommodation.
- 289 homeless households living in temporary accommodation were helped to access the private sector between 2012/13 and 2015/16.
- Ensuring best use of our stock by reducing under occupation with 43 under-occupying households helped to move to more suitable accommodation in 2015/16. There is more work to be done in this area, and this will be taken forward in the 2017/18 Plan. We have also made use of our regeneration estates where homes have been decanted prior to demolition. They are now being used in the interim before demolition as temporary accommodation.
- Establishing the Homelessness Forum to exchange information and best practice amongst partners, and to develop this Delivery Plan.
- Commissioning new housing related support pathways for single vulnerable people including rough sleepers. We have also increased the number of people attaining independent living.
- Establishing a Corporate Welfare reform group to help mitigate the impact of changes to the benefit system.
- Producing a Tenancy Strategy.
- Developing a separate Rough Sleepers Strategy, working with partners to gain greater intelligence on rough sleeping; and implementing the Reconnections Protocol

Since September 2014, there have been changes in the delivery of homelessness services with Homes for Haringey now providing housing advice, options and homelessness on behalf of the Council, so that delivery of all of the Council's housing services is in one place.

## 8. Priorities for the new Homelessness Delivery Plan 2017-22

### 8.1 Key Themes

These trends outlined in the above review of homelessness in Haringey indicate a number of priorities which the Delivery Plan should focus upon.

The need for a continued focus on prevention is clear, by working closely with landlords, partners and other stakeholders to ensure that opportunities to maintain tenancies are maximised. This includes challenging landlords (private and social) who are seeking to evict.

Equally, there is need to secure more private rented properties both to enable discharge of the homelessness duty, and to prevent homelessness occurring without households having to make a homelessness application.

The review also highlights that the pathways that can help divert vulnerable persons away from homelessness are having some success and this need to be developed. However there remain concerns about the future of supported housing schemes with the plans to reduce social rents by 1%, and the prospect of the application of a cap to the amount of Housing Benefit that can be paid towards a social housing home, including supported housing.

Welfare reform will continue to impact some groups especially larger families and single people under the age of 35 and managing the impact will be necessary to prevent homelessness occurring. Given 96% of approaches on homelessness are from people of working age, this should mean a focus on addressing the causes of their problems by, for example, assistance with benefits, getting into employment or financial management to ensure rent arrears do not arise and homelessness is prevented. Effective early intervention is also designed to enable households to understand the reality of the housing shortage and to be informed on making their own choices.

The use of TA has risen despite the increase in preventions and reduction in homelessness acceptances. Reducing the number of households in TA is a priority for the Council as current levels of costs cannot be sustained indefinitely. The rate of exit from TA is slowing as the number of available lets in the social housing and private rented sectors have diminished.

There is therefore a need to secure more cost effective temporary accommodation, within and outside of the borough, and London. The Council has agreed a Temporary Accommodation Placement Policy which will enable households to be placed in suitable TA. Since the Localism Act 2011, it has been possible for Councils to discharge their duty to ensure that households have access to settled accommodation through into the Private Rented Sector (PRS) even without the applicant's consent,

Many households have also been in TA for a number of years and pre-date the Localism Act changes on discharge of duty into the PRS. In order to move on from their existing accommodation, the Council will need to engage with them on recognising the limitation of the options they have.

With the decline of social rented supply likely to continue, it is imperative to secure private rented sector housing to prevent homelessness and ensure households can access settled accommodation as quickly as possible. This will mean looking at ways to incentivise landlords to provide housing to people on low incomes / Housing Benefit, and much of this accommodation is likely to be outside of the Borough. Some groups, especially Black

households and lone parents continue to be over represented in the homelessness statistics, and this should be examined further for ways to mitigate the impact.

The increase in rough sleeping is seen in context of an overall increase in the street population across London. In previous years the Council has submitted an estimate on the number of rough sleepers seen on the streets. There is increasing work and awareness about the multiple needs of rough sleepers and has been highlighted through the Homelessness Forum.

## **8.2 A New Homelessness Delivery Plan**

The conclusions of the Homelessness Review, and the homelessness commitments set out in the Housing Strategy 2017-22 (see annex A) are taken forward in the new Delivery Plan that follows, set out in three priorities:

1. Prevention of homelessness including:
  - Helping households retain their current home.
  - Helping households find an alternative homes, particularly in the private rented sector.
  - Enabling vulnerable households to secure independence through supported housing pathways.
2. Tackling temporary accommodation challenges including:
  - Measures to reduce the numbers of households in temporary accommodation.
  - Improving the supply of temporary accommodation to reduce costs.
  - Ensuring homeless households in temporary accommodation gain access to suitable permanent homes.
3. Reducing rough sleeping including:
  - Identifying those most at risk to prevent them sleeping rough.
  - Enabling access to support services for rough sleepers with multiple needs.
  - Reviewing the levels of emergency provision.

Under the three priorities, a number of outcomes and key actions to achieve them have been identified. In developing the plan, we will seek to work with our partners to agree how we direct available resources and services in support of the agreed plan.

Some actions reflect continued work streams that will make a significant contribution towards an outcome and will include current council agreed targets, whilst in others, development of our current work, or a new initiative is required, together with support from partners.

## **9. The Delivery Plan**

### **9.1 Priority One: Prevention of Homelessness**

Over 3,000 households a year approach the Council for housing advice, and the number is projected to increase as a result of rising housing costs, the impact of welfare reform and population growth. Households seeking advice may be homeless or have an imminent threat of homelessness, and may also include those who have difficulties with their current landlord or accommodation which may not lead to homelessness in the near future.

Early intervention seeks to prevent homelessness by supporting households to help with crisis such as a loss of employment, before it escalates into a housing crisis. The impact of welfare reform has been highlighted and the Council is targeting those most impacted by the changes.

The Council will be clear on the housing options available to all households including advice on the different options which may include those outside the Borough and London.

With the loss of a Private Rented tenancy the main cause of homelessness, our focus is on sustaining current housing where practical and preventing housing problems escalating to crisis point. This usually means sustaining licences or existing tenancies in the private rented sector. Despite the difficulties with securing private rented accommodation, the sector has a crucial role in the prevention of homelessness. 30% of the successful preventions in 2015/16 involved securing alternative private rented accommodation.

Our statistics show disproportionate levels of homelessness amongst particular demographic and community groups within Haringey and it is important to try to understand and mitigate the impact of any policies. Working with community and voluntary sector groups to help provide the support to prevent homelessness occurring.

Enabling residents to move through supported housing pathways in a planned way will prevent homelessness and avoid the use of temporary accommodation. The data for 2015/16 showed that 45% of prevention of homelessness cases where an applicant had to move, were into a supported housing schemes. At any one time nearly 7,000 people are supported to maintain their independence and thus avoid homelessness and being placed into temporary accommodation.

The pathways range from six months to two years. Applicants move into accommodation support schemes based on their level of appropriate need. More robust of clients - whether their needs increase or are reduced, sometimes to the level of non accommodation based support to encourage more throughput are appropriate. This will enable us to assist more people at risk of homelessness and prevent blockages of places, as the supply of move on accommodation will continue to be a challenge.

### **9.2 Priority Two: Tackling Temporary Accommodation Challenges**

The Council's first priority is to prevent homelessness occurring. Where homelessness cannot be prevented, we will provide emergency temporary accommodation while we assist households in finding a settled housing solution.

Despite an increase in the number of successful prevention cases, and reduction in homelessness acceptances, the number of households in temporary accommodation has risen as the flow out of temporary accommodation and into a permanent home has slowed.

It is increasingly difficult to secure good quality, sustainable and affordable temporary accommodation of all types in London, and especially at prices within the LHA cap. Rental

prices have risen as homelessness and households are spending longer in temporary accommodation. This has created a significant financial burden for the Council.

The provision of temporary accommodation is usually in two stages. The first stage is emergency accommodation like a hostel or Bed and Breakfast whilst a homelessness application is assessed.

The second stage temporary accommodation is interim accommodation provided to households where a homeless duty has been accepted and who are awaiting permanent housing. However, due to the shortage of this accommodation, currently around half of these units are nightly paid “annexes” (self contained flats) rented from private landlords.

The council currently does not have any shared facility hostel units and is looking to increase the supply of its own hostel accommodation that will also have the benefit of reducing the council’s expenditure.

The Council has agreed a new Temporary Accommodation Placements Policy. This will mean placing households out of borough and in some cases out of London in more affordable locations, subject to criteria. We have to take these steps and will do so in a fair and sensitive way, mitigating the potential impact on homeless households as effectively as we can and working closely with household members to ensure this.

The Council already uses the private rented sector to prevent homelessness and will be making greater use of assured shorthold tenancies in the private sector to discharge homelessness duty.

### **9.3 Priority Three: Reducing Rough Sleeping**

There are an increasing number of people sleeping rough in Haringey as recorded by the CHAIN database. The Council commissions London Street Rescue to undertake outreach services.

With more rough sleepers from Central and Eastern European countries, the Government has been focussed on working with agencies on supporting reconnections. It remains too early to determine the impact of the UK deciding to vote to leave the EU in terms of rough sleeping.

Rough sleepers may experience a range of multiple and complex needs which are often not addressed by single services. Greater partnership working will be required to understand how their needs could be met.

There are currently six housing related support services aimed at the Single Homeless and those with complex needs. However, many rough sleepers may not be able to access those services

No Second Night Out was first adopted in London before being rolled out in London and has proven effective in reducing the number of times seen more than once on the streets.

### **9.4 Implementation and Monitoring**

The Delivery Plan has been developed from workshops involving members of the Homelessness Forum and engagement with temporary accommodation residents. The Delivery Plan has been progressed at meetings of the Homelessness Core Group, which is a sub-group of the wider Homelessness Forum.

This engagement with partners and residents has informed the draft plan, which reflects the following core principles:

- Working in partnership – tackling challenges that can only be addressed through positive collaboration.
- Reducing inequality – narrowing the gap in outcomes for citizens by working proactively to improve life chances.
- Prioritising prevention– empowering residents with the tools to mitigate against risk of homelessness.
- Building trust – working collaboratively, in a way that is transparent and accessible to citizens.

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| PRIORITY ONE: Preventing Homelessness and Enabling Independence |  |   |                               |
|---|--|---|-------------------------------|
| Outcome   | Key Actions  | Target / Output   | Housing Strategy Commitment   |
| Reduction in Approaches and homelessness applications           | Develop early intervention and prevention training for statutory, voluntary and community sector partners  | Training programme developed and delivered with annual updates and accreditation        | 6.1 (a)<br>8.1 (a)            |
|   | Ensure advice meets minimum quality standard with accreditation  |   |                               |
|   | Map pathways and share with partners who can support households  |   |                               |
|   | Review the method of communicating the Lettings Plan, outcomes and waiting times to the public   | Annual publication of the Lettings Plan   | 6.2 (f)<br>8.1 (c)<br>6.3 (b) |
|   | Review effectiveness of outreach surgeries as methods for early intervention e.g. Children's centres   | Review complete and decision take on a programme of outreach surgeries                  | 6.1 (a)<br>6.1 (d)            |
|   | Following review, identify best locations for early advice if proven effective in preventing homelessness  |   |                               |
|   | Provide briefings for front line staff (e.g. teachers and social workers) who come into contact with vulnerable households to ensure referrals to Homelessness services are made effectively | Effective referrals to the Homelessness service   | 6.1 (d)<br>6.1 (g)            |
|   | Ensure Council communications – website, magazines deliver consistent messages on the councils approach to homelessness prevention   | Website reviewed and updated<br>New uploads and documents reviewed prior to publication | 6.1 (d))                      |
|   | Refreshing on-line advice, information and content including Options Wizard app  | More residents using self help tools  |                               |
|   | Review information provided by the council and partner agencies to private tenants to identify opportunities for informing tenants about homelessness prevention services                    | Conduct an Annual review via the Homelessness Forum                                     | 6.1 (a)<br>6.1 (d)            |
|   | Publish an Annual Report showing results of evictions and case studies of good practice  | Increase tenancy sustainment and minimise evictions from council and HA                 | 8.2 (a)                       |

| PRIORITY ONE: Preventing Homelessness and Enabling Independence |  |  |                             |
|---|--|--|-----------------------------|
| Outcome   | Key Actions  | Target / Output  | Housing Strategy Commitment |
|   |  | homes  |                             |
|   | Enable Health Visitors and Social Workers to make referrals to the homelessness prevention fund  | Referral process agreed  | 6.1 (g)                     |
|   | Develop mediation services, for households at risk of eviction or to enable those currently living with their families to remain at home   | Introduce mediation services and monitor their effectiveness in increasing homelessness prevention               | 6.1 (a)                     |
|   | Use Discretionary Housing Payments to prevent homelessness where tenants are threatened with rent increases  | Process agreed and outcomes monitored  | 8.2 (a)                     |
|   | Develop with partners a standard approach to prevention of homelessness, including standard performance measure (e.g. as per BV213)  | Standard approach agreed with partners<br>Agree start date for implementation and monitoring<br>Report published | 6.1 (a)<br>8.2 (a)          |
|   | Analyse existing prevention work for good practice to share amongst front line staff   | Staff training   | 6.1 (i)                     |
|   | Analyse reasons for evictions in the Private Rented Sector and identify ways to prevent no fault evictions   | Analysis complete and service improvements identified  | 8.2 (a)                     |
|   | Peer review on ways to reduce acceptance rate through better prevention  | Borough peer partner agreed and review delivered   | 6.1 (i)                     |
|   | Reduce Part 7 decision making times for homelessness applications  | 70% of homeless decisions made within 33 days  |                             |
|   | Introduce a joint Housing/ Children's Services protocol in respect of the assessment of homeless young people  | Protocol introduced with training  | 6.1 (i)<br>6.1 (g)          |
|   | Actively Promote out of London options throughout the Housing options process and advice / support services  | Increased prevention via out of London options   |                             |
| Mitigate the effects of Welfare Reform                          | Participate in the Corporate Welfare Reform Partnership to, deliver a targeted response to welfare reform and the benefits cap across the Council including work with statutory and voluntary agencies to enable | Ongoing  | 6.1 (e)<br>6.1 (h)          |



| PRIORITY ONE: Preventing Homelessness and Enabling Independence              |  |  |                               |
|--|--|--|-------------------------------|
| Outcome  | Key Actions  | Target / Output  | Housing Strategy Commitment   |
|  | early identification of those in housing need  |  |                               |
|  | Contribute to the development of a Directory of services available to support those affected   | Website directory published  | 6.1 (a)                       |
|  | Encourage saving and enable access to low cost finance by promoting the Haringey, Islington and City Credit Union  | Information delivered to voluntary and community sector to distribute  | 6.1 (d)                       |
|  | Review the effectiveness of the Squirrel pilot that provides banking facilities for Universal Credit tenants   | Review complete and decision made on future roll out   | 6.1 (d)                       |
| Financial solutions that enable households to find their own solution agreed | <p>Review how existing funds could be used flexibly to:</p> <ul style="list-style-type: none"> <li>• Enable use of Discretionary Housing Payments to increase Private Rented Sector solutions e.g. using for deposits or extended periods</li> <li>• Extend access to social fund for non priority households to secure housing including young people and single homeless households</li> <li>• Explore options that enable flexibility in how deposits can be transferred or matched to help secure housing.</li> <li>• Make more use of rent deposits to speed up payments to secure housing</li> </ul> | Options on use of funds to be agreed and implemented with monitoring   | 6.1 (c)<br>6.1 (d)<br>6.2 (f) |
| Increase supply of Private Rented Sector Housing                             | Increase in number of Private Rented Tenancies available for Haringey residents including out of Borough areas   | 2016/17 target of 400 – split between use for homelessness prevention and discharge of duty  | 6.1 (b)                       |
|  | Review incentives on offer to private landlords e.g. to match those offered by other Boroughs within Haringey  | <p>Research undertaken with landlords on incentives</p> <p>Decision to be taken on limits payable to increase Private Rented Sector supply</p> | 6.1 (b)<br>6.1 (c)            |
|  | Contact non resident council leaseholders to procure   | Set an Annual procurement target   | 5.6 (a)                       |

| PRIORITY ONE: Preventing Homelessness and Enabling Independence                      |   |  |                             |
|--|---|--|-----------------------------|
| Outcome  | Key Actions   | Target / Output  | Housing Strategy Commitment |
|  | additional accommodation as ASTs and TA   | and monitor  |                             |
|  | Hold regular Private Landlords Forum to share latest information from council and opportunities to secure new Assured Shorthold Tenancies (ASTs)  | Organise Forum meetings to be held at least twice a year   | 6.1 (c)                     |
|  | Enforce inter borough agreement through London Councils   | Monitor agreement quarterly  | 6.1 (b)                     |
| Protect those at risk of Domestic Violence and homelessness                          | Contribute to the development and delivery of the Violence against Women and Girls Strategy   | An improved package of emotional and practical support for survivors of domestic violence in Haringey including:<br>Legal advice<br>Housing advice<br>Safety planning<br>Access to counselling |                             |
|  | Maintain and improve refuge provision including ongoing support to refuge residents moving on to alternative accommodation  | The provision of good quality effective refuge accommodation and support   |                             |
|  | Maintain and increase access to the Sanctuary Scheme  | Maximise the number of survivors able to remain in their current home  |                             |
| Understanding routes to homelessness amongst specific demographic / community groups | Identify new and emerging communities most at risk of homelessness through analysis of data<br><br>Analyse the communities most at risk of homelessness esp. Black households.<br><br>Target work with specific communities to focus on prevention and advice<br><br>Analysing route to homelessness amongst lone parents | Analysis complete<br>Identify actions<br>Implement and monitor   | 6.1 (a)<br>6.1 (h)          |
| Promote and Sustain Independent Living   | Review the outcomes for vulnerable clients referred to the Pathway, to assess its effectiveness and identify any blockages to maximise  | Quarterly reviews with providers   | 6.1 (h)                     |

| PRIORITY ONE: Preventing Homelessness and Enabling Independence |  |   |                                    |
|---|--|---|------------------------------------|
| <i>Outcome</i>  | <i>Key Actions</i>   | <i>Target / Output</i>  | <i>Housing Strategy Commitment</i> |
|   | throughput of clients  |   |                                    |
|   | Understand implications of Government policy of annual 1% rent cut in supported housing schemes and identify mitigation                                      | Impact analysis complete and mitigation measures introduced   |                                    |
|   | Pilot "key ring" scheme to enable vulnerable households to be supported in current accommodation through peer support and localised support in neighbourhood | Pilot scheme identified and commenced   | 6.1 (d)<br>6.1 (h)                 |
|   | With partners, provide training and education for young people regarding housing options and finding a first home  | Training provided for all care leavers and young people known to partner agencies e.g. YMCA residents |                                    |
|   | Develop Hospital Discharge Protocol (for General hospitals and Mental Health units)  | Protocol agreed and introduced  |                                    |
|   | Develop a Prison Release protocol  | Protocol agreed and introduced  |                                    |
|   | Develop a joint Housing / Mental Health protocol with training for council staff and partners  | Protocol introduced with joint training   |                                    |

| PRIORITY TWO: Tackling Temporary Accommodation Challenges  |  |  |                                    |
|--|--|--|------------------------------------|
| <i>Proposed Outcome</i>  | <i>Proposed Key Actions</i>  | <i>Target / Output</i>   | <i>Housing Strategy Commitment</i> |
| Secure overall reduction in the number of households residing in TA – 2800 by April 2017             | Early intervention actions (see Priority 1)  | Prevention of homelessness work contributing to reduction in TA usage  | 6.2 (a)                            |
|  | Focus Homes for Haringey service to improve move-on rates from temporary accommodation                               | Service restructuring complete   | 6.1 (b)<br>6.1 (d)<br>6.2 (a)      |
|  | Work with households to identify the barriers to move on into the private rental market                              |  |                                    |
|  | Continue working with households who have been in TA longest and implement actions to help them secure accommodation | The 10% longest resident households are given individual support to remove barriers to moving into settled accommodation                                 | 6.1 (b)<br>6.2 (a)                 |
|  | Implement TA Placements Policy in conjunction with the procurement of additional out of Borough TA                   | Policy approved by Cabinet<br>Implementation progressed with monitoring of the number of out of Borough placements and effectiveness of support packages | 6.2 (a)<br>6.2 (c)                 |
|  | Make more use of private rented sector to discharge homelessness duty in and out of Borough                          | Setting and monitoring targets for discharge of duty to the Private Rented Sector  | 6.1 (b)<br>6.2 (a)<br>6.2 (c)      |
|  | Agree and implement an approach to procure the required number of ASTs   | 400 per annum  | 6.2 (a)                            |
|  | Promote 'Find Your Own' and other initiatives to encourage households to find their own accommodation                | Develop, promote and monitor new initiatives   | 6.1 (b)<br>6.2 (a)                 |
| Maintain supply of cost effective Temporary Accommodation within the borough and outside the Borough | Maximise use of LBH and partner's vacant properties on estate renewals schemes as a source of TA                     | Ensure that the number of vacant properties available for use as temporary accommodation is as set out in the annual supply plan                         | 6.2 (b)<br>6.2 (d)<br>8.2 (b)      |
|  | Review increased use of permanent stock of one bed homes as TA   | Complete review and implement findings   | 6.2 (b)<br>8.2 (b)                 |

| PRIORITY TWO: Tackling Temporary Accommodation Challenges |  |  |  |
|---|--|--|--|
| <i>Proposed Outcome</i>                                   | <i>Proposed Key Actions</i>  | <i>Target / Output</i>   | <i>Housing Strategy Commitment</i>       |
|   | Deliver a programme of new Emergency Accommodation hostels, including conversion of existing council buildings   | Achieve an overall Emergency Accommodation hostels stock of 200-250 units  | 6.2 (b)                                  |
|   | Assess GLA review of pilots on using modular homes for TA to increase supply   | Ensure the delivery of new units as set out in the annual supply plan  | 6.2 (a)<br>6.2 (b)<br>6.2 (d)<br>8.2 (b) |
|   | Secure increased access to RSL ASTs and Intermediate Rent as part of the TA Reduction Plan   | Confirm increased access via Preferred Partner Agreement and an updated Partnership Agreement with all Housing Associations in the Borough | 6.2 (b)                                  |
|   | Establish TA Supply Task Group   | Task group set up to deliver new build TA  |  |
|   | Implement relevant proposals arising from the Supported Housing Review   | Contribute to delivery of Supported Housing Review   |  |
|   | Develop Supported Housing for vulnerable groups (e.g. Young people and young mothers) to provide a supported housing solution as an alternative to temporary accommodation | New supported housing for vulnerable groups as an alternative to TA  |  |
| Reduce overall costs of Temporary Accommodation           | Reduce void turn around times in hostel and PSLs   |  |  |
|   | Work with other London Boroughs to reduce costs of securing TA across London   | Explore new joint initiatives via North London Housing Partnership, GLA, London Councils and others  | 6.1 (i)                                  |
|   | Align procurement to source housing for children's, adults & housing services  | Develop a single Procurement approach in partnership with Children's and Adult services  | 6.2 (b)                                  |
|   | Ensure that in reviewing the Allocations Scheme, homeless households continue to receive reasonable preference with access to an appropriate % of lettings                 | New Allocations Scheme introduced  | 6.3 (a)                                  |
|   | Monitor the take up of the Lettings Plan targets for:-<br><ul style="list-style-type: none"><li>Quotas for Care Leavers</li></ul>  | Homelessness related rehousing targets met   | 6.3 (a)                                  |

| PRIORITY TWO: Tackling Temporary Accommodation Challenges |   |                        |                                    |
|---|---|------------------------|------------------------------------|
| <i>Proposed Outcome</i>                                   | <i>Proposed Key Actions</i>   | <i>Target / Output</i> | <i>Housing Strategy Commitment</i> |
|   | and Move On accommodation <ul style="list-style-type: none"> <li>• Homelessness Rehousing from Temporary Accommodation</li> </ul> |                        |                                    |

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**PRIORITY THREE: Reducing Rough Sleeping**

| <i>Proposed Action</i>  | <i>Proposed Key Tasks</i>   | <i>Target / Output</i>   | <i>Housing Strategy Commitment</i> |
|---|---|--|------------------------------------|
| Understand and identifying the individuals most at risk of rough sleeping | Undertake a street count at least every three years and review CHAIN data regularly for new trends                      | More robust count of rough sleeping in the Borough   | 6.1 (i)                            |
|   | Strengthen strategic and operational links within the Council, the GLA and partners involved in reducing Rough Sleeping | Rough Sleeping Partnership group reconvened  | 6.1 (i)                            |
|   | Establish links with Public health and NHS to understand and address health needs of rough sleepers                     | Improved understanding of needs of rough sleepers and prevention options for high risk groups such as prison leavers, young people, those subject to benefit sanctions, or facing eviction | 6.1 (i)<br>8.1 (c)                 |
| Prevention of homelessness and rough sleeping                             | Review the current and future use of the 'Reconnections Protocol'   | Increase in successful reconnection of rough sleepers  | 6.1 (i)                            |
|   | Review existing levels of provision of emergency and winter shelters throughout the borough.                            | Improved provision of emergency shelters   | 6.1 (i)                            |
|   | Commission additional outreach hours within London Street rescue contract   | Improved support for rough sleepers  | 6.1 (i)                            |
|   | To develop an information leaflet for partner agencies on the Housing options available to rough sleepers               | Improved co-ordination between agencies and better information for rough sleepers  |                                    |
|   | Review recommendations in the St Mungos No Second Night Out report  | Improved service for rough sleepers  |                                    |

## Annex A: Housing Strategy Commitments Relating to Homelessness

### Objective 1: Achieve a step change in the number of new homes built

|                |  |
|----------------|--|
| <b>5.6</b>     | <b>Making best use of existing homes and assets</b>  |
| <b>5.6 (a)</b> | Continue with initiatives to free up our existing council homes, which include tackling tenancy fraud, addressing under occupation and helping those tenants who are able to access alternative housing options to do so |

### Objective 2: Improve help and support to prevent homelessness

Our priorities are to:

- Provide timely and effective housing advice to help those in crisis or threatened with crisis to sustain their existing accommodation if at all possible. This will be at the first point of contact with the council and its partners but increasingly we want to intervene before an approach is made, where risk of homelessness can be identified.
- Act at all times to prevent homelessness but where current accommodation can't be sustained, to provide advice on realistic options and assistance to secure suitable affordable accommodation.
- Provide suitable and affordable emergency or temporary accommodation when necessary, in accordance with fair and transparent criteria, while overall reducing the number of households in temporary accommodation and the cost of it to the local taxpayer.
- Allocate council tenancies and intermediate tenures in accordance with fair and transparent criteria, both at the commencement and when reviewing the expiry of a fixed term council tenancy

|                |   |
|----------------|---|
| <b>6.1</b>     | <b>Advice and Prevention</b>  |
| <b>6.1 (a)</b> | Work with tenants to try and sustain their tenancies whenever possible, in partnership with private landlords, housing associations and the voluntary sector, to ensure provision of the right advice and support.  |
| <b>6.1 (b)</b> | Help people to access the widest possible range of options, where it is not possible to avoid a person or family becoming homeless, including a good quality affordable home in the private rented sector and sometimes the option of a home outside Haringey.  |
| <b>6.1 (c)</b> | Build relationships with local landlords and offer a range of packages and incentives to enable households to move into or remain in the private rented sector.   |
| <b>6.1 (d)</b> | Adopt a more collaborative approach, expecting people who are homeless, or at risk of becoming homeless, to take an active role in the process, taking responsibility for their situation and the options for dealing with it, and being realistic about the range of possible outcomes. This approach is not just driven by reduced resources: we believe it is the right thing to do, moving towards a more resilient and independent community which is able to prevent and resolve problems for themselves wherever possible. |
| <b>6.1 (e)</b> | Work in partnership to provide a holistic service to households who are affected by welfare changes, including offering support to secure employment, advice on budgeting and debt and advice on affordable housing options.  |



|                |  |
|----------------|--|
| <b>6.1</b>     | <b>Advice and Prevention</b>   |
| <b>6.1 (f)</b> | Continue to work with statutory and voluntary sector organisations to provide a holistic package of emotional and practical support for survivors of domestic violence in Haringey, including legal advice, housing advice, safety planning, access to counseling and, where needed, access to refuge accommodation or the Sanctuary home security improvement scheme. |
| <b>6.1 (g)</b> | Provide outreach services and support in settings where households who are threatened with homelessness are likely to seek early assistance, including Children's Centres.   |
| <b>6.1 (h)</b> | Ensure that we target our interventions effectively by monitoring and acting on homelessness trends, including key causes and triggers.  |
| <b>6.1 (i)</b> | Within a new Homelessness Delivery Plan, set out a multi-agency approach to prevent homelessness and reduce rough sleeping.  |

|                |   |
|----------------|---|
| <b>6.2</b>     | <b>Taking new approaches to temporary accommodation</b>   |
| <b>6.2 (a)</b> | Reduce the number of homeless households living in temporary accommodation, working with landlords of private rented homes to provide a greater supply of good quality, safe and well-managed homes for people who are homeless.  |
| <b>6.2 (b)</b> | Maximise the supply of affordable high quality temporary accommodation inside the borough boundary and within London.   |
| <b>6.2 (c)</b> | Support homeless households who cannot afford Haringey or London private rental prices to take up homes out of London. Where these homes are in the private rented sector, the council will liaise with the host borough to check the suitability of the property and the landlord. This overall approach will be in accordance with a fair and transparent policy that will establish clear criteria for placements within and outside the borough and provide a package of support measures developed in close consultation with potentially affected households. |
| <b>6.2 (d)</b> | Continually assess our own property portfolio and ensure we are taking opportunities to use a wider range of council assets for temporary accommodation, which might involve conversions, acquisitions and temporary use of homes that are empty awaiting redevelopment.  |
| <b>6.2 (e)</b> | Use innovative solutions, for example Modern Methods of Construction for rapid provision of homes on sites suited to this use.  |
| <b>6.2 (f)</b> | In the case of single vulnerable households, including the very young and very young mothers, aim to provide a supported housing solution as an alternative to temporary accommodation.   |

|                |   |
|----------------|---|
| <b>6.3</b>     | <b>Allocating affordable housing</b>  |
| <b>6.3 (a)</b> | Review the Housing Allocations Scheme, to reflect recent legislative change, consider the better matching of households on different incomes to different types of accommodation and to take the opportunity to consult residents and stakeholders on how we can ensure the fairest possible allocation of homes. |
| <b>6.3 (b)</b> | Publish our annual Lettings Plan, so that it is clear how general needs accommodation will be let and which groups will receive relative priority for the limited permanent housing available.  |

#### Objective 4: Ensure that housing delivers wider community benefit

|                |  |
|----------------|--|
| <b>8.1</b>     | <b>Promoting independence, health and wellbeing</b>  |
| <b>8.1 (a)</b> | Prevent homelessness and reduce the need for temporary accommodation by commissioning early intervention and support services that sustain independence and provide alternative supported accommodation pathways, so that people can move through support services in a planned way. |
| <b>8.1 (b)</b> | Complete a comprehensive strategic review of supported housing provision in the borough, including sheltered housing for the elderly, extra care housing and short term supported  |

|                |   |
|----------------|---|
| <b>8.1</b>     | <b>Promoting independence, health and wellbeing</b>   |
|                | accommodation. Working with partners, this will enable us to ensure that the available accommodation is modern and fit for purpose with appropriate support available, and meets current and projected needs for all age groups and types of need. The review findings will inform our development plans and provide the evidence to secure new, purpose built high quality extra care schemes, hostels and all forms of supported housing. |
| <b>8.1 (c)</b> | Help young people, including care leavers, to secure and maintain independent housing and work with our partners to help them engage effectively in society, combat financial exclusion and make the most of training and employment opportunities.   |
| <b>8.2</b>     | <b>A stable home</b>  |
| <b>8.2 (a)</b> | Work to sustain people's tenancies no matter who their landlord is.   |
| <b>8.2 (b)</b> | Provide sustainable suitable and affordable accommodation for those in housing crisis. For people in temporary accommodation, provide a settled home so that moves within temporary accommodation are minimised, particularly for those families with school age children.  |
| <b>8.3</b>     | <b>Employment and training</b>  |
| <b>8.3 (a)</b> | Ensure that the council's and its partners' housing advice and homelessness services are closely linked with employment and skills support, particularly in relation to young people.   |

**Report for:** Cabinet 18<sup>th</sup> October 2016

**Item number:** 20

**Title:** Intermediate Housing Policy – Draft for Consultation

**Report authorised by :** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Mustafa Ibrahim, Head of Housing Commissioning, Investment and Sites

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key Decision

## **1. Describe the issue under consideration**

The new Housing Strategy 2017 – 2022, due to be presented to Council for approval in November 2016, seeks to meet housing needs for households from a range of income groups. While the Council has a policy on the allocation of social housing, there is no approved policy setting out how we will allocate homes for the intermediate range of income groups. This report seeks approval to consult on a proposed policy for this. It also sets out some operational requirements that need to be considered in order that the policy, when approved, can be delivered effectively.

## **2. Cabinet Member Introduction**

- 2.1 Haringey's new Housing Strategy reflects a challenging and dynamic housing world that requires strong leadership from the council and its partners, with new approaches and policies that continue to deliver the best possible options for those in housing need in this changed environment. At the heart of this is the need for mixed housing tenures, to provide choice, support aspiration and to help build strong mixed communities across the borough.
- 2.2 We know that many hard working Haringey residents are unlikely to qualify for our dwindling stock of social homes but are completely priced out by the open market. We have therefore been working hard to pro-actively increase the number of 'intermediate' homes, like shared ownership homes, which can provide a valuable option to those on low and middle incomes.
- 2.3 In overseeing an increase in intermediate homes, it is important that we ensure Haringey residents are at the front of the queue. This draft policy sets out our proposal to prioritise Haringey residents in order to help more local people find high quality homes at a price that they can afford.
- 2.4 This draft Intermediate Housing Policy is the first that Haringey has brought forward and seeks to set out a transparent approach to the allocation of

intermediate housing supply in the borough, which we are working with our partners to increase. It is recognition of the importance of providing housing for households of all income ranges, for those unable to access housing on the open market.

- 2.5 The draft policy sets out how we wish to prioritise, for homes that the council provides itself and for those provided by partners. It is therefore important that there is an open and constructive dialogue with partners, residents potentially affected by the policy and all stakeholders. We will therefore initiate formal consultation in the coming weeks to ensure these are the right priorities and we work together to ensure that local people benefit from this type of housing.

### **3. Recommendations**

It is recommended that Cabinet:

- 3.1 Approves the draft Intermediate Housing Allocations Policy, set out at Appendix 2, for consultation prior to formal adoption in 2017.

### **4. Reasons for decision**

- 4.1 Currently, the Council has no policy for allocating Intermediate housing, either for sale or for rent. Intermediate housing is becoming an increasingly important part of the housing offer, and this is emphasised in our new Housing Strategy. As the housing market becomes ever more difficult for households on a range of incomes to access, it is important that the Council takes all possible steps to influence the intermediate market to make sure it is really meeting the needs of Haringey residents.
- 4.2 The Council also wants to influence future provision, based on its analysis of the needs of Haringey residents, and this will be better targeted with more specific knowledge of the housing needs of households in the median range of incomes in the borough.
- 4.3 Finally, the Council is proposing to consult of a new Housing Allocations Policy which may limit those able to register, to people on lower income levels. It is important that the Council has an alternative offer to make to those who will no longer be able to access the Register for Social Housing. A new Intermediate Housing Allocations Policy is therefore required, in order to make it clear to applicants and partners, how intermediate housing in the borough is allocated.

### **5. Alternative options considered**

- 5.1 The option was considered, of taking no proactive steps, and leaving Intermediate Housing to be allocated by external providers, as now. This was rejected, first because the new Housing Strategy makes it clear that Intermediate Housing will play an increasingly important part of the housing provision in the borough, and the Council needs to be sure that local Haringey residents benefit from it.
- 5.2 Secondly, there is a strategic imperative set out in the Housing Strategy, to meet the housing needs of households with a range of incomes who cannot

meet their needs in the open housing market. The Council also needs its own Intermediate Housing Policy because it is building new shared ownership units itself, and they need to be allocated in line with a published policy to ensure that there is a transparent and fair process to allocate these homes. This policy is important as it has the potential to enable social housing tenants to purchase homes, releasing units in the social housing sector, where households have incomes that enable them to access home ownership on a shared ownership basis.

## **6. Background information**

- 6.1 The Housing Strategy 2017 – 2022 provides a comprehensive picture of the housing challenges in Haringey, and the Council's over-arching plans to meet those challenges. Within the Housing Strategy, a role is identified for Intermediate Housing, which can meet the needs of households on a range of incomes, between £30,000 and £90,000 a year. A definition of the terms used in this report is provided in appendix 1.
- 6.2 The Strategy identifies that Haringey needs a range of housing to meet the requirements of different households in Haringey. The Strategy states: "This cannot just be a mix of homes across the borough; it needs to be mixed as much as possible within each neighbourhood, offering diversity in the type and size of home, the tenure and the value". The Strategy recognises that mixed housing tenures can provide opportunity for local people and support their aspiration to do the best they can for themselves and for their families.
- 6.3 The Housing Strategy identifies that encouraging mixed tenures across all areas of the Borough, will provide more diverse and balanced communities. Intermediate housing can provide an option for households in social housing tenures, who aspire to become home owners, but would prefer to move away from the estate where their current home is located.
- 6.4 A positive contribution may be made to the supply of affordable housing if households affected by the introduction of the Pay to Stay policy of charging market rents, to households on incomes over a certain income threshold (currently £40,000) can be encouraged to take up low cost home ownership options. These initiatives may release much needed social housing for those on lower incomes on the Housing Register. Tenancy Strategy changes are proposed that would mean that at the review of a tenancy, households whose incomes are above an agreed threshold are expected to move on to Intermediate Housing, either rented or owned depending on their financial circumstances.
- 6.5 Currently, Intermediate Housing makes up only 2% of the Borough's housing stock. (7% of the affordable housing stock). The definitions of the different types of housing available for sub market housing are set out in appendix 1, together with details of the current stock of Intermediate housing in the Borough.
- 6.6 For comparison, the level of intermediate housing in other North London boroughs is as follows:

| <i>Borough</i> | <i>Units of Intermediate Housing (including development pipeline as at 2016)</i> | <i>Intermediate housing as a % of all affordable housing stock</i> |
|----------------|--|--|
| Camden         | 2,350  | 6%   |
| Westminster    | 2,350  | 8%   |
| Islington      | 2,250  | 5%   |
| Haringey       | 2,191  | 7%   |

Camden, Westminster and Islington are much higher cost boroughs, but succeed in delivering a regular programme of Intermediate Housing. This demonstrates that there is scope to increase the supply of intermediate housing in Haringey, where costs are comparatively lower.

- 6.7 The current stock is relatively small, and the firm pipeline through traditional routes and partners is also growing at a relatively slow pace. However, this will change as a result of the big developments in the borough as part of the Housing Zone in Tottenham Hale, and the Regeneration Programmes in Tottenham and Wood Green. Planning policy requires that on sites of over ten units, 40% should be affordable housing. Of that affordable housing, the target is that 60% will be rented and 40% ownership products. This proportion of ownership/affordable homes is reversed in Tottenham. Therefore the supply of intermediate housing is forecast to grow significantly and be an important part of the supply of new homes in the borough. It is critical that participating partners who deliver these units work with the Council to ensure that these priorities are applied to all of this new supply. This policy sets out how the borough will ensure that the allocation of those homes is fair and transparent and the actions it proposes to take to ensure that local Haringey residents benefit from these changes.
- 6.8 Our knowledge of the demand for intermediate housing is not comprehensive, and mostly derived from registers of interest for this product, from residents through (a) our own Register of interest in shared ownership; and (b) registers held by other providers operating in Haringey. There are currently 433 expressions of interest on the Council's register of which 393 are Haringey residents. The incomes and savings of these households have not been verified. Centra Living, who are providing the sales and marketing of Haringey's own shared ownership units currently has 884 Haringey residents on their register of interest, for one of their own Haringey developments. Our knowledge of the demand for this product will be developed as we potentially build our own Register of applicants for Intermediate Housing.
- 6.9 In his manifesto, the new Mayor, Sadiq Khan promised to introduce a new form of tenure, with rents based on the London Living Rent which will be calculated at one third of the average income in an area. For Haringey, this would provide housing at rents of around £227 per week. There are currently no firm proposals in the GLA funding arrangements to deliver this (the Mayoral election is too recent to expect this) but it is likely that housing at these rent levels will be similar to Intermediate rented housing.

- 6.10 Most Intermediate Housing in Haringey is allocated through either the Mayor's First Steps Housing Portal or by the provider directly. The analysis of the take up of shared ownership in Haringey demonstrates that the current arrangements has led to mixed success in enabling local people to access both shared ownership, and intermediate rented housing. This does not meet as much of local housing need as the Council would wish. The proposed new Policy aims to ensure that local residents benefit from the provision of intermediate housing both rented and low cost ownership schemes in the borough in greater numbers.
- 6.11 Currently, both shared ownership and intermediate rented housing built by our Housing Association partners are allocated by them, in line with priorities set by the local authority, and usually captured in nomination or s106 agreements which are signed as part of the planning approval. The current priorities which are set out in the planning agreements are:
- Existing Haringey social tenants and serving military personnel
  - Haringey residents
  - Those with a work connection in Haringey
  - Other first time buyers in London; and
  - Existing shared owners.
- 6.12 Analysis of shared ownership schemes sold in Haringey in the last two years shows that there is scope to improve the proportion of shared ownership properties sold to residents with a Haringey connection.

| <i>Scheme</i>      | <i>Housing Association</i> | <i>Number of units</i>                | <i>Percentage sold to households with a Haringey connection</i> |
|--------------------|----------------------------|---------------------------------------|---|
| Isobel Place       | Newlon                     | 68                                    | 46%   |
| Artizan Place      | Sanctuary                  | 21                                    | 71%   |
| West Green Road    | NHHT                       | 43                                    | 58%   |
| Watsons Road       | NHHT                       |                                       | 48%   |
| Rivers Apartments  | Newlon                     | 48 units (not all sold at this point) | 43%   |
| Skylark Apartments | Viridian                   | 21                                    | 33%   |

- 6.13 The proportion of shared ownership homes bought by local residents varies considerably and this suggests that different approaches to marketing, sales and values will make a difference to the proportion of units that can be accessed by local households. However, the differences in the proportion of Haringey residents who were successful in buying into shared ownership schemes will be part of the consultation exercise, with the providers. The tenure of successful purchasers of the 246 units provided for analysis shows that 70% were living in the private rented sector, 24% with family and friends, 2% were previously home owners, and only 5% had previously been living in social housing.
- 6.14 Households of different ethnic groups did purchase the properties in these schemes in proportions different to those in the overall population. 20% of

respondents refused to provide their ethnicity in the monitoring data provided by the housing associations. These have been removed from the figures, and percentages set out below. The table below therefore reflects the purchasers of 196 shared ownership units in the past 2 years from different ethnic groups, and compared to the proportion of households from different ethnic groups in the Borough population.

| <i>Ethnicity</i> | <i>Borough residents</i> | <i>Bought Shared ownership</i> |
|------------------|--------------------------|--------------------------------|
| White British    | 34.7%                    | 45%                            |
| White Other      | 25.8%                    | 26%                            |
| BAME             | 39.5%                    | 29%                            |
| Total            | 100%                     | 100%                           |

- 6.15 The income ranges of those purchasing shared ownership units in Haringey in the last two years varied from £18,000 at the lower end (single person household) up to £75,000. Households put down deposits varying from £3,400 at the lower end, up to £150,000 at the upper end.
- 6.16 The Council has entered into the shared ownership market, by directly building and providing shared ownership through its own programme. 13 units of shared ownership will be completed from October 2016. The Council has entered into a contract with Centra Living, part of Circle Housing Association to market and sell these properties. Haringey will have final approval of all purchasers as part of the process and will ensure that Haringey residents benefit from these developments.
- 6.17 However, of the low cost affordable homes that we do obtain through our programme delivered by our housing association partners, it is possible to introduce measures which may increase the proportion of homes accessed by local Haringey residents. Work on practical measures in preparation for the introduction of the policy in April 2017 will start immediately in order to ensure that the Policy is implemented smoothly, and is effective. One of these measures is the development of a Register for Intermediate Housing, building on the expressions of interest that we have received so far. This will complement the Social Housing Register, and enable those on higher incomes, to register for Intermediate products which may better meet their needs.
- 6.18 In conclusion on shared ownership, the current stock and supply pipeline has an important role to play in providing housing for a range of households on median incomes. This report is setting out ways in which the Council can promote its availability to local people, and ensure that they benefit from the programmes that are underway in the borough, and any future programmes. Appendix 2 sets out a proposed Allocations Policy for these intermediate units, both intermediate rented and shared ownership, and approval is sought to consult on the Policy.
- 6.19 The practical arrangements for the allocation of Intermediate rented housing and Low Cost Home Ownership housing will be developed during the period of



consultation, and will be reported to Cabinet when the consultation closes. There are links to the council's Allocations Policy, which is under review and also subject to consultation at the same time as this policy. If following consultation, the Council decides to introduce an income threshold above which households on higher incomes are not entitled to be on the Housing Register, an alternative will need to be offered, in the form of Intermediate Housing.

- 6.20 Maintaining a Register for Intermediate Rented and Intermediate Low Cost Home Ownership will be important for future developments of Intermediate Housing in the borough, and particularly if the Council makes the decision to exclude higher income households from the general needs Housing Register.
- 6.21 A public consultation is planned with particular focus on seeking the views of our housing association partners, and those likely to be affected. The following consultation events will be undertaken:
- A focus group of tenants and applicants on the Register whose incomes are above the potential threshold for shared ownership – this is a small number that will lend itself to a focus group approach.
  - A survey of households who have bought shared ownership housing in the past two years.
  - Consultation meetings with Housing Association partners,
  - A leaflet summarising the policy, and a questionnaire will be used throughout the consultation exercise, and will be posted on the Council's website.
- 6.22 Once the consultation on the Intermediate Housing Policy has been completed, it will be brought to Cabinet for final approval in 2017. A recommendation on the way forward for the implementation, including a decision on the arrangements for a separate register will also need to be made at that time.

## **7. Contribution to strategic outcomes**

- 7.1 Priority 5 of Haringey's Corporate Plan states:

*"We will build more council owned homes while working with partners to provide greater numbers of affordable housing, while increasing the overall supply, including more shared ownership housing to help low and middle income earners get on the property ladder."*

- 7.2 Haringey's Housing Strategy 2017-2022 seeks to deliver the housing priorities defined in Haringey's Corporate Plan, with four strategic objectives as follows:

Objective 1 – Achieve a step change in the number of new homes built

Objective 2 – Improve support and help to prevent homelessness

Objective 3 – Drive up the quality of housing for all residents

Objective 4 – Ensure that housing delivers wider community benefits

- 7.2 The strategy provides a broad strategic direction for housing in the borough, but delivery of its objectives will be achieved through a range of housing related sub-strategies and policies. The Intermediate Housing Policy discussed in this report is one of these sub-strategies/policies and provides the detail to support achievement of strategic outcomes, in particular:

- Supporting the development of strong mixed communities
- Increasing affordable housing supply and encouraging mixed tenures

**8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

**Finance and Procurement**

- 8.1 Any additional activity for the Council arising from this report e.g. the maintenance of an intermediate housing register will be expected to be contained within existing staffing and budgetary resources.
- 8.2 The costs of consultation will also be met from existing budgets.
- 8.3 The Council currently has only one intermediate scheme due to be implemented which is the introduction of shared ownership units on its Phase 1a new build programme. Any other forms of intermediate offer by the Council will need to be subject to a separate business case.

**Legal**

- 8.4 The Council's obligation to have and allocate housing according to an Allocation Scheme complying with Part VI of the Housing Act 1996 does not apply to allocations of its own stock other than on introductory or secure tenancies; the Council is free to adopt a policy for the allocation of Intermediate Accommodation without reference to the obligations in that Act – although any policy is subject to the usual public law obligations.
- 8.5 The Council is proposing to carry out a consultation on a new Intermediate Housing Policy. In carrying out that consultation the Council must adhere to the following set of general principles endorsed by the Supreme Court:
- That consultation must be at a time when proposals are still at a formative stage;
  - That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
  - That adequate time must be given for consideration and response; and
  - That the product of consultation must be conscientiously taken into account in finalising any statutory proposals
- 8.6 In order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is, and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.

**Equality**

- 8.7 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to tackle discrimination and victimisation of persons that share

the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.

8.8 An Equalities Impact Assessment is currently in preparation. The Intermediate Housing Policy is seeking to ensure that the stock of intermediate housing that is provided within this borough, is allocated in line with a transparent and fair policy. Some analysis of the way in which schemes have been purchased in the past, has shown some discrepancy in the way in which different groups benefit. It is assumed that these differences are driven largely by income levels, but may also be related to marketing and promotion of these schemes. This report proposes that the Intermediate Housing Policy is subject to consultation and that measures to ensure that households at the lower income levels are able to benefit are considered as part of the consultation process. This will provide a better basis for ensuring that groups with protected characteristics such as women headed households, and households from BME groups are able to access intermediate housing when it is available.

8.9 The proposed policy will be subject to consultation with three groups in particular: housing association partners, households who have registered for shared ownership but not yet bought; and households who have recently bought shared ownership homes. It is proposed to ask housing associations about their current operations, and difficulties in enabling households in lower incomes groups to access shared ownership housing. In particular, their efforts to market to Haringey households, and the reasons why they have not enabled higher proportions of local households to purchase shared ownership, will be investigated. This will take the form of a structured survey and face to face meetings. There will be a survey of households who have registered an interest in shared ownership, to better understand their knowledge and awareness of shared ownership, their experience in trying to buy and the barriers that are preventing them being successful. A follow up survey, with successful purchasers of shared ownership, may be undertaken if required to supplement this.

## **9. Use of Appendices**

Appendix 1 – Definitions of Products and Stock of Intermediate Housing in Haringey 2016

Appendix 2 Intermediate Housing Allocations Policy (Draft)

## **10. Local Government (Access to Information) Act 1985**

Background papers:

Report of the Centre for London on Shared Ownership

<http://centreforlondon.org/publication/fair-to-middling-report-of-the-commission-on-intermediate-housing/>

The Haringey Strategic Housing Needs Assessment

<http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-plan-evidence-base>

**Definition of Products and Stock of Intermediate Housing**

The main Low Cost Intermediate Housing products are:

- (a) **Shared Ownership (SO):** Applicants purchase a property on a leasehold basis from a housing association (HA) or local authority, paying between 25 and 75 per cent of the property value, and pay the HA or local authority a low rent on the remaining property value. The applicant is responsible for 100 per cent of the maintenance, and is likely to pay service charges if the property is a flat. Purchasers can buy additional shares up to 100 per cent, known as 'staircasing', if their financial circumstances allow them to do so.
- (b) **Shared equity/loan:** Applicants purchase the property outright with a conventional mortgage but with the assistance of a further loan, typically 20%, from a government body, which is also secured against the title of the property. Interest is not typically charged on the loan for an initial period. There are no regular capital repayments required on the loan but the amount repaid is based on the property value at the time of redemption, reflecting any increase or decrease in the value of the home.
- (c) **Other low cost home ownership schemes:** These are home ownership products provided by developers, usually as part of a section 106 agreement, such as discounted market sale products and the government's Starter Homes initiative.
- (d) **Affordable Rent (AR):** Affordable rented homes are built and managed by HAs and rents are set at between social rents, and market rents. The Council provides guidance on affordability and there is a table within the Housing Strategy which sets out the proportion of market rents that we recommend rents should be, for each size of property, in order to be affordable for those on the Housing Register. These are known as "Housing Strategy rents". Homes are let through the Housing Register, via nominations to HAs. HAs may also let a proportion of these homes themselves, depending upon the agreement that they entered into with the Council, as part of the planning approval.
- (e) **Intermediate Rent (IR):** These are homes let at below market rent by HAs and other specialist providers. Rents are usually charged at up to 80 per cent of market levels. They are let on assured shorthold tenancies. In Haringey we do not include Intermediate rents within "Affordable rents" as set out above. These are rents which are higher than Affordable rents, but still below market rents. These are the rented properties that may be let on a separate Intermediate Housing Register.

**Stock of Intermediate Housing 2016*****Shared Ownership***

| <b>Association</b> | <b>1BR</b> | <b>2BR</b>  | <b>3BR</b> | <b>4BR</b> | <b>5BR</b> |             |
|--------------------|------------|-------------|------------|------------|------------|-------------|
| Metropolitan       | 174        | 210         | 72         | 6          |            | 462         |
| Origin             | 20         | 14          | 5          |            |            | 39          |
| Newlon             | 134        | 239         | 10         |            |            | 383         |
| NHHT               | 55         | 98          | 21         |            |            | 174         |
| Genesis            | 70         | 97          | 6          |            | 1          | 174         |
| Hornsey Housing    | 43         |             |            |            |            | 43          |
| Circle 33          | 174        | 157         | 17         | 1          |            | 349         |
| London & Quadrant  | 111        | 189         | 22         |            |            | 322         |
| Places for People  | 1          | 2           |            |            |            | 3           |
| ASRA               | 1          |             |            |            |            | 1           |
| Sanctuary          | 21         | 20          | 9          | 5          |            | 55          |
| Shian              | 2          | 4           |            |            |            | 6           |
| <b>Totals</b>      | <b>789</b> | <b>1020</b> | <b>160</b> | <b>12</b>  | <b>1</b>   | <b>2012</b> |

***Intermediate Rented***

|                   | 1BR       | 2BR       | 3BR      | 4BR      | Total      |
|-------------------|-----------|-----------|----------|----------|------------|
| London & Quadrant | 12        | 33        |          |          | 45         |
| Sanctuary         | 34        | 19        | 4        |          | 57         |
| Genesis           | 19        | 11        |          |          | 30         |
| Sanctuary         | 6         | 7         | 3        | 1        | 17         |
| <b>Totals</b>     | <b>51</b> | <b>59</b> | <b>4</b> | <b>1</b> | <b>149</b> |

***Pipeline developments – shared ownership***

|           | 1BR | 2BR | 3BR |    |
|-----------|-----|-----|-----|----|
| Circle 33 | 5   | 6   | 4   | 15 |
| Council   | 2   | 6   | 6   | 14 |
| Hanover   |     | 4   |     | 4  |
| One HG    | 5   | 12  | 4   | 21 |
| Sanctuary | 32  | 62  |     | 94 |

## Appendix 2

**DRAFT INTERMEDIATE HOUSING POLICY****1. PURPOSE**

- 1.1 The Council's Housing Strategy has highlighted the importance of improving the social mix of Haringey, identifying its potential to build community cohesion and enhance individuals' life chances. Providing an adequate supply of affordable housing at a good standard is integral to achieving this ambition.
- 1.2 Haringey is seeking to encourage the development of a range of housing, to meet the needs of households on a range of incomes living in the Borough who have difficulty meeting their housing needs in the open market. This includes a range of tenures and values. Low cost home ownership provides an opportunity for households on median incomes to access home ownership at a lower level of income, than is required to buy on the open market.
- 1.3 Although Shared Ownership and other equity products form only 2% of the housing market in Haringey at present, there are plans which will see an increase in the numbers of low cost home ownership of various kinds, in the big building programmes for Wood Green and Tottenham.
- 1.4 It is important that Haringey residents and workers benefit from the opportunities that these developments present; and this policy sets out how we expect these homes to be marketed, and allocated. The policy needs to be open and transparent, and all partners need to support and co-operate with its implementation if the Council's ambition of meeting local housing needs is to be achieved.

**2. DEFINITION OF INTERMEDIATE HOUSING**

- 2.1 The National Planning Policy Framework 2012 indicates that Intermediate Housing (IH):
  - costs less than market housing
  - costs more than social rent (social housing in Haringey costs around 32% of market rent)
  - can include discount sale homes for ownership, shared-ownership, shared equity and intermediate rent
  - is provided to households whose needs are not met by the market, with eligibility set with regard to local incomes/house prices
- 2.2 The main Low Cost Intermediate Housing products covered by this Policy are:
  - **Shared Ownership (SO):** Applicants purchase a property on a leasehold basis from a housing association (HA) or local authority, paying between 25 and 75 per cent of the property value, and pay the HA or local authority a low rent on the remaining property value. The applicant is responsible for 100 per cent of the maintenance, and is likely to pay service charges if the

property is a flat. Purchasers can buy additional shares up to 100 per cent, known as 'staircasing', if their financial circumstances allow them to do so.

- **Shared equity/loan:** Applicants purchase the property outright with a conventional mortgage but with the assistance of a further loan, typically 20%, from a government body, which is also secured against the title of the property. Interest is not typically charged on the loan for an initial period. There are no regular capital repayments required on the loan but the amount repaid is based on the property value at the time of redemption, reflecting any increase or decrease in the value of the home.
- **Intermediate Rent (IR):** These are homes let at below market rent by HAs and other specialist providers. Rents are usually charged at up to 80 per cent of market levels. They are let on assured shorthold tenancies. In Haringey we do not include Intermediate rents within "Affordable rents" as set out above. These are rents which are higher than Affordable rents, but still below market rents. These are the rented properties that may be let on a separate Intermediate Housing Register.

- 2.3 Shared Ownership leases are regulated by the Homes and Communities Agency. It provides guidance on the appropriate lease clauses. Shared Ownership leases are not regulated under the Leasehold Reform Act 1967, and therefore do not provide the right to acquire the freehold on expiry of the lease. Shared Ownership owners are legally tenants under the Housing Act 1988, and therefore subject to possession action if they fail to pay the rent element of their housing costs.

### 3. ACCESS TO INTERMEDIATE HOUSING

- 3.1 Access to IH is currently through waiting lists held by individual Housing Associations. The Greater London Authority (GLA) has headline *eligibility* criteria for IH and individual boroughs are able to define eligibility more tightly through their planning agreements. The GLA also sets a headline *priority* order for IH and again individual boroughs are able to set their own local priorities. It is proposed that Haringey adopts the same eligibility criteria as the GLA. Applicants for Intermediate Housing (both shared ownership and intermediate rented housing) in the borough must comply with these criteria; no additional requirements are adopted.

- 3.2 The headline eligibility criteria included in GLA guidance states that applicants must:
- have a gross household income of no more than £90,000 per annum when eligible to purchase or to access Intermediate rented housing (it is likely that this figure will be uprated from time to time).
  - Be unable to purchase a suitable home to meet housing needs on the open market.
  - Not already own a home or that a current home will have been sold before purchasing or renting an IH product.
  - Applicants for shared ownership units are required to buy the largest possible share, that they are assessed as being able to afford.

- 3.3 The headline priority order for IH set by the GLA is as follows:
1. HA and council tenants, and armed forces personnel



2. Local priorities (which may vary from development to development)
3. Other eligible buyers

There is therefore no conflict between the GLA priorities, and local Haringey priorities. There is explicit recognition that local authorities will want to include local priorities within the priority order.

- 3.4 The affordability requirement for low cost home ownership is that the three cost elements (mortgage costs on the percentage share purchased, rent charged on the unsold equity and service charges) should not exceed 45% of the net income received by a household. To achieve this, providers will need to consider offering the lowest percentage share (normally 25%); the lowest possible percentage charged on the unsold equity and low service charges from the design and management arrangements for the scheme. The Housing Strategy recognises that shared ownership can be delivered at a range of prices and shares; and that therefore households on a different range of incomes will be able to access different size and priced products. Households with incomes between £30,000 - £40,000 will only be able to access smaller shares, and lower priced shared ownership whilst households on incomes between £40,000 and £90,000 will be able to access shared ownership at larger shares, and higher values. By providing priority based on the lower incomes, within each priority category, the proposed Intermediate Housing Policy will give priority for the lowest cost home ownership and smaller shares, to those who are able to afford this product.
- 3.5 All providers of IH in the borough will be expected to market their units to people registered to groups as specified by the council, in the first instance. The Council will expect providers to let Intermediate Rent units and sell Shared Ownership Units in accordance with the priorities set out in this policy.
- 3.6 The Council has developed a Priority Matrix in order to prioritise Haringey residents over non-Haringey residents, and non-Haringey residents who are working in the borough over those who work elsewhere in recognition of the contribution that workers in the borough make to Haringey. These are set out in more detail in the table below.

Proposed Priorities for both Low Cost Home Ownership and Intermediate rented housing:

|                       |  |  |   |
|-----------------------|--|--|---|
| <b>1<sup>st</sup></b> | Haringey social housing tenant (including tenants in temporary accommodation who have been accepted by Haringey) and military personnel who have served within the last five years | If two or more applicants are social tenants then the household with the lowest income who can afford the property will take priority.     | If still same, first to register an interest will have priority |
| <b>2<sup>nd</sup></b> | Haringey resident affected by regeneration scheme either tenant or leaseholder   | If two or more applicants are social tenants, then the household with the lowest income who can afford the property will take priority.    | If still same, first to register an interest will have priority |
| <b>3<sup>rd</sup></b> | Haringey resident  | If two or more applicants are Haringey residents then the household with the lowest income who can afford the property will take priority. | As above  |
| <b>4<sup>th</sup></b> | Any other Haringey worker  | If two or more applicants are Haringey workers then the household with the lowest income who can afford the property will take priority.   | If still same, first to register an interest will have priority |
| <b>5<sup>th</sup></b> | Resident in any other London borough   | If still same, length of time working in London will have priority   | If still same, first to register an interest will have priority |

Affordability is defined as the household spending no more than 45% of their net income, on housing costs.

**Report for:** Cabinet Member Signing - 18 October 2016

**Item number:**

**Title:** Proposed Admission Arrangements 2018/19

**Report**

**authorised by :** Rory Kennedy, Assistant Director, Schools and Learning



**Lead Officer:** Carlo Kodsi, ext. 1823, [carlo.kodsi@haringey.gov.uk](mailto:carlo.kodsi@haringey.gov.uk)  
Eveleen Riordan, ext 3607, [eveleen.riordan@haringey.gov.uk](mailto:eveleen.riordan@haringey.gov.uk)

**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

## 1. Describe the issue under consideration

### 1.1 This report and the attached appendices set out:

- The proposed admission arrangements for entry to school in the academic year 2018/19 for Haringey's community<sup>1</sup> and voluntary controlled (VC), nursery, infant, junior, primary, secondary and sixth form settings;
- The proposed admissions arrangements for in-year applications to community schools in Haringey 2018/19. In-year applications are applications which are received at any point throughout the year other than for reception or secondary school transfer;
- Haringey's proposed In-Year Fair Access Protocol (IYFAP) for the year starting 1<sup>st</sup> March 2017 which all schools and academies must follow;
- The co-ordinated scheme<sup>2</sup> for admission to school in 2018/19 for the reception and secondary transfer admissions rounds.

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<sup>1</sup> A community school in England and Wales is a type of state-funded school in which the local education authority (LEA) employs the school's staff, is responsible for the school's admissions and owns the school's estate

<sup>2</sup> The scheme which each Local Authority is required to formulate in accordance with the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations) 2012 (as amended 2014) and with the School Admissions Code 2014, for co-ordinating arrangements for the admission of children to maintained primary and secondary schools and academies. The co-ordinated scheme has been successful in meeting its main aim of eliminating or greatly reducing multiple offers of school places.

- 1.2 This report seeks agreement from Cabinet to commence a six week period of statutory consultation. Full details of what we are consulting on is set out in paragraph 3 below.

## 2. Cabinet Member Introduction

- 2.1 All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.
- 2.2 Admission arrangements are proposed and determined by admission authorities. The local authority is the admissions authority for the borough's community schools.
- 2.3 Every local authority must also publish a co-ordinated scheme which sets out the procedures all schools and academies must follow to co-ordinate the admission process for the reception and secondary transfer admissions rounds to ensure that all residents are offered a school place.

## 3. Recommendations

### 3.1 Cabinet is asked to:

- Agree to consult on the proposed admission arrangements, including in year arrangements, for 2018/19;
- Agree to consult on the proposed IYFAP which, if agreed by a Member Lead signing in January 2017, would be used from 1 March 2017;
- Agree the co-ordinated scheme for 2018/19 as set out in Appendices 2 and 3 of this report, and that the scheme can be published on the Haringey website on 1 January 2017
- Note that consultation on the proposed admission arrangements is scheduled to take place between 27 October 2016 and 8 December 2016;
- Note that following the consultation, a report will be prepared summarising the representations received from the consultation and a decision on the final admission arrangements and the In Year Fair Access Protocol will be taken by Lead Member signing in January 2017.

## 4. Reasons for decision

- 4.1 **Why do we consult?** - This report and the consultation that will flow from it if the report's recommendations are agreed will ensure that our proposed admission arrangements for 2018/19 are consulted upon and the co-ordinated scheme is set in accordance with the mandatory provisions of the School Admissions Code 2014.

- 4.2 We consult on our admission arrangements annually irrespective of whether or not there is a proposed change to the arrangements<sup>3</sup>. This is to ensure transparency and openness on the contents of our arrangements and to allow parents, carers and other stakeholders who might not previously been interested in admission arrangements (perhaps because they didn't have a child of school age) to make a representation which can then be considered as part of the determination of the arrangements.

## 5. Alternative options considered

- 5.1 We are required by the School Admissions Code 2014 (para 1.42 – 1.45 of the Code) to carry out any consultation on our admission arrangements between 1 October and 31 January each year for a minimum period of six weeks. We are not proposing any changes to the proposed admission arrangements for the year 2018/19 apart from a small number of minor technical changes which include a) that the required number of primary heads needed to sit on Primary IYFAP shall be no less than 3, and that all year 6 in-year applications will be offered through Primary IYFAP once the October PLASC of the same year has taken place (first Thursday of October). However, as set out in para 4.2 above, we consult annually on our arrangements irrespective of whether we are proposing any changes, to allow transparency and openness in the process.

## 6. Background information

- 6.1 Ensuring there is a transparent and objective school admissions process is a statutory and integral part of the Council's work. The Council is the admissions authority for community and voluntary controlled (VC) schools within the borough and is therefore responsible for determining the admission arrangements for these schools.
- 6.2 Academies, foundation schools and voluntary aided (VA) schools are their own admissions authority; they must consult on and then determine their own admissions arrangements by 28 February 2017. The Council has a statutory duty to monitor the arrangements determined by its own admitting authority schools to ensure compliance with the School Admissions Code 2014. This report does **not** deal with admission arrangements for any academies, foundation or voluntary aided schools.
- 6.3 All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.
- 6.4 Admission authorities are responsible for admissions and must act in accordance with the School Admissions Code (2014), the School Admission

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<sup>3</sup> The Schools Admission Code 2014 (para 1.42) sets out that when changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities **must** consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.

Appeals Code (2012), other laws relating to admissions, and relevant human rights and equalities legislation.

Oversubscription criteria

- 6.5 The admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied.
- 6.6 Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 6.7 Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.
- 6.8 Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

In Year Fair Access Protocol (IYFAP)

- 6.9 An In year Fair Access Protocol (IYFAP) is in place in Haringey to ensure hard to place children are given a school place without delay and is a statutory requirement set out in the School Admissions Code 2014 (paras 6 and 3.9 – 3.15 of the Code). In using the Protocol it ensures that these children and young people are shared fairly across all Haringey schools and that this process is open and transparent. Haringey's Protocol is consulted on annually and para 3 of the Protocol in Appendix 5 sets out that "it is essential to the success of IYFAP that all head teachers and governing bodies agree to the aims, principles and procedures and give their fullest support."

Consultation

- 6.10 Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. Consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January in the year before those arrangements are to apply.
- 6.11 This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- 6.12 Admission authorities must consult with:
  - a. parents of children between the ages of two and eighteen;
  - b. other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed arrangements;

- c. all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d. whichever of the governing body and the local authority who are not the admission authority;
- e. any adjoining neighbouring local authorities where the admission authority is the local authority; and in the case of faith schools, the body or person representing the religion or religious denomination.

6.13 This report will ask for approval from Cabinet to consult on our proposed admission arrangements between 27 October 2016 and 08 December 2016 inclusive.

Proposed consultation and determination timetable

| Stage | What happens   | Dates and timescales                |
|-------|--|-------------------------------------|
| 1     | Consultation on admissions arrangements which includes: <ul style="list-style-type: none"> <li>• Nursery arrangements</li> <li>• Reception class and junior admissions</li> <li>• Secondary admissions</li> <li>• In-year admissions</li> <li>• In year fair access protocol</li> <li>• Sixth form admissions</li> </ul>   | 27 October 2016 to 08 December 2016 |
| 2     | Cabinet Member for Children and Families signing to: <ul style="list-style-type: none"> <li>• determine the admission arrangements for Haringey community schools, nursery classes, primary, infant, junior and secondary schools and St Aidan's voluntary controlled School.</li> <li>• determine the admission arrangements for students starting sixth form.</li> <li>• determine the In year Fair Access Protocol (IYFAP)</li> </ul> | January 2017                        |
| 3     | Last date by which all admission authorities, including academies, can determine admission arrangements  | 28 February 2017                    |
| 4     | Determined Admissions  | 15 March 2017                       |

|  |
|--|
| Arrangements must be published<br>on website |
|--|

6.14 To ensure as wide a consultation as possible we intend to provide details of the proposed admission arrangements in the following ways:

- through Haringey's Schools Bulletin which is distributed to the head teacher and chair of governors of every school in the borough;
- to all children's centres in the borough;
- to all registered nurseries and child minders and any other early years providers;
- on the Council's online primary and secondary admissions page;
- via information in all libraries across the borough;
- to all councillors;
- to both MPs with constituencies in Haringey;
- to the diocesan authorities;
- other groups, bodies, parents and carers as appropriate.

#### Co-ordinated scheme

6.15 Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all schools within their area.

6.16 All admission authorities must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. Local authorities must make application forms available to parents who wish to apply to a school in a neighbouring area which operates a different age of transfer (e.g. middle schools), and process these as it would in its normal admissions round.

#### Own admitting authority schools

6.17 The governors of the following own admitting authority schools have set out they would like to follow the admission arrangements proposed by the local authority. This will be reflected in the public consultation.

##### Primary

- Noel Park (Academy)
- Harris Academy Phillip Lane (Academy)
- Trinity Primary Academy (Academy)
- Brooke House Primary (Free School)
- North Harringay Primary (Foundation)
- Chestnuts Primary (Foundation)

##### Secondary

- Heartlands High School (Academy)
- Woodside High School (Academy)



- 6.18 Where any academy, foundation or voluntary aided school does not follow the LAs admission arrangements we offer these schools the opportunity for their proposed admission arrangements to be placed on our consultation page underneath the proposed admission arrangements for community and VC schools. This allows for greater transparency and ease of reference to all admission arrangements across Haringey schools.

## **7. Contribution to strategic outcomes**

- 7.1 Ensuring we have a transparent and objective school admissions process with oversubscription criteria that is reasonable, clear, objective and compliant with all relevant legislation, including equalities legislation, underpins Priority 1 in the Corporate Plan which seeks to enable every child to have the best start in life with access to high quality education.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

- 8.1 Below are financial, governance and legal and equality comments.

### **Comments of the Chief Finance Officer and financial implications**

- 8.2 The Chief Finance Officer was consulted in the preparation of this report and comments that schools are funded from the Dedicated Schools Grant and any changes arising from admission arrangements will be contained within the grant.

### **Comments of the Assistant Director of Corporate Governance and legal implications**

- 8.3 The Assistant Director of Corporate Governance has been consulted on the contents of this report. The current School Admissions Code ('the Code') came into force in December 2014 issued by the Department for Education under section 84 of the School Standards and Framework Act 1998. The Code is to be read alongside the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("the Regulations") as amended by the School Admissions (Admissions Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014. The Code and the Regulations apply to admission arrangements determined in 2015 and later years. In determining its admission arrangements for 2018-2019 the Council has a statutory duty as an admissions authority to act in accordance with the Regulations and with the relevant provisions of the Code. It must also as a result of its duty under section 149 of the Equality Act 2010 have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited by or under the Act, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

- 8.4 Paragraph 15 of the Code states that all schools must have admission arrangements that clearly set out how children will be admitted including the criteria that will be applied if there are more applications than places at the school. As part of determining its admission arrangements, the Council must set an admission number (called the Published Admission Number or PAN) for each school's "relevant age group" i.e. the age group at which pupils are or will normally be admitted to the school.
- 8.5 School admission arrangements are determined by admission authorities. Generally the admission authority for community and voluntary controlled schools is the local authority. Admission authorities must set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. If no changes are made to the admission arrangements they must be consulted on at least once every 7 years. Consultation must be for a minimum of 6 weeks to take place between 01 October and 31 January of the determination year. The Code also requires the admissions authority for the duration of the consultation to publish a copy of the full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admissions authority to whom comments may be sent and the areas on which comments are not sought. Consultation must be undertaken when proposals are still at a formative stage. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, adequate time must be given for this purpose and the product of the consultation must be conscientiously taken into account when the ultimate decision is taken.
- 8.6 It is the responsibility of the authority to ensure that admission arrangements are compliant with the Code. Arrangements mean overall procedures, practices, criteria and supplementary information to be used in deciding on the allocation of school places. In drawing up the arrangements the authority must ensure that the practices and criteria used are reasonable, fair, clear and objective and comply with the relevant legislation including equalities legislation. Parents should be able to look at the set of arrangements and understand easily how places will be allocated. It is for the authority to decide which criteria would be the most suitable according to local circumstances.
- 8.7 Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all publicly funded schools within their area. All admission authorities must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. There is no requirement for local authorities to co-ordinate in-year applications but the authority must provide information in a composite prospectus as to how in-year applications can be made and how they will be dealt with.
- 8.8 Each local authority must have a Fair Access Protocol agreed with the majority of schools in its area to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible.

- 8.9 The proposed admission arrangements for 2018-2019, the proposed co-ordinated scheme, the proposed IYFAP and the proposed consultation on the proposed admission arrangements for 2017-2018 would appear to be in compliance with the Code and the Regulations.

## Equalities and Community Cohesion Comments

- 8.10 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate the discrimination, harassment and victimisation of persons that share the characteristics protected under sections 4-12 of the Act. These are the characteristics of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex (formerly gender) and sexual orientation;
  - advance equality of opportunity between people who share those protected characteristics (with the exception of marriage and civil partnership) and people who do not;
  - foster good relations between people who share those characteristics (with the exception of marriage and civil partnership) and people who do not.
- 8.11 The proposed admission arrangements set out in this report comply with the public sector equality duty and ensures that as an Admissions Authority, the Council's arrangements do not directly or indirectly unfairly disadvantage a child or adult that possesses any of the characteristics protected under sections 4 – 12 of the Equality Act 2010.
- 8.12 An Equalities Impact Assessment (EqIA) was previously undertaken and the proposed admission arrangements for 2018/19 do not differ materially from the arrangements for previous years. We therefore do not consider that another full equality impact assessment is necessary at this stage. We have continued to monitor and assess the impact of any changing trends – please see updated information in Appendix 7 for the EqIA.
- 8.13 The consultation process will be used to help populate and inform the final version of the updated EqIA which decision makers will consider.

## 9. Use of Appendices

- 9.1 The following appendices support this report:

**Appendix 1** Proposed admission criteria for nursery 2018  
**Appendix 2** Proposed admission criteria for reception and junior admissions 2018  
**Appendix 3** Proposed admission criteria for secondary transfer 2018  
**Appendix 4** Proposed scheme for in-year admissions 2018  
**Appendix 5** In-Year Fair Access Protocol for Haringey schools  
**Appendix 6** Proposed admission criteria for sixth form 2018  
**Appendix 7** EqIA

9.1 The full papers for this report can be viewed electronically on the Council's website at [www.haringey.gov.uk/local-democracy](http://www.haringey.gov.uk/local-democracy) or in paper form at 3<sup>rd</sup> Floor, River Park House, 225 High Road, London, N22 8HQ.

## 10. Local Government (Access to Information) Act 1985

10.1 This report contains no exempt information.

### Background

1. The Schools Standards and Framework Act 1998.
2. The Education Act 2002.
3. The Education and Inspections Act 2006.
4. Education and Skills Act 2008.
5. The School Admissions Code (December 2014).
6. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014
7. The School Admissions (Infant Class Sizes) (England) Regulations 2012.
8. The School Admissions (Appeals Arrangements) (England) Regulations 2012.
9. The Education Act 2011.
10. The School Admissions Appeals Code (2012).

## Starting Nursery in Haringey in September 2018

### Proposed Admission Criteria for Nursery Classes in Community Primary Schools and St. Aidan's VC School

Children may have a part-time place in a nursery centre or a class attached to a school in the September following their third birthday. If there are more requests than part-time places available, the admission rules (over-subscription criteria) explained below will be used to decide which children will be admitted. There is no right of appeal against the decision to refuse admission of children to nurseries.

*Parents/carers should note that admission to a nursery class in a school does not guarantee a place in the reception class at the same school. Parent/carers must complete their home authority School Admissions Application Form, which will be available on line, by 15 January in the academic year their child turns four.*

#### Proposed Admission Criteria for part time places

When the school is oversubscribed, after the admission of pupils with an Education, Health and Care plan or statement of special educational needs naming the school, priority for admission will be given to those children who meet the criteria set out below, in priority order:

##### 1. Children in Care/Looked After Children

Children who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements, or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

##### 2. Social/Medical

Children who the Authority accepts have an exceptional medical or social need for a place at one specific school. Applications will only be considered under this category if they are supported by a written statement from a doctor, social worker or other relevant independent professional. The information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child.

##### 3. Brother or Sister (sibling)

Children who will have a brother or sister attending the school (or its associated Infant or Junior school) at the time of admission. A sibling is a full brother or sister, a step/half brother or sister, a foster brother or sister or an adopted brother or sister living at the same address as the child for whom the application is being made.

##### 4. Distance

Children whose home address is closest to the preferred school.

Distance will be measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

### **Tie breakers**

The tie breaker to decide between two applications that cannot otherwise be separated is children whose home address is closest to the school measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

The tiebreak for two or more applications whose home address is exactly the same distance from the school (and who are not from multiple births) will be random allocation using a computerised system.

### **Multiple births**

If only one place is available and the next child who qualifies for a place is one of multiple birth, the nursery centre or the school will go over their published admission number.

### **Notes**

- (i) Home address is defined as the child's only or main residence

## **Proposed Admission Criteria for Reception and Junior Admissions 2018**

### **Oversubscription criteria**

When the school is oversubscribed, after the admission of pupils with an Education, Health and Care plan or statement of special educational needs naming the school, priority for admission will be given to those children who meet the criteria set out below, in priority order:

#### **1. Children in Care/ Looked After Children**

Children who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements, or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

#### **2. Social Medical**

Children who the Authority accepts have an exceptional medical or social need for a place at one specific school. Applications will only be considered under this category if they are supported by a written statement from a doctor, social worker or other relevant independent professional. The information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child.

#### **3. Linked school**

This rule applies only to junior school admissions. Applicants attending an infant school will be prioritised under this rule for admission to the linked junior school. The Linked infant and junior schools in Haringey normally share the same names (e.g. Rokesly Infant School is linked to Rokesly Junior School) with the exception of St Peter-in-Chains Infant School and St Gildas' Junior School.

#### **4. Brother or Sister (sibling)**

Children with a brother or sister already attending the school and who will still be attending on the date of admission.

#### **5. Distance**

Children whose home address is closest to the preferred school.

Distance will be measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

### **Tie breakers**

The tie breaker to decide between two applications that cannot otherwise be separated is children whose home address is closest to the school, measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

The tiebreak for two or more applications whose home address is exactly the same distance from the school (and who are not from multiple births) will be random allocation using a computerised system.

### **Multiple births**

If only one place is available at the school and the next child who qualifies for a place is one of multiple birth, we will ask community schools to go over their published admission number.

### **Notes**

- (i) Home address is defined as the child's only or main residence.
- (ii) A sibling is a full brother or sister, a step/half brother or sister, a foster brother or sister or an adopted brother or sister living at the same address as the child for whom the application is being made. The sibling criterion only applies to children with a sibling attending the main school and not the nursery.
- (iii) Haringey measures distance in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system. Measurements by alternative systems or to other points will not be taken into account in any circumstances. Where applicants have identical distance measurements, priority amongst them will be determined at random using a computerised system.

### **Deferred entry - before compulsory school age**

Children will normally be admitted to the reception year in the September following their fourth birthday. In line with the Admissions Code (2014), parents can defer their child's entry to the reception year until later in the school year, where they have been offered a place at a school to start before they are of compulsory school age. Where entry is deferred, the school will hold the place for that child and not offer it to another child. However, entry cannot be deferred beyond the point the child reaches compulsory school age nor beyond the beginning of the final term of the Reception Year. Parents can also request that their child attends part-time until he/she reaches compulsory school age.

### **Summer born – Children educated outside their chronological age group**



Paragraph 2.17 of the School Admissions Code (2014) states that the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1.

The Council, as the admission authority for Haringey community and voluntary controlled (VC) schools will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned. This will include taking account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. It will also involve taking account of -

- the parents' views
- information about the child's academic, social and emotional development
- where relevant their medical history and the views of a medical professional
- whether they have previously been educated out of their normal age group
- whether they may naturally have fallen into a lower age group if it were not for being born prematurely, and
- the potential impact on the child of being admitted to year one without first having completed the reception year.

The views of the head teacher will be an important part of this consideration.

Parents should write to the council giving reasons for their request. This should be accompanied by a paper application form for that child's actual age group. The application will be processed and a school place will be secured. This place can later be withdrawn if the request for delayed admission is approved. Parents who are granted their request must then make a fresh application which will be considered in accordance with the school's oversubscription criteria in the event of oversubscription. The decision will be reviewed once the child has started school at intervals agreed by the family and the school.

Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school but it is not in their preferred age group.

## APPLICATIONS

1. Haringey Local Authority will advise home local authorities of their resident pupils on the roll of Haringey's maintained children's centres, nursery schools, primary schools and infant schools who are eligible to apply for a reception or junior place in the forthcoming academic year.
2. Haringey residents can apply online at [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) or alternatively submit a paper application available from the School Admissions Service.
3. Haringey Local Authority will take all reasonable steps to ensure that every parent who has a child who is eligible to apply for a reception or junior place will be signposted to the booklets which will be available in September 2017.
4. The booklet will also be available to parents who are non-residents, and will include information on how they can access their home local authority's equivalent School Admissions Application Form.
5. The admission authorities within Haringey will not use supplementary information forms except where the information available through the School Admissions Application Form is insufficient for consideration of the application against the published over subscription criteria. Where supplementary information forms are used by the admissions authorities with Haringey, we will seek to ensure that they only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2014.
6. Where supplementary forms are required, they will be available on the Haringey website. Such forms will advise parents that they must also complete their home local authority's School Admissions Application Form. Haringey's admissions booklet indicates which Haringey schools require supplementary forms to be completed.
7. Where a school in Haringey receives a supplementary information form, it will not be considered a valid application unless the parent/carer has also listed the school on the Haringey School Admissions Application Form.
8. Haringey Local Authority will share the details of each application for a Haringey voluntary-aided school, foundation school, free school or academy with that school. Schools that require a supplementary information form will check that each parent has completed one. If one has not been received the school will make contact with the parent and ask them to complete one. The school will also check that each parent that has completed a supplementary form has also completed a School Admissions Application Form. If any parent has not completed a School Admissions Application Form, the school will share that information with Haringey Local Authority who will then contact the parent and ask them to complete one.
9. Applicants will be able to express a preference for up to six schools within and/or outside Haringey.

10. The order of preference given on the School Admissions Application Form will not be revealed to a school, to comply with paragraph 1.9 of the School Admissions Code 2014. However, where a parent resident in Haringey expresses a preference for schools in the area of another local authority, the order of preference will be revealed to that local authority in order to determine the highest ranked preference in cases where a child is eligible for a place at more than one school.
11. Haringey undertakes to carry out the address verification process set out in its entry in the LIAAG Address Verification Register. This will in all cases include validation of resident applicants against Haringey's maintained children centre, nursery and primary school data and the further investigation of any discrepancy. Where Haringey is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **16 February 2018**.
12. Haringey will confirm the status of any resident child for whom it receives an Admissions Application Form stating s/he is a 'Child Looked After' and will provide evidence to the maintaining LA in respect of a preference for a school in its area by **2 February 2018**.
13. Haringey will advise a maintaining LA of the reason for any preference expressed for a school in its area, in respect of a resident child born outside of the correct age cohort, and will forward any supporting documentation to the maintaining LA by **2 February 2018**.

## PROCESSING

14. Applicants resident within Haringey must complete and return the School Admissions Application Form, which will be available online, by **15 January 2018**.
15. Any application forms, changes to preferences or preference order received after **15 January 2018** will be treated as late. This means that such applications will be considered after those applicants who have applied on time.
16. Haringey will only accept late applications and process them as on time if they are late for a good reason and supported by independent written evidence. Upon receipt of the written independent evidence, each case will be decided on its own merits.
17. Where such applications contain preferences for schools in other LAs, Haringey will forward the details to maintaining LAs via the Pan London Register (PLR) as they are received. Haringey will accept late applications which are considered to be on time within the terms of the home LA's scheme.
18. The latest date for the upload to the PLR of late applications which are considered to be on time within the terms of the home LA's scheme is **9 February 2018**.
19. Where an applicant moves from one participating home LA to another after submitting an on time application under the terms of the former home LA's scheme, the new home LA will accept the application as on time up to **9 February 2018**, on the basis that an on-time application already exists within the Pan-London system.

20. Application data relating to applications for schools in other participating local authorities will be up-loaded to the Pan-London Register (PLR) by **5 February 2018**. Supplementary information provided with the School Admissions Application Form will be sent to maintaining LAs by the same date.
21. Application data relating to Haringey schools from out-of-borough pupils will be received from the Pan London Register on **5 February 2018**.
22. Haringey Local Authority will notify each school within Haringey that is its own admissions authority of every preference that has been made for the school, forwarding to them all relevant details from the School Admissions Application Form by **8 February 2018**.
23. Between **8 February 2018** and **23 February 2018**, voluntary-aided, foundation schools and academies will assess their applications according to their admissions criteria.
24. Haringey will participate in the application data checking exercise scheduled between **16 and 22 February 2018** in the Pan-London timetable.
25. All preferences for schools within Haringey will be considered by the relevant admission authorities without reference to preference order. Voluntary-aided schools, Academies, Free schools and Foundation schools to provide Haringey LA with an electronic list of their applicants in rank order by **26 February 2018**. When the admission authorities within Haringey have provided a list of applicants in rank order, Haringey Local Authority shall, for each applicant to its schools for whom more than one potential offer is available, make the offer to the highest ranked school.
26. Haringey will upload the highest potential offer available to an applicant for a maintained school or Academy to the PLR by **15 March 2018**. The PLR will transmit the highest potential offer specified by the maintaining LA to the home LA.
27. Haringey will eliminate all but the highest ranked offer where an applicant has more than one potential offer. This will involve exchanges of preference outcomes between the LAs and the PLR which will continue until notification that a steady state has been achieved or until **23 March 2018** if this is sooner.
28. Haringey will not make any additional offers between the end of the iterative process and **16 April 2018** which may impact on an offer being made by another participating LA.
29. Notwithstanding paragraph 28, if an error is identified within the allocation of places at one of Haringey's schools, Haringey will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Haringey will liaise with that LA to attempt to resolve the incorrect offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Haringey will accept that the applicant(s) affected might receive a multiple offer.
30. Haringey will participate in the offer data checking exercise scheduled between **26 March and 9 April 2018** in the Pan-London timetable.

31. Haringey will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **11 April 2018**.

## **OFFERS**

32. Haringey will ensure, so far as is reasonably practical that each resident applicant who cannot be offered a preference expressed on the School Admissions Application Form receives the offer of an alternative school place. The applicant will be offered the nearest community school (or own admitting authority if the governors have agreed to this) to the home address with an available place.
33. Haringey will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in Haringey or in other participating LAs.
34. Haringey will use the form of notification letter set in this document.
35. Notification of the outcome will be sent on **16 April 2018**.
36. Haringey will provide children centres, nursery and primary schools with destination data of its resident applicants after offer date.
37. Parents who are not offered a place at their preferred schools will be offered the right of appeal.

## **POST OFFER**

38. Parents must accept or decline the offer of a place by **30 April 2018**. If they do not respond by this date the local authority will make every reasonable effort to contact the parent to find out whether or not they wish to accept the place. If the parent fails to respond to the local authority the school place will be withdrawn.
39. Where a parent accepts or declines a place by **30 April 2018**, this information will be passed to the maintaining LA by **7 May 2018**. Where such information is received from applicants after **30 April 2018**, this LA will pass it to the maintaining LA as it is received.
40. Haringey will inform the home LA, where different, of an offer for a maintained school or academy in Haringey which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
41. When acting as a maintaining LA, Haringey and the admission authorities within it will not inform an applicant resident in another LA that a place can be offered.
42. Haringey will offer a place at a maintained school or academy in another LA to an applicant resident in its area, provided that the school is ranked higher on the School Admissions Application Form than any school already offered.
43. Where Haringey is informed by a maintaining LA of an offer which can be made to an applicant resident in Haringey which is ranked lower on the School Admissions Application

Form than any school already offered, it will inform the maintaining LA that the offer will not be made.

44. Where Haringey, acting as a home LA, has agreed to a change of preference order for good reason, it must inform any maintaining LA affected by the change.
45. Haringey will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
46. When acting as a maintaining LA, Haringey will accept new applications (including additional preferences) from home LAs for maintained schools and academies in its area.

## **WAITING LISTS**

47. Where a child does not receive an offer of their first preference, his/her name will automatically be placed on the waiting list for each Haringey school for which he/she is eligible that is a higher preference school to the one offered. Parents will be advised that if they want to go on the waiting list for an out borough school they should put this in writing to the Schools Admission Team in Haringey.
48. Parents will be given the opportunity to make applications to Haringey schools to which they did not originally apply.
49. Waiting lists will be kept by all maintained admission authorities in Haringey and coordinated centrally by Haringey as part of the coordination of all admission applications. Academies, voluntary-aided and foundation schools will apply their own admission arrangements. Haringey Local Authority will keep a mirrored waiting list and will offer places on behalf of the governing body. Waiting lists for community schools will be administered centrally by the local authority.
50. Waiting lists for entry to Reception in the academic year 2018/19 will be compiled on **7 May 2018** (after the deadline for acceptance of places) and will be kept in strict criteria order with no differentiation between on-time or late applications.
51. Waiting lists will be maintained and places allocated as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
52. Children will remain on the waiting list until the end of the autumn term of the academic year of entry unless parents contact the School Admissions Team to extend this further.

### Timetable for entry to school in September 2018

|                            |  |
|----------------------------|--|
| <b>15 January 2018</b>     | Statutory deadline for receipt of applications   |
| <b>5 February 2018</b>     | Deadline for the transfer of application information by the Home LA to the PLR (ADT file)  |
| <b>9 February 2018</b>     | Deadline for the upload of late applications considered as on-time to the PLR  |
| <b>16–22 February 2018</b> | Checking of application data   |
| <b>26 February 2018</b>    | Voluntary-aided schools, Academies, Free schools and Foundation schools to provide Haringey LA with an electronic list of their applicants in rank order |
| <b>15 March 2018</b>       | Deadline for the transfer of potential offer information from the Maintaining LAs to the PLR (ALT file).   |
| <b>23 Mar 2018</b>         | Final ALT file to PLR  |
| <b>26 Mar – 9 Apr 2018</b> | Checking of offer data   |
| <b>11 April 2018</b>       | Deadline for on-line ALT file to portal  |
| <b>16 April 2018</b>       | eAdmissions offers made/offer letters posted where applicants have made paper applications   |
| <b>30 April 2018</b>       | Deadline for receipt of acceptances  |
| <b>7 May 2018</b>          | Deadline for transfer of acceptances to maintaining LAs  |

## NOTIFICATION LETTER

16 April 2018

Address

Pupil

Name:

ID No.:

### **Reception/Junior Transfer 2018 – <pupil name and date of birth>**

I am writing to let you know the outcome of your application for a secondary school place. I am pleased to tell you that we are able to offer your child a place at **XXX**.

It is important that you confirm as soon as possible that you wish to accept the offer of a place at **XXX**. Failure to do so may result in the offer being withdrawn. Please return the enclosed offer response form by **30 April 2018**. **All applicants must respond by returning this form**. You can deliver it to one of Haringey's Customer Services Centres, or send it by post using the address listed below.

The school has been informed and will contact you to provide further information about the arrangements for admission.

#### **If you were not offered your first preference school**

I am sorry that it was not possible to offer your child a place at any of the schools listed as a higher preference on your application form. This is because these schools are currently full in your child's year group. If you would like further information about why your child was not offered a place at one of your higher preference schools, please contact the admission authority for that school. Details of how places were offered in Haringey are given at the end of this letter.

#### **Waiting lists**

Please note that applications for any school that you listed lower on your application form have been automatically withdrawn.

If you would like XX to be added to any waiting list for a school, please put your request in writing either by email or post to the address above. You can only be considered for a maximum of 6 schools at any time. If we can offer your child a place from a waiting list we will contact you.

*Please note that being on a waiting list does not guarantee your child a place at the school and their position on the list could go down as well as up as other applicants join the list.*

#### **Your right to appeal**

You have a right of appeal under the School Standards & Framework Act 1998 if your child is refused a place at any of the schools you listed on your form.

If you wish to appeal:



- **for a community or voluntary controlled school in Haringey**, please download an appeal form from [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) or contact us to request a form. These schools are listed on pages X to X in the Reception Admissions booklet.
- **for an academy, voluntary aided or free school in Haringey**, please contact the school direct. These schools are listed on pages X to X in the Reception Admissions booklet.
- **for schools outside Haringey**, please contact the local authority where the school is located (contacts details can be found at [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) and in the Reception Admissions booklet).

Appeal forms must be returned by X for your appeal to be heard before September 2018.

We **strongly recommend** that you accept the place you have been offered as this will ensure that your child has a school place in September. Accepting the place will not influence the outcome of your appeal or your child's position on a waiting list.

If you have any questions about this letter please contact us using the contact details below.

**School Admissions Service**

## Reception/Junior Transfer 2018 - Offer Response Form

Pupil Name

Date of birth:

ID:

**Return by: 30 April 2018**

Post to: 3<sup>rd</sup> Floor River Park House, 225 High Road, Wood Green, London, N22 8HQ

**Please complete the relevant options below:**

● I **accept** the place for my child at XXX.

Please tick: ☐

or

● I **decline** the place for my child at XXX.

Please tick: ☐

I **do not require** the place offered because I already have a place at **another school**, as follows:

Name of School: .....

**I understand that if I decline this offer, the place may be offered to another applicant.**

**Pupil name**

Signed: ..... Date: .....

Name: .....

Telephone Number: .....

### Admission Numbers

The admission numbers for Haringey community primary (and St Aidan's VC primary) schools for the 2018/19 school year will be as follows:

| School          | Admission number | School                | Admission number |
|-----------------|------------------|-----------------------|------------------|
| Alexandra       | 60               | Mulberry              | 90               |
| Belmont Infants | 56               | Muswell Hill          | 60               |
| Bounds Green    | 60               | Rhodes Avenue         | 90               |
| Bruce Grove     | 60               | Risley Avenue         | 90               |
| Campsbourne     | 60               | Rokesly Infant        | 90               |
| Coldfall        | 90               | St Aidan's VC         | 30               |
| Coleridge       | 120              | Seven Sisters         | 60               |
| Crowland        | 60               | South Haringay Infant | 60               |
| Devonshire Hill | 60               | Stamford Hill         | 30               |
| Earlham         | 60               | Stroud Green          | 60               |
| Earlsmead       | 60               | Tetherdown            | 60               |
| Ferry Lane      | 30               | Tiverton              | 60               |
| Highgate        | 56               | Welbourne             | 90               |
| Lancasterian    | 58               | West Green            | 30               |
| Lea Valley      | 60               | Weston Park           | 30               |
| Lordship Lane   | 90               | The Willow            | 60               |

The governing bodies at the following schools have asked Haringey to set and apply their admission arrangements on their behalf

| School                             | Admission number |
|------------------------------------|------------------|
| Brook House Primary                | 60               |
| Chestnuts Primary                  | 60               |
| Harris Primary Academy Philip Lane | 60               |
| Noel Park Primary                  | 60               |
| North Haringay                     | 60               |
| Trinity Primary                    | 60               |

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## **Proposed Admission Criteria for Secondary Transfer 2018**

### **Oversubscription criteria**

When the school is oversubscribed, after the admission of pupils with an Education, Health and Care plan or statement of special educational needs naming the school, priority for admission will be given to those children who meet the criteria set out below, in priority order:

#### **1. Children in Care/ Looked After Children**

Children who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements, or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

#### **2. Social Medical**

Children who the Authority accepts have an exceptional medical or social need for a place at one specific school. Applications will only be considered under this category if they are supported by a written statement from a doctor, social worker or other relevant independent professional. The information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child.

#### **3. Brother or Sister (sibling)**

Children with a brother or sister already attending the school and who will still be attending in years 7-11 on the date of admission.

#### **4. Distance**

Children whose home address is closest to the preferred school.

Distance will be measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

#### **Tie breakers**

The tie breaker to decide between two applications that cannot otherwise be separated is children whose home address is closest to the school measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

The tiebreak for two or more applications whose home address is exactly the same distance from the school (and who are not from multiple births) will be random allocation using a computerised system.

### **Multiple births**

If only one place is available and the next child to be offered is from a multiple birth, we will ask community schools to go over their published admission number.

### **Notes**

- (i) Home address is defined as the child's only or main residence.
- (ii) A sibling is a full brother or sister, a step/half brother or sister, a foster brother or sister or an adopted brother or sister living at the same address as the child for whom the application is being made.
- (iii) Haringey measures distance in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system. Measurements by alternative systems or to other points will not be taken into account in any circumstances. Where applicants have identical distance measurements, priority amongst them will be determined at random using a computerised system.

## **Proposed Admission Criteria to Hornsey School for Girls for 2018**

When the school is oversubscribed, after the admission of pupils with an Education, Health and Care plan or statement of special educational needs naming the school, priority for admission will be given to those children who meet the criteria set out below, in priority order:

### **1. Children in Care/Looked After Children**

Girls who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements, or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989).

### **2. Social Medical**

Girls who the Authority accepts have an exceptional medical or social need for a place at one specific school. Applications will only be considered under this category if they are supported by a written statement from a doctor, social worker or other relevant independent professional. The information must confirm the exceptional medical or social need and demonstrate how the specified school is the only school that can meet the defined needs of the child.

### **3. Siblings**

Girls with a sister already attending the school and who will still be attending in years 7-11 on the date of admission. A sibling is a full sister, a step sister, a foster sister or an adopted sister living at the same address as the girl for whom the application is being made.

### **4. Distance**

Girls whose home address is closest to the school.

Distance will be measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

### **Tie breaks**

The tie-breaker to decide between two applications that cannot be separated otherwise for all criteria is children whose home address is closest to the school measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

The tiebreak for two or more applications that live exactly the same distance from the school (and who are not from multiple births) will be random allocation using a computerised system.

### **Multiple births**

If only one place is available and the next girl to be offered is from a multiple birth, we will ask the school to go over their published admission number.

**Pan London Co-ordinated Scheme 2018/19****APPLICATIONS**

1. Haringey Local Authority will advise home local authorities during the Summer Term of Year 5 of their resident pupils on the roll of Haringey's maintained primary schools and whose parents are eligible to make application in the forthcoming academic year.
2. Haringey residents can apply online at [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) or alternatively submit a paper application available from the School Admissions Service.
3. Haringey Local Authority will take all reasonable steps to ensure that every parent who has a child in their last year of primary education within a maintained school, either in Haringey or elsewhere, and who is resident in Haringey can be signposted to a copy of Haringey's booklet which will be available in early September 2017.
4. The booklet will also be available to parents who are non-residents and will include information on how they can access their home local authority's equivalent School Admissions Application Form.
5. The admission authorities within Haringey will not use supplementary information forms except where the information available through the School Admissions Application Form is insufficient for consideration of the application against the published over subscription criteria. Where supplementary information forms are used by the admissions authorities within Haringey, the LA will seek to ensure that they only collect information which is required by the published oversubscription criteria, in accordance with paragraph 2.4 of the School Admissions Code 2014.
6. Where supplementary forms are used, they will be made available on the website. Such forms will advise parents that they must also complete their home local authority's School Admissions Application Form. The Haringey schools' booklet will indicate which Haringey schools require supplementary information forms to be completed.
7. Where a school in Haringey receives a supplementary information form, it will not be considered a valid application unless the parent/carers has also listed the school on their home LA's School Admissions Application Form.
8. Haringey Local Authority will share the details of each application for a Haringey voluntary-aided school, foundation school or academy with that school. Schools that require a supplementary information form will check that each parent has completed one. If one has not been received the school will make contact with the parent and ask them to complete one. The school will also check that each parent that has completed a supplementary form has also completed a School Admissions Application Form. If any parent has not completed a School Admissions Application Form, the school will share that information with Haringey Local Authority who will then contact the parent and ask them to complete one.
9. Applicants will be able to express a preference for six schools located within and/or outside Haringey Local Authority.
10. The order of preference given on the School Admissions Application Form will not be revealed to a school. However, where a parent resident in Haringey expresses a



preference for schools in the area of another local authority, the order of preference will be revealed to that local authority in order to determine the highest preference offer in cases where a child is eligible for a place at more than one school.

11. Haringey undertakes to carry out the address verification process set out in its entry in LIAGG Address Verification Register. This will in all cases include validation of resident applicants against this LA's primary school data and the further investigation of any discrepancy. Additional information will be requested from parents at the time of application and this will be explained in the secondary booklet. Where this LA is not satisfied as to the validity of an address of an applicant whose preference has been sent to a maintaining LA, it will advise the maintaining LA no later than **11 December 2017**.
12. Haringey will confirm the status of any resident child for whom it receives an Application Form stating that s/he is a 'Child in Care' and will provide evidence to the maintaining LA in respect of a preference for a school in its area by **10 November 2017**.
13. Haringey will advise a maintaining LA of the reason for any preference expressed for a school in its area, in respect of a resident child born outside of the correct age cohort, and will forward any supporting documentation to the maintaining LA by **10 November 2017**.

## PROCESSING

14. Applicants resident within Haringey must complete and return the School Admissions Application Form, which will be available on-line, by **31 October 2017**. However, Haringey LA encourages applicants to submit their application by **20 October 2017** to allow sufficient time to process and check all applications before the mandatory date when data must be sent to the Pan London Register (PLR).
15. Any application forms, changes to preferences or preference order received after **31 October 2017** will be treated as late. This means that such applications will be considered after those applicants who have applied on time.
16. Haringey will accept late applications and process them as on time only if they are late for a good reason and supported by written independent evidence. Upon receipt of the written independent evidence, each case will be decided on its own merits.
17. Where such applications contain preferences for schools in other LAs, Haringey will forward the details to maintaining LAs via the Pan-London Register (PLR) as they are received. Haringey will accept late applications which are considered to be on time within the terms of the home LA's scheme.
18. The latest date for the upload to the PLR of late applications which are considered to be on-time within the terms of the home LA's scheme is **11 December 2017**.
19. Where an applicant moves from one participating home LA to another after submitting an on-time application under the terms of the former home LA's scheme, the new home LA will accept the application as on-time up to **11 December 2017**, on the basis that an on-time application already exists within the Pan-London system.
20. Application data relating to applications for schools in other participating local authorities will be up-loaded to the Pan-London Register (PLR) by **10 November 2017**.

Supplementary information provided with the School Admissions Application Form will be sent to Haringey voluntary-aided schools/maintaining local authorities by the same date.

21. Application data relating to Haringey schools from out-of-borough pupils will be received from the Pan London Register on **10 November 2017**.
22. Haringey Local Authority will notify each school within Haringey that is its own admissions authority of every preference that has been made for the school, forwarding to them all relevant details from the School Admissions Application Form by **7 December 2017**.
23. Between **7 December 2017** and **12 January 2018**, voluntary-aided, foundation schools and Academies will assess their applications according to their admissions criteria.
24. Haringey will participate in the application data checking exercise scheduled between **12 December 2017** and **2 January 2018** in the Pan-London timetable.
25. All preferences for schools within Haringey will be considered by the relevant admission authorities without reference to preference order. Voluntary-aided schools, Academies, Free schools and Foundation schools to provide Haringey LA with an electronic list of their applicants in rank order by 15 January 2018. When the admission authorities within Haringey have provided a list of applicants in rank order, Haringey Local Authority shall, for each applicant to its schools for whom more than one potential offer is available, make the offer to the highest ranked school.
26. Haringey Local Authority will send the first ALT file to the Pan-London Register (PLR) giving offer details for their school by **2 February 2018**. The PLR will transmit the highest potential offer specified by the maintaining LA to the Home LA.
27. Haringey will eliminate all but the highest ranked offer where an applicant has more than one potential offer. This will involve exchanges of preference outcomes between the LAS (Local Admissions System) and the PLR which will continue until notification that a steady state has been achieved or until 15 February 2018 if this is sooner.
28. Haringey will not make an additional offer between the end of the iterative process and **1 March 2018** which may impact on an offer being made by another participating LA.
29. Notwithstanding paragraph 28 if an error is identified within the allocation of places at one of our schools, Haringey LA will attempt to manually resolve the allocation to correct the error. Where this impacts on another LA (either as a home or maintaining LA) Haringey LA will liaise with that LA to attempt to resolve the incorrect offer and any multiple offers which might occur. However, if another LA is unable to resolve a multiple offer, or if the impact is too far reaching, Haringey will accept that the applicant(s) affected might receive a multiple offer.
30. Haringey will participate in the offer data checking exercise scheduled between **16 and 22 February 2018**.
31. Haringey will send a file to the E-Admissions portal with outcomes for all resident applicants who have applied online no later than **23 February 2018**.

## OFFERS

32. Haringey will ensure, so far as is reasonably practical, that each resident applicant who cannot be offered a preference expressed on the School Admissions Application Form receives the offer of an alternative school place. The applicant will be offered a place at the nearest community school (or own admitting authority school if the governors have agreed to this) to the home address with an available place.
33. Haringey will inform all resident applicants of their highest offer of a school place and, where relevant, the reasons why higher preferences were not offered, whether they were for schools in the Home LA or in other participating LAs.
34. Haringey will use the form of Notification Letter set out in this document.
35. Notification of the outcome will be sent to parents on **1 March 2018**.
36. Details of the pupils to be offered will be made available to each Haringey primary school by **1 March 2018**.
37. Parents who are not offered a place at their preferred schools will be offered the right of appeal.

## POST OFFER

38. Parents must accept or decline the offer of a place by **15 March 2018**. If they do not respond by this date the local authority will make every reasonable effort to contact the parent to find out whether or not they wish to accept the place. If the parent fails to respond to the local authority the school place will be withdrawn.
39. Where a parent accepts or declines a place by **15 March 2018** this information will be passed to the maintaining LA by **22 March 2018**. Where such information is received from applicants after **15 March**, this LA will pass it to the maintaining LA as it is received.
40. Where a place becomes available in an oversubscribed maintained school or academy in Haringey, it will be offered from a waiting list ordered in accordance with paragraph 2.14 of the School Admissions Code 2014.
41. Haringey will inform the home LA, where different, of an offer for a maintained school or Academy in Haringey which can be made to an applicant resident in the home LA's area, in order that the home LA can offer the place.
42. When acting as a maintaining LA, Haringey LA and the admission authorities within it will not inform an applicant resident in another LA that a place can be offered.
43. Haringey will offer a place at a maintained school or Academy in another LA to an applicant resident in its area, provided that the school is ranked higher on the School Admissions Application Form than any school already offered.
44. Where Haringey is informed by a maintaining LA of an offer which can be made to an applicant resident in Haringey which is ranked lower on the School Admissions Application Form than any school already offered, it will inform the maintaining LA that the offer will not be made.

45. Where Haringey, acting as a home LA, has agreed to a change of preference order for good reason, it must inform any maintaining LA affected by the change.
46. Haringey will inform the home LA, where different, of any change to an applicant's offer status as soon as it occurs.
47. Haringey will accept new applications (including additional preferences) from home LAs for maintained schools and Academies in its area.

## **WAITING LISTS**

48. Where a child does not receive an offer of their first preference, his/her name will automatically be placed on the waiting list for each Haringey school for which he/she is eligible, that is a higher preference school to the one that has been offered. Parents will be advised that if they want to go on the waiting list for an out-of-borough school, that they must put this in writing to the School Admissions Service in Haringey.
49. Parents will be given the opportunity to make applications to Haringey schools to which they did not originally apply.
50. Waiting lists will be kept by all maintained admission authorities in Haringey and coordinated centrally by this local authority as part of the coordination of all admission applications. Academies, voluntary-aided and foundation schools will apply their own admission arrangements. Haringey local authority will keep a mirrored waiting list and will offer places on behalf of the governing body. Waiting lists for community schools will be administered centrally by the local authority.
51. Waiting lists for entry to Year 7 in September 2017 will be compiled on **19 March 2018** (after the deadline for acceptance of places) and will be kept in strict criteria order with no differentiation between on-time or late applications.
52. Waiting lists will be maintained and places allocated, as they become available, in accordance with each admission authority's published admission and oversubscription criteria.
53. Children will remain on the waiting list until the end of the Autumn Term of the academic year of entry, unless parents contact the School Admissions Team to extend this further.

### Timetable for entry to school in September 2018

|  |  |
|--|--|
| <b>20 October 2017</b>                   | Recommended closing date for receipt of the School Admission Application Form  |
| <b>31 October 2017</b>                   | Statutory deadline for return of application to the Home LA  |
| <b>10 November 2017</b>                  | Deadline for the transfer of application information by the Home LA to the PLR and supplementary information to Haringey VA schools/maintaining local authorities          |
| <b>7 December 2017 – 12 January 2018</b> | Voluntary-aided schools and Academies will order their applications according to their admissions criteria   |
| <b>11 December 2017</b>                  | Deadline for the upload of applications that are late but are considered to be on-time, to the PLR   |
| <b>12 December 2017 – 2 January 2018</b> | Pan-London data checking exercise of pupil applications exchanged via the PLR  |
| <b>15 January 2018</b>                   | Voluntary-aided schools, Academies, Free schools and Foundation schools to provide Haringey LA with an electronic list of their applicants in rank order                   |
| <b>2 February 2018</b>                   | Deadline for the transfer of highest potential offer information from the Maintaining LAs to the PLR   |
| <b>15 February 2018</b>                  | Final ALT file to the PLR  |
| <b>16 – 22 February 2018</b>             | Pan-London data checking exercise of pupil offer data  |
| <b>1 March 2018</b>                      | eAdmissions offers made/offer letters posted where applicants have made paper applications   |
| <b>15 March 2018</b>                     | Date by which parents accept or decline offers   |
| <b>22 March 2018</b>                     | Date by which LA will pass information to schools within Haringey (or for out-of-borough schools, to the maintaining LA) on parents who have accepted or declined a place. |

## NOTIFICATION LETTER

1 March 2018

Address

Pupil

Name:

ID No.:

### Secondary Transfer 2018 – pupil name and date of birth

I am writing to let you know the outcome of your application for a secondary school place. I am pleased to tell you that we are able to offer your child a place at **XXX**.

It is important that you confirm as soon as possible that you wish to accept the offer of a place at **XXX**. Failure to do so may result in the offer being withdrawn. Please return the enclosed offer response form by **15 March 2018**. **All applicants must respond by returning this form.** You can deliver it to one of Haringey's Customer Services Centres, or send it by post using the address listed below.

The school has been informed and will contact you to provide further information about the arrangements for admission.

#### **If you were not offered your first preference school**

I am sorry that it was not possible to offer your child a place at any of the schools listed as a higher preference on your application form. This is because these schools are currently full in your child's year group. If you would like further information about why your child was not offered a place at one of your higher preference schools, please contact the admission authority for that school. Details of how places were offered in Haringey are given at the end of this letter.

#### **Waiting lists**

Please note that applications for any school that you listed lower on your application form have been automatically withdrawn.

If you would like XX to be added to any waiting list for a school, please put your request in writing either by email or post to the address above. You can only be considered for a maximum of 6 schools at any time. If we can offer your child a place from a waiting list we will contact you.

*Please note that being on a waiting list does not guarantee your child a place at the school and their position on the list could go down as well as up as other applicants join the list.*

#### **Your right to appeal**

You have a right of appeal under the School Standards & Framework Act 1998 if your child is refused a place at any of the schools you listed on your form.

If you wish to appeal:

- **for Alexandra Park, Heartlands High or a community school in Haringey**, please download an appeal form from [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) or contact us to request a form. These schools are listed on pages X to X in the Secondary Admissions booklet.
- **for Fortismere, Harris Academy Tottenham, Greig City Academy, St Thomas More Catholic School, Woodside High or Tottenham UTC**, please contact the school direct. These schools are listed on pages X to X in the Secondary Admissions booklet.

- **for schools outside Haringey**, please contact the local authority where the school is located (contacts details can be found at [www.haringey.gov.uk/schooladmissions](http://www.haringey.gov.uk/schooladmissions) and in the Secondary Admissions booklet).

Appeal forms must be returned by **<appeal deadline>** for your appeal to be heard before September 2017.

We **strongly recommend** that you accept the place you have been offered as this will ensure that your child has a school place in September. Accepting the place will not influence the outcome of your appeal or your child's position on a waiting list.

If you have any questions about this letter please contact us using the contact details below.

**School Admissions Service**

## Secondary Transfer 2018 - Offer Response Form

Pupil name

Date of birth:

ID:

**Return by: 15 March 2017**

Post to: 3<sup>rd</sup> Floor River Park House, 225 High Road, Wood Green, London, N22 8HQ

**Please complete the relevant options below:**

● I **accept** the place for my child at XXX

Please tick: ☐

or

● I **decline** the place for my child at XXX

Please tick: ☐

I **do not require** the place offered because I already have a place at **another school**, as follows:

Name of School: .....

**I understand that if I decline this offer, the place may be offered to another applicant.**

**Pupil Name**

Signed: ..... Date: .....

Name: .....

Telephone Number: .....



The admission numbers for Haringey community secondary schools for the 2018/19 school year will be as follows:

Gladesmore Community School 243 places

Highgate Wood School 243 places

Hornsey School for Girls 162 places

Northumberland Park Community School 210 places

Park View Academy 216 places

The governing bodies at the following schools have asked Haringey to set and apply their admission arrangements on their behalf

Heartlands High School 216 places

Woodside High School 240 places

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## Proposed Scheme for In-Year Admissions 2018/19

### APPLICATIONS

1. Applications from Haringey and non-Haringey residents for schools in Haringey must be made directly to the Haringey Schools Admission Service.
2. The In-Year Application Form is available from the Admissions Service, from schools in Haringey and from the Haringey Council website.
3. Haringey residents applying for places at maintained schools and academies **outside** Haringey will need to apply directly to the LA (local authority) in whose area the school is situated.
4. The admission authorities within Haringey will not use supplementary forms except where the information available through the School Admissions Application Form is insufficient for consideration of the application against their published oversubscription criteria.
5. Where supplementary forms are used, they will be available from the school concerned, on Haringey's website and from the In-Year Schools Admission Service. Haringey's admission booklets and website will indicate which schools require supplementary forms to be completed and from where they can be obtained.
6. Where an admission authority in Haringey receives a supplementary form, it will not consider it to be a valid application until such time as the parent/carers has listed the school on their home LA's School Admissions Application Form.
7. Where only the School Admissions Application Form is received, schools **MUST** rank the application according to the information available to them.
8. Applicants will be able to express a preference for a maximum of six schools within Haringey (including any city technology college that has agreed to participate in this scheme).
9. The order of preference given on the In-Year School Admissions Application Form will not be shared with any school.
10. The Haringey Schools Admission Service will carry out address verification for each application made to a maintained school or academy in Haringey. Where Haringey is not satisfied as to the validity of an address of an applicant it will advise the admission authority schools.
11. Haringey will check the status of any applicant who is a 'looked after or was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order.'

### PROCESSING

12. Parents/carers applying for schools in Haringey must complete and return the In-Year School Admissions Application Form to the Haringey Admissions Service
13. Where an application is not fully completed, Haringey will not treat the application as valid until all information is received.
14. In the event that a Haringey resident applies to a non-Haringey school, Haringey will write to the parent/carer advising them to apply directly to the LA in whose area the school is situated.
15. If a pupil is currently on roll at a school in Haringey or a school in a neighbouring borough, the Admissions Service will advise the parent/carer to discuss the transfer with the Headteacher or senior Teacher at the school.

## **OFFERS**

16. If a school has a vacancy, it is expected that an offer of a place will be made to the child entitled to that place in accordance with the published oversubscription criteria. The Local Authority will offer places at community schools and will also make offers on behalf of own admission authority schools should they so wish.
17. Haringey will write to parents who have not been offered a place at any of their preferred schools giving reasons and informing them of their right of appeal to an independent panel in accordance with the School Standards and Framework Act 1998.
18. Haringey will notify the Home LA of the outcome of applications for their residents.
19. When a child has been offered a place at a higher preference school, the lower ranking preferences will be withdrawn.
20. When a child has been offered a place at a lower preference school, the higher preferences will also be withdrawn unless the parent indicates otherwise. Only where a parent/carer has expressly set out that they wish to be put on the waiting list of those schools which are a higher preference will this be done.
21. Where a home applicant who is out of school cannot be offered a place at one of their named preferences, Haringey will offer the nearest community (or own admitting authority if the governors have agreed to this) school to the home address with an available place.
22. Where it is known that a non-Haringey resident is out of school and cannot be offered a place at one of their named preferences, Haringey will notify the home LA who will be responsible for identifying a school place for the child.

## **POST OFFER**

23. Parent/carers will be expected to accept or decline the offer of a place as soon as possible. Parents must be given a reasonable amount of time to consider the offer (10 school days).
24. Where a parent does not respond within this timeframe Haringey will make every reasonable effort to contact the parent to find out whether or not they wish to accept the place. Where the parent fails to respond the offer of a place will be withdrawn.
25. Haringey will notify the home LA of any appeals that are upheld for Haringey schools.

26. Children will remain on the waiting list until the end of the academic year in which the application was made and Haringey will write to all parent/carers asking them to complete a new application form if they wish to stay on the waiting list(s) beyond this timeframe.

### **HARINGEY SCHOOLS**

27. The School Admissions Team will require a list of every child on roll in every year group in all the relevant Haringey schools.
28. Schools will be required to provide a weekly roll update so that it is clear on a week by week basis where there are vacancies across all schools and year groups.
29. When a child leaves a Haringey school, the name of the child and the child's future educational provision must be communicated to the School Admissions Service.

### **TRANSFERRING BETWEEN SCHOOLS**

30. Parent/carers wishing to move their children between local schools will be encouraged to discuss their reasons with their current school.
31. Parent/carers need to be aware of and consider the potential impact that any move might have on the education and wellbeing of their child(ren).
32. Parent/carers moving address will also be advised to think carefully before requesting to move their child(ren) to another school.
33. Where a parent/carer insists on a transfer, it would be unlawful for an admission authority to refuse a place if a vacancy exists.

### **FRAUDULENT APPLICATIONS**

34. An offer on the grounds of proximity is conditional on the child being solely or mainly resident at the address provided at the time of application. A business address, a childminder's address, or any other address other than the child's home will not be accepted. Proof of address will be sought and may be subject to further investigation.
35. Haringey Council will make every effort to prevent fraudulent applications. Haringey will carry out random checks on a number of applications and reserve the right to carry out home visits to the address provided on the application form.
36. A school place obtained using a false address will be withdrawn and given to the child who was entitled to that place.

### **HARINGEY COUNCIL AND HARRIS FEDERATION**

#### **Admissions Booklet**

37. Haringey Council will set out in the relevant Admissions Booklet how in-year applications can be made and will be dealt with. It will set out that if applicants wish to apply to a Harris school they should complete a separate application form (a copy of which will be available from both the school and the local authority).

### **In year applications**

38. If an applicant lists a Harris school on the local authority's form, this information will be sent to the school securely upon receipt.
39. The Harris school will notify all applicants of the outcome of their application. If an offer cannot be made, the school will inform the applicant of the reasons why and provide the right of appeal.

### **Providing information to the Local Authority**

40. Each Harris school will notify the Haringey School Admissions Service of the pupils they have admitted and the details of any applicants who have been refused a place and why. A copy of any refusal letter will be provided to the LA.
41. Each Harris school will notify the Haringey School Admissions Service of the number of pupils on roll in each year group. Information will be provided on a weekly basis via the authority's 'Weekly Return Form'.

At the time of writing the Harris schools in Haringey are -

Harris Academy Tottenham  
Harris Primary Academy Coleraine Park  
Harris Primary Academy Philip Lane

## In-Year Fair Access Protocol for Haringey Schools

### Introduction

1. The School Admissions Code requires local authorities to have in place a fair access protocol which all local schools and Academies must adhere to.
2. Its aims are to:
  - acknowledge the real needs of vulnerable young people who are not on the roll of a school and to ensure that an appropriate placement is identified quickly and pupils are on roll within 15 days of the panel
  - seek to find an alternative placement or support for those on roll of a school where it can be demonstrated that they are at risk of permanent exclusion
  - fairly share the admission of vulnerable students across all schools and Academies (where the panel agree that another mainstream school place should be identified)
  - arrange such admissions openly through a process which has the confidence of all
  - record the progress and successes of the young people placed through this panel

**This protocols reflects the LA's responsibility for safeguarding and promoting the welfare of children and young people as well as educational attainment**

3. It is essential to the success of IYFAP that all Head teachers and governing bodies agree to the aims, principles and procedures and give their fullest support.
4. All schools recognise their collective responsibility for all pupils and accountability for some and will work collaboratively to manage pupils with challenging behaviour, involving multi-agency support, accessed where appropriate. All members will work together to secure commitment to the inclusion agenda and to reduce exclusions from schools.

### Students within the scope of this scheme

5. The admission to school of the following students falls within the scope of this scheme:
  - children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;

- children who have been out of education for two months or more;
  - children of Gypsies, Roma, Travellers, refugees and asylum seekers;
  - children who are homeless;
  - children with unsupportive family backgrounds for whom a place has not been sought;
  - children who are carers;
  - children with special educational needs, disabilities or medical conditions (but without a statement or education, health and care plan);
  - those permanently excluded;
  - where children who are out of school where there is evidence that they were at risk of exclusion prior to leaving their last school;
  - children removed from school and unable to find a place after a number of fixed term exclusions;
  - pupils ready for reintegration from the Pupil Support Centre or secure units;
  - those who are at risk of permanent exclusion.
  - children in year 6 who are out of school following the October school census.
6. The Fair Access Panel will also administer the process for managed moves.
  7. Schools must inform the School Admissions Service of any pupil who they are going to refer for a managed move. Subject to paragraph 8, the receiving school will be agreed and recorded at the meeting and progress reports be taken to every panel until the pupil is on roll at the new school or it is determined that they should remain at their original school.
  8. Schools may refer a child at risk of permanent exclusion for the panel to consider a managed move. However, if it is agreed that a managed move is in the best interests of the young person, the placement must be agreed between the substantive and receiving school and the family. This may happen outside the panel meeting. In every case, the Admissions Service must be informed,
  9. There are dedicated arrangements for children with statements of Special Educational Needs (SEN) or Education, Health and Care plans and this protocol does not override those arrangements. However, it has been agreed that pupils who are placed through those arrangements will be noted by the IYFAP panel (see later section).



## **Composition and frequency of the panel**

### **Secondary**

10. A panel, consisting of a minimum of 3 secondary Head teachers (or their designated representative), will meet once a month (or as necessary) to ensure prompt and fair allocation of young people to schools. Heads will be notified of their designated meetings at the beginning of the academic year,
11. The Head of Education Services or another designated LA Officer will chair the panel.
12. In the event that the placement decision is not unanimous, the designated Head teachers will decide.
13. Where a young person is known to a particular service or agency, an officer with knowledge of that young person will be invited to the panel, or a short written statement may be submitted.
14. The membership of the panel can include as necessary, a representative of children's social care, educational psychology service, youth offending service, children missing education, children in care, the police and any other relevant professional supporting a case.

### **Primary**

15. A panel, consisting of three primary Head teachers (or their designated representative), will meet once a half term, (or as necessary) to ensure prompt and fair allocation of young people to schools.
16. The Head of Education Services or another designated LA Officer will chair the panel.
17. Where a young person is known to a particular service or agency, an officer with knowledge of that young person will be invited to the panel, or a short written statement may be submitted.

## **The decision-making process**

18. Cases will be brought to the panel by the Haringey Admissions Service which will be the point of referral. The cases must be submitted under one of the categories given in paragraph 5 above and the child must be without a school place.
19. The Panel will be administered by the Haringey Admissions Service which will provide data for the current and previous school year (figures to be based on actual figures where IYFAP pupils have been admitted).

20. The following data will be provided at each panel:

- The number of pupils on roll at each school in each year group
- The number of vacancies at each school in each year group
- The number of pupils that have been admitted to each school in each year group through the 'normal' in year admissions process since the last panel
- The number of pupils that have been admitted to each school in each year group through the Fair Access admissions process since the last panel
- The total number of pupils that have been admitted to each school in each year group through the Fair Access admissions process in the last academic year and the number of schools or Academies (if any) that have failed to admit
- Background/ pupil history/ information, where available and where consent has been confirmed
- The number of students with statements of Special Educational Need allocated over number through the SEN procedures.

21. The placement panel for Children in care will continue to determine the most appropriate placement for each young person and their case will be presented for the panel to ratify. In order to ensure that CIC are admitted to school quickly, they will be placed before the panel and it will not be possible for these cases to be brought back to the panel for reconsideration.

22. When making the decision as to appropriate school placement for the child, the panel will take into account:

- preferences made and views of parents/carers and the view of the pupil (including religious affiliation)
- the admissions criteria
- the published admission number and number of forms, of entry so placements can be made proportional to the number of forms of entry
- the number of students admitted through IYFAP in the previous and current academic year
- the needs of the student, where this is known
- any capacity/capability reasons why the school may not be able to respond to the needs of the student

- the individual context of a school in relation to recently excluded students
  - whether the applicant has previously attended a Haringey school.
  - it will be the presumption that wherever possible pupils will return to a school if they have previously been on roll there.
23. In cases where a child does not return to their previous Haringey school, that school will have the value of one child debited from their comparative IYFAP statistics, to reflect the loss of that child from the school's roll.
- This debit will apply regardless of whether the child was originally admitted to that school via the IYFAP protocol.
  - In cases where the child was previously permanently excluded and is being re-integrated into mainstream school this debit will not apply.
  - In cases where the child previously attended more than one Haringey school the debit will be applied solely to the school which the child most recently attended.

#### **Note**

Where a school has admitted pupils above its admission number in error, these additional pupils will not count and cannot be off-set against IYFAP referrals.

24. Where an alternative educational placement is determined most suitable to meet the needs of a young person, this provision will be identified in principle by the Inclusion Service, following assessment, and ratified by the panel.
25. Decisions will be reached by consensus, whenever possible, with the chair mandated to take appropriate action where this has not proved possible.

#### **Implementation of the decisions**

26. Decisions regarding placement of students under the Fair Access protocol will be made by the panel, and will be final.
27. *Admission must take place within **15** school days of the school receiving notification of the decision.*
28. In exceptional circumstances, the allocated school may request that the panel reconsider their decision at the next meeting. This will only be possible where the school has prior knowledge of the specific young person which was not known to the panel at the time of decision, which makes the placement inappropriate. This request must be made in writing to the Chair within **5** school days of the school receiving notification of the decision. The formal offer letter will be sent on the 6<sup>th</sup> day.

29. The Department for Education recognises that admission of a young person through the Fair Access Panel could potentially take the school above the planned admission number for that year group.
30. It is recognised that there is usually little available information about the young people who are being admitted in-year to school. The Admissions Service will try to acquire as much educational information as practical to accompany in-year admissions to assist smooth integration to the school.

### **Risk assessments**

31. Risk assessments will be undertaken as necessary by the referring body.

### **Relationship with appeals**

32. Where young people are admitted to a school above the planned admission number in any year group under the protocol, this should not prejudice the provision of efficient education or the efficient use of resources of the school.
33. Appeal panels will be made aware of the conditions of the scheme, and that the admission of an additional student under this scheme is different from a school voluntarily exceeding its admission limit. Panels will also be made aware that any decision made to allow appeals will place further pressure on the school's resources.
34. A school placement made through IYFAP shall not remove a parent/carer's right to appeal for a school place elsewhere.

### **Monitoring the operation of the Protocol**

35. The Admissions Service will undertake scheduled checks and monitor admission dates and pupil days.
36. The anonymised details of all decisions will be made available to the Director and Lead Member to demonstrate that the Protocol is being effective.
37. This will include any school or Academy that has not taken a pupil on roll within 15 days of the decision being notified.
38. Details of any school or Academy who has not taken a pupil on roll within 15 days of the decision will also be available at the next IYFAP meeting.
39. On the 16<sup>th</sup> day the Head of Education Services will contact in writing the Headteacher of any school or Academy that has failed to admit within the agreed timeframe to request an on roll date.
40. If the school or Academy fails to provide an on roll date, within agreed timescales, then the direction process will apply as set out in the School

Admissions Code and in accordance to the Department for Education advice: "Fair Access Protocols: Principles and Process".

41. The protocol will be reviewed on an annual basis by the Local Authority, in conjunction with Head teachers/ principals, in order to assess its effectiveness in ensuring that unplaced children are being allocated places at schools/ academies or in alternative educational provision on an equitable basis.

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## **Proposed Admission Criteria for Sixth Form 2018**

### **Alexandra Park School**

Minimum number of students to be admitted from outside the school = 80

#### **AS/A levels**

The minimum entry requirement is five grade 5s including English and Maths. Please see the website for further details and specific course requirements, most subjects require at least a grade 6. We also offer a range of BTEC courses.

#### **Joining the sixth form for Year 13**

Students wishing to join the Sixth Form after having completed their AS levels at another institution may be able to complete A2s in Year 13. To do so they must have secured satisfactory passes in their AS levels, and their course choice must be compatible with the school timetable.

#### **Admission priorities**

Where the number of eligible external applicants for a course of study exceeds the places available then admission will be determined in accordance with the following priority of admission criteria:

1. Students who have statements of Special Educational Needs or Education Health and Care Plan specifically naming the School.
2. Students who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22 (1) of the Children Act 1989).

3. Students who will have a sibling attending the school at the point of admission. This category includes foster brothers and sisters, half brothers and half-sisters, stepbrothers and stepsisters or adopted brothers and sisters. They must also be living at the same address as the applicant.
4. Students whose home address ( i.e. their only or main residence) closest to the school.

Distance will be measured in a straight line from the Ordnance Survey address point of the student's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

## **Hornsey Sixth Form College**

All students are invited to attend an informal discussion about their subject choice; General entry requirements are:

### **A/S and A2 Level**

A minimum of 5 GCSE passes at A\*-C (or numerical equivalent) including English and Maths. Some subjects have specific entry requirements and for further study a grade B in that subject at GCSE may be required.

### **Level 3 Vocational/ BTEC**

A minimum of 4 GCSE A\*-C (or numerical equivalent). There is scope for these students to retake GCSE English and Maths if required in this pathway.

### **Progression to year 13**

Students automatically progress from year 12 to year 13 if they have attained at least 3 D grades at AS levels. Students who do not achieve this will need to have a formal meeting with the Director of Learning and subject teachers to consider guidance for more appropriate courses if applicable. We are committed to ensuring the needs of our students to enable progression are in place for all pathways.

### **Admission priorities**

Where the number of eligible external applicants for a course of study exceeds the places available then admission will be determined in accordance with the following priority of admission criteria:

1. Students who have a statement of Special Educational Needs or Educational Health and Care Plan specifically naming the School.
2. Students who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22 (1) of the Children Act 1989).

3. Students who will have a sibling attending the college at the point of admission. This category includes foster brothers and sisters, half brothers and half-sisters, stepbrothers and stepsisters and adopted brothers and sisters. They must also be living at the same address as the applicant.
4. Students whose home address ( i.e. their only or main residence) is closest to the college

Distance will be measured in a straight line from the Ordnance Survey address point of the student's home to the Ordnance Survey address point of the college, calculated using a computerised mapping system.

Please note all courses are provisional and dependent on student numbers to run.



## Highgate Wood School

Minimum number of students to be admitted from outside the school = 10

All students will be invited to an informal discussion about their subject choice. The general entry requirements are as follows:

### AS and A2 Level

At least five GCSE passes at A\* - C, with specific requirements for particular subjects based upon the national statistical guidance for successful outcomes. We consider ourselves to be an open access Sixth Form and so the criteria are matched to what is required to ensure positive outcomes. Full details for different subjects are available on the website.

### Joining the sixth form for Year 13

Students wishing to join the Sixth Form after having completed their AS levels at another institution may be able to complete A2s in Year 13. To do so they must have secured satisfactory passes in their AS levels, and their course choice must be compatible with the school timetable.

### Level 3 BTEC

At least five GCSE passes at A\* - D with at least three of these at C or better including in the relevant subject(s). These courses are equivalent to 2 A levels and are in Business Studies. Students are expected to take one AS level alongside.

### GCSE Maths & English

Applicants require a high D to be admitted to these courses. It is not expected that a student will need to follow both courses.

### Admission priorities

Where the number of eligible external applicants for a course of study exceeds the places available then admission will be determined in accordance with the following priority of admission criteria:

1. Students who have a statement of Special Educational Needs or Education Health and Care Plan specifically naming the school.
2. Students who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22 (1) of the Children Act 1989).

3. Students who will have a sibling attending the school at the point of admission. This category includes foster brothers and sisters, half brothers and half-sisters, stepbrothers and stepsisters or adopted brothers and sisters. They must also be living at the same address as the applicant.
4. Students whose home address ( i.e. their only or main residence) is closest to the school.

Distance will be measured in a straight line from the Ordnance Survey address point of the student's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

## **The Haringey Sixth Form College**

Haringey Sixth Form College is now a 16-19 Academy and as such it has an Admissions Policy which has been directly agreed with the Department for Education (DfE)

Different types of courses have different entry requirements. The College will provide courses at Entry to Level 3 and will be fully inclusive. The total number of students to be admitted in September 2017 = 550

### **To study AS/A levels**

Students must have a minimum of 5 GCSEs at grades A\*-C which must include English and/or Maths. The number of AS levels that are studied will be determined by the number of GCSE passes at grade C or above and the grades achieved. Some subjects have particular entry requirements such as a grade B or higher in English and/or Maths or in the subject to be studied.

### **Level 3 Vocational programmes**

BTEC Level 3 students will need to have 4 or more GCSEs at Grade A\* - C or an equivalent Level 2 qualification such as a BTEC First at merit or distinction. GCSE English and Maths at grade D or above is also required. However, some vocational programmes may require a Grade C or above in English and/or Maths.

### **Level 2 programmes**

BTEC/UAL Level 2 students will usually need to have 3 or more GCSE passes at Grade D or above or a Level 1 qualification in a relevant subject. However, experience, ability and interest in the chosen vocational area will also be taken into account.

### **Level 2 GCSE Pathway Programmes**

GCSE Pathway programmes in Science and Social Science students will need to have 4 GCSEs A\*-C including C in English and/or Maths

### **Level 1 programmes**

BTEC Introductory Diploma, students will need to have GCSEs at Grade D-G or an equivalent qualification and have an interest in the chosen vocational area.

### **Entry or Pre –Entry level programmes**

Students do not need any formal qualifications but do need a personal commitment to further study in the area.

### **GCSE English and Maths**

Please note: In line with Government Policy from September 2013, all students who have not achieved a Grade C in GCSE Maths and/or English by the end of their Secondary Education, are required to continue studying these subjects Post 16 until they achieve this minimum grade. This is therefore a requirement for students applying to study at the Sixth Form College.

Students with a grade E or lower and students with Statements of Special Educational Needs or Education Health and Care Plans will be required to study these subjects at a level in line with their ability.

### **Priority rules**

The closing date for applications will be the last day of the spring term. The Sixth Form College will normally be able to offer places to all applicants provided they meet the minimum entry requirements for the course applied for, and equal priority will be given to all applications received by this date. In the event that there are more applicants than places by this date, priority will be given in the following:

1. Young people who have statements of Special Educational Needs or Education Health and Care Plan
2. Students who are looked after by a local authority or were previously looked after but immediately after being looked after, became subject to an adoption, child arrangements or special guardianship order.

A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22 (1) of the Children Act 1989).

3. To students on roll in Year 11 at one of the following partner schools:

- Gladesmore Community School
- Northumberland Park Community School
- Park View School
- Woodside High School

All applications received after the last day of the spring term will then normally be considered purely on a 'first-come-first-served' basis.

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## Equality Impact Assessment – Appendix 7 to 18 October 2016 Cabinet Report

|   |  |  |                 |
|---|--|--|-----------------|
| Name of Project                           | Admission Arrangements 2018/19   | Cabinet meeting date<br><i>If applicable</i> | 18 October 2016 |
| Service area responsible                  | Education Services   |  |                 |
| Name of completing officer                | Carlo Kodsi Team Leader School Admissions<br>Nick Shasha, School Place Planning Lead | Date EqIA created                            | September 2016  |
| Approved by Director / Assistant Director | Rory Kennedy, Assistant Director, Schools and Learning                               | Date of approval                             | 16/09/2016      |

The Equality Act 2010 places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to the need to :

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with relevant ‘protected characteristics’ and those without them
- Foster good relations between those with relevant ‘protected characteristics’ and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a ‘**Specific Duty**’ to publish information about people affected by our policies and practices.

**All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.**

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

| Stage 1 – Names of those involved in preparing the EqIA |    |
|---|----|
| 1. Carlo Kodsí, Team Leader School Admissions           | 5. |
| 2. Nick Shasha, School Place Planning Lead              | 6. |
| 3. Eveleen Riordan, Head of Education Services          | 7. |
| 4. Ben Ritchie, Policy and Equalities Officer           | 8. |

**Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening** (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

This Equality Impact Assessment (EqIA) accompanies the Cabinet report - Proposed Admission Arrangements for the academic year 2018/19.

In that report Cabinet are asked to:

- Agree to consult on the proposed admission arrangements, including in year arrangements, for 2018/19;
- Agree to consult on the proposed IYFAP which, if agreed by a Member Lead signing in January 2017, would be used from 1 March 2017;
- Agree the co-ordinated scheme for 2018-2019, as set out in Appendices 2 and 3 of this report, and that the scheme can be published on the Haringey website on 1 January 2017
- Note that consultation on the proposed admission arrangements is scheduled to take place between 27 October 2016 and 8 December 2016;

- Note that following the consultation, a report will be prepared summarising the representations received from the consultation and a decision on the final admission arrangements and the In Year Fair Access Protocol will be taken by Lead Member signing in January 2017.

The Local Authority has a duty to put in place admission arrangements that comply with the mandatory provisions set out in the School Admissions Code 2014. These consist of Admissions Criteria and a Coordinated scheme and aim to provide a clear admissions system and oversubscription criteria which are transparent to those parents applying for a school place.

The Council is the admissions authority for community and voluntary controlled (VC) schools within the borough and therefore is responsible for determining the admission arrangements for these schools. Academies, foundation schools and voluntary aided schools are their own admissions authority; they must consult on and then determine their own admissions arrangements. The Council has a statutory duty to monitor the arrangements determined by own admitting authority schools to ensure compliance with the School Admissions Code. The Council is the coordinating authority for all schools in the Borough (except independent fee paying schools) and will send out school place offer letters to all Haringey residents where a school place has been applied for in any given year.

The school admissions framework is intended to ensure that the school admissions system is fair to all children regardless of race, ethnicity, gender or ability.

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated” page 7, para 14 - School Admissions Code 2014.

The Code provides admission authorities with some flexibility to determine and implement their own admission arrangements through local consultation, in order to meet circumstances in their area. However, the purpose of the framework is to aim to ensure that unlawful and unfair arrangements are not adopted and that the needs of all children are met.

As in all boroughs, some schools are more popular than others and inevitably some parents will not secure a place at their preferred school. However the Local Authority has ensured that the proposed Haringey Admission arrangements 2018- 2019 are compliant with all areas of the Admissions Code, are equitable and transparent and include measures to actively promote fairness.

### Proposed Admission Criteria

The proposed admission criteria for 2018 vary slightly according to the type of provision (nursery<sup>1</sup>, primary, secondary etc) they apply to – the criteria for all these settings can be viewed in appendix 1 through to appendix 3. However the main principles for Haringey community and VC schools are set out below:

**Statement of Special Education Needs** - Where a child has a statement of Special Educational Needs/Education and Health Care Plan (EHCP) which names the school, they will be admitted in accordance with section 324 of the Education Act 1996.

If the number of children without statements of educational needs/EHCP naming the school for whom applications are made is higher than the number of places available, the following rules are applied, in the order of priority to decide who will be offered a place:

1. **Looked After Children** – Children in the care of a local authority or were previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order.
2. **Social/ Medical** - Children who the Authority accepts have an exceptional medical or social need for a place at one specific school. Applications are supported by a written statement from a relevant independent professional and assessed at a SocMed panel.
3. **\*\*Linked school** - This rule applies only to junior school admissions. Children attending an infant school will be prioritised under this rule for admission to the linked junior school.
4. **Siblings** - Children with a sibling already attending the school and who still be attending on the date of admission .This category includes foster brothers and sisters, half brothers and half-sisters, adopted brothers and sisters or stepbrothers and stepsisters. They must also be

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<sup>1</sup> In the case of nurseries, the Authority is responsible for admissions but these are managed by schools with nurseries and nursery centres.



living at the same address as the child for whom the application is made.

5. **Distance** - Children whose home address is closest to the preferred school. Distance will be measured in a straight line from the Ordnance Survey address point of the child's home to the Ordnance Survey address point of the school, calculated using a computerised mapping system.

#### Proposed Pan London Co-ordinated Scheme 2018/19

Haringey Council's coordinated scheme is developed in line with the Pan London recommendations and sets out the procedures that all schools for which Haringey is the admitting or coordinating authority agree to sign up to.

#### In-Year Fair Access Scheme

The 2018/19 arrangements also contain an In-Year Fair Access Scheme which acknowledges the need to deal with vulnerable young people who are not on the roll of a school, quickly and sympathetically. This scheme also fairly shares the burden of admitting vulnerable students across all schools and academies, taking account of their resources to support each student.

#### Relevant Legislation

According to the Equality Act 2010 an admission authority must not discriminate on the grounds of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation against a person in the arrangements and decisions it makes as to who is offered admission as a pupil. This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character (faith schools) or single sex schools are exempt as they are allowed to make a decision based on religious belief or sex respectively.

Admission authorities are also subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations in relation to persons who share a

relevant protected characteristic and persons who do not share it

### Stage 3 – Not relevant for this EQiA – Intentionally blank

### Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment

The School Admissions Code, states that personal information that does not directly relate to the application of the admissions criteria **cannot** be collected through the admissions process. These regulations are in place to ensure admissions decision are not made based on criteria other than the admissions criteria.

Given the above, it is not possible to complete a full analysis of equalities data relating to the proposed admission arrangements for entry into any academic year, including the year 2018/19.

**Information below provides information on the current statutory school age population in Haringey schools.**

| Data Source (include link where published)                        | What does this data include?   |
|---|--|
| <b><u>Figure 1 Age as of January 2016 (see appendices)</u></b>    | Figure 1 shows that there is no significant difference between age groups and the current trend is of year on year increasing cohorts coming through the key stage one year groups.  |
| <b><u>Figure 2 Gender as of January 2016 (see appendices)</u></b> | Figure 2 shows that within the school population there is a not a significant difference between the sexes; the percentage difference in the primary sector is 1.6% with slightly more boys (Male: 50.8% vs Female 49.2%). In the secondary sector the percentage difference is more pronounced at 3.2% (Male: 51.6% vs Female 48.4%). |

|  |   |
|--|---|
| <p><b><u>Figure 3 Disability as of January 2016 (see appendices)</u></b></p>   | <p>The data indicates that Primary children in Haringey with a SEN statement or EHC plans are in line with the London average (both 1.7%) though at a slightly higher percentage than the England average (1.3%). The percentage of Secondary school children with statements or EHC plans is higher in Haringey (2.8%) than in England (1.7%) or London (2.0%).</p> <p>The proportion of Primary school children in Haringey with SEN support (12.6%) is marginally higher than across England (12.1%) and London (12.1%). At Secondary level there are large differences with 15.8% of Haringey children receiving SEN support compared to 11.0% across England and 11.7% across London.</p>  |
| <p><b><u>Figure 4 Ethnic composition of Primary and Secondary pupils, Haringey and England as at January 2016 (see appendices)</u></b></p> | <p>The table shows that there are significant differences in the ethnic composition of both the primary and secondary cohorts at Haringey primary and secondary schools compared to England averages.</p> <p>The most significant differences are a far smaller proportion of White British pupils compared to England (19.9% and 18.8% in Haringey compared to 75% and 70.9% in England ) and a far higher proportion of Any Other White background pupils (27.0% and 26.8% in Haringey compared to 6.3% and 4.8% in England). Haringey also has a far larger proportion of Black Caribbean and Black African pupils compared to the England average.</p> <p>Although Haringey's proportion of Bangladeshi pupils is higher than the England average, the proportion of Pakistani and Indian pupils is lower than the England average. There is not any major variation of ethnic groups between Haringey's primary and secondary school indicating the school population is indicative of the borough population.</p> |
| <p><b><u>Figure 5 – Religion or belief</u></b></p>   |   |

|                                |   |
|--------------------------------|---|
| <b><u>(see appendices)</u></b> | <p>Religion or belief is not covered by the PLASC school census which means that we don't have access to records for 2015. The best alternative proxy is the Haringey data derived from the England and Wales Census 2011 data on religion by age. Data on the appropriate age groups (0-4 and 5-7) has been combined to provide an approximation of the likely religious or belief profile of Reception aged children in Haringey.</p> <p>The notional number is based upon the known sample size of Reception aged pupils in Haringey (3,240) multiplied through the distribution of religion or belief from the 2011 Census. It is a synthetic estimate.</p> <p>The data suggests that 39.7% of Haringey's 0-70 population is Christian, 20.9% state no religion and a further 19.3% are Muslim.</p> |
|--------------------------------|---|

| <b>Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:<br/>Positive and negative impacts identified will need to form part of your action plan.</b> |          |          |         |   |
|---|----------|----------|---------|---|
|   | Positive | Negative | Details | None – why?   |
| Sex   |          |          |         | <p>All primary and all but one of the secondary schools within the borough are coeducational.</p> <p>For all of these schools, the gender of the pupil is not a factor of the admission arrangements.</p> |
| Gender Reassignment   |          |          |         |   |

|                   |  |  |  |  |
|-------------------|--|--|--|--|
| <b>Age</b>        | The policy applies equally to all children of statutory school age as defined by the Admissions Code 2014.   |  |  |  |
| <b>Disability</b> | <p>Section 324 of the Education Act 1996 requires the governing bodies of all maintained schools to admit a child with a statement of special educational needs/EHCP that names their school. These children are placed in the relevant school before all other places are allocated.</p> <p>Where a child with a disability or special educational need is to attend a Special School, allocation of places is through a specialist panel and are outside of the scope of these admission arrangements.</p> |  |  |  |

|  |  |   |  |   |
|--|--|---|--|---|
| <b>Race &amp; Ethnicity</b>              | <p>The Local Authority has a duty to ensure the proposed arrangements do not unfairly disadvantage any child based on race</p> <p>Translated applications are available on request for those who do not have English as their first language and face to face workshops are held for parents of prospective applicants to support their application process.</p> | <p>In the proposed arrangements, children arriving into the borough after the application date, which will include migrants from other countries, will have their applications dealt with as a late application.</p> <p>However, this approach is seen as fair and necessary and is endorsed by the School Admissions Code.</p> |  |   |
| <b>Sexual Orientation</b>                | All schools included in the arrangements have to admit pupils regardless of sexual orientation   |   |  |   |
| <b>Religion or Belief (or No Belief)</b> |  |   |  | <p>For community and VC schools, religion is not a factor of the admission arrangements.</p> <p>The governing bodies of</p> |

|   |  |  |  |   |
|---|--|--|--|---|
|   |  |  |  | <p>faith schools are the admitting authorities for these schools and the admissions criteria are therefore outside of these arrangements. Faith schools are allowed to set objective criteria relating to faith, in line with the mandatory provisions of the Schools Admission Code.</p> |
| <p><b>Pregnancy &amp; Maternity</b></p> | <p>In addition to the criteria set out in Section 1, if only one place is available at the school and the next child who qualifies for a place is one of multiple birth, the Local Authority would ask community schools to go over their published admission number. This aspect of the criteria ensures that multiple birth families are not disadvantaged by the proposed arrangements.</p> |  |  |   |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
| <b>Marriage and Civil Partnership<br/>(note this only applies in relation<br/>to eliminating unlawful<br/>discrimination (limb 1))</b> |  |  |  |  |

| Stage 6 - Initial Impact analysis | Actions to mitigate, advance equality or fill gaps in information  |
|-----------------------------------|--|
|                                   | <p><b>Training</b> - Staff in the Haringey School Admissions Team are provided with yearly refresher training in line with the Admission arrangements, which addresses any changes to either the criteria or coordinated scheme.</p> <p><b>Monitoring</b> - The Head of Education Services will be responsible for monitoring. The School Admissions Return to Department for Education (DfE) is an Annual report which sets out information on the effectiveness of the admission arrangements e.g. number applicants who received one of their preferences for a school place. The annual report to the Office of Schools' Adjudicators (OSA) monitors the fairness of the admission arrangements. This information will be reported to the DfE and the OSA annually.</p> <p>Two main mechanisms will be used by the DfE to provide feedback on how effective the measures in the revised Codes and regulations have been and to inform future policy development. In producing his annual report for the Secretary of State, the Schools Adjudicator will take account of the reports he will receive from each local authority on the legality, fairness and effectiveness of local admission arrangements.</p> <p><b>Appeal arrangements</b> - Admission arrangements are subject to an appeal process that gives parents the right to appeal for a place at a school where they have been refused that place. The process is also used to hold admissions authorities to account and ensure that the arrangements are applied. A panel that is independent of the local authority determines the appeal.</p> <p><b>Support services for application</b> - Access to face to face contact with council officers for parents across the borough to support the application process</p> |



| Stage 7 - Consultation and follow up data from actions set above |  |
|--|--|
| Data Source (include link where published)                       | What does this data include?             |
|  | The consultation received XXX responses. |

| Stage 8 - Final impact analysis  |
|--|
| <p>The proposed admission arrangements for 2017/18 do not differ materially from the arrangements for previous years and we therefore do not consider that there are any new or specific Equalities issues to emerge from these general admissions arrangements. We continue to monitor and assess the impact of any changing trends – please see Stage 6 above.</p> |

## Stage 9 - Equality Impact Assessment Review Log

|  |  |                |  |
|--|--|----------------|--|
| Review approved by Director / Assistant Director |  | Date of review |  |
| Review approved by Director / Assistant Director |  | Date of review |  |

## Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.

Appendices (Data Tables)

**Figure 1 Age as of January 2016**

| Year group         | Primary<br>Reception<br>to Yr 6 | Secondary<br>Yrs 7-11 | Grand<br>Total |
|--------------------|---------------------------------|-----------------------|----------------|
| Reception          | 3,210                           |                       | 3,210          |
| Year 1             | 3,267                           |                       | 3,267          |
| Year 2             | 3,157                           |                       | 3,157          |
| Year 3             | 3,222                           |                       | 3,222          |
| Year 4             | 3,184                           |                       | 3,184          |
| Year 5             | 2,915                           |                       | 2,915          |
| Year 6             | 2,951                           |                       | 2,951          |
| Year 7             |                                 | 2,481                 | 2,481          |
| Year 8             |                                 | 2,417                 | 2,417          |
| Year 9             |                                 | 2,272                 | 2,272          |
| Year 10            |                                 | 2,267                 | 2,267          |
| Year 11            |                                 | 2,380                 | 2,380          |
| <b>Grand Total</b> | <b>21,906</b>                   | <b>11,817</b>         | <b>33,723</b>  |

Source: Haringey Education Services 2016

**Figure 2 Gender as of January 2016**

|             | Primary<br>Reception to<br>Yr 6 | Secondary<br>Yrs 7-11 | Grand<br>Total | Primary<br>Reception<br>to Yr 6 | Secondary<br>Yrs 7-11 | Grand<br>Total |
|-------------|---------------------------------|-----------------------|----------------|---------------------------------|-----------------------|----------------|
| Female      | 10,779                          | 5,723                 | 16,502         | 49.2%                           | 48.4%                 | 48.9%          |
| Male        | 11,127                          | 6,094                 | 17,221         | 50.8%                           | 51.6%                 | 51.1%          |
| Grand Total | 21,906                          | 11,327                | 33,723         | 100%                            | 100.0%                | 100.0%         |

Source: Haringey Education Services 2016

**Figure 3 Disability as of January 2016**

|          | Pupils with statements or EHC plans |                                     |                       |                           |
|----------|-------------------------------------|-------------------------------------|-----------------------|---------------------------|
|          | Primary<br>Reception to<br>Yr 6     | Primary<br>Reception to<br>Yr 6 (%) | Secondary<br>Yrs 7-11 | Secondary<br>Yrs 7-11 (%) |
| Haringey | 399                                 | 1.7%                                | 373                   | 2.8%                      |
| London   | 12,454                              | 1.7%                                | 9,986                 | 2.0%                      |
| England  | 60,446                              | 1.3%                                | 55,738                | 1.7%                      |

Source: Haringey Education Services 2016 / National Schools Census 2016 (Table S5)

|          | Pupils with SEN support         |                                     |                       |                           |
|----------|---------------------------------|-------------------------------------|-----------------------|---------------------------|
|          | Primary<br>Reception to<br>Yr 6 | Primary<br>Reception to<br>Yr 6 (%) | Secondary<br>Yrs 7-11 | Secondary<br>Yrs 7-11 (%) |
| Haringey | 3,000                           | 12.6%                               | 2,074                 | 15.8%                     |
| London   | 90,215                          | 12.1%                               | 57,649                | 11.7%                     |
| England  | 558,648                         | 12.1%                               | 350,693               | 11.0%                     |

Source: Haringey Education Services 2016 / National Schools Census 2016 (Table S5)

**Figure 4 - Ethnic composition of Primary and Secondary pupils, Haringey and England as at January 2016**

|                             | Haringey (%) |           | England (%) |           |
|-----------------------------|--------------|-----------|-------------|-----------|
|                             | Primary      | Secondary | Primary     | Secondary |
| Any other White background  | 27.0%        | 26.8%     | 6.3%        | 4.8%      |
| White British               | 19.9%        | 18.8%     | 75.0%       | 70.9%     |
| White Irish                 | 1.1%         | 0.8%      | 0.3%        | 0.3%      |
| Gypsy/Roma                  | 0.4%         | 0.2%      | 0.4%        | 0.2%      |
| Traveller of Irish heritage | 0.2%         | 0.1%      | 0.1%        | 0.0%      |
| Black Caribbean             | 7.8%         | 9.4%      | 1.1%        | 1.3%      |
| Black African               | 16.4%        | 14.8%     | 3.8%        | 3.5%      |
| White and Black Caribbean   | 3.2%         | 3.2%      | 1.5%        | 1.4%      |
| White and Black African     | 1.4%         | 1.6%      | 0.8%        | 0.6%      |
| Bangladeshi                 | 2.6%         | 3.1%      | 1.7%        | 1.7%      |

|                            |      |      |      |      |
|----------------------------|------|------|------|------|
| Indian                     | 0.9% | 1.2% | 2.8% | 2.9% |
| Pakistani                  | 0.8% | 1.0% | 4.3% | 4.1% |
| White and Asian            | 2.2% | 1.2% | 1.3% | 1.1% |
| Chinese                    | 1.2% | 0.6% | 0.4% | 0.4% |
| Any Other Black background | 1.9% | 1.9% | 0.8% | 0.7% |
| Any Other Asian Background | 1.5% | 1.0% | 1.8% | 1.7% |
| Any Other ethnic group     | 6.3% | 7.0% | 1.8% | 1.6% |
| Any Other Mixed Background | 4.2% | 4.7% | 2.1% | 1.7% |
| Unclassified               | 0.9% | 2.5% | 0.7% | 1.2% |

Source: Haringey Education Services 2016 / National Schools Census SFR 20 (Tables 9a and 9b)

### **Figure 5 – Religion or belief**

|                    |   |                |                        |
|--------------------|---|----------------|------------------------|
| Religion or belief | <p>Religion or belief is not covered by the PLASC school census which means that we don't have access to records for 2016. The best alternative proxy is the Haringey data derived from the England and Wales Census 2011 data on religion by age. Data on the appropriate age groups (0-4 and 5-7) has been combined to provide an approximation of the likely religious or belief profile of Reception aged children in Haringey.</p> <p>The notional number is based upon the known sample size of Reception aged pupils in Haringey (3,210) multiplied through the distribution of religion or belief from the 2011 Census. It is a synthetic estimate.</p> |                |                        |
|                    |   | Percentage (%) | <i>Notional Number</i> |

|  |                     |       |        |
|--|---------------------|-------|--------|
|  | Christian           | 39.7% | 1,274  |
|  | No religion         | 20.9% | 671    |
|  | Religion not stated | 12.3% | 395    |
|  | Muslim              | 19.3% | 620    |
|  | Jewish              | 5.6%  | 180    |
|  | Hindu               | 1.0%  | 32     |
|  | Buddhist            | 0.8%  | 26     |
|  | Sikh                | 0.3%  | 10     |
|  | Other religion      | 0.2%  | 6      |
|  | Total               | 100%  | 3,240* |

Source: ONS (2011 Census data for Haringey)

Note: \* Totals may not add up due to rounding

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**Report for:** Cabinet 18 October 2016

**Item number:**

**Title:** Changes to published admission numbers (PANs) in Haringey's community secondary schools - proposed consultation

**Report**

**authorised by:** Zina Etheridge, Deputy Chief Executive  
Rory Kennedy, Assistant Director, Schools and Learning



**Lead Officer:** Eveleen Riordan, Joint Head of Education Services - Ext 3607  
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**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

**1. Describe the issue under consideration**

- 1.1 We need to commence consultation on proposed changes to the published admission numbers (PANs) for the Council's community<sup>1</sup> secondary schools – Gladesmore Community School, Highgate Wood School, Hornsey School for Girls, Northumberland Park Community School and Park View School. The PAN is determined by the admission authority<sup>2</sup> concerned and it is the admission number for the age group at which pupils are or will normally be admitted to the school.
- 1.2 We propose adjusting all secondary community school PANs to numbers which are multiples of 30 because of impending changes to school funding that will remove the local discretion (via Schools Forum) that currently allows the Council to provide more generous funding for secondary schools when compared to the average primary/secondary school funding ratio.
- 1.3 Historically the Council's secondary schools have suffered no financial disadvantage in running with PANs that are multiples of 27 rather than 30. However the emerging National Schools Funding Formula (NFF) will be based on secondary school intakes of classes of 30 and the funding ratio between

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<sup>1</sup> A community school in England and Wales is a type of state-funded school in which the local authority (LA) employs the school's staff, is responsible for the school's admissions and owns the school's estate

<sup>2</sup> In Haringey there are nine admission authorities – the LA, seven academy/free schools and one foundation school (LA is the admissions authority for Gladesmore, Highgate Wood, Hornsey School for Girls, Park View, Northumberland Park; The Academy/Free schools are their own admissions authorities and comprise the following schools – Alexandra Park, Greig City, Harris Academy Tottenham, Heartlands High, St Thomas More, Woodside High and the UTC. There is one Foundation school that is its own admission authority – Fortismere.

primary and secondary schools will reflect this. The change in PANs will not in itself be sufficient to ensure financial efficiency and will need to be accompanied in each school by a review of curriculum planning, student/teacher ratios and teacher contact time.

- 1.4 Unless our secondary school intakes align with the rest of the country then our secondary schools will be financially disadvantaged. Haringey secondary schools have for many years worked on the basis of a PAN divisible by 27 instead of 30 (which broadly equates into class sizes of 27 instead of 30).
- 1.5 The adjustment to the PANs also represents an opportunity to increase the total number of year 7 places available in the borough each year. Larger cohorts moving through the primary phase are now working their way into the secondary phase and we need to increase current year 7 capacity to ensure that we have sufficiency of places looking forward.
- 1.6 An illustrative graph showing the rising numbers of year 7s in Haringey is set out at Figure 1 to this report (paragraph 6.15 below). Changing PANs to multiples of 30 will better enable our secondary schools to accommodate increased numbers of pupils across the borough without the need for costly and disruptive capital works in specifically identified schools. Based on current projections we expect to run out of year 7 places in the academic year 2018/19 if we don't increase the number currently available across the borough.
- 1.7 We don't anticipate that every single community secondary school will adjust class size upwards while also retaining the same number of classes. If they did it would:
  - a) Move us from a position of a deficiency of year 7 places to one where we had too many year 7 places meaning that some schools would carry a large surplus; and
  - b) The demand for places and the variation in demand for places from school to school would mean that not all schools will be able to sustain an upward adjustment of their PAN. For other schools an adjustment to move class size to 30 while at the same time retaining a PAN at or very close to current PAN (i.e. by reducing the overall number of classes) will be the most appropriate way forward.
- 1.8 We are also aware that some or all academy/foundation schools will want to make adjustments to their current PANs to allow for the impact of a national funding formula. Our planned consultation will welcome views from all stakeholders, including academies and foundation schools, and any adjustment to the PANs of our community secondary schools will be informed by, among other things, changes to PANs in schools that aren't community secondary schools.

## 2. Cabinet Member Introduction

- 2.1 The Department for Education has set out a commitment to introduce a national schools funding formula from the financial year 2018/19. There have

historically been large variations between authorities across the country in how schools are funded. The introduction of a school-level national funding formula will mean that the funding each pupil attracts to their school will be determined nationally instead of locally.

2.2 This is likely to result in a reduction of funding to schools in London and further will remove the option for local adjustment currently made to Haringey secondary schools to allow them to be arranged into class sizes of 27 instead of the nationally accepted 30.

2.3 I welcome this opportunity to consult with stakeholders to gather views on adjusting the published admission numbers in our community secondary schools to allow class sizes to be brought into line with the position in secondary schools across the country and with our primary schools which are all currently arranged into class sizes of 30.

### **3. Recommendations**

3.1 Cabinet are asked to note the twofold reasons for seeking to carry out consultation on the adjustment of the PANs of the Council's community secondary schools:

- i) Preventing the Council's secondary community schools from suffering a financial disadvantage when the new National Schools Funding Formula (NFF) – based on secondary school intakes of class sizes of 30 – is implemented; and
- ii) Enabling the Council's community secondary schools to provide additional year 7 places to accommodate a projected increase in pupil place demand between 2018 and 2025 without the need for the expansion of any single (or more) secondary school(s).

3.2 Cabinet are asked to agree to consultation being carried out between November and December 2016 on proposed adjustments to the Council's community secondary school PANs, as set out in paragraph 4.1, to take effect from admission year 2018/2019, which would help ensure that the Council's community secondary schools can maximise financial conditions by securing classes of 30 to reflect the broad national picture.

3.3 Such a move also allows provision of further additional year 7 places which will address the projected deficit of year 7 places from 2018 as set out by current projections and illustrated in the graph at Figure 1 to this report.

### **4. Reasons for decision**

4.1 This report recommends the commencement of consultation (November 2016) on adjustments to the PANs of the Council's community secondary schools. Table 1 below sets out the current and proposed PAN for each community secondary school.

| Name of school                       | Current PAN | Proposed PAN |
|--------------------------------------|-------------|--------------|
| Gladesmore Community School          | 243         | 270          |
| Highgate Wood School                 | 243         | 270          |
| Hornsey School for Girls             | 162         | 150          |
| Northumberland Park Community School | 210         | 240          |
| Park View School                     | 216         | 240          |

**Table 1:** Current and proposed PANs for Haringey's secondary community schools

- 4.2 These proposed adjustments are primarily a response to an emerging national funding formula that will mean that local adjustments historically made to allow our secondary schools to operate based on class sizes of 27 will be removed, and further that the NFF will be based on secondary school intakes of class sizes of 30 putting the Council's secondary schools at a funding disadvantage.
- 4.3 This consultation will allow us to gather views from key stakeholders on whether we should proceed with this move. Schools other than community schools will also be invited to set out their views although these schools (free schools, academies and foundation schools) will be considering their own positions in relation to the NFF and the impact for them if they remain at PANs wholly divisible by 27.
- 4.4 In addition to the financial imperative for community secondary schools of a move to class sizes of 30, such a change would also allow us to increase the number of year 7 places without the need for costly capital expansion works at one or more secondary schools. This would meet the need for additional year 7 places to address rising cohorts from 2018.
- 4.5 The risk of not moving our secondary schools to class sizes broadly based on 30 is the financial impact of a national funding formula for which no local adjustment to address this smaller class size can be made. Without this change we would also need to consider how to provide additional year 7 places to meet rising demand from larger primary cohorts that have already begun moving into the secondary phase. Any expansion works would not only need significant capital costs, but further would result in additional classes of 27 in one or more of our secondary schools which would exacerbate the issue for those school(s) that are expanded of operating with class sizes of 27.
- 4.6 The risk of moving our PANs to those proposed, which are wholly divisible by 30 and which are broadly seen everywhere across London, England and Wales is the potential concern of school staff about the resultant increased workload

(e.g. planning for and marking work for a class of 30 instead of 27) and possible strike or other action as a result of that objection.

- 4.7 A further report to Cabinet in April 2017 will set out the results of the consultation and make a final recommendation on whether or not to proceed with adjustments to PANs.

## **5. Alternative options considered**

- 5.1 No alternative options have been considered at this stage. This report seeks to proceed to consultation with stakeholders to gather views on adjustments to PANs which will support financial viability for our schools once a NFF is introduced.
- 5.2 Cabinet will consider a further report in April 2017 which will allow a final decision based on the outcomes of the consultation and all other material considerations.

## **6. Background information**

- 6.1 The following paragraphs provide some contextual background as to why our PANs are set as they are, greater depth on the rationale behind the proposed move, the impact on the rising need for school places and the risks of both implementing the change and of leaving the PANs as they are.

### History

- 6.2 Most of Haringey's schools have a PAN that is wholly divisible by 27. This is in contrast to almost all other secondary schools in England where the PAN is wholly divisible by 30. Forms of entry based on 27 have applied in Haringey since a local agreement was apparently reached between the Council and the National Union of Teachers in February 1988. This number is not reflected across the rest of London and England where forms of entry are generally based on a class size of 30. Moreover this agreement was reached prior to the introduction of Local Management of Schools as a result of the Education Reform Act 1988. As a consequence of Local Management of Schools class sizes are the responsibility of the governing body of the school. This agreement as provided by the NUT is attached at Appendix 2. There is no clear record of why Haringey has remained out of kilter in comparison with the rest of London and England in that its secondary classes have now been set at 27 for a significant period of time. Recently two Haringey secondary schools that are not community schools have changed their PANs to ones that are wholly divisible by 29 or by 30. These changes have been made to respond to financial pressures and, in one instance, to allow an over-subscription criterion prioritising the admission of the children of staff members of that school.

### Financial impact of PANs wholly divisible by 27 when a national funding formula determines funding for community schools

- 6.3 The Department for Education (DfE) will shortly begin a second round of consultation<sup>3</sup> on changes to school funding that will remove the local discretion

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<sup>3</sup> The Government is proposing the phased introduction of a new national funding formula from 2018-19. Originally, the intention was to introduce the formula from 2017-18. The

(via Schools Forum) that currently allows Haringey to provide more generous funding for secondary schools when compared to the average primary/secondary school ratio. Historically Haringey secondary schools have suffered no financial disadvantage in running with PANs that are multiples of 27 rather than 30. However the emerging National Schools Funding Formula (NFF) will be based on secondary school intakes of classes of 30 and the funding ratio between primary and secondary schools will reflect this average.

- 6.4 The change in PANs will not be sufficient to ensure financial efficiency and will need to be accompanied in each school by a review of curriculum planning, student/teacher ratios and teacher contact time. Unless our secondary school intakes align with the rest of the country then our secondary schools will be financially disadvantaged.
- 6.5 The NFF will cover all publicly funded mainstream schools from Reception to Year 11:
- Maintained schools (for financial year April to March),
  - Academies (for financial year September to August),
  - Free schools (for financial year September to August),
  - University Technical Colleges ( for financial year September to August).
- 6.6 The following indicative illustration of the impact of a national funding formula for schools is based on assumed funding levels as we don't yet know the details of the National Schools Funding Formula (NFF). Stage 2 of the consultation on the formula is expected from the DfE shortly, having been delayed from an expected consultation date of summer 2016. This example<sup>4</sup> assumes the following for Gladesmore Community School (ignoring the Minimum Funding Guarantee<sup>5</sup>).

|   |            |
|---|------------|
| Approximate current funding per pupil           | £7,300     |
| Current primary/secondary ratio                 | 1:1.34     |
| Assumed reduction in Haringey funding under NFF | 10%        |
| Assumed primary/secondary ratio in NFF          | 1:1.29     |
| Assumed future funding per pupil                | £6,325     |
| Current funding for year with 243 PAN           | £1,773,900 |
| Assumed future funding for 243 PAN              | £1,536,975 |
| Assumed future funding for 270 PAN              | £1,707,750 |

Government intends that most funding – with the exception of high need funding – will eventually be given directly to schools and not routed through local authorities, as now (in the case of maintained schools).

<sup>4</sup> Source: Haringey Schools Finance

<sup>5</sup> The minimum Funding Guarantee was introduced in 2005 as a result of the perceived “school funding crisis”. At that time changes in funding arrangements left some schools with considerably different budgets from the one they had the year before. In order that schools should not lose too much funding in one year, the MFG was created. It has been through several versions, but basically it provides a guarantee that at a **per pupil** level, funding will either increase by a minimum amount or decrease by a maximum amount. At present the DfE has set an MFG level of minus 1.5%. The MFG is ignored for the purposes of this illustrative example because its inclusion would skew the potential impact of the NFF over the longer term.



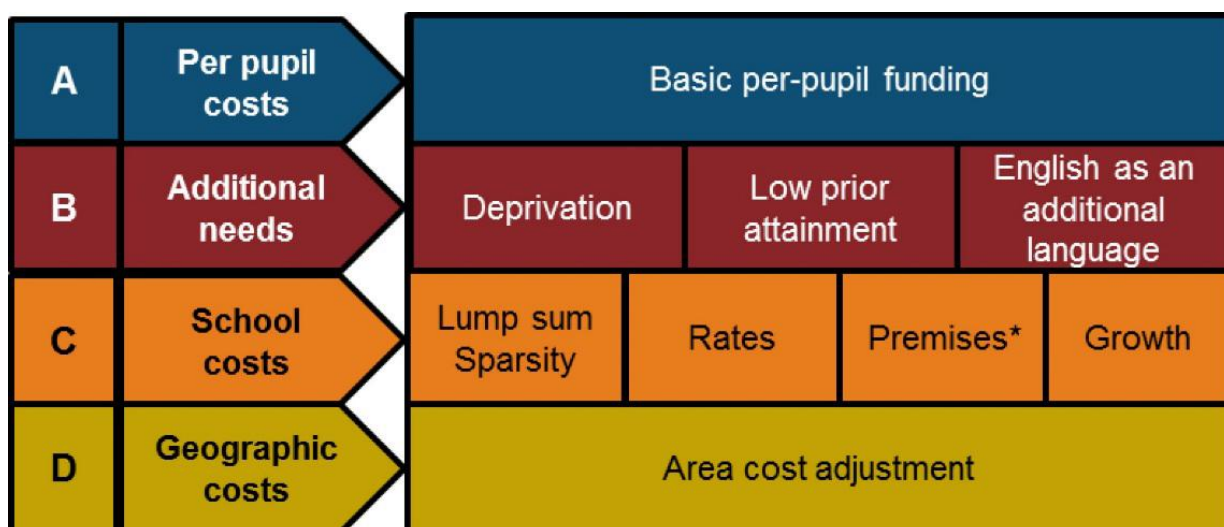
**Table 2:** indicative example of impact of NFF on funding in community secondary schools

- 6.7 A change in the PAN needs to be the catalyst for an internal curriculum led review of pupil/teacher ratios and contact ratios.

What happens if we don't secure these changes?

- 6.8 The DfE's March 2016 consultation on a NFF proposed a national formula, with phased implementation. The formula would be made up of the following basic elements:
- A per-pupil cost factor
  - Additional needs funding based on low prior attainment, deprivation and English as an Additional Language indicators, among other things.
  - School costs factor – including a lump sum for e.g. fixed costs, and sparsity (rurality) factors.
  - Geographic costs factor – i.e., higher average wage costs.

- 6.9 The following graph shows the building blocks of the proposed formula:



Source: DfE consultation document, Schools national funding formula, 7 March 2016, Pp. 18)

- 6.10 It is not possible to model the likely impacts of any new funding arrangements on particular local authorities (including Haringey) or schools until more details are provided on what weight and value will be given to the different formula factors. However, in order to carry out a full and proper consultation on our PANs and resultant class size, and allow for any changes to be made in a timely way, we need to progress this consultation now. This is because it then allows for any necessary steps to be taken in good time to contribute towards mitigating the negative impact of any NFF on our schools at the same time that a NFF is introduced. The March 2016 document says that the second consultation paper, expected in late autumn 2016, will include information on

the relative weightings of the factors, and will “show the impact on funding at school and local authority level.”<sup>6</sup>

- 6.11 In terms of area cost adjustment it is also expected that there will be an uplift for schools in high cost areas such as London, but that, particularly for inner London, this will not be as generous as now. We expect the national formula to be needs driven and that the recent changes in deprivation indices and a flattening of the area cost adjustment will lead to a movement from London and some other metropolitan areas to non-metropolitan areas.
- 6.12 If PANs in Haringey schools are kept at numbers wholly divisible by 27 the above table (Table 2) shows the indicative impact that this will have in reducing funding per head once a national funding formula is introduced. We therefore need to support our schools to prepare for these changes to their funding and one of the ways we can achieve this is by exploring how a move from PANs divisible by 27 to ones divisible by 30 can lessen the impact of these changes. This is why this report is recommending that we carry out consultation on adjustments to the current PANs.
- 6.13 An adjustment to PANs would also support an increase in the number of year 7 places to address the projected rise in year 7 numbers from 2018 as a result of larger primary cohorts moving into the secondary phase.
- 6.14 The local authority did make representations to the Department for Education setting out concerns about the potential impact of a NFF on Haringey’s schools. We will be making further representations at the second stage of consultation.

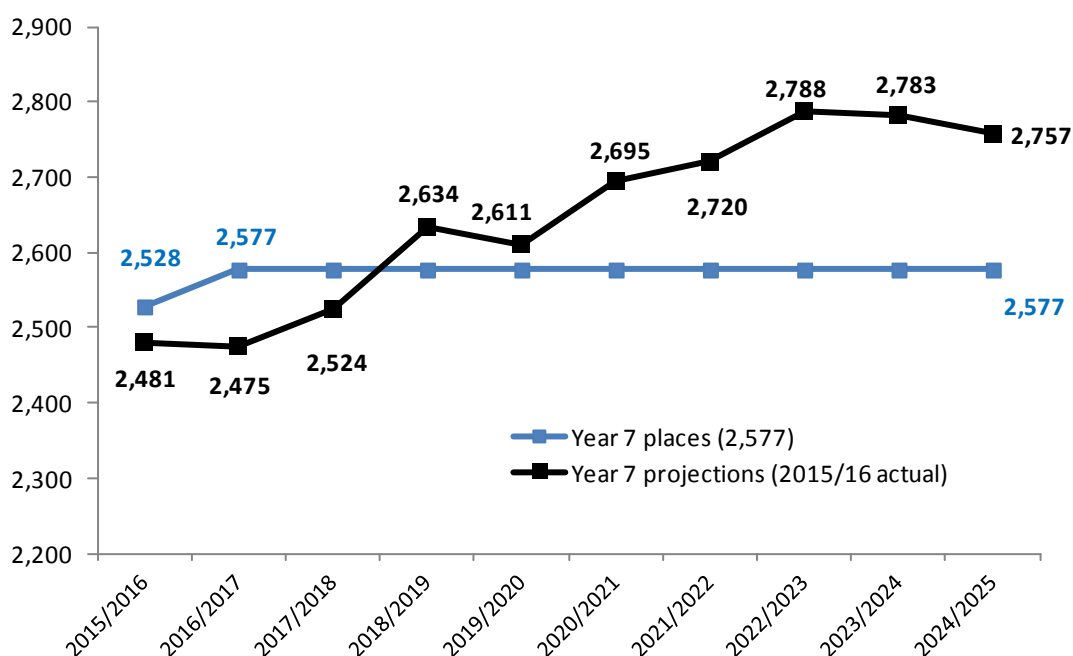
#### Proposed changes to PAN on a school by school basis

- 6.15 There are currently 2,577 year 7 places across all Haringey secondary schools (2016/17). Based on our current school roll projections we expect a deficit of Year 7 places of -53 by the year 2017/18 (see Figure 1). This is projected to rise to a peak deficit of -211 places by 2022/23 and -180 places by 2024/25.

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<sup>6</sup> DfE consultation document, Schools national funding formula, 7 March 2016, Pp. 44





**Figure 1: Year 7 places vs. Projections, 2015/16-2024/25**

Source: GLA projection data for Year 7 projections

- 6.16 Increasing class sizes from their current 27 to 30 pupils and retaining the existing number of classes across all of the borough's secondary schools would<sup>7</sup> immediately secure a total of additional 268 year 7 places across all of the borough's secondary schools. This would not only eradicate the projected shortfall but would result in an excess of places at a level that is unacceptable (as it places significant financial pressures for the schools carrying those surpluses).
- 6.17 As the admission authority for Haringey community secondary schools, the Council is able to consult on adjustments to the PANs of those schools only. The admission authorities for secondary schools that are not community schools (see para 1.1 above) will determine the PANs for those schools and are outside the Council's control. Currently 41% of year 7 pupils (by PAN) in Haringey are on roll at one of the Council's secondary community schools, meaning that 59% of year 7 pupils attend a school where the PAN sits outside of the local authority's control.
- 6.18 For illustrative purposes only figure 3 below assumes changes to both PAN and class size at all secondary schools in Haringey but the Council is the admission authority for only five community schools (Gladesmore, Highgate Wood, Hornsey School for Girls, Northumberland Park and Park View). These proposed PANs are provided for illustrative purposes only and views on the PANs of the Council's community secondary schools will be gathered as part of the consultation process and a final recommendation for these PANs made to Cabinet in April 2017. Any changes to PANs at schools that are not community secondary schools will be determined by those schools' governing bodies following any requisite consultation.

<sup>7</sup> If undertaken by every school in the borough and assuming the current number of classes is maintained

6.19 To avoid over-supply of places we need to consider how best secondary community schools can adjust their PANs to allow class sizes of 30 while also:

- reflecting the historic preference pattern for each community school; and:
- ensuring that the adjusted PAN does not provide additional places where there is no historic or projected demand for them.

6.20 Figure 2 below sets out the historic demand for school places across all of the borough's secondary schools (based on first place preferences as multiples of the PAN) and provides some indication based on historic patterns of preferences as to how sustainable an upward or downward adjustment to the PAN of any individual school *might* be. In those cases where historic patterns of demand have shown that demand for a school outstrips supply we have proposed an upward adjustment of the PAN. Conversely, in that school where historic patterns have shown that demand is at or below the supply of places (Hornsey School for Girls), we have suggested a PAN very slightly lower than the current PAN. These figures have also been modelled for secondary schools that are not community schools but these figures are indicative and outside the control of the Council. Ultimately, how many secondary school places are provided will be determined by, among other things, an overall PAN for the borough that responds to projected demand for year 7 places between now and 2026 and allows us to meet our statutory duty around school place provision, and also by how free, academy and foundation schools decide to adjust their own PANs, if at all.

|                          |             | Year 7 PAN vs. <i>Year 7 on roll</i> |                  |                  | Totals                |                        | Sustainability score (see notes)<br>1 |             |   |
|--------------------------|-------------|--------------------------------------|------------------|------------------|-----------------------|------------------------|---------------------------------------|-------------|---|
| School                   | School Type | 2013                                 | 2014             | 2015             | Year 7 PAN<br>2013-15 | Year 7 roll<br>2013-15 | 2013-2015                             | 2015 only 2 | First place preferences as multiple of PAN 2016 |
| Gladesmore               | Community   | 243 / <b>256</b>                     | 243 / <b>249</b> | 243 / <b>254</b> | 729                   | 759                    | 1.04                                  | 1.05        | 1.29  |
| Highgate Wood            | Community   | 243 / <b>231</b>                     | 243 / <b>241</b> | 243 / <b>245</b> | 729                   | 717                    | 0.98                                  | 1.01        | 1.01  |
| Hornsey School for Girls | Community   | 216 / <b>131</b>                     | 162 / <b>125</b> | 162 / <b>149</b> | 540                   | 405                    | 0.75                                  | 0.92        | 0.43  |
| Northumberland Park      | Community   | 210 / <b>192</b>                     | 210 / <b>206</b> | 210 / <b>213</b> | 630                   | 611                    | 0.97                                  | 1.01        | 0.52  |
| Park View                | Community   | 216 / <b>203</b>                     | 216 / <b>216</b> | 216 / <b>215</b> | 648                   | 634                    | 0.98                                  | 1.00        | 0.60  |
| Alexandra Park           | Academy     | 216 / <b>215</b>                     | 216 / <b>219</b> | 216 / <b>221</b> | 648                   | 655                    | 1.01                                  | 1.02        | 1.64  |
| Greig City Academy       | Academy     | 200 / <b>149</b>                     | 200 / <b>166</b> | 200 / <b>184</b> | 600                   | 499                    | 0.83                                  | 0.92        | 0.35  |
| Heartlands High          | Academy     | 216 / <b>224</b>                     | 216 / <b>222</b> | 216 / <b>220</b> | 648                   | 666                    | 1.03                                  | 1.02        | 1.02  |
| St Thomas More           | Academy     | 192 / <b>128</b>                     | 192 / <b>193</b> | 192 / <b>194</b> | 576                   | 515                    | 0.89                                  | 1.01        | 0.58  |
| Woodside High            | Academy     | 162 / <b>167</b>                     | 162 / <b>163</b> | 210 / <b>209</b> | 534                   | 539                    | 1.01                                  | 1.00        | 0.96  |
| Fortismere               | Foundation  | 243 / <b>238</b>                     | 243 / <b>240</b> | 253 / <b>251</b> | 739                   | 729                    | 0.99                                  | 0.99        | 1.34  |
| Harris Academy Tottenham | Free        | -                                    | 90 / <b>66</b>   | 90 / <b>91</b>   | 180                   | 157                    | 0.87                                  | 1.01        | 0.19  |

**Figure 2: Year 7 sustainability at Haringey secondary schools**

Notes:

1. This is the sum of Year 7 Roll for 2013-2015 divided through the Year 7 PAN for that school for 2013-2015. A figure of 1 is where PAN and roll are identical. Above 1 means that actual rolls have been higher than PAN. Below 1 means that actual rolls have been lower than PAN.

2. Fortismere governors have agreed to go over PAN for Sept 2016 and aim to consult about increasing PAN (probably to 270) for Sept 2017 entry

3. Funding for schools is based on the October Census results, thus the October figures tend to represent a period where rolls are usually high

6.21 Figure 3 below shows the number of year 7 places that we would have in the borough assuming an increase in class size from 27 to 30 together with potential adjustments to the number of classes in each school.

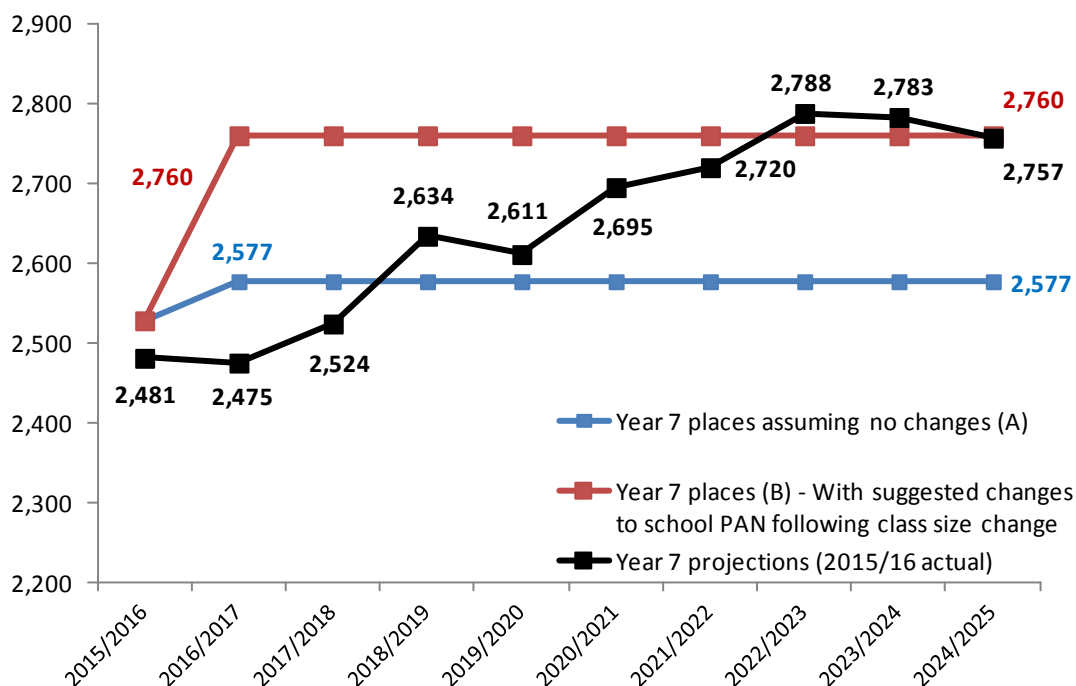
|                                       |             | As at 2016/17           |                   |              | As at 2017/18  |                       |                       |               |
|---------------------------------------|-------------|-------------------------|-------------------|--------------|----------------|-----------------------|-----------------------|---------------|
| School                                | School Type | Class size (indicative) | Number of classes | PAN          | New class size | New number of classes | New PAN at 2018/18/19 | Change to PAN |
| Gladesmore                            | Community   | 27                      | 9                 | 243          | 30             | 9                     | 270                   | +27           |
| Highgate Wood                         | Community   | 27                      | 9                 | 243          | 30             | 9                     | 270                   | +27           |
| Hornsey School for Girls              | Community   | 27                      | 6                 | 162          | 30             | 5                     | 150                   | -12           |
| Northumberland Park <sup>4</sup>      | Community   | 27                      | 10                | 210          | 30             | 8                     | 240                   | +30           |
| Park View                             | Community   | 27                      | 8                 | 216          | 30             | 8                     | 240                   | +24           |
| Alexandra Park                        | Academy     | 29                      | 8                 | 232          | 30             | 8                     | 240                   | +8            |
| Greig City Academy                    | Academy     | 25                      | 8                 | 200          | 30             | 6                     | 180                   | -20           |
| Heartlands High                       | Academy     | 27                      | 8                 | 216          | 30             | 8                     | 240                   | +24           |
| St Thomas More <sup>1</sup>           | Academy     | 25                      | 11                | 192          | 30             | 8                     | 240                   | +48           |
| Woodside High <sup>3</sup>            | Academy     | 30                      | 8                 | 240          | 30             | 8                     | 240                   | None          |
| Fortismere <sup>6</sup>               | Foundation  | 27                      | 10                | 270          | 30             | 9                     | 270                   | None          |
| Harris Academy Tottenham <sup>2</sup> | Free        | 30                      | 6                 | 180          | 30             | 6                     | 180                   | None          |
| <b>Total places</b>                   |             | -                       | -                 | <b>2,604</b> | -              | -                     | <b>2,760</b>          | <b>156</b>    |

**Figure 3: The number of Year 7 places assuming an increase in class size from 27 to 30 and potential adjustments to the number of classes from 2016/17:**

**Notes:**

1. St Thomas More currently has 11 classes, 7 of 25, 1 of 14 and 1 of 11
2. This analysis assumes Harris Academy Tottenham maintains PAN at 180
3. Woodside High have already switched to class sizes of 30
4. Northumberland Park Year 10 has 10 classes, 3 x 21, 3 x 20, 2 x 19, 1 x 18 and 1 x 22 (201 total)
5. As at January 2016 School Census (PLASC)
6. Fortismere governors have agreed to go over PAN for Sept 2016 and aim to consult about increasing PAN (probably to 270) for Sept 2017 entry

6.22 The projected impact of the suggested adjustments seen in Figure 3 above is illustrated below in Figure 4.



**Figure 4: Year 7 places (A and B) vs. Projections, 2015/16-2024/25**

Source: GLA projection data for Year 7 projections

#### Other potential impacts on schools

6.23 Any adjustment to PANs that results schools arranging their classes into 30 pupils and not the current 27 might see the following impacts:

- An increase in planning and marking for teaching and support staff as classes are taught in multiples of 30 and not 27;
- Additional furniture (desks and chairs) in classrooms set up for only 27 pupils;
- An increased pupil presence in classrooms and communal areas.

6.24 As mitigation to the above possible impacts, several factors must be borne in mind:

- The internal arrangements for schools in terms of pupil to teacher ratio and class size is a matter for the Head teacher and his/her governors;
- All works carried out in Haringey as part of the Building for the Future (BSF) programme were delivered based on class sizes of 30;
- The DfE's Area Guidelines for Mainstream Schools (which replaces Building Bulletins 98 and 99 and is also referred to as Building Bulletin 103) sets out simple, **non-statutory** area guidelines for

schools recommending **reduced** minimum internal and external areas.

### Conclusion

- 6.25 This report sets out the expected timeline for a national funding formula for schools and the expected impact of the formula on Haringey schools, not least because the majority of our secondary schools (and all of our community secondary schools) have published admission numbers that are wholly divisible by 27.
- 6.26 It is sensible to seek views from all stakeholders – including community schools and other types of secondary schools in the borough – on adjustments to the Council’s community secondary schools’ PANs that would enable schools to better prepare for the financial impact of a national funding formula. Such a consultation allows views to be voiced, debates among interested parties to be had, and a final decision on whether to adjust the PANs to be informed by this consultation.
- 6.27 Any adjustment to the PANs would also allow us to address the projected shortfall of year 7 places from 2018.
- 6.28 As set out above (para 1.7), an adjustment to PAN wouldn’t mean that all schools would significantly increase the number of pupils admitted each year. If this were to happen we would have too many year 7 places. Any adjustment to the PAN on a school by school basis would be determined only following discussion with each school and using both historic and latest place demand data for schools, including the number of first place preferences for entry in September 2017 and which will be available by the end of 2016 (secondary deadline for applications for 2017 entry is 31 October 2016).
- 6.29 A final decision on PANs for the Council’s community secondary schools will be taken by Cabinet in April 2017 after the consultation has taken place and the views been analysed. By this date we will also have the benefit of stage 2 of the consultation on the NFF and a better understanding of the actual impact of a NFF on all Haringey schools.

## **7. Contribution to strategic outcomes**

- 7.1 All of our work seeks to contribute towards ensuring the continued viability of all of our schools. Further continued assessment of actual demand and projection for school places across all of our schools and settings helps to ensure that we are contributing towards planning to meet the projected demand for future places from both children who have already been born and for those children that it has been projected will be born over the coming years.
- 7.2 This consultation will seek views that will help inform a final decision on any adjustment to the published admission numbers of our community secondary schools. This underpins the Children and Young People Strategic Plan 2009 - 2020 which seeks to develop sustainable schooling (under the priority of Enjoy

and Achieve) and empower families and communities through the provision of local school places (under the priority of achieving economic wellbeing).

- 7.3 Supporting our schools' continued financial viability and ensuring continued sufficiency of our year 7 places in the borough also contributes towards the 'Outstanding for All' outcomes and priorities as outlined in Haringey's Corporate Plan.

**8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

**Finance and Procurement**

- 8.1 The Chief Finance Officer comments that the Education Funding Agency plans to begin implementing the National Funding Formula (NFF) from April 2018. The proposals allow for some local discretion in the first two years to enable a transition from current local funding allocations to the full NFF in April 2020.
- 8.2 The report sets out the potential impact on Haringey secondary schools when the NFF is fully implemented. Actual school allocations will be subject to the Minimum Funding Guarantee (MFG) that will smooth the changes to be implemented over a number of years. The report emphasises that the proposed changes in PAN need to be mirrored within schools by a review of curriculum planning, pupil teacher ratios and teacher contact time.
- 8.3 It should be noted that the smaller class sizes in Haringey secondary schools and the resulting historically high funding differential between the primary and secondary phases was to the financial disadvantage of primary schools: Primary schools in Haringey receiving proportionately less funding than would have been the case had the funding ratio been more in line with national averages.
- 8.4 All financial implications will be contained within the Schools Block of the Dedicated Schools Grant.

**Assistant Director of Corporate Governance**

- 8.5 As the admission authority for its community secondary schools, the Council has a statutory obligation under the School Admissions Code 2014 to consult with the governing body of each school where it proposes to increase or keep the same PAN of that school. It is apparent from the report that this obligation will be carried out by the Council before Cabinet is asked to make a final decision over whether to increase the PAN of any school.
- 8.6 Under the School Admissions Code 2014, where the Council as the admission authority proposes a decrease to the PAN of a school (as is proposed in the case of Hornsey School for Girls) the Council must consult on the proposed decrease in the PAN for a minimum of 6 weeks between 1<sup>st</sup> October and 31<sup>st</sup> January in the determination year. Consultation must be with :-

- (a) Parents of children between the ages of two and eighteen;



- (b) Other persons in the relevant area who in the Council's opinion have an interest in the proposal to decrease the school's PAN);
  - (c) All other admission authorities within the relevant area;
  - (d) The governing body of the school
  - (e) Any adjoining neighbouring local authorities
- 8.7 Further, for the duration of the consultation period, the Council must publish the proposed PAN on its website together with details of the person within the Council to whom the comments may be sent.

## **Equality**

- 8.8 The Council has a public sector equality duty under section 149 of the Equality Act 2010 to have due regard to the need to, among other things, advance equality of opportunity and foster good relations between people who share the protected characteristic relevant to the public sector equality duty and those who do not.
- 8.9 This report recommends that Education Services carries out consultation with stakeholders on an adjustment to the PANs of the borough's community secondary schools to move them to ones wholly divisible by 30, thereby allowing for class sizes broadly based on 30 pupils. This move would be implemented at the same time as an expected national funding formula for our schools that is based on class sizes of 30. Such a move would also present an opportunity to increase the number of year 7 places currently available in our schools to meet a rising number of year 7s expected to seek a school place between now and 2025.
- 8.10 Ensuring there is sufficient provision to enable all Haringey children of Reception age to have a school place is consistent with this duty. However, the duty also requires that the Council demonstrate due regard to the wider impact the proposal might have on persons who might share any of the characteristics protected by sections 4 – 12 of the Equality Act 2010. To comply with this duty, the Council must seek to identify what impact the proposals may have and take steps to address any adverse impact they may have on any employees or service users with relevant protected characteristics.
- 8.11 We have liaised with colleagues in Education Services and agreed that as part of any consultation an Equalities Impact Assessment (EqIA) will be carried out and will inform any recommendation on whether or not to proceed with an adjustment to PANs.
- 8.12 It is advised therefore that a final decision (scheduled to be taken in April 2017) be informed by among other relevant considerations, a full equality impact assessment of any change to PANs.

## **9. Use of Appendices**

Appendix 1 – Consultation Project Plan



Appendix 2 – London Borough of Haringey/National Union of Teachers: Heads of Agreement dated 19 February 1988

**10. Local Government (Access to Information) Act 1985**

a) School Place Planning Report 2016  
([www.haringey.gov.uk/schoolplaceplanning](http://www.haringey.gov.uk/schoolplaceplanning))

b) DfE Schools National Funding Formula Consultation document (ran from 7 March to 16 April 2016)  
<https://consult.education.gov.uk/funding-policy-unit/schools-national-funding-formula>

c) DfE Area Guidelines for Mainstream Schools June 2014  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/324056/BB103\\_Area\\_Guidelines\\_for\\_Mainstream\\_Schools\\_CORRECTED\\_25\\_06\\_14.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324056/BB103_Area_Guidelines_for_Mainstream_Schools_CORRECTED_25_06_14.pdf)

## Appendix 1

### Project plan for consultation

| Tasks by theme- TIMINGS ARE INDICATIVE (Page 1 of 2)   | Completion Date                 | Owner             | Done     | Risk             |
|--|---------------------------------|-------------------|----------|------------------|
| <b>Research</b>  |                                 |                   |          |                  |
| Preliminary briefing paper discussing the issue  | 07/12/2015                      | NS                | COMPLETE |                  |
| Assessment of number of additional places <i>if</i> class sizes increase (by school)               | 14/12/2015                      | NS                | COMPLETE |                  |
| Develop scenario paper for Schools Forum of implications of going from 27 to 30                    | 11/01/2016                      | ER / NS / SW / CK | COMPLETE |                  |
| Incorporate changes from National Funding formula (NFF) (Q1 2016)                                  | 4/7/16 to 18/8/16               | ER / NS / SW / RK |          | Risk:NFF delayed |
| Creation of consultation documents to all schools in consultation                                  | 15/4/16 to 15/6/16              | NS / ER           | COMPLETE |                  |
| Produce updated Year 7 tables showing agreed changes to PANs                                       | 2/5/16 to 25/6/16               | NS / ER           | COMPLETE |                  |
| <b>Stakeholder communication</b>   |                                 |                   |          |                  |
| Disseminate scenario paper for Schools Forum of going from 27 to 30 to stakeholders                | 1/4/16 to 20/5/16               | ER / NS / SW / RK | COMPLETE | Risk:NFF delayed |
| Dissemination of Updated of Year 7 Tables at School Forum  | 30/06/2016                      |                   |          |                  |
| Discussions and meetings with Councillor Elin Weston   | 1/7/16 to 25/8/16               | ER / NS / CEW     |          |                  |
| Discussions and meetings with Unions   | 1/7/16 to 21/7/16               | ER / NS / U       | COMPLETE |                  |
| Discussions and meetings with Human Resources  | 1/7/16 to 25/8/16               | ER / NS / HR      | COMPLETE |                  |
| Discussions and meetings with School Heads / School Forum around both PANs and PTRs                | 1/7/16 to 21/7/16               | ER / NS / HR / RK | COMPLETE |                  |
| Cabinet Decision on Going to consultation  | 1/09/16 to 31/10/16             |                   |          |                  |
| <i>Possible</i> attend / present at public meetings at all schools/single meeting for all schools? | 1/11/16 to 30/1/17 <sup>8</sup> | ER / NS / CB      |          |                  |
| Respond to individual queries  | 1/11/16 to 30/1/17              | NS / ER           |          |                  |
| Produce flyers for schools/article in Haringey People/Twitter feed                                 | 1/11/16 to 30/1/17              | NS / ER           |          |                  |
| Consultation by academy/foundation schools with their governors and parents about PAN              | 1/11/16 to 30/1/17              | AFS               |          |                  |

<sup>8</sup> Consultation run November to December and January allows for analysis of consultation

|  |                    |            |  |  |
|--|--------------------|------------|--|--|
| change   |                    |            |  |  |
| Consultation with Community schools with their governors and parents about PAN change                | 1/11/16 to 30/1/17 | SHs/ ER/NS |  |  |
|  |                    |            |  |  |
|  |                    |            |  |  |
| <b>Calibration</b>   |                    |            |  |  |
| Fine tuning of school PANs after consultation with schools   | 2/2/17 to 23/3/17  | NS/ER      |  |  |
| Changes to school capacity accounted for in 2017 School Places Planning Report (published July 2017) | 2/4/17 to 23/4/17  | NS/ER      |  |  |

| Tasks by theme- TIMINGS ARE INDICATIVE (Page 1 of 2)   | Completion Date     | Owner             | Done     | Risk              |
|--|---------------------|-------------------|----------|-------------------|
| <b>Research</b>  |                     |                   |          |                   |
| Preliminary briefing paper discussing the issue  | 07/12/2015          | NS                | COMPLETE |                   |
| Assessment of number of additional places <i>if</i> class sizes increase (by school)               | 14/12/2015          | NS                | COMPLETE |                   |
| Develop scenario paper for Schools Forum of implications of going from 27 to 30                    | 11/01/2016          | ER / NS / SW / CK | COMPLETE |                   |
| Incorporate changes from National Funding formula (NFF) (Q1 2016)                                  | 4/7/16 to 18/8/16   | ER / NS / SW / RK |          | Risk:NFF delayed  |
| Creation of consultation documents to all schools in consultation                                  | 15/4/16 to 15/6/16  | NS / ER           | COMPLETE |                   |
| Produce updated Year 7 tables showing agreed changes to PANs                                       | 2/5/16 to 25/6/16   | NS / ER           | COMPLETE |                   |
| <b>Stakeholder communication</b>   |                     |                   |          |                   |
| Disseminate scenario paper for Schools Forum of going from 27 to 30 to stakeholders                | 1/4/16 to 20/5/16   | ER / NS / SW / RK | COMPLETE | Risk: NFF delayed |
| Dissemination of Updated of Year 7 Tables at School Forum  | 30/06/2016          |                   |          |                   |
| Discussions and meetings with Councillor Elin Weston   | 1/7/16 to 25/8/16   | ER / NS / CEW     |          |                   |
| Discussions and meetings with Unions   | 1/7/16 to 21/7/16   | ER / NS / U       | COMPLETE |                   |
| Discussions and meetings with Human Resources  | 1/7/16 to 25/8/16   | ER / NS / HR      | COMPLETE |                   |
| Discussions and meetings with School Heads / School Forum around both PANs and PTRs                | 1/7/16 to 21/7/16   | ER / NS / HR / RK | COMPLETE |                   |
| Cabinet Decision on Going to consultation  | 1/09/16 to 31/10/16 |                   |          |                   |
| <i>Possible</i> attend / present at public meetings at all schools/single meeting for all schools? | 1/11/16 to 30/1/17  | ER / NS / CB      |          |                   |
| Respond to individual queries  | 1/11/16 to 30/1/17  | NS / ER           |          |                   |
| Produce flyers for schools/article in Haringey People/Twitter feed                                 | 1/11/16 to 30/1/17  | NS / ER           |          |                   |
| Consultation by academy/foundation schools with their governors and parents about PAN change       | 1/11/16 to 30/1/17  | AFS               |          |                   |
| Consultation with Community schools with their governors and parents about PAN change              | 1/11/16 to 30/1/17  | SCHs/ ER/NS       |          |                   |
|  |                     |                   |          |                   |
|  |                     |                   |          |                   |

| Calibration  |                   |       |  |  |
|--|-------------------|-------|--|--|
| Fine tuning of school PANs after consultation with schools   | 2/2/17 to 23/3/17 | NS/ER |  |  |
| Changes to school capacity accounted for in 2017 School Places Planning Report (published July 2017) | 2/4/17 to 23/4/17 | NS/ER |  |  |

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**London Borough of Haringey/National Union of Teachers  
Heads of Agreement (19.2.88)**

The London Borough of Haringey (the Council) and the National Union of Teachers (the Union) agree as follows:

1. The Council and the Union commit themselves without delay to reaching agreement on a code of practice enabling the redeployment of teachers through direction of the Council.

The detail of such an agreement remains to be determined but the following principles are agreed:

(a) The right of the Council reasonably to direct teachers within and between sections of the education service is acknowledged but the Council will seek, so far as is reasonably practicable, to achieve as much necessary redeployment as is possible by voluntary means.

(b) In particular, redeployment from schools to further education or educational administration will be by voluntary means.

(c) Where redeployment will involve a teacher in moving to an area of work not consistent with the teacher's qualifications and/or previous experience, the Council will offer training which shall, so far as practicable, equip the teacher for his/her new role.

2. Subject to reaching agreement on 1. above, the Council undertakes to ensure that there will not be the necessity for the compulsory redundancy of permanent teaching staff. In this context the Council also undertakes to give particular and sympathetic consideration to any cases drawn to its attention by the Union arising from the following circumstances:

(a) Teachers who are employed on fixed term or temporary contracts for reasons other than the following:

—a limited term need for a replacement teacher arising from causes such as maternity leave, prolonged absence through illness or injury or secondment to a course of in-service training.

(b) Teachers who, although paid in accordance with Section 22(2) of the Teachers' Pay and Conditions Order, have a record of service with the Council such as would entitle them to regard themselves in law as dismissed by reason of redundancy if dismissed.

3. In giving the above undertaking the Council has made the following assumptions:

(a) that it will be possible to achieve the appointment of serving Secondary teachers into other posts within the Authority, e.g.:

|   |                |
|---|----------------|
| —Further Education                        | (estimated 4)  |
| —Resource Centre/Support Work             | (estimated 5)  |
| —TVEI Functions                           | (estimated 9)  |
| —Other posts within the education service | (estimated 3); |

(b) that the projected reduction in Secondary staffing establishments will be abated by 11 posts for the reason set out in 4 below;

(c) that the Secondary cover agreement described in 5(a) below will result in a further abatement of 30 Secondary posts; and

(d) that there will be some scope, subject to 1 above, for redeployment of Secondary teachers to the Primary sector.

4. The following provision will be made to secure reasonable limitations on class size:

(a) 11 full-time teaching posts will be retained in the Secondary sector to reduce pressure on class sizes. This figure has been based on the assumption that classes should not exceed 27.

(b) There will be a staffing formula in the Primary sector to provide for a basic ration of Headteacher + 1:27. Schools will be given clear guidance that class sizes should not exceed 30, and that as far as is practicable mixed age classes and reception classes should not exceed 27. The Council will retain at least 9 full-time posts in the primary sector for this purpose.

It is further recognised that the Council shares the ideal of class sizes not exceeding 24 in mixed age groups and 27 in reception classes, this being dependent on additional resources becoming available in the longer term.



(c) The Council will provide clear guidance to school regarding the class size assumptions in the staffing formula and indicate the expectation that, as far as is reasonably practicable, these limits should not be exceeded.

(d) There will be established a machinery by which problems which arise in relation to class size can be quickly examined and remedies sought.

5. The Council and Union commit themselves to an agreement on cover/supply provision based upon the following principles:

(a) In the Secondary sector there shall be an agreement modelled upon that reached in the City of Coventry and incorporating both minimum levels of timetabled non-contact time and maximum levels of cover obligation within that non-contact time.

(b) In the Primary sector there shall be appointed permanent unattached teachers assigned to groups of schools to meet cover needs within the group.

(c) Further to (a) and (b) above there shall be provision for daily rate supply teachers to supplement the above permanent cover additions.

The Council proposes that the staffing allocation for the above purposes be

(a) 30      (b) 30\*      (c) 10

\*(The Council will secure the increased number of permanent supply teachers in the Primary sector from 21 to 30 by transferring 9 posts from the 16 permanent supply teachers presently covering gaps of various sorts including vacancies. This will depend on how successful the Council is in recruiting to vacancies and covering maternity leave, long term illness etc. through permanent appointments. The Council will provide regular reports on its progress towards the achievement of this objective.)

(d) Given the absence rate remaining constant at 6% or less per year the aim will be that no primary teacher will need to cover on a split-class basis for more than 12 days per school year. This will require the cover agreement to be monitored with the aim of introducing a more definite limitation if not within, at least immediately after, its first year of operation. Where classes are split, this shall be done on an equitable basis. In any event the Council and the Union agree that splitting Primary classes is educationally undesirable and should be a matter of last resort.

(e) The limitations on Secondary teachers' cover obligations will be as in Appendix A.

6. Residual problems which may remain will be resolved by discussion between appropriate Officers of the Council and the Union.

7. In consideration of the foregoing there will be an immediate cessation of industrial action.



**Report for:** Cabinet 18 October 2016

**Item number:** 23

**Title:** Local Implementation Plan Annual Spending Submission for Transport 2017/18

**Report authorised by:** Lyn Garner, Director of Regeneration, Planning and Development

**Lead Officer:** Malcolm Smith, Team Manager, Transportation Planning

**Ward(s) affected:** ALL

**Report for Key/  
Non Key Decision:** N/A

## 1. Describe the issue under consideration

- 1.1 Investment in transport infrastructure is a key part of the Council's Corporate Plan to support economic growth and improve the health and wellbeing of our residents and businesses.
- 1.2 The Council is legally required to prepare a Local Implementation Plan (LIP) containing proposals for the delivery of the Mayors Transport Strategy (MTS). Haringey's second Local Implementation Plan was adopted in 2010 and set out the proposed transport strategy and projects for the period 2011-2031. It also included a detailed set of delivery proposals for the period 2011-2014.
- 1.3 The Local Implementation Plan [LIP] therefore represents a significant annual investment programme that specifically supports Priority 3 and Priority 4 of the Corporate Plan. Details of the linkage between the LIP and Corporate Plan are shown in Appendix 3. TfL give Boroughs the opportunity to bid for money annually to deliver projects in their LIP. In September 2013 the Council approved an outline three year Delivery Plan for the period 2014/15 to 2016/17. Progress on the projects agreed in 2013 is provided in appendix 1.
- 1.4 The plan covers both physical renewal and improvement of the Borough's transport infrastructure alongside softer measures to promote behaviour change and engage with wider safety, health and environmental objectives including air quality through support for more walking and cycling. The full detail of the submission can be found in Appendix 2.
- 1.5 Generally TfL produce guidance setting out their funding priorities. However given that there is now a new Mayor guidance for 2017/18 has been issued as interim

LIP annual spending submission guidance for 2017/18. This is in essence unchanged from that issued for 2016/17. TfL advise boroughs to submit their spending submission for 2017/18 on the assumption that funding is at the same level as 2016/17 but boroughs should prioritise their projects and programmes in the event less funding is made available. In this instance we would prioritise based on meeting our road safety, walking and cycling targets. It is likely that LIP guidance will also be interim for 2018/19 due to the time required for preparation and approval of the Mayor's Transport Strategy [MTS]. All boroughs will be required to prepare a 3<sup>rd</sup> LIP which will need to reflect the new Mayor's Transport Strategy. As shown below TfL has indicated guidance for boroughs will be issued in October 2017 which will spell out the requirements for boroughs.

1.6 TfL usefully provide a summary of the expected MTS/LIP activity over the next two years as below:

| Milestone  | Date           |
|--|----------------|
| TfL issues high level LIP ASS guidance for 2017/18   | June 2016      |
| "Towards...." Mayoral direction of travel document published   | September 2016 |
| Boroughs submit 2017/18 LIP ASS  | October 2016   |
| Draft Mayor's Transport Strategy published, alongside: <ul style="list-style-type: none"> <li>- TfL Business Plan</li> <li>- Mayor's Environment Strategy</li> <li>- Mayor's Economic Development Strategy</li> <li>- Mayor's Housing Strategy</li> </ul> TfL issues draft LIP3 guidance to the boroughs | March 2017     |
| TfL issues 2018/19 ASS guidance [if appropriate]   | May 2017       |
| Draft London Plan published  | July 2017      |
| Final MTS published<br>Final LIP3 guidance published<br>Boroughs submit 2018/19 LIP ASS  | October 2017   |
| Boroughs begin preparing LIP3 documents  | November 2017  |
| Borough elections – until the outcomes are known TfL acknowledges boroughs may be reluctant to engage fully with the LIP 3 process   | May 2018       |

1.7 As we are expected to prepare a new LIP the funding submission for 2017/18 is an interim submission with no requirement for a new three year Delivery Plan for 2017/18 onwards.

1.8 The Council has commenced the preparation of a new Transport Strategy. This will be supported by a Cycling and Walking strategy and a Parking Plan. The Transport Strategy will be used to inform our forthcoming LIP as well as future years funding submissions.

## **2. Cabinet Member introduction**

- 2.1 Transport is central to the success and prosperity of our residents and businesses. Everyone whether a bus passenger or a pedestrian, cyclist, motorist or rail user engages with Haringey's transport infrastructure every day. Making the best use of our existing assets and spending money wisely to improve safety, ease of movement and usage is one of the important roles for the Council. Investment in transport programmes and infrastructure has a key part to play in supporting delivery of all of our aspirations in the Corporate Plan across the Borough.
- 2.2 The transport programmes contained in the LIP target investment into Tottenham Hale and Tottenham Green, into high streets across the Borough and into programmes that seek to build upon our successful promotion of walking and cycling as we encourage behaviour change to low carbon modes of transport. These measures are complemented by investment to improve road safety and accessibility and efforts to minimise traffic congestion, improve air quality, reduce crime and fear of crime and reduce CO2 emissions.
- 2.3 Our programme monitoring shows that we are already meeting our LIP targets for more walking and cycling but we want to do more in this area to support programmes for a healthier and cleaner borough. Our Corporate Plan target is for the Council to be in the top quartile for cycling and walking by 2018. Currently we are meeting the target for walking but not cycling. We continue to face challenges in meeting our objective to reduce road user casualties and so for this year we are targeting additional resources to this important objective.

## **3. Recommendations**

- 3.1 That Cabinet approves the Annual Spending Submission for 2017/18 as set out in Appendix 2 of this report.
- 3.2 That Cabinet notes the progress to date on delivering against our LIP and Corporate Plan targets.

## **4. Reasons for decision**

- 4.1 The LIP submission provides a major source of funding to deliver transport projects and programmes.

## **5. Alternative options considered**

- 5.1 The Annual Spending Submission supports our approved LIP covering 2011 to 2031. It is, therefore, not considered necessary to consider other options.

## 6. Background information

- 6.1 The LIP forms the basis for the Council's transport projects and programmes to be pursued over the next 20 years. Although the Mayor's Transport Strategy provides the context for our LIP, there is scope to interpret the Mayoral objectives and develop our own transport objectives.
- 6.2 This report sets out the content of the proposed Annual Spending Submission [ASS] for 2017/18. We are required by TfL to complete a proforma spreadsheet summarising our proposals. The deadline for the submission to TfL is 28 October.
- 6.3 LIP funding for transport projects is provided through 3 main categories: Corridors/Neighbourhoods and Supporting Measures, Major Schemes and Maintenance. TfL allocate funding for all categories except Major Schemes through a needs based formula. Haringey's initial allocation for 2017/18 is as follows:

|   |            |
|---|------------|
| Corridors, Neighbourhoods and Supporting Measures | £2,125,000 |
| Principal Road Maintenance                        | £457,000   |
| Local Transport Funding                           | £100,000   |
| Total   | £2,682,000 |

- 6.4 The "Corridors, Neighbourhoods and Supporting Measures" category is an integrated funding pot which allows the Council to fund a wide range of projects and programmes such as cycling and walking schemes, local safety schemes, traffic management and calming projects, environmental measures such as proposals to improve air quality and behaviour change programmes.
- 6.5 Within this part of the submission the Council seeks funding for improvements to the Wightman Road/Green Lanes area to deliver outcomes from the Green Lanes Study which is due to report in December 2016. Funding is also requested for road safety schemes arising from the identification by TfL of a high rate of pedestrian casualties in the Borough. Detailed studies will identify the exact opportunities for spending this money. Also within this part of the submission we are seeking funding for the continuation of cycling training in schools for school years 4,5 and 6 in as well as improvements to cycle lanes and routes in the borough and the provision of 10 bike hangars. The continuation of funding for the expansion of the car club is also proposed, which will support the growth in the Borough, together with the expansion of electric vehicle charging point infrastructure from the current 17 points through a legal agreement with BluePoint London Funding is also sought for the continuation of active travel initiatives including school and workplace travel planning and personalised travel planning for schools and road safety education.

6.6 Evidence from towns supported by the DfT's Sustainable Towns initiative and in London Borough of Sutton is that smarter travel programmes can deliver a car usage reduction of over 10% and an increase in the amount of walking and cycling. Such a switch can contribute to a reduction in traffic congestion and annual carbon emissions and an increase in physical activity. For example a personal travel planning project undertaken in summer 2015 in Harringay and St Ann's revealed a 24.1% increase in the number of residents cycling across the project area. A similar project which took place in Crouch End in summer 2014 showed a 25% increase in walking under 5 miles. A smarter Travel attitudinal on-street survey undertaken in September and October 2015 of over 1003 people showed a downward trend in the number of people who own a car.

6.7 TfL has advised each borough to submit Principal Road Maintenance (PRM) programmes which are 25% higher than their allocation, to allow for possible reserve schemes to be brought forward. Our submission therefore will be for £571,000. TfL allocate PRM funding based on an assessment of need taken from the most recent condition surveys that they have carried out. These have identified that investment is needed in Priory Road and Hornsey High Street as well as either part of Lordship Lane or Muswell Hill.

6.8 Funding for bridge strengthening and assessment is in addition to that set out above with allocations based on need. This need is assessed by LoBEG which controls TfL funding. They have identified the need for further works to Station Road, Wood Green. We are seeking £1,210,000, as requested by LoBEG over the next 3 years for strengthening of bridges and bridge assessments including completion of the Station Road scheme.

6.9 Following last year's successful bid for a Major Scheme in the White Hart Lane station area we will not be submitting an additional major scheme for 2017/18 as TfL are unlikely to support the delivery of more than one scheme in a borough at any one time. However, we will be noting in our ASS our aspiration for a major scheme in the west of the Borough in future years.

6.10 In addition to LIP funding we have historically been allocated funding by TfL under the Borough Cycling Programme for 2016/17. It is not yet clear whether TfL will be continuing this programme into 2017/18. TfL does provide boroughs with additional non-LIP funding for "enabling works" related to bus service improvements and bus stop accessibility to meet the Mayoral target of 95% of bus stops to be accessible by end 2016. We do not yet know if this will be continued into 2017/18.

6.11 As part of the North London sub region it is likely we will be allocated further funding to deliver sub regional projects.

*Progress against LIP and Corporate Plan targets*

6.12 We are required to monitor our progress against a number of mandatory indicators: walking and cycling mode share, bus service reliability, principal road condition and road user casualty reduction [KSI and total casualties].

6.13 The tables below show our performance against four of these LIP mandatory indicators using the latest data available.

Table 1: Walking and Cycling Modal Share

| Core target        | Performance                  |                              |                              |                              | LIP target   |              |              | Corporate Plan target   |
|--------------------|------------------------------|------------------------------|------------------------------|------------------------------|--------------|--------------|--------------|-------------------------|
|                    | 2009/10<br>–<br>2011/12<br>% | 2010/11<br>–<br>2012/13<br>% | 2011/12<br>–<br>2013/14<br>% | 2012/13<br>–<br>2014/15<br>% | 2013/14<br>% | 2016/17<br>% | 2030/31<br>% |                         |
| Walking mode share | 38                           | 38                           | 37                           | 37                           | 32           | 35           | 39           | 37 [on current measure] |
| Cycling mode share | 2                            | 2                            | 3                            | 3                            | 3            | 3            | 5 [2026]     | 4 [on current measure]  |

Table 2: Road Casualty Reduction Performance

| Core target                            | Performance |         |         |         | LIP target   |              |              | Corporate Plan target |
|--|-------------|---------|---------|---------|--------------|--------------|--------------|-----------------------|
|  | 2009/11     | 2010/12 | 2011/13 | 2012/14 | 2013/14<br>% | 2016/17<br>% | 2030/31<br>% |                       |
| Road user casualties: KSI              | 85          | 88      | 97      | 99      | 80           | 70           | 56           | 66                    |
| Road user casualties: total casualties | 858         | 930     | 811     | 870     | 675          | 647          | 338*         |                       |

\*target relates to 2031

6.14 Table 1 shows that we have already met our LIP targets for 2016/17 for both walking and cycling. Indeed for walking we are already on track to meet our 2031 target. Regarding the Corporate Plan targets, currently London top quartile is 4% for cycling and 37% for walking. We are therefore meeting the targets for walking but



not cycling. We are also expected to deliver cycling investment through our LIP to be eligible for additional cycling investment by TfL through the Borough Cycling Programme although as noted above it is not clear if this programme will continue into 2017/18 and beyond. Our LIP annual spending submission is therefore putting significant funding towards such schemes which will deliver cycle lanes, cycle parking including on-street cycle hangars and softer measures to encourage safe cycling through training.

6.15 We are currently failing to meet the challenging targets [LIP and Corporate Plan] for reducing road user casualties. TfL has undertaken a risk analysis showing a disproportionate level of pedestrian and child casualties compared with other boroughs. TfL has provided a map showing collision hotspots for vulnerable road users. Our main actions will be to focus on these areas. We are proposing to continue to prioritise funding towards local safety schemes, supporting the effectiveness of the 20mph speed limit and target behaviour change funding towards casualty reduction particularly among vulnerable road users and through the Borough Cycling Programme [non-LIP funding] safer driving courses and FORS accreditation if this continues.

6.16 The 2014 – 2017 LIP Delivery Plan is fully reviewed in appendix 1. The table clearly shows where expenditure was originally focused, progress made to date and the re-allocation to meet priorities as described above.

#### *Scheme prioritisation*

6.17 In terms of priority for projects and programmes it is proposed that all projects and programmes are continued as shown in Appendix 2. We are undertaking a study for the Green Lanes/Wightman Road area which may lead to projects in the short, medium and long term. Part of the allocation for cycling measures would be to enhance permeability on the Harringay Ladder roads. There may be scope therefore to reduce the proposed allocation for 2017/18 for this scheme. We would also need to consider whether there is scope to reduce our funding for health and wellbeing and behaviour change schemes to focus it on regeneration areas of the borough. Similarly our investment in cycling and walking could be more closely targeted at supporting regeneration initiatives.

## **7. Contribution to strategic outcomes**

7.1 The LIP contributes to the delivery of Priorities 2 (Enabling all adults to live healthy, long and fulfilling lives), 3 (A clean, well maintained and safe borough where people are proud to live and work) and 4 (Drive growth and employment from which everyone can benefit) of the Corporate Plan.

**8. Statutory Officers comments (Chief Finance Officer [including procurement], Assistant Director of Corporate Governance, Equalities)**

Finance and Procurement

- 8.1 The Local Implementation Plan funding from Transport for London represents a significant element of the funding for the Council's capital programme for Highways and helps support the wider staffing budget within the Council due to fees earned from supporting the projects identified. The level of Council funding for 2016/17 and future years will be confirmed as part of the Capital Strategy work that is currently taking place.

Legal

- 8.2 The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.
- 8.3 Under section 145 Greater London Authority Act 1999 London Borough Councils must formulate and submit to the Mayor of London a local implementation plan containing proposals for implementation of the Mayor's transport strategy for London published under section 142 of the same Act.
- 8.4 There are consultation requirements and each such plan must contain a timetable for implementing the different proposals in the plan and the date by which all the proposals in the plan are to be implemented.
- 8.5 The Mayor must then approve the plan but cannot do so unless satisfied that the plan is consistent with his transport strategy, the proposals in the plan are adequate for the purposes of the implementation of the transport strategy and that the timetable for implementation is adequate.
- 8.6 When the plan is approved by the Mayor it must be implemented by the Council by the date set in the plan.
- 8.7 Cabinet members are reminded that the Council has duties under equalities legislation and that regard must be had to the Equalities Impact Assessment carried out for the Local Implementation Plan in 2010.

Equalities

- 8.8 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;



- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

- 8.9 An Equalities Impact Assessment formed part of the statutory consultation process in 2010 which informed the development of the Local Implementation Plan.

The EQIA assessment found that the LIP programme is not likely to have a disproportionate adverse impact on any of the protected characteristics. One of the LIP's core objectives is to reduce deprivation and health inequalities through increasing accessibility to essential services such as employment, health, leisure and education facilities for those groups who need them most. Measures included increasing cycling and walking through improved safety and awareness aim to improve the health and wellbeing for particular groups who are known to currently face inequalities.

A key recommendation from the LIP EqIA was the need for more detailed monitoring data to be collected for all groups regarding modal share and travel habits. This was incorporated into the performance monitoring plan for the LIP, and should inform the development and delivery of the schemes funded in 2016/17.

- 8.10 The Council is in the process of producing a new Transport Strategy which will present a full revision of Council priorities for LIP funding for the forthcoming 3 year Delivery Plan 2017-2020. An updated EqIA for the LIP should inform this.

## **9. Use of Appendices**

Appendix 1 – Progress on LIP Delivery Plan 2014-2017  
Appendix 2 - LIP Annual Spending Submission 2017/18  
Appendix 3 – Linkages between LIP and Corporate Plan

## **10. Local Government (Access to Information) Act 1985**

TfL Guidance on Local Implementation Plan Annual Spending Submission for 2017/18

Final Haringey Local Implementation Plan, May 2010

Haringey Corporate Plan 2015 - 2018

## Appendix 1

### Progress on LIP Delivery Plan 2014-17

The table below shows the Delivery Plan for 2014-17 with 2014/15 forming the Annual Spending Submission as agreed by Cabinet in September 2013. The table includes actual/estimated spend, how the project supports meeting our LIP targets and an update on progress on delivering these projects and programmes.

| Programme/<br>Project | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets | Update on Progress |
|-----------------------|-------------------|---------------|---------------|-------------|--|---|--|---------------------------------------|--------------------|
|-----------------------|-------------------|---------------|---------------|-------------|--|---|--|---------------------------------------|--------------------|

| Programme/<br>Project  | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets | Update on Progress  |
|--|-------------------|---------------|---------------|-------------|--|---|--|---------------------------------------|---|
| Green Lanes –<br>Alfoxton<br>Avenue/Green<br>Lanes junction<br>and surrounding<br>area | 150               | 600           | 800           | 1550        | 390  | 1160  | 0  | Road user<br>casualty<br>reduction    | This was submitted<br>as a Major Scheme<br>bid of £1.8m in<br>September 2015 but<br>was not successful.<br>This scheme would<br>need to be funded<br>from the Borough's<br>LIP allocation if we<br>wish to progress this<br>scheme. Given the<br>very high cost and<br>limited LIP funding<br>which may be<br>reduced it is not<br>recommended this<br>scheme is<br>progressed further. |

| Programme/<br>Project        | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets                           | Update on Progress   |
|------------------------------|-------------------|---------------|---------------|-------------|--|---|--|---|--|
| Tottenham High Road          | 293               |               |               | 293         | 293  | 0   | 0  | Road user casualty reduction; mode shift to cycling and walking | Urban realm, pedestrian amenity and road safety measures completed.  |
| Tottenham Hale neighbourhood | 145               | 153           | 100           | 398         | 245  | 153   | 0  | Road user casualty reduction; mode shift to cycling and walking | Sustrans led community initiative focusing on environmental and safety improvements. Scheme completing 2016/17 |
| Hornsey Park neighbourhood   | 145               | 100           | 168           | 413         | 245  | 168   | 0  | Road user casualty reduction; mode shift to cycling and walking | Environmental and safety measures; traffic calming and decluttering. Scheme completing 2016/17                 |

| Programme/<br>Project               | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets   | Update on Progress   |
|-------------------------------------|-------------------|---------------|---------------|-------------|--|---|--|---|--|
| Tottenham<br>Green<br>neighbourhood | 145               | 100           | 150           | 395         | 245  | 150   | 0  | Road user<br>casualty<br>reduction;<br>mode shift<br>to cycling<br>and<br>walking | Sustrans led<br>community initiative<br>focusing on<br>environmental and<br>safety<br>improvements.<br>Scheme completing<br>2016/17.   |
| 20mph speed<br>limit and zone       | 400               | 565           |               | 965         | 695  | 270   | 200  | Road user<br>casualty<br>reduction;<br>mode shift<br>to cycling<br>and<br>walking | Roll out of Borough<br>wide 20mph speed<br>limit commenced<br>operation from<br>February 2016;<br>physical measures<br>to support<br>compliance; traffic<br>management project<br>in Wood Green area |
| Cycle training                      | 100               | 100           | 100           | 300         | 200  | 100   | 100  | Mode shift<br>to cycling;<br>road user<br>casualty<br>reduction                   | Cycle training<br>programme for<br>schools and adults  |

| Programme/<br>Project       | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k                          | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets  | Update on Progress   |
|-----------------------------|-------------------|---------------|---------------|-------------|---|---|--|--|--|
| Smarter travel              | 500               | 400           | 600           | 1500        | 900   | 600   | 350  | Mode shift to cycling and walking and public transport; road user casualty reduction | Wide range of measures such as personalised travel planning, workplace and school travel planning, promotional and marketing initiatives; road safety education, training and publicity. |
| Cycling and Walking schemes | 100               | 100           | 100           | 300         | 350<br>[additional funding allocated in Sustainable Transport works plan for 2015/16] | -50   | 600  | Mode shift to walking and cycling  | Cycle parking inc bike hangars; small scale improvements in Wood Green area; permeability improvements through 2 way cycling on one way roads; HCC priorities; bike hangar programme     |

| Programme/<br>Project   | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k  | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets | Update on Progress   |
|-------------------------|-------------------|---------------|---------------|-------------|---|---|--|---------------------------------------|--|
| Local safety<br>schemes | 300               | 100           | 200           | 600         | 773<br>[additional<br>funding<br>allocated<br>in<br>Sustainabl<br>e<br>Transport<br>works plan<br>for<br>2015/16] | -373  | 550  | Road user<br>casualty<br>reduction    | Road safety<br>measures on West<br>Green Road from<br>High Road to<br>Belmont Road; road<br>safety study; deliver<br>reactive projects.<br>The programme for<br>2016/17 is targeted<br>at priority locations<br>at Park Road/The<br>Broadway, White<br>Hart Lane/Weir Hall<br>Road junction; West<br>Green Road/Dorset<br>Road junction; a<br>number of<br>development studies<br>which will feed into<br>future schemes |

| Programme/<br>Project                | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets | Update on Progress   |
|--------------------------------------|-------------------|---------------|---------------|-------------|--|---|--|---------------------------------------|--|
| Car club                             | 20                |               |               | 20          | 20   | 0   | 35   | Mode shift<br>from car                | Provision of car club<br>bay infrastructure to<br>support roll out of<br>multi-operator<br>contract from April<br>2017   |
| Haringey<br>Community<br>Transport   | 80                | 80            | 80            | 240         | 100  | 140   | 5  |                                       | Transport provision<br>for local community<br>groups unable to<br>access conventional<br>transport; funding<br>reduced to reflect<br>take up in 2015/16<br>and 2016/17 |
| Total                                | 2298              | 2298*         | 2298*         |             |  |   |  |                                       |  |
| Additional schemes for 2017/18       |                   |               |               |             |  |   |  |                                       |  |
| Wightman<br>Road/Green<br>Lanes area |                   |               |               |             |  |   | 350  | Reduction<br>in CO2<br>emissions      | Study due to report<br>end of 2016 with<br>projects developed<br>by early 2017.  |



| Programme/<br>Project                                | 2014/<br>15<br>£k | 2015/16<br>£k | 2016/17<br>£k | Total<br>£k | Actual/<br>Estimated<br>spend<br>2014/15 to<br>2015/16<br>£k | Estimated<br>funding re-<br>allocated<br>in 2016/17<br>£k | Proposed<br>submission<br>for<br>2017/18<br>£k | Support for<br>meeting<br>LIP targets           | Update on Progress  |
|--|-------------------|---------------|---------------|-------------|--|---|--|---|---|
| Electric vehicle<br>charging point<br>infrastructure |                   |               |               |             |  |   | 35   | Support for<br>reduction<br>in CO2<br>emissions | Supports CO2<br>reduction,<br>complements<br>Source London<br>programme |
| Total  |                   |               |               |             |  |   | 2225   |   |   |

=\* funding allocation for 2015/16 and 2016/17 has been slightly reduced by TfL from that notified in 2013.

**Appendix 2**

LIP Annual Spending Submission for 2017/18

| Programme/ Project   | 2017/18<br>£k | Reasoning  |
|--|---------------|--|
| <b>Corridors, Neighbourhoods and Supporting measures and Local Transport Funding</b> |               |  |
| Wightman Road/Green Lanes area   | 350           | The current consultants study, expected to report in December 2016, is likely to identify a range of short, medium and long term projects and programmes. Some measures could be delivered in 2016/17 with next year's programme building on this.   |
| Traffic Calming and Management   | 200           | Physical measures such as VAS to support compliance of 20mph speed limit   |
| Cycle training   | 100           | Consistent with overcoming identified barriers to greater cycle use by residents. Cycle training for schools and adults. Supports Council and Mayoral targets for more cycling   |
| Health and Wellbeing and Behaviour Change schemes                                    | 350           | Active travel initiatives including school and workplace travel planning, cycle training, personalised travel planning for schools, road safety education, training and publicity, complementary measures to support cycling infrastructure schemes and CPZ proposals. Supports Council and Mayoral targets to increase cycling/walking mode share and CO2 reduction |
| Cycling and Walking schemes  | 600           | Cycle routes such as an extension of cycle superhighway 1 towards Lee Valley; commence work  |

|   |     |  |
|---|-----|--|
|   |     | on cycle routes in Tottenham area to support sustainable regeneration; support delivery of Haringey Cycling Campaign top priorities; permeability measures such as in Bruce Grove area and Harringay Ladder; and bike hangars. Walking projects could include school crossings and pedestrian facilities on Priory Road. To encourage more cycling 59% of Roadshow respondents highlighted more or better cycle lanes with a further 13% identifying cycle parking. Supports Council and Mayoral targets to increase cycling/walking mode share and CO2 reduction. |
| Local Safety Schemes  | 525 | Schemes arising from the studies being carried out in 2016/17; plus Park Road/The Broadway scheme. TfL has recently undertaken an analysis of road casualties which highlighted the relatively high number of pedestrian casualties. We will undertake a more detailed study to identify projects/programmes to reduce these. Supports Council and Mayoral targets for road casualty reduction   |
| <i>Local Transport funding:</i><br>Electric vehicle charging point infrastructure | 35  | Additional investment to that planned by provided through Source London. Linked to OLEV funded project for Neighbourhoods of the Future. Supports CO2 reduction  |

|   |       |  |
|---|-------|--|
| <i>Local Transport funding:</i>                                     |       |  |
| Car club infrastructure   | 35    | Linked to planned multi-operator contract planned to commence April 2017. Supports further expansion of car club network. Supports CO2 reduction |
| <i>Local Transport funding:</i>                                     |       |  |
| Haringey Community Transport  | 5     | Transport provision for local community groups unable to access conventional transport   |
| <i>Local Transport funding:</i>                                     |       |  |
| Local safety schemes  | 25    | Supports Council and Mayoral targets for road casualty reduction   |
| Sub Total   | 2,225 |  |
| <b>Principal Road Maintenance</b>                                   |       |  |
| Priory Road   | 274   | whole length   |
| Hornsey High Street   | 170   | whole length   |
| Lordship Lane or Muswell Hill                                       | 127   | scheme scope depends on funding availability   |
| Sub Total   | 571   | Total includes 25% uplift for potential reserve schemes  |
| Total   | 2,796 |  |
| <b>Bridge Maintenance and Strengthening [provisional programme]</b> |       |  |
| Station Road  | 900   | strengthening; continuation from 2016/17   |
| Ferry Lane  | 35    | assessment   |
| Endymion Road   | 25    | assessment   |
| Umfreville Road   | 25    | assessment   |
| Burgoyne Road   | 25    | assessment   |
| Shepherds Hill  | 30    | assessment   |
| Springfield Avenue retaining wall                                   | 70    | strengthening  |
| Highgate Hill retaining wall  | 100   | strengthening  |
| Sub Total   | 1210  |  |

## Appendix 3

### Linkages to Corporate Plan

The table below summarises how LIP funded projects and programmes support Corporate Plan priorities and objectives.

| Priority   | Objective  | LIP funded projects and programmes  |
|--|--|---|
| Outstanding for All<br>Priority 2 – Enabling all adults to live healthy, long and fulfilling lives               | A borough where the healthier choice is the easiest choice                               | Cycling and walking infrastructure inc cycle routes and cycle parking; on-street bike hangars. Behaviour change programme inc cycle training and promotional campaigns for more walking and cycling; supporting measures 20mph speed limit; car club infrastructure |
| Clean and Safe<br>Priority 3 – A clean, well maintained and safe borough where people are proud to live and work | We will make our streets, parks and estates clean, well maintained and safe              | Local safety scheme programme; investment on Principal Road Maintenance; bus service reliability programme and bus stop accessibility programme; support for Haringey Community Transport   |
| Clean and Safe<br>Priority 3 – A clean, well maintained and safe borough where people are proud to live and work | We will make Haringey one of the most cycling and pedestrian friendly boroughs in London | Cycling and walking infrastructure inc cycle routes, parking; on-street bike hangars; road safety measures targeted at vulnerable road users; 20 mph speed limits; behavioural change programme inc training, travel planning                                       |
| Sustainable Housing, Growth and Employment   | We will enable growth by securing infrastructure including                               | Cycling infrastructure in Tottenham area to support sustainable   |

|  |  |   |
|--|--|---|
| Priority 4 – Drive growth and employment from which everyone can benefit   | transport, broadband, schools and health services  | development   |
| Sustainable Housing, Growth and Employment<br>Priority 4 – Drive growth and employment from which everyone can benefit | We will manage the impact of growth, by reducing carbon emissions across the borough with the aim of meeting our 40:20 goal while growing the green economy  | Road transport forms around 20% of carbon emissions. Measures to reduce this include promoting alternatives to the car; promotion of electric vehicles/car clubs. |
| Sustainable Housing, Growth and Employment<br>Priority 4 – Drive growth and employment from which everyone can benefit | We will focus growth by prioritising new homes and jobs in Wood Green and particularly Tottenham where need and opportunity are greatest and by bringing some of the borough's key community assets into more active use | Investment in cycle route network in Tottenham.   |

**Report for:** Cabinet Approval – 18<sup>th</sup> October 2016

**Item number:** 24

**Title:** Social Supermarket Provider – Contract Award



**Report authorised by :** Helen Fisher, Tottenham Programme Director

**Lead Officer:** Ed Richards, Regeneration Project Officer, x2760,  
edward.richards@haringey.gov.uk

**Ward(s) affected:** Northumberland Park

**Report for Key/  
Non Key Decision:** Key

## 1. Describe the issue under consideration

- 1.1 This report seeks approval to award a Concession Contract to the Community Shop C.I.C. (Community Interest Company) to operate a Social Supermarket facility at the Eric Allin Centre on Northumberland Park for a period of up to 10 years.

## 2. Cabinet Member Introduction

Social Supermarkets have been recognised by the GLA as a positive way of supporting those on low incomes, tackling poor diet and overcoming health inequalities, through the provision of surplus stock being sold at heavily subsidised prices. The structured support and development programme sitting alongside membership aligns with the socio-economic aims of our regeneration programme in Northumberland Park by assisting members to improve their economic and social wellbeing. I am pleased that the GLA recognises our commitment to support existing residents and deliver long lasting positive change across all aspects of the Northumberland Park regeneration programme and has selected Haringey as one of the three pilot boroughs for a social supermarket.

## 3. Recommendations

- 3.1 That, subject to the condition in paragraph 3.2 being met, Cabinet :
- i. in accordance with CSO 9.06.1(d), approves the award of a Concession Contract to Community Shop C.I.C., for an initial period of 5 years with options to extend for further periods of 3 and 2 years, to set up and operate a Social Supermarket at the Eric Allin Centre in Northumberland Park;
  - ii. approves a budget for this project of £185,000 as an addition to the capital programme, financed by £85,000 from the Council's Housing

Revenue Account (HRA) and £100,000 of grant funding allocated to the Council by the Greater London Authority (GLA) for this project;

- iii. approves provision in the Concession Contract for a payment to Community Shop C.I.C. towards the capital costs of setting up of the Social Supermarket during 2016/17, including building refurbishment and shop fit out works, of a total of £185,000;
  - iv. notes that Community Shop C.I.C. will be required to fund any establishment costs beyond the payment set out in paragraph 3.1(ii);
  - v. approves the grant to Community Shop C.I.C. of a Community Lease for the Eric Allin Centre at a rent of £8,000 per annum;
- 3.2 That Cabinet agrees that the approvals at paragraph 3.1(i), (ii), (iii) and (v) above are conditional on the Council finalising a funding agreement with the GLA for this project, which has been agreed in principle.

#### **4. Reasons for decision**

- 4.1 The social supermarket will help to demonstrate to residents of the Northumberland Park estate that the Council is genuinely committed to socio-economic improvements alongside physical regeneration and housing growth. It is a model which enables residents in Northumberland Park who are in receipt of some form of means tested benefit to enter into a six month membership scheme (open to 750 households at any one time). Membership of the social supermarket will include enrolment into a 'success programme' which will help members benefit from the employment and business opportunities that are arising in Northumberland Park both now and through the longer term delivery of the regeneration programme.
- 4.2 In addition, the social supermarket will highlight the benefits of healthy cooking and eating through the provision of cheap healthy groceries and a subsidised canteen serving healthy food. The aim is that through sustained exposure to such dietary and cooking methods, members will be encouraged to switch to making healthier diet choices and help address the health inequalities which currently plague Northumberland Park.
- 4.3 The Eric Allin Centre, occupying half of the ground floor of Kenneth Robbins House on the Northumberland Park estate, was identified as the most suitable location. Prior to 2010 it was a dilapidated community centre in need of significant renovation. It was converted into a showroom and office for the decent homes programme and, with the exception of short term projects like Volunteer It Yourself, has remained empty since the programme ended. Project 2020 opened next door after the Eric Allin Centre ceased to be used as a community centre and many of the previous tenants moved there or found alternative premises. The Council has also provided a Community Hub nearby at 163 Park Lane as part of the regeneration programme. As a result the social supermarket will provide an additional community benefit alongside more traditional community spaces.

#### **5. Alternative options considered**



### 5.1 Do Nothing

The Council could choose not to open a social supermarket, leaving the Eric Allin Centre to remain as an underused building offering very little benefit to the existing community. This option was discounted as it would result in a missed opportunity to provide a service that will benefit a large proportion of residents in the Northumberland Park area. Beyond the initial capital contribution, there is no ongoing financial commitment by the Council and the scheme is in line with the Council's regeneration priorities and is supported (and part funded by) the GLA.

### 5.2 Negotiate exclusively with Community Shop without a tender process

Community Shop is the only widely known supplier with the capability of providing the wide range of services associated with a social supermarket. It was not known if other suppliers would wish to extend the range of services they offered or other suppliers would form consortiums to offer the range of services associated with the social supermarket. In the absence of specific market intelligence, it was decided not to enter into exclusive negotiations with Community Shop for the provision of the Social Supermarket.

### 5.3 Preferred option

It was agreed to run a transparent procurement process by issuing an OJEU Notice and competing the opportunity applying EC Treaty principles to identify any potential suppliers that may wish to provide the social supermarket. This approach has provided an opportunity for other respondents to participate if they could offer the range of services for the Social Supermarket. While there was a time impact it demonstrates a commitment to open competition and securing "best value" for the public funding being offered.

## 6. **Background information**

6.1 The Northumberland Park ward is recognised as one of the most deprived wards in the country, with a high proportion of residents out of work and on benefits. There is a particularly high concentration of residents falling into this category to the east of the ward, where the Northumberland Park estate is located. The estate is earmarked for significant inward investment through estate renewal, which will see the physical environment of the estate transformed over the next 10 to 20 years.

6.2 Physical regeneration alone will not tackle many of the complex issues that residents on the estate face. As a result of this, a People Programme is being introduced by Haringey Council to run alongside the physical regeneration. The aim of this programme is to address social inequalities through building community resilience to tackle a range of interventions focused around health and wellbeing, jobs and skills, education outcomes and crime and community safety. This is in line with the vision for Tottenham which states that "By the age of twenty, a child born in Tottenham today will have a quality of life and access to the same level of opportunity that is at least equal to the best in London." The social supermarket model provides an opportunity for a flagship project which helps deliver this vision.

- 6.3 Social supermarkets secure high-quality residual food from retail and manufacture supply chains that would otherwise be sent as waste to landfill, but is fit for human consumption. They sell this food to social supermarket members at reduced prices, typically an average of one-third of normal retail prices. Membership is carefully targeted at residents on the lowest incomes and thus at greatest risk of experiencing food poverty and related health issues.
- 6.4 The social supermarket model innovates further by working with local agencies to provide a range of on-site support services to members. These are tailored to members' needs and help them overcome multiple barriers to getting out of poverty. On-site support may include money advice, debt counselling, and courses on healthy eating and cooking on a budget, as well as employability and vocational skills training. Profits in the retail side of the social supermarket (which is typically run as a Community Interest Company) are re-invested in that location to help deliver and develop the range of products and support services provided for members.
- 6.5 Community Shop CIC
- 6.5.1 Community Shop is an established social supermarket provider who operate under the slogan "more than just food." This emphasises that social supermarkets differ from standard high street shops. Their promotional literature explains that "We think people do best when we get a hand up and not a hand out." The marketing material goes on to explain how an integral component of membership (required to purchase items in the supermarket) is signing up to their "success plan" programme.
- 6.5.2 When agreeing their success plan, members focus on what outcome would constitute success for them personally. For some this will be gaining employment, but other examples could include dealing with an unmanageable debt or re-entering education.
- 6.5.3 The Council's Economic Development team is represented on the project team and have started scoping a joint working approach for implementation once the contract is in place. This will help Community Shop establish links with all relevant support services so that the success plan complements the Council's existing employment support services.
- 6.5.4 Through their Retail and Wellbeing Strategy, Community Shop identifies three types of pipeline partners to help deliver their programme. These are referring partners, in-programme partners and exit partners. Their Stakeholder and Local Resident Engagement plan complements this through establishing and maintaining relationships with the partners and other stakeholders, such as local councillors and active community groups. Members also benefit from access to a mentor and peer mentors. A transition programme is in place to help members move away from the social supermarket in a positive way. While six months is the standard membership period, there is scope for extending membership if it significantly increases the likelihood of a successful outcome.
- 6.5.5 Community Shop's members' survey identified that fresh produce, meat and fish were the main food product members visited the store to purchase, with

100% of members rating their experience of Community Shop as excellent or very good.

6.6.1 The GLA is contributing £100K (one third of a £300K pot of equal funding for three local authorities to pilot social supermarkets) for capital costs towards the conversion of the Eric Allin Centre into a fully functioning, self supporting social supermarket. The Council is contributing a further £85k towards these costs. This is the only financial commitment required of the Council as once the supermarket has been fitted out it is a self sustainable operation. A draft agreement with the GLA has been completed but cannot be signed until a partner has been confirmed.

6.6.2 All ongoing revenue related costs are borne by Community Shop, paid for through the mark up on the surplus food they have purchased from large retailers. There are no further financial obligations for the Council or GLA once capital works have been completed.

## 6.7 Selection and procurement process

6.7.1 Whilst Community Shop are the recognised “market leader” in providing the Social Supermarket facilities, there are other suppliers that operate on simpler models or provide limited operational facilities, that may have been attracted by the public funding to form consortiums or other group arrangements to provide a full Social Supermarket offer.

6.7.2 External legal advice was sought, based on which it was decided that the Council should undertake a procurement process that complies with EU procurement principles. This involved placing a Contract Notice within the Official Journal of the European Union (commonly known as an OJEU Notice) to invite tenders for a concession contract for set up and operation of the social supermarket. This ensured transparency by advertising and competing the opportunity on the open market.

6.7.3 The Invitation to Tender (ITT) and supporting documents were uploaded on Delta (e-tendering portal) where, following a registration process, the potential tenderers could access the tender documents and submit their tenders electronically.

6.7.4 Community Shop was the only supplier to respond to the OJEU Notice by completing the Pre Qualification Questionnaire (PQQ). The PQQ submission met with the Council’s minimum requirements and Community Shop was issued with an Invitation to Tender (ITT).

6.7.5 Community Shop submitted a tender, which was evaluated against the Council’s criteria using a scoring weighting of 80% for quality and 20% for price. The tender evaluation criteria and weightings were set out in the tender documents and clarified during the tendering process. The high weighting on quality reflected the £185k cap on GLA/LBH expenditure, with the ITT laying out

a clear expectation that any bidder will themselves have to bridge any funding gap between the £185k cap and the full cost of refurbishment.

- 6.7.6 The Quality and Price scores obtained by Community Shop's tender submission are both considered by the evaluation team to demonstrate that they are of sufficient competence to deliver the service specification appropriately for at least five years.
- 6.7.7 The tender submission confirmed that 6 FTE posts and 1 apprenticeship would be created through the provision of the social supermarket.
- 6.7.8 The tender submission also committed to delivering a social supermarket model in line with the Council's objectives and with no liability for any additional establishment costs above the Council and GLA contributions.
- 6.8 A quantity surveyor was appointed to provide a schedule for bidders to price against and to assess the tender responses. They confirmed that the proposed works were value for money.
- 6.9 A social supermarket would complement the work in the People Programme by providing a fixed term opportunity for some of the most vulnerable members of society to access heavily subsidised supermarket goods alongside participation in a programme aimed at increasing confidence and employability. The focus is on facilitating an improvement in circumstances as opposed to embedding a dependency culture.
- 6.10.1 It is proposed that the social supermarket contract should be awarded on the proviso that the funding agreement which has been agreed in principle between the GLA and the Council is formally concluded. This agreement will confirm that £100K of GLA grant funding is available to the Council to facilitate the refurbishment of the Eric Allin Centre into a social supermarket.
- 6.10.2 The agreement will only be finalised once Community Shop have demonstrated that they are capable of meeting any funding gap through alternative financial sources. This ensures that there will be no additional funding borne by the Council once the contract is in place other than the £85k capital costs funding payable by Haringey under the contract.
- 6.11 Should the GLA decide to withdraw funding and the project ceases the £85k funding committed by the Council will remain in the HRA for other uses.

## **7 Implementation**

- 7.1 A social supermarket project team was established in January 2016 with representation from the Tottenham regeneration team, economic development, legal services, procurement, property, community engagement, public health, communications and Homes for Haringey.

- 7.2 Once the contract award has been confirmed the project team will oversee the delivery of the social supermarket. A condensed version of the delivery plan is as follows:

|               |  |
|---------------|--|
| October 2016  | Project team meet Community Shop and confirm roles and responsibilities for delivery of the social supermarket.  |
|               | A resident representative is invited to join the project team.   |
|               | Community Shop confirms all funding is in place for the refurbishment of the Eric Allin Centre.  |
|               | The funding agreement with the GLA for the release of £100,000 grant funding to Haringey is signed.  |
|               | Resident engagement, recruitment and marketing campaigns commence.   |
| November 2016 | Contract signed with Community Shop  |
|               | Refurbishment of the Eric Allin Centre begins  |
| January 2017  | Refurbishment of the Eric Allin Centre completed.  |
|               | Community Shop sign the lease for the Eric Allin Centre and the contract to deliver a social supermarket in Northumberland Park for a minimum of five years. |
|               | The Northumberland Park Social Supermarket opens.  |

## 8 Performance indicators

- 8.1 A requirement of the GLA funding is for the social supermarket to deliver against key performance indicators. These are a two year target (2017/18 & 2018/19) to allow time to build up to full membership capacity. The indicators have been agreed in principle, alongside Haringey and Community Shop and are as follows:

8.2

|   |       |
|---|-------|
| FTE Jobs Created  | 6     |
| Apprenticeships created   | 1     |
| Members recruited for Social Supermarket  | 1,800 |
| Tonnes of surplus food sold   | 200   |
| Members attending training or classes   | 1,300 |
| Members moving into employment (within 12 months of joining the social supermarket) | 120   |

- 8.3 The GLA and Haringey will meet regularly with Community Shop to review performance against these targets and put in place action plans where performance is not delivering to a high enough level.
- 8.4 The Council will conduct an annual review to ensure Community Shop have adhered to the contract requirements. Any failure on behalf of Community Shop

to achieve this will be addressed through dialogue and, where appropriate, relevant clauses within the contract.

## **9 Contribution to strategic outcomes**

9.1 The Social supermarket model contributes to a number of strategic outcomes contained within the following priorities:

### **9.1.1 Priority 2 - Enable all adults to live healthy, long and fulfilling lives**

Life expectancy, particularly for males, is significantly lower in Northumberland Park compared to more affluent parts of the borough. While not the only factor, diet is a key component, with an abundance of low cost low quality food available. The social supermarket will provide subsidised healthy food for members through an on site cafe and provide information on how to cook healthy food on a budget so that members can continue to eat healthily once their membership expires. Through the provision of food at significantly reduced prices, the social supermarket will also engage with some of the most socially excluded members of the community. This presents an opportunity to signpost them to support agencies and, through the success programme offered by the social supermarket, help improve confidence and skills which in turn can have a positive impact on health and wellbeing.

### **9.1.2 Priority 4 - Sustainable Housing, Growth and Employment**

The Northumberland Park estate is expected to go through significant physical change over the next fifteen years. It is important that, as well as becoming a great place that attracts new residents and inward investment, the existing community also benefits. By engaging with some of the most socially excluded members of society, the social supermarket presents a fantastic opportunity to help residents take advantage of employment and new business opportunities that will arise from the large volume construction work, increased visitor numbers from the larger stadium and improved transport connectivity.

9.1.3 The social supermarket caters to the most deprived members of the community, supporting people to improve confidence, skills and life chances. It also offers the Council an opportunity to engage with some of the hardest to reach members of the community when undertaking masterplanning and other significant regeneration related activities on the Northumberland Park estate.

## **10 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **10.1 Finance**

10.1.1 The cost to the Council of this project is capped at £85,000. It has been agreed that this is appropriately funded from the Housing Revenue Account as the project will be for the benefit of residents of the Northumberland Park estate. The Council must ensure that the full funding package is in place, include GLA grant funding and the requisite funding required from the provider before the project can commence and any spend is incurred by the Council.

10.1.2 The rental of £8,000 per year will be an income to the housing revenue account.



## 10.2 Procurement

10.2.1 The Construction Procurement Group (CPG) has been consulted regarding the procurement process for the supplier to operate the Social Supermarket facility. CPG has supported the development of the OJEU Notice and other procurement documents.

10.2.2 The CPG have no reasons preventing the Cabinet Member from approving the recommendations contained within this report.

## 10.3 Legal

10.3.1 This report relates to the award of a contract for the set up and operation of a social supermarket which involves initially carrying out refurbishment and outfitting works to make an existing building fit for purpose and the ongoing operation of a retail supermarket combined with a cafeteria on a membership model where certain social welfare support services will also be offered to members.

10.3.2 Legal advice was obtained from external solicitors as to the proper classification of the contract and the required procurement process to be undertaken. The advice was that the arrangement may be classified as a services concession contract which is subject to obligations under EC Treaty principles to advertise and compete the opportunity.

10.3.3 As the Council's procurement for this concession contract was started the month before the Contract Concessions Regulations 2016 came into force in April 2016, it was not subject to those regulations which would have expressly required a procurement under EU rules. No other express requirement for an advertised procurement applied under procurement legislation in force in the UK. Nonetheless, the external advice was that, given the estimated value of the concession, which was worked out as approximately £4.5M over the maximum 10-year contract term, general EC Treaty obligations applied to the procurement of the contract. These required the procurement to be advertised to a sufficient degree to ensure it was opened up to competition and subject to impartial procurement procedures. Voluntarily adopting a standard tender procedure under the Public Contract Regulations 2015 ("PCR 2015") was a practical way of achieving this.

10.3.4 As a result, the Council voluntarily followed the PCR 2015 requirements for a restricted procedure tender of the opportunity as a concession contract. A voluntary OJEU Notice was issued, all tender documents were published and a pre-qualification process was undertaken. Only one supplier, the recommended contractor, responded which met the Council's qualification criteria and was invited to tender. A tender was received and evaluated and the report notes that the scores demonstrated that the supplier could deliver the Council's requirements.

10.3.5 The Council's Contract Standing Orders (CSOs) apply to the approval of the award of the contract. As the concession contract has been estimated, for tender purposes, as valued over £500,000, it is advisable that the decision to award the contract should be treated as a Key Decision. As such it must be

included in the Forward Plan, which has been done and the decision must be taken at Cabinet level in accordance with CSO 9.06.1(d).

10.3.6 The Assistant Director of Corporate Governance confirms that there are no legal reasons preventing Cabinet from approving the recommendations in paragraph 3 of this report.

#### 10.4. Equality

10.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

10.4.2 The proposal aims to benefit those residents that have the lowest incomes through providing access to discounted food and beverages. The Northumberland Park Residents Association, representing residents living nearby, have been consulted about the initiative and have shown strong support. The Council are committed to further consult and publicise with a full range of groups once approval for the initiative has been given, taking in the diversity of the local area.

10.4.3 The social supermarket initiative will occupy a community centre site that is currently empty, and so the plans would not disrupt any existing community activities being run in the area.

10.4.4 The criteria and specifications that have been used in commissioning a contracted provider have been based on the Greater London Authority's (GLA) definition of a social supermarket. The contracted provider will be required to demonstrate a strong commitment to equality and fairness in its actions and adherence to the Equalities Act 2010, including having in place a company equal opportunities policy. The Council will hold regular contract review meetings jointly with the GLA to ensure that the provider will deliver on these requirements.

## 11 Use of Appendices

N/A



**12 Local Government (Access to Information) Act 1985**

N/A

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**Report for:** Cabinet 18 October 2016

**Item number:** 25

**Title:** Future Council Office Accommodation Strategy

**Report authorised by:** Lyn Garner, Director of Regeneration Planning and Development

**Lead Officer:** Jon McGrath, Assistant Director Corporate Property and Major Projects

**Ward(s) affected:** Noel Park, Woodside, Hornsey

**Report for Key/  
Non Key Decision:** Key

## **1. Describe the issue under consideration**

- 1.1. The Council's existing office accommodation is located on prime development land and regeneration sites as detailed within the Wood Green Area Action Plan and Investment Framework Cabinet report issued and approved on 19 January 2016. In order to deliver the regeneration of Wood Green, also captured in the Corporate Plan, the Investment Framework proposes relocating the council office towards the Clarendon Road/ Coburg Road area, to release prime accommodation for redevelopment and to encourage a significant footfall to walk away from the High Street, creating depth to the currently narrow retail strip.
- 1.2. The existing accommodation the Council occupies is deteriorating, expensive to run and no longer fit for purpose. No one building is of sufficient size to accommodate the requirements of the Council in the future. The existing office sites are included in the Haringey Development Vehicle. In order to enable that development to take place the buildings will need to be vacated. Moving to a single new building will create an opportunity to save on the Council's revenue costs, reduce the amount of space the Council occupies and its Carbon footprint. It is proposed that the Council accommodation is relocated on a single site in Coburg Road Wood Green where the Council holds a number of key freehold interests. The report seeks the funding required to negotiate the purchase of the leasehold interest in two potential sites set out in Part B of this report.
- 1.3. The Future Ways of Working (FWoW) Programme will act as an enabler for Council services to implement the Corporate Plan and priorities as they pursue a better way to deliver services to the public. This report also seeks approval of funding for the remainder of this financial year to enable the completion of a Business Case on the Future Ways of Working programme which is critical to ensure that the new office is efficient, fit for purpose and aligned to the future size of the Council. The business case will fully define the delivery costs of the programme for the next five years.

## **2. Cabinet Member Introduction**

- 2.1 Wood Green is at the heart of our Borough and is home to a strong, diverse and mixed community. The existing accommodation is on prime development land which could be used to kick start the regeneration of Wood Green and attract the investment needed to improve the area for our residents.
- 2.2 The existing Council accommodation is dated and not really suitable for the Council's services or aspirations. Not one of the existing buildings in Wood Green is suitable for a consolidated council office. Our largest site River Park House has reached the end of its life and we experience constant problems, resulting in significant maintenance expenditure.
- 2.3 The Council need one new efficient building in line with a number of other Local Authorities seeking to provide a cost effective solution to their accommodation needs.
- 2.4 A new building will need new ways of working if we are to maximise the full benefit. The Future Ways of working Programme will allow us to properly manage that change.

## **3. Recommendations**

### **3.1 Cabinet is asked to agree:**

- a) To note that a bid for £425,000 from the Transformation Fund has been submitted to Resources Priority Board in order to appoint a Programme Team to deliver the Future Ways of Working programme to complete the business case over the remainder of 2016/17. The business case will be brought back to Cabinet with a five year plan for the delivery of the programme;
- b) That the head leasehold interest in the sites set out in Part B of this report be acquired by the Council. A budget of up to £10m be approved to acquire both head leases from the Council's site acquisition fund. That the final price and heads of terms for both sites be delegated to the Director of Regeneration, Planning and Development in consultation with the Section 151 officer and Lead member for Corporate Resources;
- c) That if the headlesses cannot be acquired, then in the alternative, a joint venture be agreed with the head lesses in order to procure the building of both sites or either site within the same budget as in (b), and the heads of terms of the joint venture be delegated to the Director of Regeneration, Planning and Development in consultation with the Section 151 officer and the Lead member for Corporate Resources.
- d) That the sites identified in Part B of this report be included as a site for the HDV and become part of the Competitive Dialogue process and to note that the details of the delivery of the new office development will be reported at a future Cabinet.
- e) That the S151 officer be delegated responsibility to re-profile the budget for the Site Acquisition Fund as necessary to deliver the programme of acquisitions.

#### **4. Reasons for decision**

- 4.1. The financial, economic, social and technical environment in which the council now operates requires the implementation of further efficiencies in the way the council works.
- 4.2 The Future Ways of Working programme will support the delivery of the Corporate Plan and the Council of the Future, providing a skilled, agile workforce, aligned to the Council's values.
- 4.3 The existing council accommodation is costly and no longer fit for purpose and does not support the future requirements of the council.
- 4.4. The current office buildings in Station Road, River Park House and the Civic Centre are prime regeneration sites as identified in the Investment Framework and subsequently included in the Haringey Development Vehicle.
- 4.5. In order to meet the future requirements of the council and the regeneration of Wood Green, the council requires a new office building to be procured to house the Council's future staff requirement so that the current accommodation can be vacated for redevelopment.
- 4.6. A site options appraisal has identified two potential sites which are Council owned as set out in Part B of this report. Both are subject to head leases one of which will need to be acquired to enable development.
- 4.7. Both sites should be acquired on the basis that they are both significant strategic sites which the Council would control and provide an opportunity to promote a new employment based development as well as the Council's office accommodation requirement as part of the Placemaking strategy in Wood Green.

#### **5. Alternative options considered**

- 5.1. The continued funding cuts imposed by Central Government, provides us with no alternative other than to implement a significant transformation programme to enable services to deliver the Corporate Plan and Priorities. The programme will need to deliver significant cultural change to increase the flexibility and agility of staff, improve their capabilities and skills and ultimately embed a culture where staff are committed to delivering customer expectations and provide an excellent service.
- 5.2. A number of options have been considered for the future accommodation requirements, the first being the refurbishment of River Park House and Alexandra House as a future central office for the Council. This option was reviewed when the Council was seeking to purchase the Alexandra House freehold, the Council were outbid in this purchase and we currently remain as a tenant. The rental of potentially up to £1m pa or an attempt to again purchase the freehold is considered not to be financially viable. River Park House is not big enough as a sole office and therefore the site would gain greater benefits as a regeneration site within the HDV.
- 5.3. Redevelopment of the existing Civic Centre site was assessed, but the building is considered to have reached the end of its useful life as accommodation for council services. The Investment Framework does not support an office development in this area and it would not aid the regeneration of the High Street.
- 5.4. The final option is to build a new office development. The Area Action Plan, January 2016 Cabinet Report suggested the Council offices be developed in the Clarendon Road/ Coburg Road area in order to create a footfall flowing through a green link towards Alexandra Palace Park and therefore start to add depth to the narrow High

Street. Two current freehold sites considered in this area are set out in Part B of this report.

- 5.5. We considered splitting front office (civic centre, library, customer services) and back office (staff accommodation) between the High Street and the Clarendon Road area. However, the footfall created by visitors to the Council office and use of the new east/west link will increase regeneration potential for the area and increase the likelihood of adding depth to the High Street through an increased commercial offering. In addition, the current Library site would be made available for development with all services located to one building in Coburg Road.
- 5.6. It is proposed that both site options are pursued allowing the Council to control to provide both the new accommodation as well as ensure suitable employment space is retained in the area.

## **6. Background information**

- 6.1. Haringey is currently developing a comprehensive spatial and economic plan for Wood Green (Investment Framework) and a planning policy framework (Area Action Plan) to unlock the potential of Wood Green to deliver new residential and employment over the coming 5-20 years.
- 6.2. This work is based on a vision and objectives agreed by the Council in October 2014 that Wood Green will be a dynamic, distinctive and accessible town centre, offering new homes, a choice of high-quality shops and vibrant leisure and cultural attractions all of which local people are proud to call their own, with clear accessible links from the town centre to Haringey Heartlands, Alexandra Palace and the rest of the borough.
- 6.3. Part of the AAP's scope is to progress proposals for the east west corridor linking the existing Library site and Alexandra Palace. This east west link will be a series of civic spaces changing in character from the High Road to the Park, creating an urban framework for the new employment and residential development.
- 6.4. Scenario 4 of the January 2016 Wood Green Area Action Plan Cabinet Report, has been modelled for the new council offices with the Council acting as a catalyst for change in relocating to a new office in Coburg Road.
- 6.5. By moving to a new single office building the Council will free up the following sites for redevelopment, these have an estimated combined development value of over £50m and will form part of the HDV:
- River Park House
  - 38-46 Station Road
  - 48 Station Road
  - 40 Cumberland Road
  - Wood Green Civic Centre
  - Wood Green Library site.

### **Existing Office Portfolio**

- 6.6 The existing portfolio is sporadic and reaching the end of its useful life. Actual annual spend was £4.46m in 2015/16, with an average planned maintenance on the estate of £350k pa, which is circa £1.5m pa lower than industry standard.

Consideration also needs to be given to the extent of critical backlog maintenance which forms part of the Capital Works Programme, which has shown over the last three years an upward trend in the level of maintenance works appearing as major projects, this reached £900k in 2014/15 and exceeded £1m in 2015/16. The current revenue costs of the existing buildings are:

#### 6.7 Baseline existing office accommodation costs:

| Baseline Portfolio 2015/2016 |           |                    |
|------------------------------|-----------|--------------------|
| Address                      | Tenure    | Existing Revenue   |
| River Park House             | Freehold  | £ 1,068,389        |
| PDC Building                 | Freehold  | £ 193,572          |
| 247 High Road                | Freehold  | £ 48,894           |
| Apex House                   | Freehold  | £ 192,733          |
| Station Rd (38-46)           | Freehold  | £ 63,048           |
| Station Rd (48)              | Freehold  | £ 397,453          |
| 5 River Park Road            | Freehold  | £ -                |
| Wood Green Civic Centre      | Freehold  | £ 485,465          |
| Wood Green Library           | Freehold  | £ 58,465           |
| Woodside House               | Freehold  | £ 83,010           |
| 40 Cumberland Road           | FH/ LH    | £ 697,296          |
| Alexandra House              | Leasehold | £ 1,178,540        |
|                              |           | <b>£ 4,466,865</b> |

- 6.8 The backlog maintenance is currently valued at £8m, but is based on limited information and not on formal surveys or planned maintenance programmes, which will inevitably see an increase in this cost. Based on the level of annual maintenance, the age of the buildings and the last refurbishment works, Cushman & Wakefield conclude that the spend over 25 years will be £30m.
- 6.9 Apex House has now been sold. The rent review for Alexandra House was due February 2016 and is currently being negotiated. The current rent is £550k per annum and is included within the table above; the proposed rent subject to negotiation/agreement is £900k per annum and is not currently accounted for above. The head lease was acquired at 40 Cumberland earlier this year with a saving in rent payable of £318,990 per annum (currently profiled in the table above).
- 6.10 The vision for the Council is to consolidate into one main Council office and enable a truly flexible and agile environment in line with the Corporate Plan. This would require an office footprint of 11,400 sq.m NIA. The largest existing single office is River Park House at 4,953 sq.m. Alexandra House which is adjoined is a further 4,149 sq.m, but is a leasehold site. The purchase of the freehold is likely to cost £15m, which when added to a full refurbishment, is not considered value for money as the life of the structural asset is limited due to the age of the building.

#### Future Ways of Working

- 6.11 In order to implement a new Council office building a number of governance options were considered and a preferred option chosen to create a Future Ways of Working Board with delivery streams 'People', 'Process', 'Place' and 'Technology'. This Future Ways of Working programme will therefore act as an enabler for council services to deliver the corporate plan and priorities as they pursue a better way to deliver services to the public.

6.12 The Programme Vision is as follows:

*Our **People** will be empowered to work from anywhere with streamlined **Processes**, improved **Technology** and a **Place** to collaborate with colleagues and partners in order to deliver improved, more responsive and high quality services.*

**People – becoming an even better place to work**

- Our values resonate with our staff who are proud to work for Haringey
- Retain and attract talented staff who have the skills, experience, competence and confidence to take advantage of the Future Ways of Working opportunities afforded to them
- A leaner organisation where staff work flexibly and efficiently to deliver seamless services with colleagues and partners
- Our staff achieve their own work - life balance while optimising their productivity and delivering high quality services
- An organisation that communicates openly, honestly, positively and pro-actively with staff involving and supporting them through change

**Process – making everything we do easier, faster and better**

- Simpler processes to enable staff to be more productive and efficient
- Empower and enable our residents to self-serve whenever possible and contact us for more complex matters
- Processes which support continuing innovation and transformation within the Borough
- Processes which make it easier for our partners to work with us increasingly efficiently and effectively

**Technology – implementing the right tools and technology**

- Implement technology to give staff the capability to work from anywhere and facilitate more joined up and integrated working
- Become digital by default to access information from anywhere
- Systems are easy to use, secure, fit for purpose, forward looking and future proof
- Align our service offer with the technology used by our residents, customers and partners, using this to maximum benefit

**Place – having the right places to deliver quality services effectively, flexibly and collaboratively**

- Consolidate our existing accommodation to reduce our office costs to enable investment in other services
- To create a variety of modern, fit for purpose and cost effective workspaces and facilities that enable staff to work more effectively, flexibly and collaboratively with colleagues and partners
- Have one main council office by 2021 for the majority of our staff

6.13 Funding is required to set up a programme team to deliver the future ways of working programme and a bid for funding of £425,000 from the Transformation Fund has been submitted. To enable the completion of the business case The business case will be brought back to Cabinet with a five year plan for the delivery of the programme.



## Accommodation Options Appraisal

### 6.14 Scale of office requirement

|                         | Nr            | Unit        | Comment  |
|-------------------------|---------------|-------------|--|
| Assumed Staff Number    | 2,000         | FTE         | The Workforce Plan forecasts 2,200 staff by March 2018. Not all of these are office based and we are retaining Woodside House. Our assumed requirement for the new office in 2021 is 2,000 FTE |
| Workstations            | 1,000         |             | The Future Ways of Working Programme will facilitate the next stage of flexible working and with advancements in technology a 2 staff to 1 desk should be achievable                           |
| Office Area (NIA)       | 9,000         | sq.m        | Industry standard of 9sq.m / workstation   |
| Library/OSS (NIA)       | 1,700         | sq.m        | Based on existing Wood Green Library   |
| Democratic Space (NIA)  | 700           | sq.m        | Committee Rooms, Mayor's Parlour and Council Chamber   |
| <b>Total Area (NIA)</b> | <b>11,400</b> | <b>sq.m</b> |  |
| GEA Multiplier          | +25%          |             | Industry standard multiplier   |
| <b>Total Area (GIA)</b> | <b>14,250</b> | <b>sq.m</b> |  |

- 6.15 Scenario 4 of the Wood Green Area Action Plan indicates site areas and building height data. The office accommodation data above does not fill any of the reviewed sites and so we have assumed that the development will be maximised and any spare capacity will be created as residential, this mimics how the Haringey Development Vehicle would develop the site and gives the council the opportunity to create income to offset against the new build office costs.
- 6.16 Cushman & Wakefield have undertaken a financial options appraisal on two freehold sites owned by the Council. These are set out in Part B of this report.
- 6.17 The two sites are subject to head leases which expire in 2075. Financial details are set out in Part B of this report.
- 6.18 See Part B of this report
- 6.19 This proposal assumes a consolidation of a number of council activities on a single site effectively releasing other sites in the council's property portfolio for alternative mixed use development through the HDV. This will inevitably bring a cost benefit to the other sites through competitive dialogue discussions and essentially offset the total build cost through future HDV dividends.

### Funding requirement

- 6.20 Costs are currently being worked up as part of the Outline Business Case for the Future Ways of Working. In order to determine the full costs of the programme taking into account delivery as part of business as usual activities, we need to develop a Full Business Case. By March 2017 this will be defined and we intend to return for Cabinet approval for the full five year programme. To deliver this next stage of work through to March 2017 and define the full funding requirements we require £425,000 for the remainder of this financial year.
- 6.21 The purpose of the Full Business Case, a mandatory part of the business case development process, is to:
- Identify the optimum VFM scheme;
  - Set out the commercial and contractual arrangements for the programme;
  - Solidify the financial benefits – ensuring that they are not double counted;
  - Demonstrate that it is 'unequivocally' affordable; and

- Put in place the detailed management arrangements for the successful delivery of the scheme.
- 6.22 A detailed analysis of the development and delivery timetable will be reported to a future Cabinet.
- 6.23 The cost of purchasing a site is dependent on negotiations with a budget of upto £10m (inc. Fees and Stamp Duty) proposed from the Council's Acquisition fund to be approved.

## **7. Contribution to strategic outcomes**

- 7.1 This decision shapes Haringey's Future Ways of Working Strategy which in turn informs the wider Wood Green Investment Framework (WGIF). The WGIF includes potential for:
- New residential development;
  - Major public realm improvement;
  - Better quality retail and leisure environments;
  - New links to the semi-industrial area to the west of the town centre ('Haringey Heartlands') and Alexandra Palace; and
  - Maximising the potential of the Council's own town centre assets and the new transport interchanges with Crossrail2.

An appropriately designed fit for purpose office also offers potential for sub-let to other organisations should Council space requirements decline, thereby increasing the supply of mid-market office accommodation in line with Economic Development aspirations to diversify the employment base in Wood Green.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **8.1 Finance**

8.1.1 There are a number of financial implications arising from this report:

- There is reference to backlog maintenance of £8m to maintain the existing buildings. There is currently a budget of £7.5m profiled over 3 years within the approved capital programme for maintenance of all corporate and commercial buildings.
- The report contains details of the current running costs of the office buildings but does not include any estimates of future costs of the new building once in use. It is not possible therefore at this stage to quantify any revenue or investment savings from the option proposed. In addition, this report seeks approval to include the site(s) in the HDV and financial details and impact will not be known for some time.
- However, this report merely seeks approval to purchase the head leases of two buildings where the current proposal is to relocate the combined new office accommodation.
- The acquisition of the two sites has an estimated value of £10m. There is currently an approved capital scheme for site acquisitions to support

regeneration activity. The total value of the budget is £46.75m and the profile over the capital strategy period is set out below:

|                        | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|------------------------|---------|---------|---------|---------|
|                        | £m      | £m      | £m      | £m      |
| Site Acquisitions Fund | 16.75   | 10      | 10      | 10      |

- Of the £16.75m, £12.6m has already been spent in 2016/17. Detailed forecasting of any other planned acquisitions will be incorporated into the quarter 2 capital monitoring and there may be additional funds already committed. In order to fund the proposed acquisitions, it will be necessary to bring forward future years' budgets and the report recommends that authority is delegated to the S151 officer to authorise the re-profiling.
- Delegating authority to the S151 officer to re-profile future years' budgets will allow the Council flexibility to act quickly when key sites in regeneration areas become available.
- Details of the current lease are set out in Part B of this report. There will be a delay between the acquisition and the date which proposals for the site will be implemented. There is likely to be increased income from these buildings during the 'meanwhile' period. Once definite plans are available, these can be financially assessed.
- A bid for £425k from the transformation fund has been submitted to Resources Priority Board for approval. The S151 officer has delegated authority to approve any such transfers in line with the reserves policy. Confirmation has been received that there are sufficient funds to support the proposed transfer.

## 8.2 Procurement

- 8.2.1 Head of Procurement has no objections to the recommendations made in this report.
- 8.2.2 More meaningful comments will apply once we have procured the relevant services to support the Business Case in the respective award reports

## 8.3 Legal

- 8.3.1 The Council's statutory power to acquire the sites are contained in Section 120 of the Local Government Act 1972 which allows the Council to acquire land by agreement any land the purposes of their functions under this or any other enactment or the benefit, improvement or development of their area.
- 8.3.2 Once the headlease of both or either site is acquired, if it is to be included as part of the portfolio of properties to be developed under the HDV, then it will involve the disposing the sites to the HDV. The inclusion of sites in the HDV may be dependant on the timing of their proposed acquisition. Further legal advice may be required in relation to this matter. The Council's powers to

dispose of land is contained in Section 123 of the Local Government Act 1972 providing the disposal of the sites to the HDV is for best consideration.

- 8.3.3. If the head leases of both or either site cannot be acquired, authority is being sought to agree a joint venture with the head lessee in order to procure a building on either site. Whether a joint venture is a good alternative delivery model should be the subject of a business case to establish if there is a shared vision about delivering the objectives of this programme.
- 8.3.4 Funding to acquire the sites must be within the budget set by Full Council and approved Council policies.

## 8.4 Equality

- 8.4.1 The Council is subject to the Public Sector Equalities Duty ("PSED") set out in section 149 of the Equalities Act 2010 which obliges the Council in performing its functions "to have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it".
- 8.4.2 The protected characteristics under the legislation are age, sex, ethnic origin, sexual orientation, disability, religion or belief, pregnancy or maternity and gender reassignment, marriage and civil partnership.
- 8.4.3 An equalities impact assessment screening tool has been undertaken in relation to the provision of a new Council office building and the impact that this may have on staff. The impact on staff has been assessed as not being significant in terms of equalities and a full EQIA is not required. Coburg Road is located 5 minutes from Station Road within walking distance of Wood Green Station and local bus routes.

## 9. Use of appendices

- Appendix A – See Part B of this report – contained in the exempt part of the agenda.
- Appendix B – See Part B of this report – contained in the exempt part of the agenda.

## 10. Local Government (Access to Information) Act 1985

This report contains exempt and non exempt information. Exempt information is contained within Part B and **is not for publication**. The exempt information is under the following category (identified in amended schedule 12A of the Local Government Act 1972):

S. (3) Information relating to financial or business affairs of any particular person (including the authority holding that information).



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Councillors Cllr Weston [Chair], Cllr Berryman, Cllr Mann, & Cllr Opoku

Apologies Cllr Morris & Cllr Stennett

Also attending Jon Abbey (Interim Director of Children's Services), Neelam Bhardwaja (Assistant Director – Safeguarding and Social Care), Dominic Porter-Moore (Head of Children in Care & Placements), Annie Walker (Service Manager Children in Care), Lesley Kettles (Service Manager for Adoption and Fostering), Fiona Smith (Virtual School Head), Margaret Gallagher (Corporate Performance Manager), Philip Slawther (Clerk), Lyn Carrington (Nurse - Whittington Health NHS).

**CPAC337. APOLOGIES FOR ABSENCE (IF ANY)**

Apologies for absence were received from Cllr Morris & Cllr Stennett.

**CPAC338. ACTIONS ARISING FROM THE MEETING WITH ASPIRE**

NOTED: The actions listed in the notes of the meeting with Aspire.

The next Aspire meeting would be extended to 1 hour and the agenda would include reports on; the Aspire budget, housing issues and proposals for updating the Haringey Pledge.

**CPAC339. URGENT BUSINESS**

NONE

**CPAC340. DECLARATIONS OF INTEREST**

NONE

**CPAC341. MINUTES**

The minutes of the meeting held on 4 April 2016 were AGREED.

An example of PEP's, Care Plan & Pathway Plan was circulated to the Committee.

In relation to the previous action around extending the one-to-one support with Drive Forward, which was currently offered to LAC third year university students around CV development; the AD Safeguarding confirmed that she had spoken to Emma Cummergen and that the programme would be brought forward to offer support to students at an earlier stage in their studies but would also maintain the offer at year 3 as well.

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**CPAC342. MATTERS ARISING**

The Committee NOTED the Corporate Parenting Agenda Plan 2016/17

**CPAC343. TERMS OF REFERENCE**

The Committee NOTED the Corporate Parenting Advisory Committee Terms of Reference for the 2016/17 municipal year and plans for future CPAC meeting set up.

The Chair advised that going forward she would like the meetings to consider a smaller number of agenda items in order to facilitate greater discussion and place an emphasis on looking forward as opposed to being reactive. The Chair proposed that a number of reports would be for noting and taken by exception, and then a significant part of the agenda would be devoted to discussions around key issues and that it was hoped that the Committee could help steer the policy agenda.

**Clerk to note**

The Committee was requested to review the handout tabled from the Centre for Public Scrutiny entitled: "10 questions to ask if you're scrutinising services for Looked After Children" along with the Committee's Terms of Reference, for discussion at the next meeting about which areas the Committee should focus its attention upon going forward. In particular the Chair drew the Committee's attention to aspects around Health which were not routinely discussed at present.

**Action: Members**

Lynn Carrington, Designated Nurse Children in Care enquired whether the Committee would like to receive the minutes from the operation group involving the ILO at future meetings as they were not currently reviewed by another body. The Committee AGREED that the future minutes of the operation group would be reviewed, on an exception basis.

**Action Lynn Carrington**

**CPAC343. PERFORMANCE**

RECEIVED the report on Performance for the Year to the end of May 2016. Report included in the agenda pack (pages 15 to 21).

NOTED in response to discussion:

- An overall improving trajectory in relation to the majority of performance indicators.
- 431 children were in care on the last day of May 2016 or 73 per 10,000 population including 30 unaccompanied asylum seeker children. There had been a gradual increase in the level of children in care in comparison to the position at the end of March 2016, with 22 more children in care. However a reduction in Haringey's rate of looked after children in 2015/16 placed LBH



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within the inter-quartile range of our statistical neighbours (a rate of 69 per 10,000 population), although the current rate remained above the London (52) and national average (60) rates.

- A performance review system put in place by the Head of Service for Children in Care in October 2015 yielded some excellent performance improvements. Weekly meetings with Team Managers run by the Head of Service and facilitated by a representative from performance were continuing and focused on new improvement challenges.
- As of the end of June: 85% of school aged children had completed an up to date Personal Education Plans (PEP); 96% of looked after children aged 16-17 had up to date Pathway Plans; and 95% had completed an up to date Care Plan. Performance had improved dramatically in this area over the past 12 months.
- 94% of Children in Care had an up to date review at the end of May above the 90% target.
- At the end of May, 96% (382 out of 402) of children in care for over a month had an up to date health assessment, above target and continuing the positive trend. We are also now tracking 18 year olds leaving care that receive their health history and the position at the end of May was 78% for that indicator.
- 17 (7%) of looked after children (aged 10 and over) were convicted or subject to a final warning during the year 2015/16, a reduction and improvement on our 2014/15 position of 8.4% and significant improvement on the 11% for 2013/14. This remained higher than the latest published England average rate of 5% but was in line with our statistical neighbour average of 6.9%.
- Data for the period April 2015 to March 2016 revealed that the average duration of care proceedings for concluded cases was 34 weeks, the same duration as that recorded for 2014/15. 45% of cases were concluded in less than the 26 week statutory timescale, an improvement on the 34% achieved in 2014/15 with the shortest average case length of 29 weeks in quarter 4.
- 95 children or 24% were placed 20 miles or more from Haringey at the end of May 2016, an additional 19 children since the position at end of January 2016 although the number of looked after children also increased over the same period. Performance was worse than the 16% target and provisional March 2016 end of year position (23%). Although higher than national levels this proportion is only slightly above the average for London and our Statistical Neighbours (18%).
- Provisional data for the end of year looked after children government return shows that 82% or 254 children who were in care for over 12 months had their teeth checked by a dentist. This is a decline on the reported level of 91.5% in 2014/15 but close to our statistical neighbour position of 85.4%. Focussed

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effort to ensure all children in care for over 12 months with an outstanding dental check is on-going to see if we can capture any additional children who have had their teeth checked maybe as part of their health assessment.

- Performance on care leavers in suitable accommodation and in education, employment and training for 2015-16 was below levels achieved in 2014-15. However, like for like comparison cannot be made, as the SSDA903 OC3 cohort previously included former relevant care leavers whose 19<sup>th</sup>, 20<sup>th</sup> or 21<sup>st</sup> birthday fell in the reporting year. Provisional data currently showed 39% of *all* former relevant care leavers aged 17-21 were in EET (56% of those who were *in touch* with the local authority around their 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> or 21<sup>st</sup> birthday). 60% of all care leavers were in suitable accommodation or 87% of those who were *in touch*.
- Children missing numbers have been relatively stable in 2015/16 but more recently the children missing from care numbers have been showing an increasing trend. In May, 22 children were recorded as missing from care at any point during the month. 20 children were away from placement without authorisation.
- The SSDA903 data for 2015-16 also showed an increase of children missing from care (72 children in comparison to 45 in 2014-15). There were 237 missing/away from placement episodes compared to 90 in 2014/15. This figure was closer to our 2014-15 statistical neighbour average of 252 missing/away episodes. Some of this increase may be attributable to improved systems for recording data on missing children and real time tracking of children who went missing using a register.
- There has been a 30% reduction in Haringey's rate of looked after children since 2011 compared with a 10% reduction in London and a 3% increase nationally. The graphs below shows the 7 year trend to March 2016 in comparison with the number and rate of our statistical neighbours. Since the end of March there has been a net increase of 16 children coming into care (6%) but Haringey's rate of looked after children is not dissimilar to that of our statistical neighbours.

AGREED to note the report.

The Committee sought clarification on who were Haringey's statistical neighbours. In response officers advised that it was a group of around 7 or 8 London boroughs which had a similar make up and demographics to Haringey. The Corporate Performance Manager agreed to circulate the list of statistical neighbouring boroughs to the Committee.

**Action: Margaret Gallagher**

**CPAC344. PAN-LONDON ADOPTION BID**

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NOTED the verbal update given by the AD Safeguarding on the Pan-London Adoption bid. The Committee was reminded that two options for the Pan-London Adoption model were: 1) A local authority trading company delivery model with a strategic VAA partnership operating in a hub and spoke, or 2) a local authority/voluntary adoption agency joint venture operating in a hub and spoke model. The Committee noted that following detailed assessment of the respective viability of the two options London Councils had, following the receipt of legal advice, expressed a preference for the first option. The reason that option 1 was preferred was as a result of the additional steps required to implement option two and the greater uncertainty for stakeholders, as well as the likely delay involved in setting up the model and the additional expense. Whereas, option 1 offered a quicker and more cost-effective model. The next steps involved further development of the preferred option to better understand what this would mean in practice

The original rationale for the regionalisation of adoption services was outlined as a consideration by central government that 33 London local authorities, each with their own separate adoption service was not an efficient or effective way to run adoption services. The focus was highlighted as being on adoptive recruitment and matching, with recognition that each of the London local authorities was essentially trying to recruit from one large catchment area and the negative consequences that this entailed, as well as the financial benefits that result from the economies of scale. The Chair highlighted to the Committee that the Secretary of State had powers to force local authorities to join a regionalised body and the general consensus was that it was better for authorities to voluntarily come together to determine what the best model was.

In response to a question, the AD Safeguarding advised that in terms of the implementation date, the bottom line was 2020, however there was significant political pressure to implement this as soon as was practicable. The DCS advised that he was expecting a pan-London briefing paper to come to Members in the autumn. The DCS further clarified that the bid related to just adoption bids and not Special Guardianship Orders.

In response to a further question, the AD Safeguarding advised that there was a National Adoption Board, chaired by Andrew Christie and there was also a London Adoption Board, which was working with advisory groups and stakeholders to develop the proposal on behalf of London local authorities. Officers also reassured Members that adoption services in Haringey would continue business as usual, whilst this process unfolded.

### **CPAC345. UPDATE ON FOSTER CARER RECRUITMENT AND FUTURE MODELS OF PROVISION**

NOTED the update given by the Head of Service, Children in Care and Placements on the progress on recruiting a provider to undertake training and recruitment of in-house foster carers. The report was included in the agenda pack (pages 23 to 26). The Committee noted that an options appraisal to consider the preferred delivery model proposed that the service continue to be commissioned externally and that a

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procurement exercise was undertaken to seek a provider to deliver this contract over the next period. No provider came forward to bid for this work.

The Committee noted that following a process of consultation with potential bidders to understand why they did not bid and what would be required for them to bid in future, a decision had been made to return to the market. It was noted that the timescales for this process were still to be determined through discussions between the Head of Service, Children in Care and Placements and AD Commissioning. The Committee were advised that if there was little further interest from that market then negotiations may recommence with NRS about them continuing to deliver the service but concerns remained over performance issues.

Head of Service CIC advised that alongside the above, the authority would be looking into a series of options in the medium to long term. These options included building collaborative relationships with neighbouring boroughs to develop a shared service model across borough boundaries for the provision of foster care. A further option was the development of proposals to use a micro-enterprise model to support people to become foster carers. The committee was advised that this approach would work at a community level but neither building collaborative relationships nor a micro-enterprise model would deliver a pipeline of potential carers in the short and medium term. The final option was noted as return to proposals to develop an in-house service. This was not the preferred option when the appraisal was carried out earlier this year, given capacity issues within the service and the fact that there are significant fixed costs in establishing a new team with no guarantee of foster care recruitment. Head of Service CIC advised that a key lesson was the need for the service to drive its own marketing and communications strategy in any future adoption contract.

AD Safeguarding advised that one of the main issues in the contract with NRS was a failure to specify the need for carers across the whole range of ages of foster children and not just babies and young children. The Chair requested a further update on the second bidding process to the next meeting of the Committee.

**Action: Dominic Porter Moore**

**CPAC 348. IMMIGRATION ISSUES FOR LAC**

RECEIVED a report updating the Committee on the key implications for LAC without a settled immigration status. The report was included in the agenda pack (pages 27 to 35 to 23).

NOTED that There were three main categories of looked after children and young people and care leavers who may be subject to immigration control.

- i) Unaccompanied Asylum Seeking Children (UASC) how tended to get Leave to Remain until the age of 17 and a half.

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- ii) Children and young people brought into the UK from outside the EU as visitors and who remain in the UK after their period of leave expires and have become looked after children. This excluded children who had been privately fostered and were known to Children's Services as they were not looked after children. Children from families without recourse to public funds (NRFP) were also not looked after.
- iii) Children from within the European Union. European Economic Area (EEA) nationals could access public funds but may be prevented from claiming public funds if they did not satisfy the eligibility criteria attached to a specific welfare benefit or council housing allocation. Eligibility related to the basis on which the EEA national was living in the UK. EEA nationals have a right to reside in the UK as long as they are exercising Treaty Rights in the UK; this meant working (including being a job seeker), studying, being self-sufficient or otherwise being incapacitated and therefore unable to work. A former looked after child, in education and being supported by the local authority, may not be able to access income support or social housing.

The Council had general duties towards looked after children which were set out in Section 22 of the Children Act 1989 and these apply irrespective of the child's Immigration status. The general duties were:

- To safeguard and promote a child's welfare; and
- to make such use of services available for children cared for by their own parents as appears to the authority reasonable in this case.

The Committee were advised that duties were discretionary and therefore were not mandatory, which left significant scope for Judicial Reviews being taken out against local authorities. The process of resolving a child's immigration status was considerably easier as an undertaking than it was once they reached adult hood. In considering a child's welfare the authority should also try to ascertain their wishes and feelings having regard to their age and understanding. In the event that the child's immigration status was not resolved before the age of 16, this should be considered as part of the planning for the child's transition to the leaving care service. In order to qualify for leaving care services a child must have been looked after for at least 13 weeks between the ages of 14 and 16 and for some time after their 16<sup>th</sup> birthday.

The Committee was advised that there were significant consequences for care leavers whose immigration status remains unresolved in the UK at the age of 18. They were unable to access state support with housing, education and benefits. An application to the Visa and Immigration Service (VIS) in the Home Office for a right to remain would also be treated less favourably once they reached 18. If an application to VIS was made before age 18 one of the criteria is to have lived continuously in the UK for at least seven years. If the application to remain takes place when the care leaver is aged between 18 years and 25, the bar is raised considerably as the criteria means they have to have spent at least half their life in the UK or at least 20 years resident in the UK.

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The Immigration Act 2016 came into effect in May 2016. One of the drivers behind this Act was that the current Government did not consider that the Children Act 1989 was the appropriate mechanism for providing support to adult care leavers when the courts have determined that the care leaver has no lawful basis to remain in the UK and could return to their country of origin.

In response to a question from the Committee, officers advised that they had recently commissioned a policy writer to look at the authority's policies across the board in relation to the immigration status of LAC, how the policy evolved would be determined by expert legal advice. In response to a question around increased figures as a result of the refugee crisis in Syria, officers advised that the Government were also looking at a nation strategy for the dispersal of refugees from Syria to ensure that the spread across local authorities was equitable. The Chair requested a further update on the immigration issues for LAC to the next meeting of the Committee.

**Action: Dominic Porter Moore**

### **CPAC 348. VIRTUAL SCHOOLS EXECUTIVE SUMMARY**

RECEIVED a report which summarised the educational performance of Haringey's LAC and Young People for 2014-2015. The report highlighted the key achievements and areas for focus in 2016. The report was included in the agenda pack (pages 37 to 40).

NOTED that

- Overall, the educational performance of Haringey's LAC was above the national average and within the top quartile for London. The educational performance of Haringey's LAC at the end of KS4 was within 10% of the country.
- In the Early Years Foundation Stage, 50% of the group achieved both the 'expected' and 'good' level of development across the 17 measures.
- At KS1, where a quarter of the group had a statement of Special Educational Need, 55% reached at least level 2 in reading, writing and maths. This compared with 87% of non-LAC.
- At KS2, 65% of pupils attained level 4 or above in reading, writing and maths, 26% attaining a level 5 in reading.
- There were 286 school aged Children and young People looked after by Haringey, 78 (27%) attended schools in Haringey and 208 (73%) attended schools out of the authority. 90% of LAC attended a school rated as good or outstanding an improvement from 81% in 2014. This compared with 93% of Haringey's non-looked after pupils.

**MINUTES OF CORPORATE PARENTING ADVISORY COMMITTEE  
MONDAY 4 JULY 2016**

- There were 56 looked after pupils with a statement of Special Educational Need or an Education Health Care Plan (EHCP) which was 19.5% of the total cohort.
- The percentage of children attending school for over 95% of the time was 65%, the same as the previous year and increasing this figure would be an area of focus in 2015-16.
- Increasing the completion rate of Personal Education Plans (PEP) remained a key priority for social care and the Virtual School. Performance improved steadily from the start of the academic year from 51% to 70% but remained significantly lower than the target figure of 95%. The Head of Virtual Schools advised the Committee that her service were revisiting the introduction of an electronic PEP format.

In response to a question from the Committee, officers advised that that the usual standard was that all LAC would be placed in schools that were either rated as 'good' or 'outstanding', whether that was inside or outside the borough. Officers acknowledged that there would be circumstances where the child would be allowed to attend a school that was not rated as either 'good' or 'outstanding', on an exception basis, if for instance they were already attending that school before becoming part of the LAC.

The Chair commended the overall performance levels achieved and the committee noted their thanks to Virtual Schools for the improvements that had been made.

**CPAC348. NEW ITEMS OF URGENT BUSINESS**

None.

**CPAC348. EXCLUSION OF THE PRESS AND PUBLIC**

None.

**CPAC 349. NEW ITEMS OF URGENT EXEMPT BUSINESS**

None.

**CPAC350. ANY OTHER BUSINESS**

Future meetings

NOTED the following dates:

3<sup>rd</sup> October 2016

12<sup>th</sup> January 2017

3<sup>rd</sup> April 2017

Meetings are scheduled to start at 6.30pm.

**MINUTES OF CORPORATE PARENTING ADVISORY COMMITTEE  
MONDAY 4 JULY 2016**

The meeting ended at 21:00 hours.

**Cllr Elin Weston**  
**Chair**



## **MINUTES OF THE MEETING OF THE LEADER SIGNING HELD ON TUESDAY, 4TH OCTOBER, 2016, 10:00**

### **PRESENT:**

**Councillor Claire Kober (Chair)**

#### **48. FILMING AT MEETINGS**

The Leader referred those present to agenda Item 1 as shown on the agenda in respect of filming at this meeting and asked that those present reviewed and noted the information contained therein.

#### **49. URGENT BUSINESS**

None.

#### **50. EXTENSION OF CONTRACT WITH HOUSING REVIEWS LIMITED**

The report sought Leader approval for a further extension of the contract with Housing Reviews Limited for the conduct of reviews of allocation and homelessness decisions under Parts VI & VII of the Housing Act 1996. The contract was due to expire on 31 October 2016 and the extension was for a period of 12 months.

#### **RESOLVED**

- I. To authorise the extension of the contract with HRL (and consequent contracting out of reviews of allocations and homelessness decisions as set out in that contract) until 31 October 2017

#### **Reasons for decision**

The Council has responsibilities under Parts VI and VII of the Act that it can only delegate to third parties under the terms of the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996. The Council has a statutory duty to carry out these functions or to contract them out to a third party.

Homes for Haringey intend to bring the reviews function back in-house and the transformed service has provision for a Reviews Manager in the structure. This post was advertised externally with a closing date of 7 August 2016. Unfortunately, the recruitment did not lead to any candidates being shortlisted for interview and as such the recruitment has been delayed.

Once the Reviews Manager has been recruited and in a position to take over responsibility for conducting all reviews no further reviews will be passed to HRL. It will however be necessary to provide for a run-off period to allow HRL to complete all reviews passed to it to avoid disruption in the review process. A further extension until 31 October 2017 will allow for all reviews contracted to HRL to be determined and for the recruitment of a Reviews Manager in HfH. As the contractor is paid per review there are no financial implications in regard to approving an extension of this length.

#### **Alternative options considered**

If the contract with HRL is not extended, HRL will not be authorised to carry out reviews on behalf of the Council or HfH and any reviews conducted by HRL would be open to legal challenge. The lack of quality candidates for the vacant Reviews Manager post means that HfH cannot yet bring this function back in-house.

### **51. LEGAL ADVISOR FOR TOTTENHAM AND BOROUGH WIDE REGENERATION INCLUDING THE HARINGEY DEVELOPMENT VEHICLE**

The report sought approval for the extension of the contract term for the legal advisor for Tottenham and Borough wide regeneration, and to approve additional expenditure, outside the authority of the Director of Regeneration, Planning and Development.

#### **RESOLVED**

- I. To extend the contract term for the provision of legal advice by Pinsent Masons for Tottenham and Borough Wide Regeneration to 31<sup>st</sup> July 2017.
- II. To approve additional expenditure to a maximum of £592,400 including contingency.
- III. To delegate authority to the Director of Regeneration, Planning and Development after consultation with the Chief Operating Officer to approve further expenditure to a maximum of £200,000 in the event of exceptional circumstances e.g. withdrawal of the preferred bidder and renegotiation with an alternative bidder.

#### **Reasons for decision**

The decision is required to ensure the provision of ongoing effective legal advice to the Council as it procures and establishes the Haringey Development Vehicle. Pinsent Masons have provided the advice so far and continuity of advice is crucial.

#### **Alternative options considered**

The alternative option would be to invite further quotations under the CCS Framework, for the provision of legal services to assist the Council in the remaining stages of the

procurement and establishment of the HDV. This would itself take a period of some weeks and trigger a delay to the ongoing procurement of the Haringey Development Vehicle.

This would also potentially increase risk to the project, with financial and resource implications due to the comprehensive hand over required and to the fact that documents developed to date would not be warranted by the new providers.

Pinsent Masons LLP has a comprehensive understanding of the project and the parameters in which the legal advice will sit. They are fully integrated into the project delivery team, and have established an effective working relationship with the other appointed advisers. To date they have produced high quality outputs and met the ambitious project timetables.

**52. NEW ITEMS OF URGENT BUSINESS**

N/A

**53. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

That the press and public be excluded from the remainder of the meeting as the items below contained exempt information, as defined under paragraphs 3 and 5, Part 1, schedule 12A of the Local Government Act 1972.

**54. LEGAL ADVISOR FOR TOTTENHAM AND BOROUGH WIDE REGENERATION INCLUDING THE HARINGEY DEVELOPMENT VEHICLE**

Noted the information contained within the Exempt Part B of report.

**55. NEW ITEMS OF EXEMPT URGENT BUSINESS**

N/A

CHAIR: Councillor Claire Kober

Signed by Chair .....

Date .....

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**Report for:** Cabinet 18 October 2016

**Item number:** 27

**Title:** Delegated Decisions and Significant Actions

**Report**

**authorised by :** Nick Walkley, Chief Executive

Bernie Ryan AD Corporate Governance

**Lead Officer:** Ayshe Simsek

**Ward(s) affected:** Non applicable

**Report for Key/**

**Non Key Decision: Information**

**1. Describe the issue under consideration**

To inform the Cabinet of delegated decisions and significant actions taken by Directors.

The report details by number and type decisions taken by Directors under delegated powers. Significant actions (decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

**2. Cabinet Member Introduction**

Not applicable

**3. Recommendations**

That the report be noted.

**4. Reasons for decision**

Part Three, Section E of the Constitution – Responsibility for Functions, Scheme of Delegations to Officers - contains an obligation on officers to keep Members properly informed of activity arising within the scope of these delegations, and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation. Therefore, each Director must ensure that there is a system in place within his/her business unit which records any decisions made under delegated powers.

Paragraph 3.03 of the scheme requires that Regular reports (monthly or as near as possible) shall be presented to the Cabinet Meeting, in the case of executive functions, and to the responsible Member body, in the case of non executive functions, recording the number and type of all decisions taken under officers' delegated powers. Decisions of particular significance shall be reported individually.

Paragraph 3.04 of the scheme goes on to state that a decision of “particular significance”, to be reported individually by officers, shall mean a matter not within the scope of a decision previously agreed at Member level which falls within one or both of the following:

- (a) It is a spending or saving of £100,000 or more, or
- (b) It is significant or sensitive for any other reason and the Director and Cabinet Member have agreed to report it.

**5. Alternative options considered**

Not applicable

**6. Background information**

To inform the Cabinet of delegated decisions and significant actions taken by Directors.

The report details by number and type decisions taken by Directors under delegated powers. Significant actions) decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

Officer Delegated decisions are published on the following web page <http://www.minutes.haringey.gov.uk/mgDelegatedDecisions.aspx?bcr=1>

**7. Contribution to strategic outcomes**

Apart from being a constitutional requirement, the recording and publishing of executive and non executive officer delegated decisions is in line with the Council's transparency agenda.

**8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

Where appropriate these are contained in the individual delegations.

**9. Use of Appendices**

The appendices to the report set out by number and type decisions taken by Directors under delegated powers. Significant actions (Decisions involving expenditure of more than £100,000) taken during the same period are also detailed.

**10. Local Government (Access to Information) Act 1985**

Background Papers

The following background papers were used in the preparation of this report;

Delegated Decisions and Significant Action Forms

Those marked with ♦ contain exempt information and are not available for public inspection.

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Ayshe Simsek on 020 8489 2929.

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## CHIEF OPERATING OFFICER

### Significant decisions - Delegated Action - For Reporting to Cabinet on 18<sup>th</sup> October 2016

♦ denotes background papers are Exempt.

| No   | Date approved by Director | Title   | Decision  |
|------|---------------------------|---|---|
| 1.   | 08.09.16                  | <b>Council mortgage interest rate from 1 October 2016 to 31 March 2017</b>                        | It is recommended that the Council's declared Local Average Rate of Interest applied to all Haringey Council variable rate mortgages should remain at 5.44% for the period 1 October 2016 to 31 March 2017.<br>There are no further legal requirements raised by this report other than the requirement that the Authority must set mortgage interest rates in accordance with section 438 and Schedule 16 of the Housing Act 1985.   |
| 2. ♦ | 08.09.16                  | Approval of contract for Noel Park Additional Properties (phase 8) 2016/17 – Decent Homes Project | Award to Wates Living Space Ltd of contract for Noel Park Additional (phase 8) 2016/17 Decent Homes project for an agreed maximum price of £563,621. Approval of total project fees of £39,972. Approval under Contract Standing Order 9.07.3 of issue of letter of intent for up to £56,362. At the Cabinet Meeting of the 12 November 2013 Members resolved that approval of individual AMPs for contracts let under the Major Works Framework up the value of £6.5m, be delegated to the Director of Adult and Housing services after consultation with the Cabinet Members for Regeneration and Housing and for Finance, Employment and Carbon Reduction. The role of Director of Adult and Housing Services no longer exists and these duties are now included in the duties of the Chief Operating Officer. Under CSO 9.07.3 the Chief Operating Officer has the authority to approve the issuance of a Letter of Intent up to the value of £56,362 which is 10% of the contract sum. Therefore the Assistant Director of Corporate Governance sees no legal reasons preventing the Chief Operating Officer from approving the recommendations in the report. |
| 3. ♦ | 14.09.16                  | <b>Approval of the AMP for Decent Homes Programme – Phase 8 HO9b External</b>                     | Approval of the AMP submitted by Keepmoat Regeneration (Apollo) Ltd (hereafter referred to a Keepmoat Ltd) for the HO9b project in the sum of £2,241,781. Approval of the total fees of £161,588. Approval for a letter of intent to be issued up to the value of £224,178. At the Cabinet Meeting of the 12 November 2013 Members resolved that approval of individual AMPs for contracts let under the Major Works Framework up the value of £6.5m, be delegated to the Director of Adult and Housing services after consultation with the Cabinet Members for Regeneration and Housing and for Finance, Employment and Carbon Reduction. The role of Director of Adult and Housing Services no longer exists and these duties are now included in the duties of the Chief Operating Officer. Under CSO 9.07.3 the Chief Operating Officer has the authority to approve the issuance of a Letter of Intent up to the value of £224,178 which is 10% of the contract sum. Therefore the Assistant Director of Corporate Governance sees no legal reasons preventing the Chief Operating Officer from approving the recommendations in the report.                  |

| Delegated Action |        |
|------------------|--------|
| Type             | Number |
|                  |        |
|                  |        |
|                  |        |
|                  |        |
|                  |        |
|                  |        |

Chief Operating Officer



Date 10.10.16

# DIRECTORATE OF REGENERATION, PLANNING AND DEVELOPMENT

## Significant decisions - Delegated Action 2016/2017 – September 2016

◆ denotes background papers are Exempt.

| No      | Date approved by Director | Title  | Decision  |
|---------|---------------------------|--|---|
| 1.<br>◆ | 23.09.16                  | Acquisition of Land at Love Lane, N17 8HG in relation to Jones Baker Engineering Company Ltd | <p>The Director of Regeneration, Planning and Development agrees to:-</p> <p>(i) Purchase the freehold property known as land on Love Lane (land in relation to Jones Baker Engineering Company Ltd) for the sum of £202,000, for planning purposes and</p> <p>(a) On the basis that the purchase will facilitate the carrying out of development/redevelopment or improvement on or in relation to the land or to achieve the proper planning of the area in which the land is situated; and</p> <p>(b) That the development, redevelopment or improvement is likely to contribute to the promotion of the social, economic and environmental well-being of the area.</p> <p>(ii) A lease back of the property to Jones Baker Engineering Ltd.</p> |
| 2.<br>◆ | 23.09.16                  | Acquisition of British Queen Public House at 21 Love Lane, N17 8HG                           | <p>The Director of Regeneration, Planning and Development agrees to:-</p> <p>(i) Purchase the leasehold interest in the property known as "British Queen Public House" 21 Love Lane Tottenham N17 8HG and shown edged red on the plan attached for the sum of £250,000 + reclaimable VAT (gross cost at £300,000) for planning purposes.</p>  |

Submission authorised by:



Lyn Garner  
Director of Regeneration, Planning and Development

Date: 06.10.2016

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# DIRECTOR OF ADULT SOCIAL SERVICES

## Significant decisions - Delegated Action – September 2016

♦ denotes background papers are Exempt.

| No | Date approved by Director | Title | Decision |
|----|---------------------------|-------|----------|
| 1. |                           | NIL   |          |
| 2. |                           |       |          |

## Delegated Action

|   | Number |
|---|--------|
| 160907 - Disabled Adaptations Contract (Procurement Report) works at 15 Birbeck Rd N17 8NH (private property).<br>Value: £25,855.00           |        |
| 160927 - CSO 9.06 (c) award of contract to facilitate provision of disabled adaptations with the contractor SW Bruce & Co. Value: £310,342.01 |        |
|   |        |
|   |        |
|   |        |

Submission authorised by: B. F. Tarka  
Beverley Tarka – Director of Adult Social Services

Date: 10<sup>th</sup> October 2016

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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