

# **Cabinet Members' Decisions**

made between April and June 2015

Date Issued: 01 July 2015

# Cabinet Members' Decisions


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|    | <p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET MEMBER DECISION</b></p> <p><b>JUNE 2015</b></p> |
| <p><b>AWARD A CONTRACT (THREE LOTS) FOR THE COLLECTION AND TRANSPORTATION OF BODIES ON BEHALF OF THE WEST LONDON CORONER DISTRICT</b></p> |  |
| <p><b>Report of the Cabinet Member for Environment, Transport &amp; Residents Services a</b></p>  |  |
| <p><b>Open Report</b></p>   |  |
| <p><b>Classification - For Decision</b><br/> <b>Key Decision: No</b></p>  |  |
| <p><b>Wards Affected: All</b></p>   |  |
| <p><b>Accountable Executive Director:</b> Lyn Carpenter, Executive Director Environment, Leisure and Residents Services</p>               |  |
| <p><b>Report Author:</b> Alistair Ayres, Interim Deputy Head of Emergency Services</p>  | <p><b>Contact Details:</b><br/> Tel: 020 753 3994<br/> E-mail:<br/> Alistair.ayres@lbhf.gov.uk</p>                     |

AUTHORISED BY: .....

The Cabinet Member has signed this report.

.DATE: 16 June 2015.....

**1. EXECUTIVE SUMMARY**

- 1.1. To seek Cabinet Member approval for the award of a contract for three lots (northern, central and southern zone) for the collection and transportation of bodies which was led by London Borough of Hammersmith and Fulham (h&f) on behalf of the West London Coroner District (WLCD). The contract will be executed by h&f on behalf of WLCD.
- 1.2. The contract for the three lots will commence 4<sup>th</sup> May 2015 for a period of three years and will terminate 3<sup>rd</sup> May 2018.

- 1.3. There will be no cost to the council or other members of the WLCD for the entire period of the contract.

## 2. RECOMMENDATIONS

- 2.1. That Lodge Bros. (Funerals) Ltd. be awarded the three lots for the transportation of bodies as per the table below.

|       | Contractual Zone | Proposed Contractor         | Price | Estimated Volume | Annual Cost |
|-------|------------------|-----------------------------|-------|------------------|-------------|
| Lot 1 | Northern         | Lodge Bros. (Funerals) Ltd. | £0    | 715              | £0          |
| Lot 2 | Central          | Lodge Bros. (Funerals) Ltd. | £0    | 599              | £0          |
| Lot 2 | Southern         | Lodge Bros. (Funerals) Ltd. | £0    | 264              | £0          |
|       | <b>TOTAL</b>     | -                           | -     | -                | £0          |

## 3. REASONS FOR DECISION

- 3.1. Lodge Bros. (Funerals) Ltd. have submitted the most economically advantageous bid for all three lots. Scoring is detailed at paragraphs 6.11 and 6.12.

## 4. INTRODUCTION AND BACKGROUND

- 4.1. H&f is Lead Authority ('relevant council') for the Western Coroner District of the Greater London Area as designated by the Secretary of State by virtue of the Coroner's District (Designation of Relevant Councils) Order 1985. Under the terms of a Service Level Agreement dated 20<sup>th</sup> November 2001, between h&f and the other Western District Boroughs (Hillingdon, Hounslow, Ealing, Richmond and Kingston), h&f is responsible for the provision and administration of the Coroner's Service. This includes the management of expenditure and as such the procurement of any suppliers is the responsibility of this Authority.
- 4.2. The current contracts for the WLCD commenced on 11<sup>th</sup> April 2014 and are due to expire on 3<sup>rd</sup> May 2015 with no further options to extend. A four week extension to the current contracts is currently in place to allow a decision to be made. The current contracts are the first time any have existed for this service and were put in place to standardise performance and service to residents as well as reduce costs. They have been

successful in meeting those objectives and the purpose of this procurement was to maintain this performance and reduce costs wherever possible.

- 4.3. The West London Coroner is called upon to carry out investigations into the cause of death and in the financial year 2013/14 there were approximately 1,600 deaths that were subject to Coroner's investigations. In every case the body must be collected from the place of death by a suitably qualified firm and delivered to the relevant public mortuary.

## **5. PROPOSAL AND ISSUES**

- 5.1. The contract now specifies the requirements and costs for the collection and transportation of bodies for collection at any time of day. Previously costs had varied out of office hours and on bank holidays. This procurement articulated these aspiration and looked to maximise cost saving were ever possible.
- 5.2. The service standard is to guarantee body collection 24/7, 365 days a year in which attendance on site of the body is within 90 minutes of the call-out instruction through a single phone call from the Coroner's Officer and delivered to the mortuary within 180 minutes of the call-out instruction.
- 5.3. The payment of undertakers' fees is made through an existing service level agreement between the six Boroughs in the West London Coroner District (LB H&F, LB Hounslow, LB Hillingdon, LB Ealing, LB Richmond and RB Kingston). The cost of the entire Coroner Service is apportioned between the six Boroughs according to a population formula, with a management charge paid to h&f by the other Boroughs. Savings that accrue through this procurement will reduce the overall Coronial budget and the resulting cost which must be paid by each Borough.
- 5.4. The contract is divided into three lots for the collection of bodies; Lot 1 North (LB Hillingdon & LB Ealing); Lot 2 Central (LB H&F & LB Hounslow) and Lot 3 South (LB Richmond & RB Kingston). Suppliers could bid for any or all the lots. This has provided an opportunity for both smaller and larger firms to tender for the business.

## **6. OPTIONS AND ANALYSIS OF OPTIONS**

- 6.1. Tenders were invited on 19 December 2014 for submission by 26 January 2015. Service specifications and evaluation criteria for the three lots were advertised in a single stage, open invitation to tender. The Council used the Capital E-Sourcing e-tendering system and offered support to suppliers with any technical issues.
- 6.2. The contracts were advertised with a commencement date of 1<sup>st</sup> April 2015 with duration of 3 years.

- 6.3. Three tenders were submitted from the following companies:
  - (a) Funeral Services Ltd.
  - (b) Lodge Bros. (Funerals) Ltd.
  - (c) W Sherry & Sons (Sherry Funeral Services Ltd.)
- 6.4. The evaluation was marked with a Price vs. Quality evaluation score weightings of 60 points / 40 points. This was felt to encourage the market to deliver competitively priced tenders, with an assurance of quality.
- 6.5. A tender appraisal panel was formed, comprising the Interim Deputy Head of Emergency Services, the Mortuary Manager and a Finance Officer with responsibility for ELRS.
- 6.6. All questions within each of the sub criteria of the Contractor's Proposals were scored out of 5 points, with a minimum threshold score of 3 points. Tenderers were advised in the ITT that the Council would reserve the right to reject a tender, which did not meet the threshold score in any of the evaluation questions, regardless of its overall score.
- 6.7. Questions relating to probity, disputes and financial standing were scored as Pass or Fail. All three tenders passed on these criteria.
- 6.8. It should be noted that W Sherry & Sons (Sherry Funeral Services Ltd.) applied only for the Northern zone, while Lodge Bros. (Funerals) Ltd. and Funeral Services Ltd. tendered for all three zones. In accordance with instructions to tenderers, bids for all three zones would be assessed on the basis of tenderers' assessed capacity and quality standards in relation to providing a service across all areas within the Tender. Tenderers were required to submit one body collection price which would be applicable to all zones covered by their tender.
- 6.9. Tenderers applying for all three lots submitted combined (single) tenders which addressed the criteria as they applied to a three zone service. At no point did any of the tenders for all lots differentiate the design or level of service proposed in the different zones. The scores given are therefore as a single service as opposed to being marked as three separate scores for each area.

### **Price**

- 6.10. All tenderers priced their collections at £0 (zero cost) and therefore scored the maximum points for price.

### **Quality**

- 6.11. Lot 1- **North Zone**, W Sherry & Sons (Sherry Funeral Services Ltd.) scored 73.75 points for quality, giving an overall score (when combined with price) of 89.5; the lowest for that zone in both quality and overall. Funeral Services Ltd. scored 77.16 points, with an overall score of 90.865.

Lodge Bros. (Funerals) Ltd. scored 78.05 points for quality, with an overall score of 91.22 points.

- 6.12. Lot 2 & 3 - **Central and South Zones**, only Lodge Bros. and Funeral Services put in a tender. Therefore the scores for these are the same as they were for the North Zone, with Lodge Bros. receiving the highest overall score of 91.22 points.
- 6.13. All tenders provided assurance they could meet the demands and expectations of the service. However, the panel were unanimous in their opinion that the detail and assurances provided by Lodge Bros. (Funerals) Ltd. set them apart from the other tenders. There was clear evidence of business continuity, health and safety and comprehensive training plans in place. Hence the higher score for quality and overall.
- 6.14. It was the unanimous view of the panel that the proposed bid was the most economically advantageous and one which would provide assurance to the Coroner's Service and Coronial Authorities of Contractors' capacity to deliver a reliable, high quality and resilient service across all three zones.
- 6.15. There will be no annual cost of the contracted service across all zones. Over the three years of the contract this will achieve savings for the Coroner's Service of around £99,000. As h&f currently pays 13% of all costs incurred by the Coroner's Service, the estimated saving to H&F is circa £12,870.
- 6.16. As the total cost implications of this procurement exercise are under £100,000 this item has not been included as a Cabinet Key Decision for the forward plan.

## **7. CONSULTATION**

- 7.1. Consultation was not required for this procurement exercise.

## **8. EQUALITY IMPLICATIONS**

- 8.1. This service is available to all residents within the West London Coronial District and as such there are no negative equality implications.

## **9. LEGAL IMPLICATIONS**

- 9.1. The procurement of this contract commenced on 19 December 2014 and therefore are subject to the Public Contracts Regulations 2006. The Bi-borough Director of Law is satisfied that due process has been followed and accordingly endorses the recommendation in this report.
- 9.2. Implications completed by: Kar-Yee Chan, Solicitor (Contracts), 020 8753 2772



## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1. The new arrangements will deliver a saving of approximately £4,290 (100%) per annum compared to the existing service. Therefore there are no significant budgetary implications from awarding this contract to Lodge Bros.
- 10.2. Implications verified/completed by: Danielle Wragg, Finance Manager, 0208 753 4287.

## **11. IMPLICATIONS FOR BUSINESS**

- 11.1 The proposed contract supplier, Lodge Bros. (Funerals) Ltd. is a wholly owned family run business based within the West London Coronial District. Although the head office is based in the London Borough of Hounslow they have a number of branches within h&f and are a well-respected local business.

## **12. RISK MANAGEMENT**

- 12.1 The Western District Coronial Service is not registered as a risk in the Corporate or ELRS risk register. The contracts for the collection and transportation of bodies will be managed and monitored against performance by the Deputy Head of Emergency Services Section in consultation with HM Coroner and the relevant Metropolitan Police employed coroner's officers.
- 12.2 In the event of a mass fatality (over 10 bodies at a single scene) occurring within the Western Coronial district, the contract has a resilience clause to call upon the assistance of more than one contractor. The contract states that the Authority may on behalf of HM Coroner, call into effect extraordinary arrangements for the collection and transportation of these bodies to public mortuaries. The Contractor shall assist the Authority with any such arrangements and co-operate with any third parties that the Authority requires the Contractor to co-operate.
- 12.3 A PIA has been completed and discussions had with the Council's Information Officer regarding the contractor's handling of sensitive information. Clauses have been added to the contract and will be in any SLAs regarding use and retention of information.
- 12.4 Implications verified/completed by: Geoff Drake, Senior Audit Manager, 020 8753 2529

## **13. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

- 13.1 The Corporate Procurement Team has provided advice and assistance throughout the procurement exercise
- 13.2 The Director confirms that the Council's procedures as defined in Contract Standing Orders have been complied with and has resulted in a positive outcome, with benefits to the Council and for the WLCD. The Director supports the recommendations contained in the report 13.3  
Implications verified by: Joanna Angelides, Procurement Consultant, 0208 753 2586

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| No.                     | Description of Background Papers   | Name/Ext of holder of file/copy  | Department/Location  |
|-------------------------|--|--|--|
| 1.                      | Tender documentation: ITT, service specifications, draft contract for services (exempt)  | Alistair Ayres Ext. 3994   | Emergency Services, Room 203, 2 <sup>nd</sup> Floor, Hammersmith Town Hall |
| 2.                      | Tenders received from Lodge Bros. (Funerals) Ltd., W Sherry & Sons (Sherry Funeral Service), Funeral Services Ltd. (held on Capital E-Sourcing) (exempt) | Alistair Ayres Ext. 3994   | Emergency Services, Room 203, 2nd Floor, Hammersmith Town Hall             |
| 3.                      | Tender Opening Form (held on Capital E-Sourcing) (exempt)  | Alistair Ayres Ext. 3994   | Emergency Services, Room 203, 2nd Floor, Hammersmith Town Hall             |
| 4.                      | Tender evaluations from each member of the TAP (held on Capital E-Sourcing) (exempt)   | Alistair Ayres Ext. 3994   | Emergency Services, Room 203, 2nd Floor, Hammersmith Town Hall             |
| 5.                      | Coroner's Service budget 2013/14 (exempt)  | Alistair Ayres Ext. 3994   | Emergency Services, Room 203, 2nd Floor, Hammersmith Town Hall             |
| <b>CONTACT OFFICER:</b> |  | <b>NAME: Alistair Ayres, Interim Deputy Head of Emergency Services</b><br><br><b>EXT. 3994</b> |  |



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**22 May 2015**

**PARKING ON HOUSING ESTATES**

**Report of the Cabinet Member for Environment, Transport & Residents Services and the Cabinet Member for Housing**

**Open Report**

**Classification - For Decision**

**Key Decision: No**

**Wards Affected:** Shepherds Bush Green, Fulham Broadway, Town, Sands End

**Accountable Executive Director:** Mahmood Siddiqi, Director for Transport and Highways; Kathleen Corbett, Director of Housing

**Report Author:** Mahmood Siddiqi,  
Director for Transport and Highways

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**AUTHORISED BY:**

The Cabinet Member has signed this report.

DATE: 22/05/15

**AUTHORISED BY:**

The Cabinet Member has signed this report.

DATE: 22/05/15

**1. EXECUTIVE SUMMARY**

- 1.1. Parking on the Council's housing estates has gradually become more difficult for residents over the past year due to legislation introduced in late 2012. This has led to the Council being unable to deal with obstructive parking and to residents being unable to park easily on some estates. Officers in Transport & Highways are working jointly with officers in Housing to consider, where appropriate, in consultation with residents, the introduction of controlled parking schemes using traffic orders on the estates which use the same enforcement powers as the Council has on the public highway.
- 1.2. Using traffic orders would ensure that parking spaces on the estates are used correctly. If traffic orders are the Council's preferred option, and no objections are received to the proposal, the first controlled parking schemes using traffic orders could be introduced on seven estates by November 2015. If any

objections are received these will need to be considered by the Council before it makes a decision on whether to introduce traffic orders.

## **2. RECOMMENDATIONS**

- 2.1. To approve the programme to consult residents on parking controls on their estates as outlined in Appendix 1 of this report.
- 2.2. To approve the draft consultation material attached as Appendix 2, Appendix 3 and Appendix 4 and to note that the text of the consultation material may, where appropriate, be varied by officers to aid the understanding of the proposal by residents.
- 2.3. To approve the cost of the informal consultation for the first seven estates (William Church Estate, Lancaster Court, Edward Woods Estate, Sullivan Court, Clem Attlee, Fulham Court and Barclay Close) of £45,000 to be financed from the Housing Revenue Account.
- 2.4. To note that a further report will be brought to Cabinet on the results of the informal consultation for the first seven estates.
- 2.5. To note that if all seven estates proceeded to having a traffic order, it is estimated that further expenditure of £332,000 would be incurred.
- 2.6. To note that if traffic orders are introduced on housing estates, residents on housing estates would need to purchase a permit which would be priced at the same price as the surrounding Controlled Parking Zone (CPZ), currently £119 a year. This will mean that residents who currently pay for their own individual bay will pay less than their current payment of £141.50 a year but other residents who currently have a free parking permit to park in any unreserved bay will pay for a permit for the first time.

## **3. REASONS FOR DECISION**

- 3.1. The Protection of Freedoms Act 2012 (POFA), which came into force in October 2012, removed the Council's ability to effectively enforce parking restrictions on housing estates as it banned removal and clamping of vehicles on private land, unless the parking restrictions are governed by traffic orders.
- 3.2. Since October 2012 parking problems have multiplied on LBHF's housing estates. Pedestrian and vehicle movements have become increasingly difficult. There are numerous complaints from residents, visitors, Councillors and the emergency services about inconsiderate and obstructive parking and the inability of residents to park in a space which they have paid for because it is being used by a vehicle which is not authorised to be there.

- 3.3. Some disabled residents have found that obstructive parking means that they cannot use the pavements and are sometimes unable to get out of their own property. We have a duty under the Equality Act to ensure disabled residents are not disadvantaged by Council policies.
- 3.4. Subject to the outcome of the informal and statutory consultation, introducing parking controls using traffic orders through the Road Traffic Regulation Act 1984 would mean that housing estates would operate in the same way as the 28 on-street controlled parking zones in the borough and the White City Estate off-street car park in White City. The traffic orders define all aspects of the parking scheme including; where people are allowed to park, what times the controls operate and who is allowed to park. There is also an independent adjudication process for dealing with appeals against parking penalties.

#### **4. INTRODUCTION AND BACKGROUND**

- 4.1. Parking on our housing estates has historically been enforced by private contractors who removed unauthorised parked vehicles. The Protection of Freedoms Act 2012 took away this power. Private land owners are now expected to only issue parking tickets to drivers and to recover the amount of any unpaid ticket as a contractual debt. This does not have the same deterrent effect as the risk of being clamped or removed. In recent months Government and DVLA have recommended that traffic orders are the correct way of enforcing parking controls on Council land.
- 4.2. LBHF ceased parking enforcement on their housing estates in October 2012. As a result, there has been a gradual increase in unauthorised, dangerous and obstructive parking in many of our estates. Motorists have realised that the estate roads, pavements and indeed any other area where they can park their vehicle on estate land are effectively free car parks.
- 4.3. Parking permit holders on the housing estates are finding that parking spaces are occupied by unauthorised vehicles and the Council is limited as to the action it can take. In addition residents, who are authorised to park on their estate, often find they cannot do so because of unauthorised parking.
- 4.4. In advance of an agreed way forward, we have been replacing and installing bollards where the only issue is that an unauthorised user is occupying a paid for space, however bollards in themselves are not a long term solution as the Council is currently unable to remove any vehicles which may be blocking access to the space, i.e. parking in front of the raised bollard. Installing lockable bollards on request is also costly and unsustainable.
- 4.5. Parking controls on the public highway are regulated by the Road Traffic Regulation Act 1984 (RTRA). The parking restrictions are defined in a traffic order which explains things like; the hours of control, who is allowed to park,

and where are the parking spaces. Traffic orders are subject to a statutory consultation with interested and affected parties.

- 4.6. The advantage of managing parking on the estates using the Road Traffic Regulation Act 1984 is that:-
  - The signing and road markings will be recognised as it will follow national guidance
  - Penalty Charge Notices (PCNs) will follow a statutory process including the recovery of unpaid parking tickets
  - Challenges to parking tickets can go to an independent adjudicator (PATAS)
- 4.7. We will consult residents of the estates on the proposed changes before implementing the chosen form of enforcement to ensure so that all options for enforcement remain available to residents. This will enable us to take into account suggestions from residents before introducing the agreed choice of enforcement.
- 4.8. The Council already has one housing estate, the White City Estate, and some roads within the West Kensington estate, operating under a traffic order. The set of rules largely mirrors those found on-street and these were agreed after an extensive period of consultation.

## **5. PROPOSALS AND ISSUES**

- 5.1. The effective use of a traffic order to control parking on our Housing estates will only be successful if, as on the White City Estate, the signage and road markings advising motorists of the restrictions, are of an equivalent standard to those found on-street. There must also be good administrative systems in place to control permit issue and visitor parking. This approach cannot work if our Civil Enforcement Officers (CEOs) cannot easily identify which vehicles are lawfully parked.
- 5.2. Therefore, sufficient time should be allowed before implementing such a scheme. We estimate that the earliest date we could start to implement a parking scheme using a traffic order on our housing estates would be November 2015.
- 5.3. Council officers have put together a programme which proposes a comprehensive and effective consultation starting with the worst affected estate residents. The seven estates to be consulted are William Church Estate, Lancaster Court, Edward Woods Estate, Sullivan Court, Clem Attlee, Fulham Court and Barclay Close. There are currently 857 parking spaces on these seven estates and 56 residents of these estates hold a parking permit for the surrounding Controlled Parking Zone.

- 5.4. A further report will be brought to Cabinet on the results of the consultation on these seven estates.
- 5.5. Appendix 1 provides a programme for consultation with estates. The estates have been prioritised according to the amount of unauthorised parking, the number of complaints received from residents, the number of parking spaces available, whether it is close to major amenities, e.g. tube station and shopping centres, whether it looks like a public road and how much repair work is needed to bring the roads up to a standard which could be re-marked.
- 5.6. If traffic orders are introduced on housing estates, residents would need to purchase a permit, whose price would have to cover the costs of administration and enforcement, and reflect the Council's traffic management duties and the need to treat all residents equitably. The current price of permits in all the Council's Controlled Parking Zones (CPZs), and the White City Estate off-street car park is £119 a year. This would mean that the 225 residents, across the seven estates, who pay for their own individual bay would pay less than their current payment of £141.50 a year but other residents who currently have a free parking permit to park in any unreserved bay will pay for a permit for the first time (although it should be noted that residents with free permits had no guarantee of a space, which would be the same situation as with a traffic order). In contrast, the residents who pay £141.50 a year for a reserved space could use that space for either their own vehicles or their visitor's vehicle. Under a traffic order these residents would pay less for their permit but it would no longer be reserved, thereby making better use of the available spaces. All households, including those without cars, will be eligible for a Smart Visitor Permit, under a traffic order. The number of residents who hold a free housing estate permit is not known. All housing residents who do not live on an estate are currently subject to the £119 charge for permits on the street where they live.
- 5.7. It must be stressed that enforcement under traffic orders will not be possible unless those orders articulate a simple set of rules. There must also be road markings and signage of the same standard as that found on-street to convey these rules to motorists. This will mean that the proposed parking schemes are likely to be different to the previous parking arrangements on many housing estates
- 5.8. The cost of informal consultation with the seven estates is estimated to be £45,000. This includes officer time in running the consultation and analysing the results and the cost of printing and delivering consultation material to every household. The costs will be closely monitored and reported upon via the Council's monthly monitoring regime.

- 5.9. The cost of implementing traffic orders on the seven estates is estimated to be in the order of £332,000
- 5.10. It should be noted that these estimates are indicative at this stage as the actual cost will be dependent on the outcome of the consultation and the actual measures put in place. An estimate of cost of enforcing traffic orders on the housing estates which wish to have enforcement will be presented in the report to Cabinet which details the outcome of the informal consultation.

## **6. CONSULTATION**

- 6.1. The consultation will present choices for managing parking and enforcement in each of our housing estates. For example, residents will be able to choose their preferred type of parking enforcement, their preferred hours of control and how they would like visitors to be catered for. However, there are some elements of the traffic order which we will not be seeking views on, for example the cost of permit and whether designated bays which reserve spaces for non-disabled individuals should be introduced. This is because the cost of the permit is standard across all the Council's controlled parking zones and does not vary from zone to zone. Similarly, bays are only reserved for groups of users, e.g. car clubs, in our controlled parking zones and not individuals (unless that individual is disabled in which case an exception is made). The consultation material is provided in Appendix 2, Appendix 3 and Appendix 4. It should be noted that the text may be subject to small changes to make it more readable.
- 6.2. Traffic orders require a minimum three week statutory consultation period; however when introducing parking controls in an area that previously had no controls, more consultation and engagement with residents is recommended as residents will need to understand the implications of controls. There are lots of rules and terms and conditions which accompany traffic orders which will not currently be in place. Some residents may consider the proposed controls to be too inflexible for them or their visitors. If objections are received during the statutory consultation, these must be considered by the Council before any traffic orders can be made.
- 6.3. It is not good practice to carry out significant consultations during the summer holidays when many residents may be away and so may not see the consultation. This will affect the timing for our consultation.
- 6.4. The possible programme for introducing parking controls through traffic orders for the seven housing estates (William Church Estate, Lancaster Court, Edward Woods Estate, Sullivan Court, Clem Attlee and Fulham Court) is summarised in Appendix 1.

## **7. EQUALITY IMPLICATIONS**



- 7.1. Proposals for parking controls will undergo consultation. Should adverse impacts be identified, officers will consider mitigating actions and if these are not possible, the overall benefits of any proposal must be considered before members make a final decision including the need to give due regard to the needs identified in the public sector equality duty in s149 of the Equality Act 2010. Disabled Blue Badge holders will particularly benefit from the enforcement of parking controls, as they have greater difficulty in getting between their homes and alternative parking spaces.
- 7.2. A completed Equality Impact Assessment is attached in Appendix 5.

## **8. LEGAL IMPLICATIONS**

- 8.1. The Council will need to comply with and follow the statutory procedure set out in the Road Traffic Regulation Act 1984 and secondary legislation when establishing a traffic order for both on-street and off-street car parking on housing estate land.
- 8.2. By virtue of section 122 of the 1984 Act, the Council must exercise its powers under the 1984 Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities on and off the highway
- 8.3. Where consultation is to be carried out, this must follow public law principles in that it must be carried out at a formative stage of the decision making process, last for a reasonable period, provide sufficient information for consultees to make an informed representation and all representations must be taken into account before any decision is made.
- 8.4. Traffic regulation orders for on-street and off-street parking will continue to have effect on the housing estates irrespective of any change of ownership of the housing estates.
- 8.5. An on-street traffic regulation order can be created on housing land irrespective of who owns the land. The Council will continue to be responsible for enforcement of parking contraventions for on-street parking following a change of ownership of the estate land.
- 8.6. Under Section 32 of the Road Traffic and Regulation Act the Council can provide off-street parking spaces on its own land. The Council could make an arrangement with any subsequent owners of the housing land to continue to provide the existing off-street parking places following the sale of the estate land. It is considered that the proposed consultation will also satisfy the Council's obligation under section 105 of the Housing Act to consult with secure tenants who are likely to be substantially affected by a matter of housing management.

- 8.7. Implications completed by Adesuwa Omoregie, Solicitor (Planning Highways and Licensing) Telephone 020 8753 2297 and Janette Mullins Principal Solicitor (Housing and Litigation) Telephone 020 8753 2744.

## **9. FINANCIAL AND RESOURCES IMPLICATIONS**

- 9.1. The costs of consultation are estimated at £45,000 and will be met from the Housing Revenue Account in 2015/16. These costs will be closely monitored and any potential overspend will be reported via the Council's revenue monitoring regime.
- 9.2. In the event that a Traffic Order emerges as the preferred option following consultations, it is estimated that further costs of £332,000 are likely to be incurred for this first phase of estates. Of these costs, up to £200,000 will be capital in nature.
- 9.3. It should be noted that the Housing Revenue Account financial plan and budget currently includes no provision for such costs, save for the £45,000 for the initial consultation which can be met from within existing budgets. The resulting income stream from the issue of parking permits will contribute to these costs but is unlikely to fully cover them, which will ultimately impact on the Housing Revenue Account Capital Financing requirement, the measure of the Housing Revenue Account debt cap. Therefore good control of costs is essential. The extent to which this can be achieved will be dependent on the number of operational parking spaces provided and the on-going costs of managing the resulting parking service.
- 9.4. It should further be noted that any income from issuing penalty charge notices and expenditure relating to parking enforcement will accrue to the General Fund.
- 9.5. Any consultation needs to be cognisant of the potential financial implications of any change to parking arrangements on the Council's housing estates. These will include but not be limited to consideration of:
- The funding implications particularly with regard to the Housing Revenue Account business plan
  - The nature of costs (capital and revenue)
  - The additional costs of monitoring and managing parking arrangements
  - The costs of maintaining parking infrastructure
  - The pricing of charges for parking permits on housing estates and timing of phased income streams
  - Accounting rules governing the treatment of income and expenditure from the issue of permits and other parking related income; including the relevance of:

- The Road Traffic Regulation Act 1984 (Section 55 of which governs what the surplus from on-street parking and on and off-street parking enforcement can be spent on); and
- The statutory HRA ring fence which was introduced by Part IV of the Local Government and Housing Act 1989 where the land concerned is held within the HRA. This means that income and expenditure associated with HRA land must be accounted for within the HRA.
- Any impact on the financial appraisal of the options being considered under the Strategic Housing Stock Options Appraisal which is currently underway.

9.6. A further report will be presented to Cabinet following completion of the informal consultation. This will include full consideration of the financial implications of the proposed options arising from the consultation.

9.7. Implications completed by Danny Rochford Head of Finance (Housing and Regeneration) Telephone 020 8753 4023

## **10. IMPLICATIONS FOR BUSINESS**

10.1. There are no implications for business arising from this report.

## **11. RISK MANAGEMENT**

11.1 The project is to be managed within the TTS programme and risks identified and communicated to the Economic Regeneration, Housing and the Arts Policy and Accountability Committee, and the Community Safety, Environment and Residents Services Policy and Accountability Committee, and Cabinet Members for Transport and Housing. The Housing Department has requested that the issue is recorded as a corporate risk on the Council's risk register. Parking problems associated with the housing estates is an operational risk. Traffic flow risk is apparent and it is noted in the proposal that pedestrian and vehicle movements have become increasingly difficult, emergency services have also expressed concerns about inconsiderate and obstructive parking and the inability of residents to park in a space which they have paid.

11.1. Risk Management Implications verified by Michael Sloniowski, Shared Services Risk Manager Telephone 020 8753 2587

## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

12.1. At this stage there are no specific procurement related issues identified in the report. The printing and distribution of survey forms will be undertaken through Hammerprint (who manage an approved list of a number of small

local print firms). Other costs include postage on returned questionnaires and for analytical work associated.

12.2. Implications verified by Alan Parry, Principal Procurement Consultant.  
Telephone 020 8753 2581

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| <b>No.</b> | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b> | <b>Department/ Location</b> |
|------------|---|--|-----------------------------|
|            | None                                    |  |                             |

**LIST OF APPENDICES:**

**Appendix 1 – Programme of consultation with estates**

**Appendix 2 – Covering letter to accompany consultation material**

**Appendix 3 – Consultation booklet**

**Appendix 4 – Consultation questions**

**Appendix 5 – Equality Impact Assessment**

**PROGRAMME OF CONSULTATION WITH ESTATES**

**Estates:**

- **William Church Estate**
- **Lancaster Court**
- **Edward Woods Estate**
- **Sullivan Court**
- **Clem Attlee**
- **Fulham Court**
- **Barclay Close**

| <b>Activity</b>  | <b>Timescale</b>         |
|--|--------------------------|
| Consultation exercise with residents (including drop-in sessions where proposals can be explained and discussed)   | May to June 2015         |
| Analyse results of consultation  | June 2015                |
| Cabinet approval of proposals to be included in the statutory consultation   | July 2015                |
| Statutory consultation on traffic orders   | September 2015           |
| If no objections have been received, traffic orders made and residents are advised to apply for residents' and visitor permits   | October 2015             |
| Install parking signs, apply line markings and any necessary surfacing repairs. This can take up to six weeks particularly if the contractors are unable to gain access due to parked cars | October to November 2015 |
| Possible start date for parking controls under traffic orders  | November 2015            |

## **APPENDIX 2**

### **COVERING LETTER TO ACCOMPANY CONSULTATION MATERIAL**

**Dear Resident**

**Parking on the [name of estate]**

**This document is important – please read it carefully, fill in the attached questionnaire and send it back to us to tell us your views on parking on your estate. Even if you do not have a car we still want to hear from you as your visitors who drive will be affected and inconsiderate or obstructive parking may hinder your movement around the estate and make it harder for emergency vehicles to gain access.**

**In 2012, the Government introduced a law that stopped us clamping or towing vehicles parked improperly on housing estates. As a result, parking problems have increased on your estates and there have been many complaints from residents, visitors and the emergency services about inconsiderate and obstructive parking. We have also had complaints from residents not being able to park in their allocated spaces because unauthorised vehicles were parked there.**

**The only way now that the Council can enforce any form of parking controls on your estate is by making a legal Traffic order that sets out the rules of the parking scheme and the penalties for breaking them. In effect, we would have to control parking areas on the estate in the same way as we do in the surrounding public roads. This would mean changes to the current parking arrangements.**

**There are [x] properties and a total of [x] parking bays on your estate. [x] of these properties have the “permit-free” planning condition attached.**

**A plan for your estate which shows the location of parking bays can be found at [www.lbhf.gov.uk/housingplans](http://www.lbhf.gov.uk/housingplans) and has been displayed on the block noticeboards.**

**Please read the enclosed consultation booklet carefully and then fill in the attached questionnaire. Only one questionnaire should be returned for each household. If not all members of your household agree, then please explain any differences of opinion in the comments box.**

**Your opinion about this issue is important, and we thank you for taking the time to respond to this consultation. The Council will feedback the results of the consultation when all responses have been analysed and a decision has been made.**

**Please return your questionnaire by 14 June 2015**

**Yours faithfully**

**[xxx]**

### **APPENDIX 3 CONSULTATION BOOKLET**

**Please read this before filling in the questionnaire – it explains how new parking controls could affect you**

#### **Controlled Parking Zones (CPZ) and Traffic orders**

**A controlled parking zone (CPZ) is an area where authorised drivers can only park in designated parking bays, and the remainder of the kerbside space has yellow line restrictions. Legal Traffic orders set out the rules of the parking scheme including; who is allowed to park, where they can park and what times the controls operate. In a CPZ we can issue parking tickets to unauthorised drivers or those parked improperly, and there is an independent adjudication service for resolving cases where drivers believe that a ticket has been issued unfairly.**

**If a Traffic order was introduced on your estate, we would enforce it using uniformed Civil Enforcement Officers (CEOS), also known as traffic wardens or parking attendants, in the same way as parking restrictions are enforced in the rest of the borough and on White City estate. Controlled Parking Zones which are not on the public highway, and which do not meet the legal definition of a “road” are known as Off-Street Car Parks. We would need to introduce a permit system to show who has authority to park on your estate. This would mean that residents would have to buy and display permits on their vehicles. Blue Badge holders and motorcyclists can park for free. Your visitors would have to pay to park using a Smart Visitor permit or by a pay-by-phone method.**

#### **General terms and conditions of parking in a controlled zone**

**There are some general rules that apply to all CPZs in the borough. If we made a Traffic order to control parking on your estate the following conditions would apply to you too:**

- To qualify for a permit you would need to prove that:**
  - o the vehicle is registered or leased to you at the estate or is a company car for your use**
  - o you have a full driving licence**

- o you live on the estate
- Each resident who drives a vehicle can apply for a parking permit and there is usually no limit to the number who can apply from each household. Any resident with more than one vehicle registered in their name can apply for a second permit but this will cost more. No individual resident can have more than two permits.
- You would not be eligible for a permit if any of the following apply:
  - o You have three or more unpaid Penalty Charge Notices
  - o You own a property in Hammersmith & Fulham but spend the majority of your time at a different address or sublet the property
  - o You have a valid permit for the vehicle you are applying for in any other local authority
  - o You have a foreign registered vehicle which has been in the UK for more than six months.
  - o Your vehicle carries more than 12 passengers, or is more than 2.28 metres (7feet 6inches) in height, and you may not attach a trailer to your vehicle
- If you need to suspend a parking bay, for example, because you are moving house, you would arrange this formally by contacting the council in advance. Bays would only be suspended for a limited number of reasons and not as a means of reserving space for visitors
- You would not be allowed to run a business from a parking space
- Outside of the controlled hours anyone would be allowed to park in any bay without displaying a residents' permit, smart visitor permit or paying for parking

[Properties which have been classed as “permit-free” under a planning condition would not be eligible for a permit, unless that planning condition was removed by the Council. In general, properties will only be classed as “permit-free” if they were built or converted less than 20 years ago.]

#### Cost of a residents' permit

There is a charge for parking permits in all controlled zones in the borough that covers all the costs of parking enforcement.

Permits are available for either 6 or 12 month periods. Second permits, for the same resident, cost significantly more than the first permit and permits for green vehicles, i.e. vehicles which produce less than 100g/ km of CO<sub>2</sub>, cost significantly less. The table shows the current permit charges

|                        | 6 months | 12 months |
|------------------------|----------|-----------|
| First permit           | £71      | £119      |
| Second permit          | £260     | £497      |
| Greener vehicle permit | n/a      | £60       |

#### Smart Visitor Permits



**The Smart Visitor Permit is a convenient way of paying for your visitors' parking. It is like an Oyster card that you can top up then give to your visitors to use as and when needed. It is only valid in your parking zone but it is cheaper than the pay and display tariff and allows your visitors to park at a reduced charge during the hours your scheme operates, for as long as they like.**

**Every household is eligible for one smart visitor permit, regardless of whether they own a car or have a parking permit. The permit has to be displayed in the visitor's car so it can only be used by one visitor at a time. Smart visitor permits cost £1.80 per hour and disabled residents get a 50 per cent discount for the first 240 hours.**

**Things to consider when answering your questionnaire**

#### **Question 1 - Options**

**Option 1: The estate becomes its own new CPZ or an Off Street Car Park**

**If your estate became its own zone or an 'Off Street Car Park' (there are different regulations governing different types of road layout) it would mean that residents of the estate would not be able to park in the neighbouring CPZ without purchasing a permit for the CPZ as well as for the estate car park, and only estate residents and their visitors would be able to park on the estate. There would be no reserved parking spaces.**

**The estate zone could operate at different times from the surrounding CPZ but if controls on the estate were very different from those in surrounding roads there could be problems with displaced vehicles, e.g. if the estate controls start later or end earlier than the adjacent CPZ there may be more overnight parking.**

**Option 2: Your estate is incorporated into the surrounding CPZ**

**Incorporating your estate into the surrounding CPZ would mean all residents in the CPZ could park in your estate and you could park in the wider CPZ with the same permit. There would be no reserved parking spaces.**

**Parking would be controlled between [xxx] to [xxx] Monday to [xxx]  
Any visitors not using a smart visitor permit would pay £[x] per hour for parking.**

**Priority resident hours, i.e. hours when only residents and their visitors with SVPs can park (no Pay and Display parking is allowed during these hours) is between [xxx] and [xxx].**

**If this option were chosen, the Council would need to consult residents in the existing CPZ to see if they agree to your estate being included as part of the Zone during the statutory consultation. If they do not agree then your estate would become its own zone as an Off Street Car Park.**

### **Option 3: No traffic order**

**If you decide you do not want obstructive parking managed here, the council will not make a Traffic order for your estate, and it cannot enforce parking controls. This would mean that we could not prevent anyone from parking on the estate. On some estates, you may currently have your own parking space but the Council will not be able to enforce against any vehicle parked improperly or blocking access to your space.**

### **Question 2: Who should be allowed to park on your estate?**

**Residents only – this would mean that your visitors would have to park in nearby streets**

**Residents and their visitors only – this would be operated using resident permits and Smart Visitor Permits. You would only be able to receive one visitor at a time using the smart visitor permit during the hours of control**

**Residents and any driver paying to park – this would be operated using resident permits, Smart Visitor Permits and Pay-by-Phone parking. Anyone would be able to pay to park on the estate.**

### **Question 3: How long should drivers not visiting a resident be allowed to park?**

**Limiting the number of hours visitors can stay will prevent commuter parking. However, any residents' visitor who was not using a smart visitor permit would also be limited to these maximum stays.**

### **Tell us what you think**

**Please fill and return the enclosed questionnaire. One questionnaire should be returned per household. If not all members of your household agree, then please explain any difference of opinion in the comments box.**

**Alternatively, you may fill in the questionnaire online at [www.lbhf.gov.uk/housingplans](http://www.lbhf.gov.uk/housingplans)**

If you have any questions regarding this consultation, please email [housingconsult@lbhf.gov.uk](mailto:housingconsult@lbhf.gov.uk) , quoting your estate in the subject or ring 020 8753 8783.

Please return your questionnaire using the envelope provided by 14 June 2015

**What happens next?**

We will report the results of this consultation to the Hammersmith & Fulham's Council Cabinet meeting recommending a proposed course of action for your estate. If the Cabinet decide that parking should be controlled using traffic orders, we will need to carry out a statutory consultation in September. The statutory consultation will only provide one option, which residents can either accept or reject. Any objections to the proposed controls in the statutory consultation will need to be considered by the Council.

The Council will feedback the results of the consultation when a decision has been made.

#### **APPENDIX 4**

#### **CONSULTATION QUESTIONS**

**1** There are three options for controlling parking on your estate. Which would you prefer?

**Option 1:** The Council makes a Traffic order to create a Controlled Parking Zone or Off Street Car Park just for the estate with its own times of operation

If you chose this option please answer question 7

**Option 2:** The Council makes a Traffic order to include your estate into the surrounding Controlled Parking Zone

**Option 3:** The Council does not make a Traffic order and does not control parking on your estate

**2** If you have chosen Option 1, what times would you like parking controls to operate?

Do not answer this question if you have chosen options 2 or 3

Same hours as the surrounding CPZ  
Monday to Friday 9am – 5pm

Monday to Friday 8am – 8pm  
Monday to Saturday 9am – 5pm  
Monday to Saturday 8am – 8pm  
24 hours a day/ 7 Days a week  
Other – please specify \_\_\_\_\_

3 Who do you think should be able to park on your estate?

Residents only

Residents and their visitors using a Smart Visitor permit

Residents and any driver paying to park

4 How long should drivers not visiting a resident be allowed to park?

2 hours

4 hours

8 hours

As long as they want

Not at all

About You

5 How many vehicles are there in your household?

Car please specify

Van please specify

Motorbike please specify

6 How many LBHF CPZ Zone [x] permits are there in your household?

0 1 2 3 more than 3

7 Does anyone in your household have a valid disabled persons blue badge?

Yes/No

8 Are you able to meet all the terms and conditions that apply to a controlled parking zone as shown in section x?

Yes/No

If no, which ones would cause a problem for you and why?

9 Your details:

Name

Address

Postcode

**Email Address**

**Comments**

## EIA DOCUMENT

## LBHF Equality Impact Analysis Tool

| Overall Information   | Details of Full Equality Impact Analysis  |
|---|---|
| Financial Year and Quarter  | 2015/16 Q1  |
| Name and details of policy, strategy, function, project, activity, or programme | <b>PARKING ON HOUSING ESTATES</b><br>To consult on parking controls in housing estates  |
| Lead Officer  | Name: Chris Bainbridge<br>Position: Head of Transport Policy and Network Management<br>Email: chris.bainbridge@lbhf.gov.uk<br>Telephone No: 020 7361 2094 |
| Date of completion of final EIA   | 05/05/15  |

| Section 02  | Scoping of Full EIA   |                          |          |         |     |  |          |
|---|---|--------------------------|----------|---------|-----|--|----------|
| Plan for completion   | Timing: Ongoing – first phase by November 2015  |                          |          |         |     |  |          |
| Analyse the impact of the policy, strategy, function, project, activity, or programme | Examples of works that are likely to impact more on older and disabled people include:<br><br><b>Change to parking controls</b>   |                          |          |         |     |  |          |
|   | <table border="1"> <thead> <tr> <th>Protected characteristic</th> <th>Analysis</th> <th>Impact:</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td>Older people are more likely to not be able to understand the impact that parking controls may have on them. This can be</td> <td>Negative</td> </tr> </tbody> </table> | Protected characteristic | Analysis | Impact: | Age | Older people are more likely to not be able to understand the impact that parking controls may have on them. This can be | Negative |
|   | Protected characteristic  | Analysis                 | Impact:  |         |     |  |          |
| Age   | Older people are more likely to not be able to understand the impact that parking controls may have on them. This can be  | Negative                 |          |         |     |  |          |
|   |   |                          |          |         |     |  |          |

|                              |   |                                 |  |
|------------------------------|---|---------------------------------|--|
|                              | <p>mitigated by offering assistance to people who experience such difficulty, e.g. a help line.</p> <p>Older people may have more difficulty walking longer distances than others, and are therefore disadvantaged by the present local of enforcement of parking regulations. The proposals are likely to improve this situation</p>   | Positive                        |  |
| Disability                   | <p>People with learning difficulties are more likely to not be able to understand the impact that parking controls may have on them. This can be mitigated by offering assistance to people who experience such difficulties, e.g. a help line.</p> <p>People with mobility problems may be eligible for a personalised disabled persons' bay which would guarantee them a parking space close to where they live. They would particularly benefit from the effective enforcement of parking controls which would ensure that their space was not occupied by unauthorised users.</p> | <p>Negative</p> <p>Positive</p> |  |
| Gender reassignment          | N/A   | Neutral                         |  |
| Marriage & Civil Partnership | N/A   | Neutral                         |  |
| Pregnancy & maternity        | N/A   | Neutral                         |  |
| Race                         | N/A   | Neutral                         |  |
| Religion/belief              | N/A   | Neutral                         |  |
| Sex                          | N/A   | Neutral                         |  |
| Sexual Orientation           | N/A   | Neutral                         |  |

|                                      |  |
|--------------------------------------|--|
|                                      | <p><b>Human Rights or Children’s Rights</b><br/> Will it affect Human Rights, as defined by the Human Rights Act 1998?<br/> No</p> <p>Will it affect Children’s Rights, as defined by the UNCRC (1992)?<br/> No</p>                                |
| <b>Section 03</b>                    | <p><b>Analysis of relevant data</b><br/> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.</p> |
| <b>Documents &amp; data reviewed</b> | N/A  |
| <b>New research</b>                  | N/A  |

|  |  |
|--|--|
| <b>Section 04</b>                        | <b>Consultation</b>  |
| <b>Consultation</b>                      | Our consultations are open and accessible online and by post, and can be made available in different languages and Braille when requested. |
| <b>Analysis of consultation outcomes</b> | N/A  |

|                   |   |
|-------------------|---|
| <b>Section 05</b> | <b>Analysis of impact and outcomes</b>  |
| <b>Analysis</b>   | Following any parking consultation the results are analysed and presented to the Cabinet Member for a decision. |

|                            |   |
|----------------------------|---|
| <b>Section 06</b>          | <b>Reducing any adverse impacts and recommendations</b> |
| <b>Outcome of Analysis</b> | N/A   |

|                   |                    |
|-------------------|--------------------|
| <b>Section 07</b> | <b>Action Plan</b> |
|-------------------|--------------------|



|                    |     |
|--------------------|-----|
| <b>Action Plan</b> | N/A |
|--------------------|-----|

|  |   |
|--|---|
| <b>Section 08</b>                        | <b>Agreement, publication and monitoring</b>  |
| <b>Chief Officers' sign-off</b>          | Name: Mahmood Siddiqi<br>Position: Director for Transport and Highways<br>Email: Mahmood.Siddiqi@lbhf.gov.uk<br>Telephone No: 020 8753 3019 |
| <b>Key Decision Report (if relevant)</b> | Date of report to Cabinet/Cabinet Member: 27/04/2015<br>Key equalities issues have been included: Yes                                       |



**London Borough of Hammersmith & Fulham**

**CABINET MEMBERS DECISION**

**APRIL 2015**

**EXTENSION OF CONTRACT WITH METROPOLITAN HOUSING TRUST FOR PROVISION OF SUPPORTED ACCOMMODATION FOR PEOPLE WITH LEARNING DISABILITIES**

**Report of the Cabinet Member for Health and Adult Social Care: Councillor Vivienne Lukey**

**Report Status:** Open

**Classification:** For Decision

**Key Decision:** NO

**Wards Affected:** All

**Accountable Director:** Liz Bruce, Executive Director of Adult Social Care

**Report Author:**  
Linda Burke, Commissioner

**Contact Details:**  
[Linda.Burke@lbhf.gov.uk](mailto:Linda.Burke@lbhf.gov.uk) 020 8753 1631

AUTHORISED BY: .....

The Cabinet Member has signed this report.

DATE: 23 April 2015.....

**1. EXECUTIVE SUMMARY**

- 1.1 This report requests approval to exercise the option to extend the contract with Metropolitan Housing Trust (MHT) for 24 months from 1<sup>st</sup> May 2015 to 30<sup>th</sup> April 2017 to deliver supported accommodation for people with learning disabilities in the London Borough of Hammersmith and Fulham (LBHF).
- 1.2 This report also requests approval for direct award of a temporary contract to further continue the provision by Metropolitan Housing Trust for an additional five months from

1<sup>st</sup> May 2017 to 30<sup>th</sup> September 2017 for delivery of supported accommodation for people with learning disabilities in the London Borough of Hammersmith and Fulham (LBHF).

- 1.3 The contract extension will enable continued partnership work with MHT, customers and families to carry out a review and remodelling of of the current service.
- 1.4 MHT currently provides supported accommodation for twelve people with learning disabilities across three properties. MHT have held a 2 year contract since April 2013. This contract includes the option to extend for a further 2 periods of 12 months each.
- 1.5 The Council has worked with MHT to identify additional savings for the contract extension. The contract award was based on the highest combined score of price and quality and was the most economically advantageous tender received. As the Framework Agreement is still valid, the current contract cost is still the most economically advantageous. MHT are unable to offer any contract saving without affecting staffing levels and quality of provision, however they have offered to convert one key worker room in each of their three services into residential units for customers to add value at no additional cost to the Council. This would extend their contracted 12 unit provision to a 15 unit provision.
- 1.6 Although the cost of the proposal exceeds £100,000, a Cabinet decision is not required because on 13 May 2013, Cabinet delegated the authority to extend and or vary the contractual terms of Supporting People contracts, including the MHT contract, to the Cabinet Member for Health & Social Care.

## 2. RECOMMENDATIONS

- 2.1 That approval be given to the extension of the Council's contract with MHT, for provision of supported accommodation for people with learning disabilities, in LBHF, for 24 months from 1<sup>st</sup> May 2015 to 30<sup>th</sup> September 2017, in line with the terms and conditions of the contract, with a one month termination clause, at the values set out in Table 1.
- 2.2 That approval be given to direct award of a temporary contract to further continue the provision by MHT for an additional five months from 1<sup>st</sup> May 2017 to 30<sup>th</sup> September 2017 for delivery of supported accommodation for people with learning disabilities in the LBHF.
- 2.3 To note that this results in a total extended contract period of 29 months until 30<sup>th</sup> September 2017.

**Table 1**

| Provider                           | Current contract terms              | Current projected spend in 2014-15 | Contract end date | Proposed contract terms from 1 May 2015 | Proposed Annual contract value from 01/5/15 | Total Value of Extension |
|------------------------------------|-------------------------------------|------------------------------------|-------------------|---|---|--------------------------|
| <b>Metro-politan Housing Group</b> | 12 units of supported accommodation | £131,882.40                        | 30/4/15           | 12 units of supported accommodation     | £131,882.40                                 | £319,047.00              |

Value of 24 month contract extension option (2 periods of 12 months) = £263,764.80

Value of additional 5 month contract extension request = £55,282.21

Total value of 29 month extension = £319,047.00

Total value across financial years 1<sup>st</sup> April 2015 to 30<sup>th</sup> September 2017 is £329,886.70

### **3. REASONS FOR DECISION**

- 3.1 The Learning Disability Supported Accommodation Board (The Project Board) has developed an action plan with providers (MHT, Yarrow and Mencap), the Housing team, customers and their families. The action plan outlines steps to remodel and provide improved accommodation choices for people with learning disabilities in LBHF. Success of part of the action plan relies on the delivery of quality supported accommodation. MHT have been working closely with the Council to develop and maintain an accommodation pathway and to improve the quality of accommodation for people with a range of support needs. They have committed to this work as part of the action plan which is monitored by the Project Board.
- 3.2 In order to ensure there is stability and consistency in the service while the review and remodelling is undertaken officers are requesting an extension until 30<sup>th</sup> September 2017. Officers plan to request that Yarrow Housing (the other supported housing and care provider in LBHF) will be offered a two year contract extension which would end on 30<sup>th</sup> September 2017. It is on this basis that we are requesting a 29 month extension for MHT in order to align both contract end dates.
- 3.3 Extending and varying the current provider contract with MHT will enable the remodelling of supported accommodation to continue. Development includes:
- holding regular customer involvement meetings, quarterly focus groups, monthly house meetings, themed fun activities and planned holidays.
  - maintaining a working relationship with the housing team and care management teams to obtain service delivery feedback and developing a multi agency approach to supporting customers and reviewing internal processes.
  - continuing to work in an outcome focussed way with customers (e.g. building independence to work, enter further education, short-term residencies to limit dependency on providers and build capacity to move on) including liaison with local agencies.
  - working in a focussed way to prepare customers for community living where appropriate.
  - MHT being an active partner in the development of a range of innovative housing options for local people with learning disabilities including developing exit strategies and move on opportunities.
  - developing commissioning intentions for a new specification of supported housing for people with learning disabilities.
- 3.4 A review of current housing provision for people with learning disabilities, carried out by officers, has identified that many of the existing services need to be remodelled to meet

the needs of more complex customers who will enter the housing pathway over the coming years. Remodelling will include adapting current provision, promoting move on opportunities, and ensuring that customers are in properties which meet their needs.

- 3.5 In addition to developments in housing provision, LBHF expect an improvement in how customers are supported during their time in supported accommodation. MHT work in an outcome focussed way with customers to ensure they are supported to build independence to move into the community with floating support, where appropriate.
- 3.6 The Project Board are working with the Council's housing and planning teams to influence new accommodation offers in LBHF to meet a wide range of needs. The new accommodation will be designed in collaboration with customers and their families and providers to meet emerging needs.
- 3.7 The contract for this service was called off the West London Related Support Joint Framework Agreement 2012-16 in accordance with the Protocol for Calling-Off Services and LBHF's Contract Standing Orders.
- 3.8 In April 2013 MHT were awarded a 2 year contract to deliver 12 units of supported accommodation in LBHF. The award was based on the highest combined score of price and quality and was the most economically advantageous tender received with a total annual cost of £131,882.40. As the Framework Agreement is still valid, the current contract cost is still the most economically advantageous.
- 3.9 MHT are unable to offer any contract saving without affecting staffing levels and quality of provision, however in order to offer added value they are planning to convert one key worker room in each of their three services into residential units for customers at no additional cost to the Council. This would extend their contracted 12 unit provision to a 15 unit provision.

#### **4. INTRODUCTION AND BACKGROUND**

- 4.1 As part of the LBHF Accommodation and Support Strategy for People with Learning Disabilities 2013 – 2016 (the Strategy), a needs analysis and supply mapping of current local housing and accommodation was undertaken. One of the key findings is that there will be an estimated 86 people over the next three years requiring alternative housing and support. This is based on people transitioning from children's to adult services, living with ageing carers, returning from expensive out of borough placements, and needing to move from their current housing.
- 4.2 The Strategy demonstrates the commitment of Adult Social Care, Housing and Health to work collaboratively to meet national policy drivers to improve the health and independence of people with learning disabilities by offering greater local choice of housing and support options as alternatives to residential care.
- 4.3 The Project Board is working with providers to deliver the Strategy's commitment to provide an innovative range of housing options for people with learning disabilities. The continued presence of established providers in the borough, including MHT, will offer stability, continuity of provision and good partnership working while we remodel and deliver improvements over the coming 5 years and beyond.

- 4.4 The Project Board has developed an action plan which highlights short-, medium- and long-term actions. The committed involvement of MHT is paramount to the success of improving the re-design and improvement of the current supported accommodation offer.

**Performance**

- 4.5 MHT’s strong service delivery in LBHF is evident by their commitment to supporting customers to learn skills to move to community living with floating support.
- 4.6 MHT’s performance is satisfactory and they are meeting all of their contractual obligations as monitored by the Council.
- 4.7 MHT agreed an action plan in 2014 to improve the condition of two of their three inherited buildings. All actions were met within agreed deadlines. For example, the Sedlescombe Road property has been fully renovated with a view to using it as a training house for young adults to learn independent living skills.
- 4.8 MHT’s performance data for quarters 1, 2 and 3 2014/15 is:  
 KPI 1 – Supporting customers to maintain independent living  
 Against a target of 95%, MHT achieved 100%
- 4.9 MHT have a robust management structure including a highly experienced Service Manager and Team Leader to manage daily operations in LBHF.

**Services**

- 4.10 MHT have three properties as listed below:

|                   |  |                        |
|-------------------|--|------------------------|
| Brackenbury Road  | 4 customers (3 referred to Housing Options for planned move on).   | 8am to 7pm staff cover |
| Sedlescombe Road  | 2 customers successfully moved on with MHT support to community living with floating support. The newly renovated property has accepted referrals from the Housing team. | 8am to 7pm staff cover |
| Bassein Park Road | 4 customers.   | 8am to 7pm staff cover |

**5. PROPOSAL AND ISSUES**

- 5.1 It is proposed that the Cabinet Member for Adult Social Care and Health agrees to exercise the option in the contract with MHT to extend the contract for two periods of

twelve months each from 1<sup>st</sup> May 2015 to 30<sup>th</sup> April 2017 with a one month termination clause at the values in Table 1.

- 5.2 It is proposed that the Cabinet Member for Adult Social Care and Health further agrees to direct award of a temporary contract, to continue the provision by MHT for a further 5 months beyond the option to extend prescribed in the contract, from 1<sup>st</sup> May 2017 to 30<sup>th</sup> September 2017. This is in line with LBHF Contract Standing Orders. This results in a total contract extension request of 29 months until 30<sup>th</sup> September 2017.
- 5.3 Officers consider that this extension period will provide continuity and stability to part of the housing pathway while the Project Board works to review, remodel and deliver an innovative pathway of accommodation opportunities for people with learning disabilities. It is intended that a 2 year contract extension contract will be requested for Yarrow which will end on 30<sup>th</sup> September 2017. Extending the MHT contract by 29 months will align both contract end dates.
- 5.4 Re-procuring this contract risks de-stabilising the partnership while it is working closely to improve housing for people with learning disabilities
- A contract extension will allow sufficient time to develop commissioning intentions and a new specification of supported housing for people with learning disabilities.
- 5.5 As outlined in 3.6, the current contract cost is still the most economically advantageous available on the framework.
- 5.6 MHT are unable to offer any contract saving without affecting staffing levels and quality of provision, however they have offered to convert one key worker room in each of their three services into residential units for customers to add value at no additional cost to the Council. This would extend their contracted 12 unit provision to a 15 unit provision.

## **6. OPTIONS AND ANALYSIS**

### **6.1 Do Nothing**

Officers want to work with the current provider to deliver an improved personalised model as part of the housing Strategy. There is no guarantee we could achieve any efficiencies by going to the market as this provider proved to be the most financially advantageous when awarded the contract in 2013.

If an extension is not agreed there is a risk that the supported pathway will be destabilised by a procurement process to procure a new service before we have identified the model we wish to deliver. This is not a preferred option.

### **Extend and vary the contract terms**

- 6.2 By exercising the option to extend the current contract it will allow the Council to deliver the short-, medium-, and long-term actions of the action plan to support the housing strategy. Service development taking place during the contract extension with an established provider will offer consistency and flexibility of provision. MHT are committed to deliver a more personalised approach to care and will achieve better outcomes for

customers in assisting them to move through the pathway possibly to a home of their own if that best meets their needs.

Officers are considering using two of the MHT's services to operate as 'training houses' for people with low to moderate support needs to prepare them for living semi-independently in the community. This is proving to be MHT's area of expertise under the guidance of their experienced Service Manager.

Exercising the contract extension option and direct award of a temporary contract for a further 5 months beyond this would enable the Project Board to work with MHT to remodel an innovative and flexible model of supported accommodation to meet the increasing needs of customers. This is the preferred option.

## **7. CONSULTATION**

- 7.1 No formal consultation has been carried out in connection with the recommendations in this report however MHT is in agreement with the recommendations set out in section 2 above.
- 7.2 MHT conducted a customer satisfaction consultation in July 2014. Customers fed back that they are happy with the support they receive. An example of this is when a customer on an emergency placement chose to take on a permanent placement in an MHT service instead of moving to another service where they had already signed a tenancy.
- 7.3 Mencap conducted a consultation with customers and their families in December 2013 to identify needs around accommodation for people with learning disabilities. The recommendations from this consultation form the basis of The Project Board's action plan.
- 7.4 The social work team manage the customers' views via annual review to ensure the service is meeting their needs. These views will be fed into the Project Board.
- 7.5 As part of the Project Board's action plan, Mencap manage a customer and family housing sub-group. Recommendations from this group are fed into the regular Project Boards to ensure they are reflected in the remodelled specification.

## **8. EQUALITY IMPLICATIONS**

- 8.1 MHT is a service offering supported accommodation to people with learning disabilities and is therefore a protected group. There are no equality issues associated with the recommendations in this report. The requested extension will offer service continuity and support the improvement of the local supported housing pathway, service delivery, quality and offer more choice. This recommendation should have a neutral or positive impact on people with learning disabilities in LBHF.

## **9. LEGAL IMPLICATIONS**



- 9.1 Legal Services will be available to assist with formalising the variation in the event that the Recommendations are agreed.

Implications completed by:

Kar-Yee Chan, Solicitor (Contracts), Bi-borough Legal Services, 020 8753 2772.

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1 The recommendation in paragraph 2.1 above to extend and vary the contract term for Metropolitan Housing Trust with effect from 1<sup>st</sup> May 2015 for a 29 month period ending on the 30<sup>th</sup> September 2017 will cost £131,882.40 per annum in 2015/16 and 2016/17 with a part year effect of £66,121.86 in 2017/18. Total cost over the respective financial years is £329,886.70 (and £319,047 over the proposed extension period). The cost of this can be met from the existing Supporting People Revenue budget.
- 10.2 There are no savings implications associated with this proposal.

10.3 The current 2015/18 annual contract value & budget is listed in the table below:

**Current/future costs of Metropolitan Housing Trust**

| Metropolitan Housing Trust  | 2015/16            |                     | 2016/17            |                     | 2017/18            |                     | Full year effect of proposals i.e. ongoing effect |
|---|--------------------|---------------------|--------------------|---------------------|--------------------|---------------------|---|
|   | Confirmed budget £ | Costs of proposal £ | Confirmed budget £ | Costs of proposal £ | Confirmed budget £ | Costs of proposal £ |   |
| <i>Revenue Implications</i>   |                    |                     |                    |                     |                    |                     | £   |
| <b>Current Budgets</b>  |                    |                     |                    |                     |                    |                     |   |
| Council Revenue budget  | 131,882.40         | 131,882.40          | 131,882.40         | 131,882.40          | 66,121.86          | 66,121.86           |   |
| External funding sources from Residential Care Client Contributions |                    |                     |                    |                     |                    |                     |   |
| <b>SUB TOTAL REVENUE BUDGET</b>                                     | <b>131,882.40</b>  | <b>131,882.40</b>   | <b>131,882.40</b>  | <b>131,882.40</b>   | <b>66,121.86</b>   | <b>66,121.86</b>    |   |
| <b>Start-up Costs</b>   |                    |                     |                    |                     |                    |                     |   |
| <b>Lifetime Costs</b>   | 131,882.40         | 131,882.40          | 131,882.40         | 131,882.40          | 66,121.86          | 66,121.86           |   |
| <b>Close-down Costs</b>   |                    |                     |                    |                     |                    |                     |   |
| <b>TOTAL REVENUE COST</b>   | <b>131,882.40</b>  | <b>131,882.40</b>   | <b>131,882.40</b>  | <b>131,882.40</b>   | <b>66,121.86</b>   | <b>66,121.86</b>    |   |
| <b>SAVINGS</b>  |                    | <b>0</b>            |                    | <b>0</b>            |                    | <b>0</b>            |   |

Financial implications completed by Cheryl Anglin-Thompson – Principal Accountant  
020 875 4022.

## 11. IMPLICATIONS FOR BUSINESS

- 11.1 There are no direct implications for local businesses of the report proposals.
- 11.2 MHT was set up in 1957 and is a not for profit national organisation that has a defined Sustainability and Environmental Strategy 2013-2016<sup>1</sup>.
- 11.3 This strategy includes MHT's commitment to 'community investment' and 'social value through procurement'. Regarding 'community investment' there is organisational wish to work with local people and organisations to jointly build stronger communities and their procurement strategy is focussed on offering apprenticeships to residents and encouraging their suppliers to source local staff and this is supported by a Sustainable Procurement Team which was set up in 2012.
- 11.4 In terms of their strategy in practice, the Learning Disability supported accommodation services are local. The staff working at the three premises routinely interact with local businesses and other community and service providers. Similarly where customers engage with education, training and employment, this is generally with local organisations and businesses.
- 11.5 Whilst MHT have not undertaken any large scale regeneration activities in the borough they involve local people in decisions that not only affect housing but broader social and economic issues.

## 12. RISK MANAGEMENT

| Risk   | Details and Mitigation if needed  | Risk Rating |
|--|---|-------------|
| That the Council has to replace the provider in one month if termination clause is actioned due to poor performance. | MHT are meeting all contractual obligations and therefore this service does not cause officers concern. MHT are monitored ongoing by Contracts officers and any concerns can be dealt with as a matter of urgency.        |             |
| The Council may be challenged about not re-procuring the contract  | We are exercising the 2 extension periods of 12 months each to continue working on the review and remodelling project. It would be unwise to re-procure when we have not finalised the specification to meet future need. |             |

<sup>1</sup> [http://www.metropolitan.org.uk/images/SP\\_Sustainability-Environmental-Strategy-2013-2016\\_2013.11.20.pdf](http://www.metropolitan.org.uk/images/SP_Sustainability-Environmental-Strategy-2013-2016_2013.11.20.pdf)

### **13. PROCUREMENT AND IT IMPLICATIONS**

13.1 The contract is due to end on 30/4/15. There is provision within the contract for two extensions of 12 months each (total 24 months). The proposed extension of 29 months requires a contractual arrangement for a further 5 months beyond these periods. The LBHF Contract Standing Orders state that, where provisions for options to extend have been exhausted, temporary arrangements may be sought from the current provider on existing terms and conditions. Authority to enter into a temporary contract may be authorised by the relevant Cabinet Member where the value is £20,000 or greater and does not exceed £100,000. The value of the 5 month continuation, which is not provided for in the terms of the contract, is £55,282.21 and therefore, approval for the contract extension, along with direct award of a temporary contract, is sought from the Cabinet Member for Health and Adult Social Care under her delegated authority to approve contract extensions for Supporting People contracts. As the combined value (whole life) of the contract is over £300,000, under the Tri-borough Procurement Code, this report was presented to and endorsed by, the Contracts Approval Board, prior to submission to the Cabinet Member.

13.2 The report proposals have no IT implications.

#### **Quality of Contract**

13.3 MHT's strong service delivery in LBHF is evident by their commitment to supporting customers to learn skills to move to community living with floating support.

13.4 MHT agreed an action plan in 2014 to improve the condition of two of their three inherited buildings. All actions were met within agreed deadlines. For example, the Sedlescombe Road property has been fully renovated with a view to using it as a training house for young adults to learn independent living skills.

13.5 MHT have a robust management structure including a highly experienced Service Manager and Team Leader to manage daily operations in LBHF.

13.6 MHT's performance data for quarters 1, 2 and 3 2014/15 is:

KPI 1 – Supporting customers to maintain independent living

Against a target of 95%, MHT achieved 100%

#### **Value for Money**

13.7 The contract for this service was called off the West London Related Support Joint Framework Agreement 2012-16 in accordance with the Protocol for Calling-Off Services and LBHF's Contract Standing Orders.

In April 2013 Metropolitan were awarded a 2 year contract to deliver 12 units of supported accommodation in LBHF. The award was based on the highest combined score of price and quality and was the most economically advantageous tender received with a total annual cost of £131,882.40 and achieved an annual saving of £62,538. As the Framework Agreement is still valid, the current contract cost is still the most economically advantageous and represents value for money.

Procurement Comments by David Goulding (Procurement and Contracts Officer), 020 8753 5070 and verified by Sherifah Scott (Head of Procurement and Contracts ASC) 020 7641 8954.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

**Cabinet Paper entitled 'Delegated Authority to Extend Supporting People Contracts' dated May 2013**


**Care Act 2014**

<http://services.parliament.uk/bills/2013-14/care/documents.html>

**Contact officer(s):**

Linda Burke, Commissioner

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|  |   |
|--|---|
|   | <p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>CABINET MEMBER DECISION</b></p> <p><b>MAY 2015</b></p> |
| <p><b>LIFE AFTER STROKE - FAMILY AND CARER SUPPORT SERVICE LBHF- CONTRACT EXTENSION</b></p>  |   |
| <p><b>Report of the Cabinet Member for Health and Adult Social Care : Councillor Vivienne Lukey</b></p>                                  |   |
| <p><b>Open Report</b></p>  |   |
| <p><b>For Decision YES</b><br/><b>Key Decision: NO</b></p>   |   |
| <p><b>Wards Affected: Parsons Green &amp; Walham, Avonmore &amp; Brook Green, Hammersmith Broadway</b></p>                               |   |
| <p><b>Accountable Executive Directors: Liz Bruce - Executive Director of Adult Social Care</b></p>                                       |   |
| <p><b>Report Author:</b><br/>Selina Douglas, Director, Adult Social Care and Health Commissioning, Procurement and Business Analysis</p> | <p><b>Contact Details:</b><br/>Tel: 0208 753 6235<br/>Email:-<br/>Selina.Douglas@lbhf.gov.uk</p>                      |

**AUTHORISED BY:**

The Cabinet Member has signed this report.

**DATE: 20 May 2015**

**1. EXECUTIVE SUMMARY**

- 1.1. This report seeks agreement to extend the Life After Stroke Family and Carer Support Service for two years to 30 June 2017. The service is currently delivered through a contract between the Hammersmith & Fulham Council (the Council) and the Stroke Association.
- 1.2. The service is part of a range of out of hospital community based services, which provide support to stroke survivors and their carers following hospital discharge and are a key element of both national and local stroke strategies. Stroke has been identified as one of the major reasons people require residential care and

the purpose of this service is to reduce the future need for social care in this area.

- 1.3. The existing two year, six month contract commenced on 1 January 2013 and expires on 30 June 2015, with an annual value of £33,856 (£84,640.00 total value). It is called-off from a framework agreement for out-of-hospital stroke services set up by the London Borough of Hammersmith and Fulham in 2013.
- 1.4. The Life After Stroke Family and Carer Support Service is Lot 2 of the Framework. The Lot 2 framework agreement between London Borough of Hammersmith and Fulham and Stroke Association was for an initial period of two years and seven months until 31<sup>st</sup> July 2015 and has provision to extend for two periods of twelve months. The Stroke Association is the single provider on the framework for this Lot 2 for this service, as a result of a competitive tendering exercise in 2012.
- 1.5. The Lot 2 framework is accessed solely by the London Borough of Hammersmith and Fulham. The estimated total value of the framework is £84,640.00.
- 1.6. The call-off contract between London Borough of Hammersmith and Fulham and Stroke Association commenced on 1 January 2013 and expires 30 June 2015. There is provision to extend conferred in section 6.5 of the call off. However, this refers to periods of extension stated on the order form and there are none. Therefore, this report requests making a further call off for two years to extend the contract to 30 June 2017.
- 1.7. The service is performing well and provides good value for money. There is provision within the contract to extend. Therefore a re-procurement process is unnecessary and is unlikely to provide better value for money.

## **2. RECOMMENDATIONS**

- 2.1. That the Executive Director of Adult Social Care, in consultation with the Cabinet Member for Health and Adult Social Care, authorises the extension of the Council's Framework Agreement with The Stroke Association for the provision of a Life After Stroke Family and Carer Support Service for two periods of one year to 31 July 2017 and the call-off from this framework for two one year periods from 1 July 2015 to 30 June 2017 for a total value of £67,712.00 (£33,856.00 per annum).

## **3. REASONS FOR DECISION**

- 3.1. The service is performing well and meeting the Councils' requirements. A re-procurement process is unnecessary at this stage of the contract as there is provision within it to extend.
- 3.2. There is no option to select another provider from the framework through a mini-competition. The Stroke Association is the only provider on the framework agreement for this service. They were evaluated as offering the most

economically advantageous tender in respect of both quality and price as a result of a competitive tendering process in 2012.

- 3.3. If the Council does not continue to call-off the service from the Out of Hospital Stroke Support Services Framework Agreement, a further tender exercise will need to be undertaken to select an alternative provider. In addition commissioners consider this to be a niche market, as there are very few providers with expertise in providing stroke services, and therefore unlikely that any value could be added by re-procuring at this stage.
- 3.4. The two year contract extension will give commissioners the opportunity to work with key stakeholders and partners to review the service, agree future commissioning strategies and undertake any re-tendering needed in order to award a new contract from July 2017.
- 3.5. The need for the service remains. The service has performed well. Feed back received from users is positive and attendance to Moving On Stroke Group (which provides links for peer support and reduces social isolation) is good. The contract is monitored through quarterly monitoring reports and meetings, and annual monitoring visits. This method allows us to monitor/assess the performance in the following areas: Number and sources of referral; response times to referrals; where people referred and sign-posted to; needs indicators met and unmet; service user feedback; awareness raising (prevention) events, volunteer numbers, moving on group activities.
- 3.6. Numbers of referrals received and caseload per quarter are more than double those stated in contract specification. The provider sign-posts and links with a large array of other organisations and as such is a great example of integrated working. Feedback from service users is positive. Awareness raising (prevention events) volunteer numbers and moving on activities are all in line with the specification. The provider has a plan to improve the referral information it receives to help in instances where the time between referral to the first contact are greater than the target 3 days. The provider will also in future include information on work specifically with carers which is currently not measured.

#### **4. BACKGROUND**

- 4.1. A key aspect of both the National Stroke Strategy published in 2007 and the local Kensington and Chelsea Stroke Strategy published in 2011 was to develop a range of longer term community based services to support stroke survivors and their carers.
- 4.2. Stroke has been identified as one of the major influences on residential care requirements and effective out of hospital stroke support services help to reduce the future need for social care in this area. Out of hospital stroke support services enable early hospital discharges for patients admitted after suffering strokes, providing the opportunity for continued rehabilitation and specialist clinical input for stroke survivors in their own surroundings in the community. They can help



address not only the clinical and rehabilitation needs of the stroke survivor but also their practical and emotional needs and those of their family and carers. Long-term mortality and institutionalisation rates can be reduced for up to 50% of patients, thereby also reducing the overall cost of supporting people that have had a stroke.

- 4.3. The service is valuable in providing an integrated service linking service users, their family and carers to services and community assets of interest to them. It is a personalised service. There are strong links and partnership working with other stroke specialist services in particular the Early Supported Discharge service (ESD) provided by CLCH. The contract is delivering beyond the specification: The specification calls for support groups to take place at least 5 times a year. In fact they happen every two weeks and are well attended. There is also a swimming group. There are 5 volunteers that help with support and activities. Preventative work is carried out through *Know Your Blood Pressure Events*.
- 4.4 Some of the outcomes expected from the service include: -
- improved management of transfer to home for stroke survivors;
  - improved information, advice and support,
  - improved and effective signposting and coordination to other relevant services;
  - personalised support to meet the needs of individual service user;
  - partnership working and collaboration with other professionals working with the stroke survivor, their family and carer,
  - improving outcomes for stroke survivors, their families and carers.
- 4.5 People who have had a stroke, their families and carers need to be able to access a range of services after they have been transferred home. Most people are likely to need support to reduce their chance of having another stroke. Many stroke survivors and carers also need broader support to help them manage life after stroke, such as the information, advice and support or help to take part in community activities.
- 4.6 Stroke survivors, their families and carers often cite the lack of information as being a major barrier to engaging in active citizenship. The service will ensure that provision of information involves engaging with stroke survivors, their family and carers to ensure that they can access the information relevant to them now and in the future.
- 4.7 The service will provide person-centred high quality advice, information, emotional support and practical support in the aftermath of a stroke and ensure that stroke survivors, their families and carers obtain the most beneficial experience of the local stroke pathway; ensure that stroke survivors' needs are identified and met, particularly in the first six months following stroke; and work closely with other health, social care and voluntary and community sector stroke pathway providers to ensure a seamless delivery of service.

## 5. PROPOSAL AND ISSUES

- 5.1. The current contract commenced on the 1 January 2013 for two years and seven months will expire on 30 June 2015 unless extended. The contract conditions contain provision for the Council to extend the contract for any further period specified on the same terms and conditions. The proposal is to extend the contract for two years with an annual break clause from 1 July 2015 to 30 June 2017.
- 5.2. Over the next year of the contract between July 2015 and June 2016 commissioners will work with key stakeholders and partners to review the service and decide future commissioning intentions. This will enable any procurement strategy for future services to be agreed and implemented in the final year of the service before the contract expires in June 2017.
- 5.3. There are no issues arising from the proposal set out in this report. Efficiencies were achieved at the procurement stage and in the service design by the use of volunteers.
- 5.4. Under the conditions of the framework agreement and the call-off contract any extension shall continue on all the same terms and conditions, and the price shall be based on the prices listed in the framework agreement.
- 5.5. **Proposed procurement timetable**  
Commissioning will work together with the Contract Management to review and identify the future intentions for the commissioning and procurement of this service. A meaningful proposed procurement timetable is not possible at this stage.

## 6. OPTIONS AND ANALYSIS

- 6.1. **Option one: To extend the Council's contract with The Stroke Association by calling-off from the Framework agreement for two one-year periods from 1 July 2015 until 30 June 2017 as provided for in the contract.** This is the recommended option. This will enable the Councils to continue to provide a support service to stroke survivors whilst continuing to benefit from the value for money that was secured through a joint procurement. During the extension period the Council will have the opportunity to review the service, agree the future commissioning strategy and undertake any re-tendering needed.
- 6.2. **Option two: Re-let the service through competitive tender.** This would involve unnecessary resources/costs given that the current contract has provision to extend and is performing well. The Council is unlikely to get better value for money through an individual re-tender. **Option three: Do nothing.** This would result in existing services coming to an end and support not being given to stroke survivors and carers. Without this service some service users may face the risk of further strokes and hospital admissions. Also, this may result in delayed discharges of ESD patients in H&F who will no longer have access to the support provided by the Life After Stroke support service

### **6.3. PROCUREMENT IMPLICATIONS**

6.3.1. Section 20.1.1 of the H&F Contract Standing Orders applies:  
Contracts may only be extended where there are provisions contained in them. Provision is contained in this contract: Section 6.7 of the contract gives the Council discretion, subject to satisfactory performance, to extend the contract for any further period specified in the order form under the same provisions as the initial contract.

6.3.2. The value of the original, two year six month contract is £33,856pa and the value of the two year extension will be £67,712.00. Therefore, section 20.1.3e of the H&F Contract Standing Orders applies:

The decision must be approved by the relevant Cabinet Member where the total value of the extension or extensions is £20,000 or greater but does not exceed £100,000 (subject to appropriate budgetary provision).

6.3.3. Implications verified by: Christine Baker, 020 8753 1447.

### **6.4. RISK**

The stroke co-ordinator is responsible for delivering the service in H&F. She works alone or together with volunteers. If something were to happen to her, the service continuity would be at risk. There is regular support and supervision from the Assistant Manager for London who is based in Southwark. Stroke Association is a well resourced national organisation and there are appropriate business continuity/contingency plans in place.

### **7. CONSULTATION**

7.1. There has been no consultation relating to the proposal set out in this report. Consultation was done at the beginning of the original tender process.

### **8. EQUALITY IMPLICATIONS**

8.1. A full Equalities Impact Assessment of the service was completed prior to the tendering of the service and was included as part of the report approved by LBHF Cabinet on 27 July 2012 which authorised the procurement route. There is no negative impact on any of the protected groups.

## **9. LEGAL IMPLICATIONS**

- 9.1. The relationship between the service provider, the Stroke Association, is governed by two documents; a Framework Agreement and a call-Off Contract.
- 9.2. The Call-Off Contract has been let for a period specified only for the period of 1 January 2013 until 30 June 2015. No option to extend is stated in the Call-off Contract.
- 9.3. The Framework Agreement is subject to an Expiry Date of 31 July 2015 but may be extended two times for periods of 12 months (a maximum period of 4 years and 7 months duration) Notification of such extension must be made before the Expiry Date or the end of the extension. It should be noted that the framework will terminate if the service provider declines to accept the extension or rejects it within 5 days.
- 9.4. Should the service provider accept the extension to the framework the Council will be entitled to call off a further Call-Off Contract.
- 9.5. It is understood that the Framework was procured in accordance with the principals of the Public Contracts Regulations 2006 although they were at the time of procurement considered to be Part B Services which would not generally be subject to the full procurement regime. A framework procured under those regulations should not ordinarily exceed four years duration unless exceptional circumstances have been established. As such the Council should consider whether such circumstances were established at the outset of the procurement. Additionally such further Call-Off Contract should not significantly exceed the said duration of the Framework Agreement.
- 9.6. Where a Call-Off Contract is awarded that is significantly beyond the scope of the original procurement, it may be subject to challenge due to contravention of the Public Contracts Regulations 2015 and otherwise amount to a direct award without sufficient advertisement.
- 9.7. Contract Standing Order 20.1.3 requires that the original award report contains provision relating to exercising such optional extension provision as has been detailed above.
- 9.8. Implications verified by: Jonathan Miller Legal Services, 0208753 2893.

## 10. FINANCIAL AND RESOURCES IMPLICATIONS

10.1 The recommendation in 2.1 above to extend the Stroke Association “Life After Stroke Family & Carer Support Service from 1st July 2015 for a 24 month period will cost £33,856 per annum and £67,712 over the life of the extension. There will be part year effects in 2015/16 and 2017/18 of £25,912 and £8,464 respectively. There are no savings implications associated with this proposal. The funding of the service over the proposed extension period will be from Health (H&F NHS CCG), confirmed as coming from non recurrent Re-ablement/Winter Pressures funding).

### Table of Financial Implications

**Table 1**

|                                 | 2015/16<br>(July to Mar)<br>Value of Extension |                           | 2016/17                  |                           | 2017/18<br>(June 2017)   |                           | Full year<br>effect of<br>proposal<br>s ie<br>ongoing<br>effect |
|---------------------------------|--|---------------------------|--------------------------|---------------------------|--------------------------|---------------------------|---|
|                                 | Confirmed<br>budget<br>£                       | Costs of<br>proposal<br>£ | Confirmed<br>budget<br>£ | Costs of<br>proposal<br>£ | Confirmed<br>budget<br>£ | Costs of<br>proposal<br>£ |   |
| <i>Revenue Implications</i>     |  |                           |                          |                           |                          |                           |   |
| <b>Current Budgets</b>          |  |                           |                          |                           |                          |                           |   |
| Council Revenue budget          | 0  | 0                         | 0                        | 0                         | 0                        | 0                         |   |
| Council Capital budget          |  |                           |                          |                           |                          |                           |   |
| CCG Funding                     | 25,392   | 25,392                    | 33,856                   | 33,856                    | 8,464                    | 8,464                     |   |
| <b>SUB TOTAL</b>                | 25,392   | 25,392                    | 33,856                   | 33,856                    | 8,464                    | 8,464                     |   |
| <b>Start-up Costs (Capital)</b> |  |                           |                          |                           |                          |                           |   |
| <b>Lifetime Costs</b>           | 25,392   | 25,392                    | 33,856                   | 33,856                    | 8,464                    | 8,464                     |   |
| <b>Close-down Costs</b>         |  |                           |                          |                           |                          |                           |   |
| <b>TOTAL</b>                    | <b>25,392</b>                                  | <b>25,392</b>             | 33,856                   | 33,856                    | 8,464                    | 8,464                     |   |
| <b>SAVINGS</b>                  | -  | 0                         | -                        | 0                         | -                        | 0                         |   |

10.2 Financial implications have been verified by: Cheryl Anglin-Thompson- ASC  
Principal Account - Planning & Integration x4022

**Selina Douglas**  
**Director, Adult Social Care and Health**  
**Commissioning, Procurement and Business Analysis**

**Local Government Act 1972 (as amended) – Background papers used in the preparation of this report : none**

**Contact officer(s):** Annette Ahmad, Procurement and Contract Officer, Adult Social Care, tel: 07739 316 464, email: [annette.ahmad@rbkc.gov.uk](mailto:annette.ahmad@rbkc.gov.uk)

Juliet Ogbechie, Commissioner, Adult Social Care, tel: 020 8753 5093, email: [Juliet.Ogbechie@lbhf.gov.uk](mailto:Juliet.Ogbechie@lbhf.gov.uk)



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER'S DECISION**

**5<sup>th</sup> JUNE 2015**

**REVIEW OF RENT CHARGING POLICY**

**Report of the Cabinet Member for Housing**

**Open Report**

**Classification - For Decision**

**Key Decision: No**

**Wards Affected: All**

**Accountable Executive Director:** Kathleen Corbett & Mike England, Interim Lead Directors for Housing

**Report Author:** Danny Rochford, Head of Finance

**Contact Details:**

Tel: 020 8753 4023

E-mail:

daniel.rochford@lbhf.gov.uk

AUTHORISED BY: .....

The Cabinet Member has signed this report

DATE: 5 June 2015.....

**1. EXECUTIVE SUMMARY**

- 1.1. This report summarises the current Council Homes rent increase policy, the approach to rent setting for Council Homes in specific circumstances, and proposes an amendment to the way in which the rent is calculated for under-occupying tenants wishing to downsize to smaller Council homes and for management transfers to ensure there is no financial disincentive for the tenant transferring.

**2. RECOMMENDATIONS**

- 2.1. To agree the changes to the Rent Policy for Council Homes as set out in section 6 of this report, namely:

- For under-occupiers who downsize to set the rent at the lower of target rent and the rent that the tenant is currently paying on their existing home.
- For management transfers to set the rent at the lower of target rent and the rent that the tenant is currently paying on their existing home.

### 3. REASONS FOR DECISION

- 3.1. The Cabinet Member for Housing is required to approve the Council's approach to setting rents.

### 4. INTRODUCTION AND BACKGROUND

- 4.1. The Council's current rent increase policy was approved by Cabinet as part of the report "Financial Plan For Council Homes: The Housing Revenue Account Financial Strategy, 2015/16 Housing Revenue Account budget and 2015/16 Rent Increase" on 5<sup>th</sup> January 2015.
- 4.2. The current approach applies a rent increase of CPI (Consumer Prices Index as at September of the previous year) plus 1% per annum with an additional £1 per annum for tenants who pay less than target rent. Target rent is the lower of the formula rent and the rent cap. The expectation is that the rent policy will be reviewed annually as part of the Council's revenue estimates process which begins in September of each year.
- 4.3. In addition to the approach to rent increases, the Council also sets rents in a number of other circumstances.

### 5. ISSUES

- 5.1. In addition to the annual rent increase, the Council's current approach to setting rents in a number of different circumstances is as follows:

Table 1: Current Approach to Rent Setting

| <b>Circumstance</b>       | <b>Approach to rent setting</b>  |
|---------------------------|--|
| New Tenancy               | Target Rent  |
| Mutual Exchange           | Rent is set at the same level as it was for the previous tenant of the property being moved into             |
| Downsizing Under-occupier | Target Rent  |
| Decants                   | The tenant continues to pay the same rent throughout the period of decant as they paid on their old property |



|   |   |
|---|---|
| Management Transfer <sup>1</sup>                                  | Target Rent   |
| Reciprocal Transfer <sup>2</sup><br>(i.e. swaps between boroughs) | Target Rent   |
| Use & Occupation Charges  | This charge is applied for illegal occupants where there is no contractual tenancy. The approach here is to aggregate all charges (basic rent <sup>3</sup> , tenant service charges, water rates, heating charges) into a single Use & Occupation charge. |

## 6. PROPOSAL, OPTIONS AND ANALYSIS OF OPTIONS

6.1. The following changes are proposed to the Council's current rent charging policy:

6.1.1. In order to prevent under-occupiers from being financially disincentivised to downsize, it is proposed to set the rent in these cases at the lower of target rent and the rent that the tenant pays on their existing home. This will also ensure that the number of larger properties potentially available for housing families in need is not restricted.

6.1.2. In order to ensure that tenants subject to management transfers are not penalised where the move is to the same size or a smaller property, and given that these transfers are usually instigated by Housing Services, it is also proposed to set the rent in these cases at the lower of target rent and the rent that the tenant pays on their existing home.

## 7. CONSULTATION

7.1. Tenants and residents have been consulted on the new rent policy via the Tenants & Residents Associations Forums held on 23rd October 2014.

7.2. Tenants and residents were also consulted on the new rent policy at the Economic Regeneration, Housing and the Arts Policy & Accountability Committee on 4th December 2014 in advance of any formal decision being taken by Cabinet on 5th January 2016.

7.3. Tenants and residents have not been consulted on the changes to the Council's current approach to setting rents in a number of different circumstances, however tenants have raised this as an issue a number of times and this policy change addresses their concerns.

<sup>1</sup> These occur in cases where the existing accommodation is no longer appropriate (such as in cases of domestic violence).

<sup>2</sup> These are swaps between boroughs (for example, a tenant might be involved in gang activity and have to move to another borough). Two councils may then agree to do a like for like swap (between properties of the same bed size) of tenants in similar circumstances.

<sup>3</sup> The rent charged to the last legal tenant of the property

## **8. EQUALITY IMPLICATIONS**

- 8.1. The application of the target rent in certain circumstances may impact disproportionately on groups who have a lower income level especially those who may be disproportionately represented in council stock. However, these proposals do not unlawfully discriminate and it is not possible for the Council to mitigate the effects by subsidising the extra amount payable where there is a disproportionate impact as the Council needs to reduce its debt and build its reserves (as at set out in the report). However, the Council will have two dedicated housing officers on hand to help tenants and their households, there is access to Discretionary Housing Payments for cases which are particularly impacted by the levels at which rents are set.
- 8.2. The changes to the rent charging policy set out in this report will have a positive impact on groups who have a lower income level especially those who may be disproportionately represented in council stock.
- 8.3. It should be noted that from 2014, the Council substantially increased the incentive payments it makes to tenants who choose to downsize.

## **9. LEGAL IMPLICATIONS**

- 9.1. The principal statutory provision governing the fixing of rent for Council property is contained in Section 24 of the Housing Act 1985. Sub-section (1) provides that authorities may “make such reasonable charges. as they may determine”. However, there is also a duty to prevent a debit balance arising in their Housing Revenue account (“HRA”). It is not anticipated by Officers that the changes set out in this report will have a significant impact on the HRA.
- 9.2. Implications verified completed by: Janette Mullins, Principal Solicitor Tel: 0208 753 2744.

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1. With regard to the changes to rent setting in the cases of management transfers and down-sizing tenants, it is expected that the additional income from reletting the homes previously occupied by the transferring tenants at target rent would more than offset any loss in income from constraining the rents for down-sizers and this type of management transfer.
- 10.2. The financial implications arising from the Council’s current rent increase policy were set out in detail in the “Financial Plan For Council Homes: The Housing Revenue Account Financial Strategy, 2015/16 Housing Revenue Account budget and 2015/16 Rent Increase” report approved by Cabinet on 5<sup>th</sup> January 2015.
- 10.3. There are no other financial implications arising from this report.

10.4. Implications completed by: Danny Rochford, Head of Finance, 020 8753 4023.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| <b>No.</b> | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b> | <b>Department/ Location</b> |
|------------|---|--|-----------------------------|
| 1.         | None                                    |  |                             |

|   |  |
|---|--|
|  | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>June 2015</b>                    |
| <b>REPURPOSE PROJECT – A NEW APPROACH TO MANAGING BULK WASTE</b>                  |  |
| <b>Report of the Cabinet Member Housing – Lisa Homan</b>                          |  |
| <b>Open Report</b>  |  |
| <b>Classification - For Decision</b><br><b>Key Decision: No</b>                   |  |
| <b>Wards Affected:</b> Single ward, not yet confirmed                             |  |
| <b>Accountable Director: Stephen Kirrage</b>                                      |  |
| <b>Report Author:</b> Sharon Schaaf Head of Estate Services                       | <b>Contact Details:</b><br>Tel: 020 7532570<br>E-mail:<br><a href="mailto:sharon.schaaf@lbhf.gov.uk">sharon.schaaf@lbhf.gov.uk</a> |

AUTHORISED BY: .....

The Cabinet Member has signed this report.

DATE: 11 June 2015.....

**1. EXECUTIVE SUMMARY**

- 1.1. Groundwork London and London Community Resource Network have successfully secured part-funding from the European Commission’s Life+ Programme to deliver ‘Repurpose’; a project which will support residents to create community reuse enterprises on their estates.
- 1.2. This briefing outlines Housings plan to develop a pilot project that will actively involve residents in creating a community reuse hub to increase reuse and recycling of bulky items and tackle fly-tipping on housing estates, delivered in partnership with Groundwork London.

## **2. RECOMMENDATIONS**

- 2.1. That approval is given to enter into a partnership agreement with Groundwork London to establish a community reuse enterprise and behaviour change programme on a local housing estate using EU funding allocated through the EU Life+ programme.
- 2.2. That approval is given to incur capital expenditure of up to £60k, funded from the Minor Estate Improvements Programme capital budget. The overall project cost is expected to be in the region of £200k and the balance of c£140k will be funded by the EU Life+ programme.
- 2.3. That the Cabinet Member for Housing agrees to delegate the authority to spend up to £60k as approved at paragraph 2.2 to the Director for Housing to award contracts for various elements of work.

## **3. REASONS FOR DECISION**

- 3.1. The project will enable H&F to improve bulk waste management and establish an improved model that we can use on other estates.
- 3.2. It will inform future 'management of waste' schemes, as well as enable us to participate in initiatives such as the proposed London wide mattress recycle programme.
- 3.3. Participation in the programme will give H&F access to industry expertise and local reuse organisations.
- 3.4. The aim of the project is to reduce fly-tipping of bulky waste items on the selected estate by at least 25% over an 18 month period, contributing towards achieving LBHF strategic targets of reducing waste disposed of at landfill.
- 3.5. The project supports the direction of policy at all levels. For example, in the Mayor's London Infrastructure Plan, there is an emphasis on a shift to a circular economy by 2050. It is anticipated that London will be less dependent on existing waste infrastructure with increased emphasis on reuse, recycling and repair. This project is at the forefront of trialling new models of reuse facility at a local level.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. Groundwork London and London Community Resource Network secured funding of €1.1 million (Euros) through the European Commission's Life+ Programme as a grant to identify suitable areas to establish community reuse enterprises on housing estates across London, and are keen for LBHF to participate in the project as one of five model boroughs

- 4.2. This briefing brings the Cabinet Member for Housing up to date with the programme aims, environmental improvements, key financial issues and programme governance.
- 4.3. A suitable location for the hub will be identified through analysis of historic bulk waste volumes and incidents for clearance, and with the agreement of the local Resident Associations. The key estates currently where statistics show bulk and fly tipping as significant service issues are White City Estate, Sullivan Court, Aspen Gardens, and Clem Attlee Estate.
- 4.4. The programme will be delivered over a 2 year period concluding in March 2017.

## **5. PROPOSAL AND ISSUES**

### **5.1. Programme Aims**

5.1.1. Through the creation of a reuse hub on a housing estate, the overall programme aims are:

- To increase the reuse of bulky items such as furniture and waste electrical appliances left as waste within the borough.
- To reduce the incidences of fly-tipping on the key estate by 25%
- To promote behaviour change through increased resident awareness of waste and flytipping and uptake of reuse and recycling initiatives through a community engagement programme.
- Increase the availability of recycled essential and affordable household items to low-income families.
- Reduce costs to HRD residents for bulk waste sent to landfill.

5.1.2. The project is being evaluated by the University of Middlesex who will undertake a baseline study and provide a behaviour change analysis report.

5.1.3. It will also offer a positive environmental impact through the anticipated reduction of fly tipping, and improved employment opportunities through resident involvement training.

### **5.2. Measureable Improvements**

5.2.1. The minimum environmental improvements that will be delivered to the selected estate through the programme are:

- 50 tonnes of bulky waste diverted from landfill
- 25% reduction of fly-tipping

5.2.2. In addition to the environmental improvements, the programme will achieve work placements, training opportunities and create a minimum of 1 FTE job. This post will be external to the Council and funded by Groundwork London. A long term objective is to engage with estate residents and establish 10 new Reuse Champions in the borough.

### 5.3. Programme Governance

- 5.3.1. The reporting protocols imposed on Groundwork for the EU grant are rigorous and H&F officers will work with Groundwork to ensure all key project milestones are achieved, and reporting deadlines are met.
- 5.3.2. Regular meetings will be programmed for the project team.
- 5.3.3. H&F officers from all involved departments will work with Groundwork on the preparation of reports and information, the design and construction of the physical hub, development of training programme, community engagement and all aspects of project management.
- 5.3.4. LBHF procurement guidelines will be followed during the engagement of suppliers and contractors.

## 6. **OPTIONS AND ANALYSIS OF OPTIONS**

- 6.1. The management of bulk and fly-tip waste is a major cause of resident and member dissatisfaction. Engagement in this project allows us to trial a new approach.

## 7. **CONSULTATION**

- 7.1. Consultation will take place with local residents and their representatives throughout the development stages of the programme.
- 7.2. Officers from Pinnacle Housing and Estate Services, Serco our waste contractor and our colleagues in Environment Services will be invited to contribute to the development of this project.

## 8. **EQUALITY IMPLICATIONS**

- 8.1. There are no direct negative impacts on the public sector equality duty as a result of the recommendations in this report. There is a likelihood of positive impacts due to the commitment to engage in consultation with residents and their representatives. That consultation process should be mindful of the council's equality duty and seek to be inclusive representatives of the protected groups.
- 8.2. Equalities statement - David Bennett, Head of Change Delivery (Acting), Innovation and Change Management.

## 9. **LEGAL IMPLICATIONS**

- 9.1. Any contracts awarded by the Council under the Programme will need to be carried out in accordance with the Council's Contract Standing Orders and the Public Contracts Regulations 2015, if applicable. The Council should ensure that any aid granted by the EU Commission is in the compliance of the TFEU.

9.2. Implications verified by: Kar-Yee Chan, Solicitor (Contracts), Bi-borough Legal Services, 020 8753 2772.

## **10. FINANCIAL AND RESOURCES IMPLICATIONS**

- 10.1. The total project costs are estimated at £200k, with the Council contributing up to £60k and Groundwork London accessing grant funding from the EU Life+ programme to contribute approximately £140k.
- 10.2. The proposed cost to the Council of up to £60k relates to enhancement works on an existing asset such as an existing bulk store on an estate and is therefore expected to be capital in nature. These project costs will be funded from the Housing Improvement Projects programme capital budget within the HRA Housing Capital Programme 2015/16. It should be noted that a bid will be submitted to the TRA Forum in the absence of the Investment Panel for agreement. In the unlikely event this is not approved, then alternative funding will be sourced from the Pinnacle/HRD Estate Services community pot.
- 10.3. The Council will enter into a partnership agreement with Groundwork London to establish a community re-use enterprise including a re-use hub. Groundwork London will receive grant income which meets all other costs associated with project delivery (including but not limited to training, employment opportunities, monitoring and evaluation). Though there is no direct financial risk to the Council, it should be noted that Groundwork London will be required to ensure that the expenditure incurred meets the eligibility criteria for grant funding in order to ensure that the project is delivered in full.
- 10.4. The conditions of the grant mean that residents cannot be recharged for associated works and costs will not be reclaimed from leaseholders.
- 10.5. Council officers will review the terms of the partnership agreement in detail to ensure the Council is adequately protected from any financial or other risk.
- 10.6. It is expected that there will be a small reduction in 'Housing Bulky Waste Charges' to the Housing Revenue Account. This is based on the assumption that costs will reduce as large waste is redirected away from landfill. The financial impact of this will become clearer once the project is substantially complete.
- 10.7. Any significant variances will be reported via the Council's quarterly capital monitoring regime.
- 10.8. Implications verified/completed by: Danny Rochford, Head of Finance, 020 8753 4023.



## **11. RISK MANAGEMENT**

- 11.1. A project plan and risk register will be maintained ensuring key tasks and milestones are complied with by Binita Shah and Sharon Schaaf.
- 11.2. Implications verified/completed by: Michael Sloniowski Principal Consultant (Risk Management) 020 753 2587

## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

- 12.1. The procurement of the works will be required to be conducted in accordance with the Council's Contract Standing Orders including the use of the Council's e-tendering system and the Public Contracts Regulations 2015 if applicable.
- 12.2. Implications verified/completed by: Robert Hillman, Procurement Consultant x1538

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| <b>No.</b> | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b> | <b>Department/ Location</b> |
|------------|---|--|-----------------------------|
| 1.         | None.                                   |  |                             |



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**June 2015**

**APPOINTMENT OF A RESIDENT REPRESENTATIVE TO THE LONDON HELIPORT CONSULTATIVE COMMITTEE**

**Report of the Leader of the Council – Councillor Stephen Cowan**

**Open Report**

**Classification:** For Decision

**Key Decision:** No

**Wards Affected:** All

**Accountable Executive Director:** Nigel Pallace, Chief Executive

**Report Author:** Ibrahim Ibrahim,  
Assistant Committee Coordinator

**Contact Details:**

Tel: 020 8753 2075

E-mail: [ibrahim.ibrahim@lbhf.gov.uk](mailto:ibrahim.ibrahim@lbhf.gov.uk)

AUTHORISED BY: .....

The Cabinet Member has signed this report.....

DATE: 1 June 2015.....

**1. EXECUTIVE SUMMARY**

- 1.1. This report records the Leader's decision to appoint Christina Smyth as a resident representative to the London Heliport Consultative Committee, which falls within the scope of his executive portfolio.

**2. RECOMMENDATION**

- 2.1. That Christina Smyth be appointed as a resident representative on the London Heliport Consultative Committee expiring on 16<sup>th</sup> June 2016.

### **3. REASONS FOR DECISION**

- 3.1 This appointment is to ensure that the Council is fully represented at the meetings of the organisation.

### **4. INTRODUCTION AND BACKGROUND**

- 4.1. The Council approached by local community organisations and charities to nominate people to their Management Boards or as Trustees or Directors. The Council acknowledges the significant contribution that these organisations make to the social fabric of our borough. Therefore Councillors and residents who are actively involved in the local community and are willing to bring their wealth of experience to these organisations are appointed.

- 4.2. The Council currently has Councillor Larry Culhane as the Councils representative on the London Heliport Consultative Committee Board of Directors. This report proposes the appointment of Christina Smyth to the vacant resident representative position.

### **5. CONSULTATION**

- 5.1. Local representatives have been consulted on their nominations.

### **6. EQUALITY IMPLICATIONS**

- 6.1. There are none.

### **7. FINANCIAL AND RESOURCES IMPLICATIONS**

- 7.1. There are no direct financial implications.
- 7.2. Implications verified/completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

### **8. LEGAL IMPLICATIONS**

- 9.1 The Council Constitution gives the Leader the power to appoint representatives to outside bodies. Item 1.9 ('Scope of portfolio') states the following: "Appointing or nominating and where appropriate removing the Authority's representatives on appropriate outside bodies."
- 9.2 Implications completed by: Tasnim Shawkat, Director of Law. Tel: 020 8753 2700.

**OCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| <b>No.</b> | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b> | <b>Department/ Location</b> |
|------------|---|--|-----------------------------|
| 1.         | None                                    |  |                             |



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**19 June 2015**

**Housing Strategy Second Phase of Consultation on the Council's Housing Allocation Scheme; Tenancy Strategy; and Home Buy Allocation Scheme Draft Documents**

**Report of the Cabinet Member for Housing**

**Open Report**

**Classification - For Decision**

**Key Decision: No**

**Wards Affected: All**

**Accountable Executive Director: Mike England, Lead Director for Housing**

**Report Author: Aaron Cahill, Interim Housing Strategy Manager**

**Contact Details:**

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[aaron.cahill@lbhf.gov.uk](mailto:aaron.cahill@lbhf.gov.uk)

AUTHORISED BY: .....  
The Cabinet Member has signed this report.

DATE: 25 June 2015.....

## **1. EXECUTIVE SUMMARY**

- 1.1. The Council's 11 May 2015 Cabinet meeting adopted the Housing Strategy *Delivering the change we need*. This document sets out the Council's housing direction of travel and priorities for the borough's housing. This necessitates a number of further actions including consulting on the Council's proposed Housing Allocation Scheme; Home Buy Allocation Scheme; and Tenancy Strategy which this report focuses on. Approval for consultation was given in the decision on 11 May 2015.

## **2. RECOMMENDATIONS**

- 2.1 To approve the consultation on the Council's proposed Housing Allocation Scheme; Tenancy Strategy; and Home Buy Allocation Scheme (Annexes A-C).
- 2.2 To note that following consideration of the consultation responses, there will be a further report to the Cabinet in Autumn 2015 seeking approval for the final versions of the documents identified in 2.1.1.

## **3. REASONS FOR DECISION**

- 3.1. The Council in its Housing Strategy adopted on 11 May 2015 undertook to consult on its Housing Allocation Scheme; Home Buy Allocation Scheme; and Tenancy Strategy draft documents. Each of these draft documents reflect changes in policy identified in the Cabinet Report and the Housing Strategy, which was the subject of a consultation process earlier this year.

## **4. INTRODUCTION AND BACKGROUND**

- 4.1. The adoption of the Housing Strategy by Cabinet on 11 May 2015 triggers the need for consultation on other documents that will deliver three of the 16 action plan objectives identified in *Delivering the change we need in housing*.
- 4.2. As well as reflecting revised policy positions on housing allocation and tenancy issues, the documents also reflect updates arising from changes in Mayoral policy; publication of government regulations; case law and judicial reviews; refinement of definitions; other updates and corrections to previous documents; and other drafting changes made by Council officers following consultation. The format of the annexed documents are broadly similar to that of documents previously adopted, but changes in policy as described in the Housing Strategy have been made.
- 4.3. The key documents are as follows:-

Annex A – Draft Housing Allocation Scheme

Annex B – Draft Tenancy Strategy

Annex C – Draft Home Buy Allocation Scheme

## 5. PROPOSAL AND ISSUES

- 5.1 Following the adoption of the Housing Strategy, changes that will feature in the documents identified include the following:
- 5.2 **Housing Allocation Scheme:** It is proposed to amend the overcrowding qualifying criteria from 2 bedroom need to a 1 bedroom need; to relax the medical condition qualifying criteria from 'severely affected' to 'moderately affected'; and, local residency qualifying criteria to be changed from 'five years' to 'five out of the previous seven years'.
- 5.3 **Tenancy Strategy:** It is proposed that the Council re-introduce lifetime tenancies for general needs applicants, but retain the option to grant fixed term tenancies for particular categories of applicant, primarily for those who have a history of criminal or anti-social behaviour or applicants who are eligible and qualify for accommodation through the adoption of a Local Lettings Plan. Also included is some narrative on the Council's approach to affordable rents in the borough, refining the approach set out in the Council's Housing Strategy.
- 5.4 **Home Buy Allocation Scheme:** It is proposed that the revised Home Buy Allocation Scheme will include reference to the 'thirds' approach to affordability, with intermediate housing products income bands of up to £29,000; up to £43,550; up to £50,550 which will be index linked to the Average Weekly Earnings Index (AWEI).

## 6. CONSULTATION

- 6.1. An initial consultation process was undertaken during January and March 2015 on the proposed Draft Housing Strategy. The documents annexed to this Cabinet Member Decision document have been guided by the policies set out in the Draft Housing Strategy and comments that informed the final iteration adopted by Cabinet.
- 6.2 This second phase of consultation will take place from late June 2015 to early Autumn 2015, allowing some time for the August break. The intention is to contact Tenant & Residents Associations; housing associations; the Deputy Mayor of London for Housing and Land and his Greater London Authority officers; third sector agencies; and key interest groups (e.g., local homelessness and housing advisory organisations).
- 6.3 The intention is to achieve a good degree of contact with the interested parties identified above, but accepting that these are 'detail' documents which be of interest to specific audiences rather than the wider audience that the Housing Strategy consultation process sought to engage with. It should also be noted that there will be significant resident engagement in June/July 2015 concerning the work of Residents' Commission, so officers will need to be mindful of the time available that resident representatives have to engage.

- 6.4 On the basis that the consultation process begins in late June 2015, it is proposed to end the consultation process on Wednesday 16 September 2015 in order to meet the necessary timelines to achieve a Cabinet decision on all the documents by Autumn 2015.

## **7. EQUALITY IMPLICATIONS**

- 7.1. A full equalities impact assessment (EqIA) was undertaken for the Housing Strategy adopted by Cabinet on 11 May 2015. This document may need to be updated to reflect changes adopted to the three documents following consultation.

## **8. LEGAL IMPLICATIONS**

- 8.1 Before adopting an Housing Allocation scheme, or altering a scheme to reflect a major change of policy, Section 166A (13) of the Housing Act 1996 requires the Council to consult with every Private Registered Provider with which we have nomination arrangements.
- 8.2 Pursuant to Section 151 of the Localism Act the Council is also required to consult with Private Registered Housing Providers and the Mayor of London before making a modification to the Tenancy Strategy.
- 8.3 Implications verified/completed by: Janette Mullins. Principal Solicitor (Housing Litigation) 020 8753 2744.

## **9. FINANCIAL AND RESOURCES IMPLICATIONS**

- 9.1 The costs of consultation relating to proposals for the Council's Housing Allocation Scheme, Tenancy Strategy and Home Buy Allocation Scheme are not envisaged to be significant (unless additional staff are required) as the resources for this process are expected to be substantially drawn from existing staff time. A maximum provisional sum of £5,000 has been identified for routine consultation costs, e.g., production of consultation materials, room bookings, internal recharges, etc, but actual costs are expected to be less than this figure.
- 9.2 The costs and benefits of changes in policy will need to be carefully considered. In the event that the Council proposes to proactively support affordable housing supply through use of its own resources and a Housing Allocation Scheme that increases the size of the Housing Register, more detailed comments on the potential revenue and capital costs associated with such approaches will be provided for consideration by Cabinet at the appropriate time.
- 9.3 Implications verified/completed by: Kathleen Corbett, Director of Finance and Resources, 020 8753 3031.

## **10. IMPLICATIONS FOR BUSINESS**



10.1 There are no implications for business directly arising from this Cabinet Member Decision.

## **11. RISK MANAGEMENT**

11.1 Failure to consult may affect future decision making, service standards and the reputation of the Council. The recommendations therefore contribute positively to the management of this risk noted as risk 12 on the Shared Services Risk Register.

11.2 Implications completed by: Michael Sloniowski, Shared Services Risk Manager, Telephone 020 8753 2587.

## **12. PROCUREMENT AND IT STRATEGY IMPLICATIONS**

12.1 There are no procurement or information technology implications directly arising from this report.

12.2 Implications verified/completed by: Robert Hillman, Procurement Consultant (HRD), x1538

### **LOCAL GOVERNMENT ACT 2000**

#### **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

| <b>No.</b> | <b>Description of Background Papers</b> | <b>Name/Ext of holder of file/copy</b> | <b>Department/ Location</b> |
|------------|---|--|-----------------------------|
| 1.         | None                                    |  |                             |

#### **LIST OF APPENDICES:**

Annex A – Draft Housing Allocation Scheme

Annex B – Draft Tenancy Strategy

Annex C – Draft Home Buy Allocation Scheme

**Hammersmith & Fulham Council**

**Housing Allocation  
Scheme**

DRAFT

**June 2015**

## **Housing Allocation Scheme Consultation**

The Council is seeking your views on what you think of this Draft Housing Allocation Scheme. The document sets out the 'rules' that govern who can join the Council's Housing Register and what priority they are likely to be given for suitable accommodation which includes affordable rented housing from the Council and housing associations as well as other types of suitable accommodation.

To access this Draft Housing Allocation Scheme electronically, go to [www.lbhf.gov.uk/housingconsultation](http://www.lbhf.gov.uk/housingconsultation)

If you:

- Want a paper copy of the Housing Allocation Scheme document
- Have any questions about this Housing Allocation Scheme document and would like to discuss them
- Want a clearer explanation of what we are proposing
- Want to meet someone from the Council to discuss the Draft Scheme or would like someone to attend a meeting
- Want to send a response

please contact Aaron Cahill, Interim Housing Strategy Manager on 020 8753 1649 or email [housingconsultation@lbhf.gov.uk](mailto:housingconsultation@lbhf.gov.uk) and we will respond as soon as we can. You can also write to us at the office address below.

The Council will collate responses from:

- Consultation survey responses (written and electronically)
- Interviews and discussions with individuals and group meetings
- Written submissions received from individuals and organisations
- Notes from consultation meetings

If you want a paper copy of the Housing Allocation Scheme document, survey call or email us using the contact details above.

If you want to submit a paper copy of any response you want to make, please send it to:

Housing Strategy Team  
Housing Department  
First Floor, 145 King St  
London W6 9XY

Submissions in response to this consultation process must be submitted by **5pm Wednesday 16<sup>th</sup> September 2015**.

## Housing Strategy Consultation Process January - March 2015

We consulted with interested parties during early 2015 on the Housing Strategy, seeking views on the 'direction of travel' that we wanted to take. We have now adopted our Housing Strategy and have undertaken to consult further on the detail of individual documents. The other documents we are consulting on are the Housing Allocation Scheme and the Home Buy Allocation Scheme. People took some time and effort to respond to what we published and we have set out below some of what they said. The comments below relate to the Council's proposed approach to the Housing Allocation Scheme.

### We asked you three questions:

#### The first survey question was: What do you think we should do about the Housing Allocation Scheme five-year residency test?

39% of all respondents have stated 'Keep it at five years'; this is followed by 'Make it longer than five years' (21%) and 'Reduce it to less than five years' (15%). 13% of the respondents would like to see it removed altogether while 11% would like to see it flexible.

### Comments included:

"Allocations systems that do not have a residency limit undermine stable communities so some form of limit is useful. The flexibility of the five in seven options caters for the possibility that residents have to move out of borough for a time in the search for affordable housing."

"I believe other considerations need to be taken into account as well. If there is a reason someone has had to move into the area and is there for the intent to stay than if they meet the requirements they should be allowed on the list." – *female, private rented, full-time work, SW6*

"People that have lived in the borough should have a priority." – *female, council tenant, part-time work, W12*

"Five years is about right for expecting your local authority to house you. There obviously needs to be flexibility to help key workers and their families." – *male, owner outright, full-time work, W6*

"We need to create stronger communities as they have been weakened greatly. The residency test should remain at five years except in cases where key work is being undertaken, people need to move near an elderly parent or family member to give support in health care, or any other emergency measure such as domestic violence. Most newcomers head for London and it is folly to continue to allow this. There is too much overcrowding, not enough housing and all this entails is more landlords putting rents ever higher and more people claiming benefit because of a lack of work. The big

jobs fair in Hammersmith a few years ago highlighted this problem - thousands wanting work being turned away because there were just too many and not enough jobs.” – *female, council tenant, unable to work, SW6*

“Five years does seem a reasonable compromise and will help to avoid resentment that may arise when longstanding H&F residents see others jumping ahead of them.”

“Some people are unable to secure stable accommodation within a single borough for a period of 5 years continuously. Some of these people are likely to be the people that the borough should be supporting due to vulnerability.” – *male, owner outright, full-time work, W10*

“Shows commitment to the Borough” – *owner outright, unemployed, SW6*

“When I moved to the Borough the 5 year rule was not in place. I needed to move to help my son and daughter-in-law with their new baby. I therefore think that proof of family reasons should enable inclusion on the list. 5 years is too long in the capital city when people move more frequently, or have to move just out of the borough when having to move from a privately rented property - this has happened to members of my family.” – *female, council tenant, retired, W12*

“There is such a shortage of housing for the existing families these should be priority first as they have contributed to the local areas and facilities in council tax and local businesses.” – *male, owner outright, retired, SW6*

“It helps local people build a stake and gives local young people a chance.” – *male, owner outright, full-time work, W6*

“The council needs to be able to balance the need to be able to assist those in genuine need and simply having people on the list that cannot be helped.” – *male, housing association tenant, full-time work*

“I believe there should be a history and connection to the area before being able to join the housing list to allow those that have lived in the borough a fair chance of being able to get housing if they need it & prevent those from other London boroughs being able to relocate to the area from anywhere in the country simply because they like the area.” – *council tenant, retired, SW6*

“A level of flexibility needs be provided potentially different from the one above. This needs to allow for individual cases that mean families can reside close to each other for the benefit that that can bring.” – *housing association tenant*

**The second survey question was:** Currently, applicants must have a need for an additional two bedrooms to qualify for the housing register. The council is considering reducing this requirement to one extra bedroom. Do you agree?

**Responses to the Survey:** 63% of the respondents agreed with the proposal while 21% disagreed.

**Comments included:**

"A need is a need. I think it should always be considered." – *female, private rented, full-time work, SW6*

"Some people are bringing up children in small places with no hope of moving into a bigger property but seem to manage." – *female, council tenant, full-time work, W12*

"Residents in the borough deserve to be housed decently not forced into overcrowding." – *owner outright, retired, SW6*

"Really the key points are to define "need" correctly and enforce the rules to prevent abuse." – *owner with a mortgage or loan, full-time work*

"When you have children it is important that at certain ages they do need their own rooms or rooms shared with children of the same sex." – *male, owner outright, full-time work, W6*

"There is already a shortage, decreasing this requirement will increase this shortage."

"The council have no hope of actually offering accommodation to all those extra families so all they are doing is increasing expectation of rehousing and then letting people down." – *owner outright, part-time work*

"By reducing this to one bedroom demand will go up and this will clog the system." – *owner with a mortgage or loan, full-time work, SW6*

"Social housing should meet a need, no more. Save the money to help the homeless instead." – *owner with a mortgage or loan, full-time work, SW6*

"People should not have children and expect to get a bigger property. If you are allocated a two bedroom flat don't go on to have 3 more children. You have made yourself overcrowded." – *female, council tenant, full-time work, W12*

"At least, there should be more flexibility around this requirement. I have friends who have severely disabled children who are disruptive during the night and therefore impact the entire family." – *housing association tenant, part-time work, W12*

"This is against the need for social housing people who need an extra 2. Bedrooms must be in greater need than those for one bedroom." – *male, owner outright, retired, SW6*

"Again I can't see the need why someone wanting to get on the housing register would require all that space for their family needs. I do not believe the housing register is for these kinds of people who think the taxpayer should always foot the bill for their lifestyle." – *male, private rented, unemployed, W6*

"A small extra room is essential to all families, somewhere for children to work quietly, teenagers to study when sharing bedrooms, in times of illness, allowing all to pursue hobbies, relatives and friends coming to stay, space for prams, sports equipment, laundry, hobbies, and many, many, more." – *private rented*

**The third survey question was: To what extent do you agree that that council should continue to give greater priority to eligible applicants if they are from one of the following groups?**

The background to this question was as follows: These are currently applicants who are working; volunteering; In training or education; ex-armed service personnel; registered foster carers and adopters; carers; people with disabilities; older residents; certain categories of young people 25 years old or under.

**Responses to the Survey:** 77% of the respondents agreed with the proposal while 12% disagreed.

**Comments included:**

"The list is a mix of things presumably thought to be worthwhile and things that affect a resident's ability to secure a suitable, affordable home given the local housing market. The allocation system should focus just on the latter."

"I believe these people are the ones with the greater need. While I sympathise with those who are in terrible circumstances if made too easy people will abuse these rights and expect this rather than earn it." – *female, private rented, full-time work, SW6*

"Too little is done for working people." – *female, council tenant, part-time work, W12*

"Don't agree with volunteers." – *female, council tenant, full-time work, W12*

"I feel strongly the community benefits from having people who contribute to the community be able to live here." – *female, owner outright, part-time work, SW6*

"Not sure about adding young people. If they cannot afford adequate housing they should move to find work (as I had to!)" – *female, private rented, full-time work, W14*

“People who have shown a loyalty & they contribute to society/& their local boroughs/community etc, should be rewarded. Obviously people with proven disabilities physically & mentally have to be helped.”

“This appears to me to be a fair priority list.” – *male, owner outright, full-time work, W6*

“This group are the vulnerable and hardworking people who contribute to the borough and need to be considered first which I totally agree.” – *homeless, part-time work, W12*

“I am passionately against giving extra priority just because someone is in work as many who are not in work are out of work because they cannot work due to health reasons. There are also people who may have lost jobs and are having difficulty getting further work. This does not make them any less worthy of a home and many have given years to both working and volunteering in the past, far more years than many now have to do before qualifying. It is nothing but an insult and hopefully not worthy of the new council policies.” – *female, council tenant, unable to work, SW6*

“Volunteering and to a certain extent, fostering, should not encourage people who are seeking to gain a benefit of a council house by carrying out what has always been something done from the heart rather than gain. There are many people who may want to foster who cannot because they are told they need an extra bedroom - it would be better to see good foster carers who are willing to give up their bedroom to look after a child than the other way around - you do not need an extra bedroom to want to foster - it is different for those who have been fostering for years and have the extra bedroom in the first place, and who have shown that this is their vocation. Again carers - this should depend upon how often they stay over, how long they have been caring for, and how long they a person is likely to need a live in carer, with live in emphasised. I do not agree that family carers who have been caring for a long time should be booted out of the property when the caring comes to an end, which was suggested once at a meeting. Again, this should depend on the situation not be a given across the board - as should be the case with foster parents and even armed service personnel.” – *female, council tenant, unable to work, SW6*

“Older people, by the very fact of their age and vulnerability, should be given housing under any circumstances. Again, each case should be looked at and sheltered accommodation should really be given firstly to those who are the most vulnerable.

Along with this disability is a big issue. No one who will be isolated by the accommodation they are given should have to remain in these circumstances. I believe every help should be given.” – *female, council tenant, unable to work, SW6*

“We need to give housing to nurses, carers and teachers.” – *male, owner outright, retired, W6*

“Working people must have absolute priority, especially those that work in the area. Ex-service people are also very deserving.” – *owner outright, part-time work, SW6*



“I think people with mental health problems who have a support network in the borough should also be given priority.” – *female, owner outright, part-time work, SW6*

“Why not reward people who do well or incentivise people to try and achieve? I think this policy is refreshing in that it finally gives some credibility to the notion that people who work / volunteer / contribute are (shockingly!) rewarded by state systems, credibility which has been seriously lacking in this country for the last 30+ years. This part of the policy also helps to create and keep mixed communities on our Estates. Also, if you keep the 5 year residency rule then you are assured that it is local 'contributors' (residents) who benefit from this.” – *owner with a mortgage or loan, full-time work, SW6*

“A difficult one. Community engagement is undoubtedly a good thing and there's a strong argument for incentivising and rewarding it - but on the other hand maybe people need a secure home before they can do it?” – *female, council tenant, full-time work, W6*

“The assumption is that the council know what the greatest housing needs are within the borough, and your priorities reflect this.” – *male, housing association tenant, full-time work*

“Priority of housing to those listed above seems to be unfair because those unemployed should have priority as it should be equal opportunity for all that live locally, instead of discriminating between society e.g. employed and unemployed people causing segregation in communities.” – *male, council tenant, full-time work, W12*

## **Housing Allocation Scheme Index Page**

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## **Annexes**

Annex 1 - Sizes of Homes

Annex 2 – Community Contribution: How Priority is Awarded

Annex 3 – Hammersmith & Fulham's Housing Bands – Summary Guide of Criteria

## **1. INTRODUCTION**

- 1.1 This Housing Allocation Scheme sets out the 'rules' by which affordable housing and other accommodation available to the council is allocated to applicants who are eligible and qualify to be on the Council's Housing Register. The council is required by law to produce this document which must comply with primary legislation (i.e., acts of parliament) and secondary legislation (principally government regulations) and have regard to guidance documents that are periodically issued.
- 1.2 This Scheme replaces the previously adopted Housing Allocation Scheme (December 2012). Whilst the structure and sequence of the Scheme is broadly the same, changes have been made to the content which are intended to make the council's approach to reflect the policy direction set out in the administration's manifesto, *Delivering the change we need in housing* and reflected in the Housing Strategy adopted in May 2015.
- 1.3 The Scheme will be monitored on an ongoing basis and reviewed from time to time, particularly when regulatory changes are introduced or new case law requires a change in approach. The Director of Housing responsible for Housing Options in consultation with the Cabinet Member for Housing may make **minor** amendments to the Scheme (and approve any associated documents such as Local Lettings Plans) if required. Before making any **major** alterations to the scheme reflecting major policy changes the Council is required to consult with Registered Providers (housing associations) and allow them the opportunity to comment on the alterations.
- 1.4 For the purposes of this document the term 'applicant' will also mean joint applicants, where appropriate. The term applicant (or applicants) will also mean person (or persons) as defined in legislation and government guidance. Dependent members (e.g., the applicant's children) will be described as household members.

## **2. PRIORITIES FOR THE ALLOCATION OF ACCOMMODATION**

- 2.1 This section focuses on:
- Eligibility
  - Qualification and Reasonable Preference
  - Exceptional Cases including Classes of Persons who do **not** qualify
  - Local Residency Qualification
  - Condition and Size of Accommodation
  - Suitability of Housing Offers
  - Transfers
  - Local Lettings Plans

## **Eligibility**

- 2.2 Any person can approach the Council's Housing Options Division for housing advice and assistance. However, the amount of accommodation in Hammersmith & Fulham is very limited, and the Council does not operate an 'open' system whereby any person can be registered. Instead, the Council will operate a managed register approach with standard checks for eligibility undertaken, but with a tighter approach as to who qualifies to be on the register. Where the Council is unable to give support to applicants through registration, it will be able to provide housing options advice and support.
- 2.3 In terms of **eligibility**, any person who does not fall into one of the categories below will be a person subject to immigration control and will be ineligible for an allocation of accommodation.
- (i) British citizens
  - (ii) certain Commonwealth citizens with a right of abode in the UK
  - (iii) citizens of an European Economic Area (EEA) country ('EEA nationals'<sup>1</sup>) and their family members who have a right to reside in the UK that derives from EU law. The question of whether an EEA national (or family member) has a particular right to reside in the UK (or in another Member State) will depend on the circumstances, particularly the economic status of the EEA national (e.g., whether he or she is a worker, self-employed, a student, or economically inactive)
  - (iv) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK and some military personnel.
- 2.4 This means that people subject to immigration control and certain other people from abroad (outside the categories identified above) will not usually be eligible for accommodation arranged by the Council.
- 2.5 More generally, the council will decide in each case as to whether the people included in the application by the applicant will be considered as a part of the household. For example, the council will generally **not** consider the following as members of a household: people who are subject to immigration control (as set out above); non-dependent adult children; other adult relatives; non-relatives; lodgers; 'live in' help. Furthermore due to a shortage of properties with 4 bedrooms or more the council will discuss with large households whether they can be divided into two or more smaller households.
- 2.6 The statutory provisions regarding eligibility and qualification are set out in s 160ZA of the 1996 Housing Act as amended by the 2011 Localism Act.

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<sup>1</sup> EEA nationals are nationals of any EU member state (except the UK) and nationals of Iceland, Norway, Liechtenstein and Switzerland)

## Qualification and Reasonable Preference

2.7 Central to any Housing Allocation Scheme is ensuring that 'reasonable preference' is given to people with high levels of assessed housing need. In drafting this Housing Allocation Scheme, the Council has had regard to CLG's *Allocation of accommodation: guidance for local housing authorities in England*. Reasonable preference groups are defined as follows:

- All homeless people as defined in Part VII of the 1996 Housing Act including people who are intentionally homeless and those who are not in priority need
- People who are owed a duty by an housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the housing authority area, whose failure to meet that need would cause hardship (to themselves or others) which includes those needing to move on 'Right to Move' grounds (see Section 2.51 for more information)

2.8 In framing this Housing Allocation Scheme the Council intends to give effect to s.166A(3) of the 1996 Housing Act (as amended); housing authorities should have regard to the following considerations:

- The scheme must be framed so as to give reasonable preference to applicants who fall within the categories set out in s.166A(3), over those who do not
- Although there is no requirement to give equal weight to each of the reasonable preference categories, housing authorities will need to demonstrate that, overall reasonable preference has been given to all the reasonable preference categories
- There is no requirement for housing authorities to frame their scheme to afford greater priority to applicants who fall within more than one reasonable preference category (cumulative preference) over those who have reasonable preference on a single non-urgent basis

2.9 In respect of Hammersmith & Fulham's Housing Allocation Scheme, the Council intends to ensure that **all** successful applicants have reasonable preference. But it will give 'additional preference' to applicants who are making a community contribution. The Council is obliged to provide advice, information and assistance to all applicants, even if they are likely to be unsuccessful with their application

for accommodation. **To be considered for housing, all applicants must complete an application form in accordance with the requirements of this Housing Allocation Scheme.** Application Forms should be completed online using the Council's 'My Account' service which can be accessed on the Council's website at [www.lbhf.gov.uk](http://www.lbhf.gov.uk) . We understand that some applicants may not be able to apply in this way. If this is the case, they should:

- Visit us or write to us at 145 King Street, Hammersmith, London W6 9XY
- Telephone us at **0845 313 3935** for further information
- Email us at [h&fadvice.housing@lbhf.gov.uk](mailto:h&fadvice.housing@lbhf.gov.uk) for more information

2.10 These are the only categories of people that the Council will consider for housing, except for Management transfers set out in Section 3 and where the Council adopts a Local Lettings Plan (See Sections 2.43 – 2.50). The latter may include new and existing accommodation in its five regeneration opportunity areas where specific outcomes are sought, such as mixed, balanced sustainable communities. Local Lettings Plans will be adopted to achieve this specific objective which may include offering accommodation to working households on the Council's Home Buy Register on short fixed term tenancies (e.g., two years) who may be waiting for a home ownership option that is right for them, but are content to live in an alternative interim rented housing option.

2.11 Except in case of Management Transfers or under a Local Lettings Plan and subject to the exceptions set out below, to qualify for an allocation of housing an applicant must meet at least one of the statutory 'reasonable preference' criteria, defined in section 2.7 and described in Annex 3 of this document. Applicants should seek advice as individual circumstances vary. Where the Council adopts a Local Lettings Plan (see Sections 2.43 – 2.50), the Council may seek to nominate eligible and qualifying applicants from the Homebuy Register for affordable rented housing (i.e., social rent or Affordable Rent).

2.12 The council has a housing banding system which determines who will be prioritised for housing in the borough. The housing bands are summarised below and full details of what the criteria for individual cases will be are described in more detail in Annex 3:

**Band 1: Urgent Need to Move due to Reasonable Preference PLUS Additional Priority**

**Band 2 Need to move – Reasonable Preference AND a Community Contribution**

**Band 3 : Need to move – Reasonable Preference BUT NO Community Contribution**

**Band 4: Reduced Priority: Need to Move - Reasonable Preference but with Reduced Priority**

2.13 The Council will only register eligible applicants who qualify to meet at least one of the reasonable preference criteria set out in Section 2.7 of this document (except for allocations under a Local Lettings Plan). Whilst the Council is giving clear preference to applicants making a community contribution, it is also keen to have qualifying criteria which better fits the supply of accommodation that the Council can reasonably have access to.

### **Exceptional Cases including Classes of Person that do not Qualify**

2.14 the following classes of person will **not** normally qualify for registration:

(a) Applicants who are single or a couple without dependents and who are overcrowded by only 1 bedroom and this is their only housing need

(b) Applicants who have been convicted of housing or welfare benefits related fraud (including subletting) where that conviction is unspent under the Rehabilitation Offenders Act 1974. Any person caught by this may re-apply once this conviction is spent.

(c) Applicants who qualified for registration by reason of the Council having owed them the main homelessness duty, but the Council has ceased to be subject to that duty because of the refusal of a suitable offer.

(d) Applicants who are homeowners, including joint homeowners

(e) Applicants who do not meet the local residency qualifications set out in section 2.21

(f) Applicants whose income, savings and assets exceeds the limits set by the Council (see section 6.8).

(g) Applicants who owe arrears of rent or other accommodation charges in respect of the current tenancy or former accommodation, unless an appropriate agreement has been reached and sustained for a reasonable period. In assessing the application for registration, the Council will take into account the size of the debt, the means to pay and the degree of the household's need.

(h) Applicants who have been guilty of unacceptable behaviour which makes them unsuitable to be a tenant. Examples of such unacceptable behaviour include:

- persistent failure to pay rent and/or service charges;
- anti-social behaviour which has caused a nuisance by the applicant or a member of his or her household;
- no on-going culpable involvement in anti-social behaviour or criminal activities
- illegal or immoral behaviour;



- threats of and/or actual violence; racial harassment;
- obtaining a tenancy by deception and/or an attempt at tenancy fraud.
- breach of tenancy conditions within the last three years

(i) Transfer applicants who have breached the terms of their tenancy by not looking after their home and causing damage.

(j) Applicants who are Secure tenants, assured tenants and assured shorthold tenants of registered providers (i.e., council landlords including arm's length management organisations and housing associations) from outside the borough.

- 2.15 There is discretion to waive these classes in exceptional circumstances as approved by the Director of Housing responsible for Housing Options or delegated officer who shall be a Head of Service.
- 2.16 Applicants may also be eligible and qualify to meet the criteria necessary to access the Home Buy Register. Housing Options staff will be able to advise applicants on the necessary criteria.
- 2.17 **Acts of Violence and Aggression to employees will not be tolerated by the Council and any Applicant who threatens or uses violence towards any Council employee or contractor will be removed from the register immediately.**
- 2.18 The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:
- Threat to life in the area in which they are residing.
  - Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with other accommodation if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
  - Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
  - Cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of.
  - An applicant who has an exceptional need that is not covered in the Housing Allocation Scheme. For example, where child or public protection issues require re-housing or for severe domestic abuse where all other options to remain in the home have been considered.

2.19 Other exceptional circumstances will be authorised by the Director of Housing responsible for Housing Options.

2.20 Where the Council decides that it wishes to make a discretionary offer where exceptional circumstances apply, the offer of a tenancy will normally be a 2 year tenancy (plus a year's introductory tenancy). In the event the tenant is unable to sustain that tenancy, no further housing accommodation will be offered. This will not prevent the applicant receiving advice and support as necessary. All applicants who do not qualify under the criteria set out above may submit a new housing register application if their circumstances change. This will be considered against the criteria set out in this Housing Allocation Scheme.

### **Local Residency Qualification**

2.21 Meeting a local residency qualification is a central tenet of this Housing Allocation Scheme. **Local residency qualification** within the terms of this scheme will normally mean that an applicant:

- has lived in this borough, through their own choice, for a **minimum of five years** up to and including the date of their application, or the date on which a decision is made on their application, whichever is later,  
**Or**
- has been resident for a total of **five out of the last seven years** and are resident in the borough at the time of application.

2.21.1 Accepted homeless households placed by this authority in accommodation outside Hammersmith & Fulham will also meet the local residency qualification as long as they fulfil the five year (including five out of the last seven years) residential qualification (i.e., time spent placed in previously designated temporary accommodation outside the borough will count towards time spent in Hammersmith & Fulham).

2.21.2 Applicants who are placed and funded by the Council in residential care (e.g., elderly in care and children in care) accommodation outside the borough will also qualify under the local residency rule.

2.21.3 Where applicants are applying jointly, both applicants must meet the local residency qualification, including household members. Children under 5 will not be disqualified from inclusion in the assessment on the basis of the residency criteria so long as they were born to parents resident in the borough.

2.21.4 The local residency qualification may also be awarded to people who need to move to a particular locality in the borough, where failure to meet that need would cause exceptional hardship to themselves or to others.

- 2.22 The local residency qualification will not be applied to the groups specified in *The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012*. Local residency criteria will also not be applied to local applicants who have left Hammersmith & Fulham to attend a full time course at a higher education institution outside the Borough, nor does it apply to applicants (existing social housing tenants only) seeking accommodation on Right to Move grounds.
- 2.23 People in the following categories will **not** normally be considered as having met the local residency qualification are:
- Those placed in the borough of Hammersmith & Fulham in temporary accommodation by another local housing authority
  - Those placed in the borough of Hammersmith & Fulham in residential or supported housing by another borough
  - Secure or flexible tenants of other boroughs

### **Assessing your Application**

- 2.24 Applications for housing will be assessed by Housing Options Officers using information supplied by the applicant and as a result of further necessary enquiries that follow from an application. The Housing Options Officer will decide whether the applicant qualifies to join the register and if so, which band will apply. All qualifying applicants' priority date will usually be the date of their application. However, if an applicant's circumstances change and their banding changes upwards (e.g., from Band 3 to Band 2), their new priority date will be the date on which their banding priority changed. Applicants whose banding priority date is reduced will retain their existing priority date.
- 2.25 Applicants who are assessed as not qualifying for one of the Council's Housing Bands will be offered housing advice and assistance as necessary.
- 2.26 Medical priority will be awarded and banded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their housing conditions and the expected benefits of providing suitable alternative settled housing. Applicants who are assessed as having an overriding welfare housing need will be placed in Band 1. The circumstances that justify this are detailed in Annex 3. Such priority will be approved by a panel of senior officers.
- 2.27 Housing Options Officers will work with social services and other agencies to identify clients currently in supported housing who are ready for independent living. Subject to these discussions and agreement that the client's housing needs cannot be met outside of social housing, these clients will be placed in Band 2, unless there is an urgent need to move in line with the Band 1 criteria.

- 2.28 Housing Options Officers will work with Children's Services and other agencies to identify clients currently in children's care accommodation who are ready for independent living. Subject to discussion and agreement at the appropriate panel with the officers/agencies concerned, and there are no compelling reasons why the client's housing needs cannot be met outside of social housing, these clients will be placed in Band 3. If the applicant meets the community contribution criteria, then the client will be placed in Band 2.
- 2.29 In operating this Housing Allocation Scheme, the Council will have regard to the housing related aspects of the 2014 Care Act and work with officers from Adult Social Care and other officers of the council to ensure that all reasonable efforts are made to consider applicants' housing and related care needs

### **Condition and Size of Offered Accommodation**

- 2.30 All accommodation offered will be habitable, in reasonable repair and fit for letting. The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household at the time of offer. The requirements for each size of household are set out at Annex 1.
- 2.31 Larger accommodation than specified in Annex 1 may be considered in exceptional circumstances on the recommendation of the Housing Options Officer and approved by a Panel of Senior Officers. The Council may draw on specialist advice, for example the Council's Medical Advisor, Occupational Therapy Service, or senior social worker.
- 2.32 In calculating the number of bedrooms available within properties the Council may treat every habitable room as a bedroom except kitchens, bathrooms and kitchen/dining rooms. The Council will normally consider additional rooms in homes for use as bedrooms in accordance with Housing Benefit regulations.
- 2.33 Cases of existing secure Council tenants agreed as Management Transfers will be offered homes on a 'like for like' basis.
- 2.34 Where the Council is discharging its homelessness duty into private rented accommodation, the accommodation should meet the suitability criteria set out in the *Homelessness (Suitability of Accommodation) (England) Order 2012*, subject to availability and affordability of accommodation.

### **Suitability of Housing Offers**

- 2.35 Where accommodation is offered through the assisted choice process described below, an applicant will normally be expected to accept an offer of a property that meets their specified needs which is deemed as suitable and appropriate to meet the housing and medical needs of the household concerned.

- 2.36 The Council will seek to take into account applicants' particular or special needs (including need for an additional bedroom for carers) but it will not always be possible to ensure that these needs are met. In considering what is reasonable, the Council will have regard to the overall supply of Council accommodation and the demands placed upon it by all priority groups.
- 2.37 As a guideline and subject to the individual circumstances of each application, the Council will normally consider that a property is suitable if:
- It is located close to an area which the applicant has selected or an area that the Council considers to be reasonable.
  - It is sized in accordance with the criteria in Annex 1.
  - The offer takes account of any recommendation made by a medical advisor.
- 2.38 An offer of accommodation which is arranged by way of a nomination to a private registered provider will be considered to be as reasonable as an offer of a council tenancy.
- 2.39 If a housing applicant refuses two reasonable offers of accommodation through the assisted choice scheme or a direct allocation, their priority under this allocation scheme will be reduced by a Band for twelve months. This will not necessarily mean no further offers will be made, but will reduce their priority.
- 2.40 An exception to such a reduction in priority this may apply if there has been a material change in circumstances such that the offer of accommodation would no longer be suitable.
- 2.41 The Council may use private rented housing to discharge its homelessness duties in appropriate cases pursuant to Section 193 of the Housing Act 1996 (as amended) and the *Homelessness (Suitability of Accommodation) (England) Order 2012*.

### **Local Lettings Plans**

- 2.43 The Council may adopt individual Local Lettings Plans to vary the allocations approach to homes for new schemes; homes in certain areas of the borough; or particular types of housing where it wishes to deliver the broad housing strategy objectives, using social housing available as efficiently and effectively as possible.
- 2.44 Section 166A(6) of the Housing Act 1996 enables local housing authorities to do this, allowing the allocation of accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.
- 2.45 The simplest approach to delivering this objective would be through using the Council's Home Buy Register, which includes applicants who wish to rent at sub

market levels. Some of these households may be seeking to save money for a deposit to enter low cost home ownership which the Council is keen to encourage. This will give such households the experience of managing a household budget and also provide an opportunity for such households to save money towards a deposit for a low cost home ownership option.

- 2.46 Separate qualification criteria will apply to those persons on the Home Buy Register who qualify for an allocation under a Local Lettings Plan. Persons who qualify will need to meet all of the following criteria:
1. Eligibility under the rules of this Housing Allocation Scheme (See Section 2.3 – 2.6 of this document)
  2. Qualifying criteria of the Home Buy Allocation Scheme
  3. Successful application to be considered for a tenancy under a Local Lettings Plan meeting any specified qualifying criteria
  4. Local residency qualification within the terms of this Housing Allocation Scheme (unless the applicant falls within Armed Forces Qualification Regulations or the Right to Move Regulations)
  5. Satisfying the income threshold set out in paragraph 6.8
- 2.47 The Council will from time to time set procedures for the operation of the scheme to allocate to applicants from the Home Buy Register and these procedures may include criteria for establishing priorities between persons who qualify. These procedures may include giving priority to those within the reasonable preference categories
- 2.48 The Council's broad approach will be to prioritise households from the Home Buy Register for Affordable Rent accommodation available from Private Registered providers (principally housing associations). Where the Council wishes to prioritise applicants who meet criteria associated with a Council-approved scheme which helps deliver housing options for one or more of the community contribution groups identified in Annex 2, these applicants may be prioritised for Council rented accommodation.
- 2.49 The Council will monitor the impacts of this approach on both its Housing Register and Home Buy Register. It will need to ensure and make necessary interventions to ensure that the number of households drawn from the Homebuy Register who are not in a reasonable preference category do not dominate the Housing Allocation Scheme. It will also seek to ensure that the rules governing each of the approaches are broadly aligned.
- 2.50 Before introducing a local lettings plan, the Council will consult with those who are likely to be affected, which shall include the residents of the scheme/area impacted by the plan and local social landlords. A copy of the final policy will be published on the Council's website.

## **Right to Move**

- 2.51 Government regulations on 'Right to Move' came into force on 20 April 2015. The regulations are intended to help existing social housing tenants who need to relocate from their local authority area (or within their local authority area) to an area where they have been offered employment.
- 2.52 These regulations are applicable only to applicants who are already social housing tenants in England who would experience hardship to themselves or to others if they were unable to take up an offer of employment in the borough. Applicants who are seeking accommodation under the Right to Move regulations should contact the Council as described in Section 2.9 of this Housing Allocation Scheme.

## **3. TENANCY MATTERS INCLUDING SUCCESSION AND FLEXIBLE TENANCIES**

### **Council Tenants**

3.1 Council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for the housing register under will need to meet the qualifying criteria set out in this Housing Allocation Scheme. Applications for transfer may be made jointly by separate tenants of the Council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the Council makes an acceptable offer of a transfer to a third property. The Council will consider each application on a discretionary and case by case basis. Officers will have regard to the wider availability of accommodation to the Council when making such a decision which will be made by a panel of senior officers.

### **Transfers, Tenants who need to be decanted, Management Transfers and London Mobility**

#### **Transfers**

- 3.2 Transfer applicants will be considered in the same way as other housing register applicants. The Council expects existing tenants and household members to maintain their homes in a reasonable condition and similarly expects tenants of other Registered Providers to adopt the same approach. If the existing home has been either significantly damaged and/or kept in a poor condition by the sitting tenant, the Council will not be minded to permit a transfer. A transfer will only be permitted when the property concerned is brought up to a good condition. The Council will expect other Registered Providers (normally housing associations) to adopt the same approach.

#### **Tenants who need to be decanted**

- 3.3 On occasion it may be necessary for a council tenant to move out of their existing home to allow major works to be carried out or because their home is due to be demolished. In these circumstances, the Council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time.
- 3.4 Council tenants who have to move because major works are required to their home will have the option of moving back to their original home (or local area if the home is being demolished) once the works have been completed. Existing re-housing commitments to residents are set out in the Council's Core Strategy (to be replaced by a new Local Plan in the next few years) and Tenancy Strategy.
- 3.5 Where council homes may be demolished and replaced with new homes owned and managed by the council or housing associations, the council is likely to adopt a Local Lettings Plan that will set out in more detail the specific approach, tailored to key features of the regeneration scheme, e.g., phasing of decants, home loss and disturbance financial arrangements; and priority for re-housing. In these such circumstances, tenants who are relinquishing a secure ('lifetime') tenancy will be entitled to a new secure tenancy or a housing association equivalent, currently an Assured Tenancy.

### **Management Transfers – Council Tenants**

- 3.6 Management transfers are only for situations where a Council tenant or members of the tenant's household, , are at serious risk by remaining in their current home and need an immediate move. The council will only re-house households in alternative accommodation assessed as suitable for their housing needs. However, due to the limited number of homes available the council is not always able to re-house residents quickly and so we will discuss the alternative options available. Where there is a real and immediate threat to a tenant's safety and we do not have a suitable property available we may offer 'temporary accommodation' for a fixed period while an investigation is carried out.

3.6.1 There are number of referral routes for a management transfer, these include a request by the tenant, the Housing Management Team, Anti-social Behaviour Unit, or Housing Options Officer. The officer managing the request must produce a Management Transfer Report to support the request to be approved by the Neighbourhood Manager or external housing management contractor equivalent.

3.6.2 Tenants who have been approved for a management transfer will receive one reasonable offer of alternative accommodation. If the tenant rejects the offer the Council will remove their name from the Housing Register and terminate their temporary accommodation from the date of this decision.



3.6.3 A reasonable offer is one that meets the tenant's current housing need.

3.6.4 In very exceptional, urgent cases, where management requires an under-occupier to move, the council may consider offering a home 1-bedroom larger than their needs. However this is at the discretion of the Director for Housing responsible for Housing Options.

3.6.5 Tenants that have been assessed for and accepted on the Council Register will be placed in Band 1: Urgent Need to Move due to Reasonable Preference Plus Additional Priority. Such banding will need to be approved by the Director of Housing responsible for Housing Options.

3.6.6 The Council aims to make one direct offer of secure accommodation within 3 months of being accepted as a management transfer. However this is dependent on a suitable property available in the 'property pool' being matched against the tenant's housing need.

3.6.7 The relevant manager will review the Management Transfer status of all tenants that have been accepted on the Council Register on a quarterly basis.. The review is intended to ensure the most up to date information about individual tenants' housing circumstances is taken into account. . Tenants who fail to respond to either the review or reminder letter within 20 working days will have their application cancelled and will be required to re-apply.

3.7 Council tenants will be able to access affordable housing elsewhere in London through the Housing Moves Scheme (previously known as the Pan London Mobility Scheme) administered by the Greater London Authority. More information on this scheme is set out in section 4.23 of this document.

### **Housing Association Tenants**

3.8 Housing association (also known as private registered provider) tenants will be assessed in the same way as other applicants applying for housing advice and assistance under this scheme.

### **Tenancy Succession**

3.9 The law on council tenancy succession is different for secure tenants (and household members) where a tenancy was created before 1 April 2012 and those created after this date.. The statutory right only applies to the first time that a succession occurs,

3.10 Where a tenancy was created before 1 April 2012, family members have a right to succeed to the tenancy. This may be the tenant's spouse or registered civil partner or could be a co-habiting partner or another family member(s). Family members seeking to succeed the tenancy will need to have lived at the

property for at least twelve months before the succession is sought. Where a joint tenant dies, the other joint tenant becomes the sole tenant.

- 3.11 Where a tenancy was created on or after 1 April 2012, only a spouse, civil partner or a person who lives with the tenant as if they were a spouse or civil partner will have a statutory right to succession. Where there is no statutory right to succession the council will use its discretion to allow a new secure 'lifetime' tenancy to be granted in the following circumstances:
- The person applying for succession has lived continuously in the property as their principal home for twelve months before the death of the tenant **and**
  - They are the spouse, civil partner, a close relative of the tenant, or someone who had to live with the tenant in order to provide them with care, without which the tenant could not have maintained their tenancy **and**
  - They would qualify for the property they have applied to succeed to under the council's allocations policy (i.e., this Housing Allocation Scheme) including being both an eligible and qualifying person(s).
- 3.12 This process will be triggered by a Housing Register Application which will be considered in the first instance by Housing Management Officers from the Area Housing Office responsible for the tenancy. They may seek advice from Housing Options Officers on the application of the policies set out in this Housing Allocation Scheme.
- 3.13 Where a property is not suitable for the person applying to succeed, for example because it is too large, the council will assist them to find alternative accommodation if they qualify for help under this Housing Allocation Scheme, which could include an offer of accommodation in the private rented sector.
- 3.14 Where a new tenancy is granted as a result of a discretionary succession, the tenancy will be treated as a new tenancy under the Council's Tenancy Strategy. This means that in most cases a new secure 'lifetime' tenancy, will be granted. Exceptions to this, i.e., where the Council may grant a flexible (fixed term tenancy), will be set out in its Tenancy Strategy. Failure to accept a suitable property offered or made available under this Housing Allocation Scheme will result in proceedings for possession of the home currently occupied. Each situation will be considered on its merits and tenancies will be granted at the discretion of the Council.
- 3.15 Tenancy succession rules for housing association tenants (also called Private Registered Providers) are governed by different legislation. Current and future housing association tenants should check with individual landlords what the rules are for succession for their respective tenancies.

### **Service Tenancies**

- 3.16 Employees of the Council who have a service tenancy associated with their employment may be re-housed by the council in pursuance of a contractual agreement that may be in place. This may be achieved outside of assisted choice through a direct nomination.

### **Sustaining a Tenancy**

- 3.17 The Council intends to scrutinise more closely the ability of applicants to sustain the tenancy that is being sought for two reasons. Firstly, there needs to be some certainty that the applicant is able to take on the responsibilities associated with a new tenancy and that there is no history of anti-social and/or criminal behaviour associated with a previous tenancy. Secondly, the Council also needs to be mindful of the Government's welfare reforms, specifically in respect to the implementation of the Universal Credit which will 'cap' the amount of benefits a single household can receive, where no one applicant is in work. This is likely to be particularly relevant to households in large family accommodation (three bedrooms or more) where a significant proportion of this house type is both expensive to rent and in short supply.

### **Approach to Secure and Flexible Tenancies**

- 3.18 The Council's approach to secure and flexible tenancies is set out in its Tenancy Strategy. In summary, the Council (in its landlord role) intends to grant secure tenancies (also known as 'lifetime tenancies') for general needs applicants, but will retain the option to issue fixed term tenancies (two year and five year tenancies in particular circumstances, such as where the applicant has a history of anti-social or criminal behaviour. It may also include where the council adopts a Local Lettings Plan which allows applicants from certain employment groups from the Home Buy Register to access affordable rented housing). The large majority of council tenancies will start with an introductory tenancy. Similarly, the Council expects housing associations (also known as Private Registered Providers) usually housing associations to continue granting assured tenancies, but to increasingly grant fixed term assured shorthold tenancies in line with the Council's Tenancy Strategy and changes in individual housing associations' policy and practices.

### **Investigation of Fraud: Offences related to information given or withheld by applicants**

- 3.19 The Council recognises its duty to protect the public resources it administers. Detailed enquiries about applications will therefore be made in order to guard against misrepresentation and fraud. Such enquiries will be made in all cases where applicants appear to have sufficient priority for an offer for re-housing, and in other cases as resources allow and may be made at any time either at the time

of application or subsequently including after any grant of tenancy. Applications will be suspended if there is evidence of misrepresentation or fraud until enquiries are completed.

- 3.20 Any applicant seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information or by failing to inform the Council of any material change in circumstances is liable to have his/her application cancelled. Prosecution will be considered where it appears to the Council that a criminal offence has been committed.
- 3.21 Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.
- 3.22 Section 171 makes it an offence for anyone seeking assistance from a housing authority under Part 6 of the 1996 Act to:
- Knowingly or recklessly give false information, or
  - Knowingly withhold information which the housing authority has reasonably required the applicant to give
- 3.23 It is for individual housing authorities to determine when these provisions apply and when to institute criminal proceedings. However, the circumstances in which an offence is committed could include:
- Any false information given on an application form for social housing
  - Any false information given in response to subsequent review letters
  - Any false information given or submitted by applicants during the proceedings of a review
- 3.24 Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s 146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenants or a person acting as the tenant's instigation.
- 3.25 Any tenancy fraud that may occur after the grant of a tenancy (e.g., tenancy passed on to a third party such as subletting of a tenancy) will be approached in a similar fashion. **It is a criminal offence to sublet social housing and the Council will prosecute offenders.**
- 3.26 In both instances - at application stage and tenancy stage – the Council will support and work with all Registered Providers to reduce and eliminate tenancy fraud.

### **Community Contribution and Tenancy Renewals**

- 3.27 Where an applicant for housing has been made an allocation of housing from Band 2 of the Housing Allocation Scheme, based on a Community Contribution award and the basis for that award ceases to apply during the term of the tenancy, the Council may seek to provide opportunities for the tenant to make a community contribution in an alternative way. Non-performance against an award of a community contribution may be one factor taken into account in the consideration of the renewal of a flexible tenancy.

### **Accessing Affordable Market Housing**

- 3.28 The Council will continue to promote affordable home ownership and private rented options to those who are able to afford it. Where the applicant's (applicant's) household income is over the level which the Council considers eligible for registration on the Home Buy Register, the Council will consider such households for affordable home ownership or direct them to private rented housing options. More information on income and savings thresholds is set out in section 6.7 – 6.9 of this Housing Allocation Scheme.

## **4. HOW THE COUNCIL ALLOCATES PROPERTIES**

### **The Property Pool and Assisted Choice**

- 4.1 Hammersmith & Fulham Council will operate a 'property pool' and assisted choice lettings system. In essence, this means that the council will maintain a list of properties that are available to let to housing applicants who fall into one of the housing bands described in section 2.12 and detailed with examples in Annex 3. Successful applicants will need to annually update their registration. The Property Pool will comprise properties available from the council (a registered provider); housing associations (private registered providers); landlords from the private rented sector; and other agencies. In allocating the homes that the Council has access to, it will take account of the applicant's preferences; the suitability of accommodation available; and, the supply of accommodation available.
- 4.2 Properties available from the property pool will be matched to applicants' preferences and, taking into account the suitability of the accommodation against applicants' needs, offers will be made by Housing Options Officers, based on the housing supply available. The Council will seek to make a maximum of two offers to applicants, with discretion to make a third offer. If an applicant turns down offers made by the Council, they will be demoted a band for twelve months. Where applicants are in Band 4 and turns down a second offer, they will be removed from the Housing Register altogether and not be able to re-apply for a year. Homeless applicants will normally receive one suitable offer. In the event that homeless applicants turn down an offer made by the Council, they will be removed from the register..

## **How will it work in practice?**

4.3 In sequence, the key characteristics of this service will be as follows:

1. Applicants will discuss with the Housing Options Officer eligibility and qualification criteria to enter the Council's Housing Register. This will include a discussion on all housing options, including obtaining accommodation outside the housing registration route (e.g., private rented sector, low cost home ownership, etc)
2. If registered, applicants will be allocated a Band ranging from 1 (the highest priority) to 4 (the lowest priority). It will be explained at this stage that allocation to Band 4 status is highly unlikely to lead to the allocation of an affordable home for rent let by a Registered Provider (i.e. principally the Council in its landlord role and housing association landlords). In the case of a homeless applicant who successfully registers, the Council may seek to discharge its homelessness duty into the private rented sector.
3. Over time, Housing Options Officers will assess available homes from the 'property pool' as they become available, match them with applicants' accommodation needs and invite them to consider offers as and when they arise. Applicants' preference will be taken into account wherever possible. The supply, tenure and type of available accommodation will vary according to the area's housing market. Clearly, where there is a more available housing in a preferred area of the borough, such housing choices are more likely to be met. Conversely, where there is available accommodation housing in a preferred area, such accommodation is less likely to be available.
4. The urgency with which offers are made to housing applicants will depend on the supply of available accommodation in the property pool and their Band status, with Band 1 having the greatest urgency. The Council will expect applicants in urgent housing need to take up reasonable housing offers quickly. In the event that housing offers to Band 1 applicants have been exhausted, housing offers will be made to Band 2, and then Band 3. The approach will vary where Local Lettings Plans are in place (See Sections 2.43 – 2.50).
5. The property pool will comprise homes from the Council in its Registered Provider landlord role; Private Registered Providers (principally housing associations); and the private rented sector. This will include accommodation for Supported Housing purposes and the elderly. Some homes in the property pool will be located outside the borough due to the shortage of affordable accommodation, particularly large family accommodation, in Hammersmith & Fulham.

6. Where applicants who are not owed a homeless duty are made a second final offer (with the Council reserving the right to make a third offer if special circumstances apply) which will meet the applicant's need and that offer is turned down, then that applicant will be demoted a band for twelve months. Where the Council owes a homelessness duty and a suitable offer has been turned down, then the Council will have met its duty towards that applicant. In either case, the offer may be in the private rented sector.
7. On making an offer to a homeless applicant, the Council will have met its homelessness duty. At this point, the applicant will be removed from the register altogether. In respect of other housing applicants (e.g., transfer cases), where a second offer has been turned down, the applicant will be moved down a band for twelve months. If such a (non-homeless) applicant were in Band 4, they would be removed from the Housing Register altogether and not be able to re-register for another year.
- 4.4 Priority for accommodation will be determined by housing band, with those applicants in Band 1 having a greater priority than those in bands 2-4, and those in band 2 having a greater priority than those in bands 3-4, and so on. Within bands, priority will be determined by date order when placed in the appropriate band. Date order means that date that an applicant was placed in the housing band.
- 4.5 In considering priority for re-housing between applicants with a similar priority under the banding scheme, the Council will also take account of the immediacy of need of each applicant. This means, for example, that where two applicants in the same band are interested in the same property, preference may be given where one of the applicants is facing a more immediate loss of their existing home than the other.
- 4.6 To avoid the loss of properties available to the Council, properties in the private rented sector will normally be made available on a 'first come, first served' basis to applicants across bands 1-4. Where more than one applicant is being considered for a private sector property, priority will be determined by band and date in band.
- 4.7 Applicants will be asked to choose a property or properties to view from a selection of those that are available and meet their needs, and will be asked to accept one of these as their offer of re-housing. Officers will have regard to preferences expressed by the applicant, but it may not be possible to meet all of them when making an offer. If no suitable properties are available, the applicant's case will remain open until a property becomes available and their Housing Options Officer will be proactive in working with them to secure a suitable offer of accommodation.

### **Exceptions to Assisted Choice**

- 4.8 Available properties which are adapted or which are suitable for adaptation and Extra Care and Sheltered Housing or accommodation which is otherwise potentially suitable for applicants with a substantial disability or other special or support needs may be allocated outside strict banding and date order priority. Specifically on Sheltered Housing, the Council intends to maximise its use, ensuring that increased use of such housing is made for applicants from the need groups identified above. This is likely to require joint assessments of need by the Council's Adult Social Care and Housing Options teams. Where nominations are being considered for applicants, the Council will first review what level of support applicants will need to live independently, before granting the tenancy.
- 4.9 An allocation may also be made outside banding priority in the case of a Council tenant who is willing to transfer from a property which he/she does not require, i.e., under-occupiers, and which is particularly suitable for an applicant with special or support needs.
- 4.10 Applicants who have a special need for adapted property or other particular type of accommodation which is in very short supply may be invited to consider a suitable property which becomes available outside of the areas preferred by the applicants concerned.
- 4.11 The Council reserves the right to restrict the operation of the property pool to certain groups of applicants or to make direct offers of accommodation to households waiting for re-housing in order to fulfil its housing management and financial duties and responsibilities, including achieving a balance of lettings as set out in the Council's Annual Lettings Plan and delivering value for money.
- 4.12 Exceptions to Assisted Choice will include Local Lettings Plans allocation arrangements as described in Section 2.43 – 2.50 of this Scheme.
- 4.13 Decisions to allocate properties outside of the property pool and assisted choice will be authorised by the Director of Housing responsible for Housing Options, or delegated officer.
- 4.14 The Council may consider reciprocal lettings arrangements with other local housing authorities and private registered providers (principally housing associations) in order to maximise the use of affordable housing accommodation both locally and in other areas. This may include a 'chain letting' approach where a number of lettings are mutually dependent to deliver individual applicants' preferences. The Director of Housing Options, Skills and Economic Development shall have discretion to make any necessary decision to achieve any such reciprocal arrangement.



- 4.15 This flexible approach will help facilitate greater choice for applicants who wish to move in their immediate locality, remaining close to family and friend networks. The Director of Housing responsible for Housing Options or delegated officer, will have the authority to allocate accommodation through either the Assisted Choice process or through a direct nomination to facilitate a successful chain letting.

### **Types of Property**

- 4.16 Some properties or blocks of properties are designated for allocation only to applicants sharing a common characteristic or need, for example:
- Properties in sheltered housing developments for people over a specified age,
  - Properties in supported housing schemes offering special services,
  - Individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair

### **Selection of Properties**

- 4.17 In selecting properties from the property pool for applicants to consider, the Council will normally take into account the following factors:
- The number of bedrooms required (see Annex 1)
  - Any essential requirement concerning the type or location of re-housing
  - The housing band into which the applicant's case falls
- 4.18 As far as reasonably possible, the Council will also take into account:
- An applicant's preference as between an allocation of a Council property or a nomination to a housing association or an allocation to the private rented sector.
  - The standard, type or location of the applicant's current accommodation (except where this is related to the assessment of their need)

### **Homeswap**

- 4.19 Homeswap enables existing tenants, principally in the registered provider affordable rented sector (i.e., tenants of councils and housing associations) the opportunity to swap their home with another, often called 'mutual exchanges'. Such schemes help tenants to be closer to new places of work and/or friends and family. The Council supports the Government's 'Homes Swap Direct' initiative, bringing together the range of mutual exchange regimes that exist. The Council will make available facilities at its principal office to enable applicants wishing to review housing options using the 'homeswap' mechanism as well as promoting the initiative more widely. The Homeswap website can be found at the following address: [www.homesdirect.org.uk](http://www.homesdirect.org.uk)

## **Mutual Exchanges**

- 4.20 Secure tenants have certain rights in relation to exchanging their tenancies with other secure tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of this allocations scheme, and full details for how these schemes operate can be obtained from Hammersmith & Fulham Council in their landlord role or their Landlord in the case of Private Registered Provider (housing association) tenants. The Mutual Exchange website can be found at the following address:  
<http://www.houseexchange.org.uk/>

## **Reciprocal Nomination Arrangements**

- 4.21 The Council may consider reciprocal nomination arrangements with other local housing authorities and private registered providers in exceptional circumstances, at the discretion of the Director of Housing responsible for Housing Options.

## **Accessible Housing**

- 4.22 The Council will seek to ensure accommodation opportunities for housing register applicants who require accessible housing are maximised. Where Housing Options Officers are fully apprised of applicants' housing needs, all reasonable efforts will be used to ensure that offers are made to applicants in line with the Banding priority using the Assisted Choice approach. Where new or re-let homes are wheelchair accessible, then applicants on the Housing Register who have been assessed as requiring wheelchair accessible accommodation will have priority over other need groups.

## **Housing Moves (previously known as the Pan London Mobility Scheme)**

- 4.23 Hammersmith & Fulham currently participates in the Mayor of London's pan-London mobility scheme, now known as *Housing Moves*. The reason for this scheme is to help applicants who are in work or training; or currently have more bedrooms than; or they need to move in order to provide care for friends or relatives. Details about the eligibility criteria for the Mayor's scheme can be found at [www.housingmoves.org](http://www.housingmoves.org). Tenants wishing to move through this scheme should apply directly online at the above address. Council officers will be responsible for verifying and approving applications.

## **Annual Lettings Plan**

- 4.24 The Council will adopt an Annual Lettings Plan for the April – March year which will forecast the number of affordable lettings the Council expects for the relevant year and estimate the proportions of lettings that will be allocated to certain need groups. This will include adopting quotas for specific priority groups (who meet the eligibility and qualifying criteria of this Scheme), such as , applicants leaving supported housing; young people leaving care; working households; ex armed services personnel; community lettings; right to move; and other need groups that may be identified in any given year.

### **Average Waiting Time on the Housing Register**

- 4.25 The Council will maintain on its website a schedule of information setting out what the average waiting times will be for applicants on the Housing Register, broken down by priority band and bedroom needs.

## **5. PROCEDURE FOR REQUESTING INFORMATION, APPEALS AND REVIEWS**

- 5.1 All applicants have the right to request general information about their application; whether they are entitled to any preference for housing; whether and when suitable accommodation will be offered to them; and, information about why any application has been unsuccessful. Specifically, applicants have the right to:

- Request general information about their prospects of success following their application
- Request information about the decision concerning the facts of their case
- Request a review of such a decision and decisions that a person is not eligible or qualifying, and to be informed of the review decision and the grounds for it

- 5.2 An unsuccessful applicant(s) to the Housing Register will be informed in writing of any decision regarding their eligibility and/or qualifying status. The notification will give clear grounds for the decision which will be based on the relevant facts of the case. The applicant(s) will be informed of their right to request a review of the decision.

- 5.3 Applicants who are unhappy with a decision made under this policy should in the first instance contact the housing officer who has dealt with their case and explain why they think that the decision is not reasonable. The applicant will be notified whether the decision still stands and the reasons for this usually within 48 hours.

- 5.4 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days. In these cases the applicant will be

invited to make a written submission stating the reasons for their request for a review and the Council will seek any further information it requires, including advice from medical and other specialist advisors. Formal reviews will be conducted by a team leader, manager or other delegated officer within the Council's Housing Service with no previous involvement in the case who will notify the applicant of the outcome of the review including the reasons for their decision within 56 days.

- 5.5 Where an applicant wishes to appeal the suitability of an offer of accommodation under 5.3 of this policy, the property will be held available whilst the appeal is considered where this is not likely to lead to an unreasonable delay in letting the property.
- 5.6 Where an applicant requests a formal review concerning the suitability of accommodation under sections 5.4 of this policy, the property will not normally be held available whilst the appeal is considered.

### **Right of Review – Homeless Applicants**

- 5.7 A homeless applicant has the right to a S202 (of the 1996 Housing Act) review of the suitability of an offer of accommodation. In addition they have a s204 (of the 2002 Act) right of appeal to the County Court. Whilst seeking a review and appeal, the applicant may still move into the property in question, without prejudicing the outcome of a review and appeal case, if either is sought.

## **6. GENERAL RULES AND CONDITIONS**

### **Decisions**

- 6.1 All decisions taken under this policy will be by Housing Options officers from the Council's Housing Department unless otherwise specified. Housing Options officers are supported by Team leaders and may receive ad hoc advice from other officers of the Council as required. Where the applicant (and any eligible household members/dependents) have specific needs which have been reported to, or recorded by, other departments of the Council, the applicant should highlight any such reports to the Housing Options officer concerned.

### **Requests for Assistance**

- 6.2 Requests for housing assistance must be made to the Housing Options Service. The Council aims to notify applicants of the result of the assessment of their priority under the Housing Banding System within 15 working days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify the result.

### **Persons Eligible for Assistance**

- 6.3 Persons entitled to consideration and assistance under an application must generally be members of the applicant's immediate (i.e., spouse, partner and children) family who normally reside with the applicant. Any other person or persons will only be taken into consideration in the assessment of an application and/or any allocation of accommodation if the Council is satisfied that it is reasonable for that person to reside with the applicant. Exclusions are set out in Section 2.14 of this Scheme which will apply in general to persons other than immediate applicant(s) whose circumstances are relied on to support the application and/or who are included in the household for which re-housing is sought. Children under 5 will not be disqualified from inclusion in the assessment on the basis of the residency criteria so long their parents were resident in the borough at the time of their birth.
- 6.4 The Council will also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e. other than the applicant) has made a separate housing application.

#### **Evidence of Identity and Housing Circumstances**

- 6.5 All applicants must provide satisfactory evidence of identity and past and current residences for themselves and all household members. The Council will request documentary evidence from each applicant and will conduct such further enquiries as are reasonable in the circumstances. An application will be cancelled if the applicant has failed to provide documentary evidence or other information reasonably required by the Council in order to validate the application.
- 6.6 The Council will normally carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally but not necessarily arranged by appointment.

#### **Income and Resources**

- 6.7 All prospective new tenants will be required to supply evidence of their financial income and resources. Where applicants are not able to show current entitlement to Universal Credit (Income Support, Housing Benefit, or Council Tax Benefit), verification of income and savings will be required prior to applicants being offered accommodation. Where applicants have resources considered sufficient to access low cost home ownership or other intermediate housing option, the applicant will normally only be offered advice or assistance, or placed in Band 4 Advice on home ownership; sub market renting; and private sector renting options will also be offered including opportunities to join the Council's Home Buy Register.

- 6.8 Applicants with a gross income higher than set out below will generally not qualify to access the Housing Register and will be offered advice on other housing options including joining the Home Buy Register. Applicants above this income level seeking this form of accommodation are considered to have access to low cost home ownership.
- Where an applicant(s) gross income (or combined gross income) is greater than £46,250 and their housing requirements is for 2 bedroom accommodation or less,
  - Where an applicant(s) gross income (or combined gross income) is greater than £46,250 p.a., and their housing requirement is for 3 bedrooms or more, they will qualify if their combined assets/savings are less than £4,600, representing the costs of accessing another housing tenure.
  - In any event, applicants will not qualify if their income is above the top of the Home Buy income range, currently £71,000. These income ranges and financial limits will be reviewed annually and posted on the Council's website. Where applicants are not eligible to access the Housing Register, they will be provided with advice and assistance which is likely to include private sector renting and low cost home ownership opportunities. Where applicants successfully access the Home Buy Register, they may succeed in qualifying for an affordable rented opportunity under a Local Lettings Plan.
- 6.9 When considering the allocation of accommodation, Housing Options Officers will review applicants' income and expenditure in order to assess their ability to sustain a proposed tenancy. The implementation of the Universal Credit regime will cash limit eligible annual household benefits. If housing costs are considered to be a disproportionate amount of eligible benefits, then the Housing Options Officer will consider appropriate options for the household concerned. In all instances, the Council will generally not be minded to allocate accommodation that is too small for applicants' needs (as set out in Annex 1).

#### **Allocation of Smaller Accommodation in Certain Circumstances**

- 6.10 In certain circumstances, the Council will make such an allocation where the applicant makes clear he/she is willing to take smaller accommodation than they need. The applicant may only choose accommodation which is less than one bedroom than they need (as set out in Annex 1). The Council will not make an allocation which causes statutory overcrowding at the point of letting.

#### **Changes of Circumstances**

- 6.11 Once placed in a priority band, applicants should notify the Council in writing of any material change in their circumstances that will affect their priority for housing, for example:
- a change of address, for themselves or any other person on the application.
  - any additions to the family or any other person joining the application
  - any member of the family or any other person on the application who has left the accommodation.
  - any change in income and/or savings.
  - Any medical or mobility need which will affect the type of accommodation being offered deemed suitable
  - Community Contribution status (See Annex 2 for more detail)
- 6.12 Applications may be temporarily suspended while the Council assesses the information provided by the applicant and completes further enquiries that may be necessary. The Council will carry out an assessment of each applicant's entitlement to and priority for re-housing on the basis of information which has been provided by the applicant or otherwise received in connection with the applicant. Where the Council believes that information about the applicant's personal circumstances have been deliberately withheld or misleadingly presented, then the Council will reserve the right to withdraw any offer of accommodation or not renew a tenancy where one has been granted.

### **Members of the Council, Staff Members and their Relations**

- 6.13 In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. Where any officer of the Council is involved, directly or indirectly, in assessing or verifying or involved or administering an individual applicant's cases, and they discover they have a family or friendship connection with such an applicant, they should declare an interest to their line manager immediately. Failure to declare such a connection will be considered a disciplinary matter. Such applications will be assessed in the normal way but any allocation of housing will require specific approval by the Director of Housing responsible for Housing Options.

### **Equal Opportunities and Monitoring**

- 6.14 The Council is committed to the principle of equal opportunities in the delivery of all its services. If an applicant does not understand any part of the housing register application process due to speaking/reading a different language; difficulty with speaking/reading; visual impairment; hearing difficulties or other disability, applicants should ask for additional assistance (e.g., translation and interpretation services) to help them with their application.
- 6.15 Confidential interview facilities are provided at all housing offices. There is full access to the Housing Options Office for people who use a wheelchair. Home

interview services are available for applicants who are elderly or who experience mobility difficulties.

- 6.16 All applicants for housing or re-housing will be asked to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information will not be obligatory and not a requirement for acceptance of an application. However, such information will help monitor the number and types of equality groups seeking support and therefore applicants will be strongly advised to complete the relevant information. Equalities records will be monitored on a regular and systematic basis to ensure properties are being offered and allocated fairly. Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 6.17 The Council will seek to ensure that its allocation policies are being operated in a manner that is fair to all sections of the community regardless of nationality, ethnic origin, marital status, age, gender, sexual orientation or disability. The information provided will be kept confidential and treated with respect. The council believes it is important to understand the different communities who apply for housing and it is only by asking these questions can the Council check that it is operating a fair system.

### **Confidentiality**

- 6.18 **The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.**
- 6.19 The disclosure of information about any housing application to a third party is prohibited except on a “need to know” basis in the following circumstances:
- to plan and provide assistance jointly with health and social services agencies in appropriate cases.
  - for the purpose of fraud detection, the prevention of crime, and the promotion of community safety.
  - to enable efficient administration of offers of re-housing, lettings, housing association nominations, and rent and benefit accountancy etc.
  - where disclosure is a legal requirement.

### **Data Protection – Privacy Notice**



- 6.20 Hammersmith and Fulham's Housing Department is committed to complying with the 8 principles of the Data Protection Act 1998, as well as people's rights to confidentiality and respect for privacy. The information you supply to the council when submitting or updating information to support an application to access the council's housing register for accommodation, this information will be shared with other H&F departments or third parties/service delivery partners who deliver these services.
- 6.21 Under the Data Protection Act 1998, individuals have a right to access and receive a permanent copy of all their personal information which H&F holds. Details of how to submit a request are published on H&F's website: [http://www.lbhf.gov.uk/Directory/Council and Democracy/Data Protection and Freedom of Information/Data Protection Act/39929 Data Protection Act.asp#0](http://www.lbhf.gov.uk/Directory/Council%20and%20Democracy/Data%20Protection%20and%20Freedom%20of%20Information/Data%20Protection%20Act/39929%20Data%20Protection%20Act.asp#0) Requests for access to data must be made in writing to the Director Housing responsible for Housing Options. Information will be provided within 40 working days of the application. No fee is charged for this service.

#### **Developing and testing business applications**

- 6.23 The Housing Department and their service delivery partners (see above) may use the information you give us to maintain and improve the services which we deliver, this includes developing and upgrading the systems which we use to process your information.

#### **Corporate business intelligence**

- 6.24 The Housing Department may share the information you give us with other council services and service delivery partners (see above) for research and analysis purposes, to help us design the services we provide and to identify and contact residents who may benefit from them.

#### **Prevention and detection of fraud**

- 6.25 The Housing Department may share and compare your information with other council services and other organisations to make sure the information is accurate, to protect public funds, recover debt and/or prevent or detect fraud. These other organisations include government departments, other local authorities and private sector organisations such as banks or organisations that lend money.

#### **Legal requirements**

- 6.26 The Housing Department will use all information held by us for the purposes of law enforcement, regulation and licensing, criminal prosecutions and court proceedings.

### **Role of the Priority Housing Panel**

- 6.27 It is not possible for the boundary of this Housing Allocation Scheme to adequately reflect every possible combination of housing need. The purpose of the Priority Housing Panel is to assess and make recommendations in relation to exceptional cases which do not fit easily within the boundary of the Scheme. Meetings of this Panel (which shall comprise not fewer than 3 designated officers) may meet on an *ad hoc* basis and seek additional advice where necessary.

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## **Annex 1 - Sizes of Homes**

The Council's approach to sizes of homes that are allocated to applicants is drawn from current Department for Work and Pensions (DWP) rules on Housing Benefit. The rules allow one bedroom for:

- Every adult couple (married or unmarried)
- Any adult aged 16 years or over
- Any two children of the same sex aged under 16 years
- Any two children aged under 10 years
- Any other child (other than a foster child or child whose main home is elsewhere)
- Children who cannot share because of a disability or medical condition
- A Carer (or team of carers) providing overnight care

One spare bedroom is allowed for:

- an approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
- a newly approved foster carer for up to 52 weeks from the date of approval if no child is placed with them during that time.

Source: DWP Housing Benefit Claimant Factsheet (Removal of Spare Room Subsidy)

In the case of non-dependent adults 18 or over who are not carers; vulnerable; or the subject of other exceptional circumstances; they will not be considered as members of the household for the purpose of this Housing Allocation Scheme. Carers will only be considered as a household member where overnight care is essential.

The annex table sets out the size of a property a household successfully applying for home can expect The Council will not offer a home that is larger or smaller than the identified need (subject to Section 6.10). In detail:

- The number of bedrooms you need depends upon the size of your family
- The chart shows the size of home that we consider you need
- A single parent is counted as a couple and an unborn baby after the second trimester is counted as a child
- Single people without children will usually be offered a studio/bedsit
- Two children of the opposite sex under ten will be expected to share a bedroom
- Council or Private Registered Provider (PRP) tenants 'trading down' from properties with three or more bedrooms may choose a property with one bedroom more than they need
- Some housing associations may have policies that vary from the bedroom requirements set out below
- In exceptional circumstances, applicants with a disabled child who requires their own bedroom will be considered on a case by case basis.

| <b>Size Category</b> | <b>Size of Household – Common Examples</b>  | <b>Size of Property</b> |
|----------------------|---|-------------------------|
| 1                    | Single Person   | Studio / Bedsit         |
| 2                    | A couple or single parent without children  | 1 Bedroom               |
| 3                    | Two adults of the same generation*  | 2 Bedrooms              |
| 4                    | A couple or single parent expecting a child or with a child (including a non-dependent adult son or daughter) | 1 / 2 Bedrooms          |
| 5                    | A couple or single parent with two children of the same sex   | 2 Bedrooms              |
| 7                    | A couple or single parent with two children of opposite sex and both under ten                                | 2 Bedrooms              |
| 8                    | A couple or single parent with two children of opposite sex one of whom is over ten                           | 3 Bedrooms              |
| 9                    | A couple or single parent with three children   | 3 Bedrooms              |
| 10                   | A couple or single parent with four children (all of the same sex or two of each sex)                         | 3 Bedrooms              |
| 11                   | A couple or single parent with two children of the opposite sex under ten and one dependent relative          | 3 Bedrooms              |
| 12                   | A couple or single parent with four children (three of one sex and one of the opposite sex)                   | 3 / 4 Bedrooms          |
| 13                   | A couple or single parent with more than four children  | 4 Bedrooms (or more)    |
| 14                   | A couple or single parent with three children and one dependent relative                                      | 4 Bedrooms              |

\* Less than 20 years apart not applying to parents/children

Note: An applicant or applicants may be considered to be one person; a couple who are married or in a civil partnership; or two persons in a relationship. Both applicants and household members must be able to meet the residence criteria set out in Section 2.21 of this document.

## **Annex 2 – COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED**

### **Community Contribution**

The Council believes that people who make a community contribution should have greater priority for accommodation allocated by the Council than those who do not.

The Community Contribution priority scheme is a Hammersmith & Fulham Council policy which gives a qualifying applicant increased priority for housing. Increased priority will be awarded to applicants qualifying under the community contribution criteria who also have reasonable preference and they will be placed in Band 2 by virtue of this award.

### **Community Contribution Awards – How they work in practice**

Applicants must meet at least one of the eligibility and qualifying criteria in order to be considered for a community contribution award. They will also need to demonstrate they meet the local residency qualification. Applicants should have:

1. No on-going culpable involvement in anti-social behaviour or criminal activities
2. No breaches of tenancy within the last 3 years
3. No outstanding lawfully recoverable housing-related debt over £100
4. An outstanding unspent conviction

Applicants can access increased priority for housing in eight ways:

#### **1. Working Households**

This policy aims to support the economic growth of Hammersmith & Fulham. We will offer increased priority to applicants who are working but are on a low income and will therefore find difficulty in accessing outright home ownership or low cost home ownership.

#### **Definition of a Working Household**

Households where at least one adult household member is in employment. The criteria that applies is defined by Department for Work and Pensions (DWP) guidance on eligibility for Working Tax Credit. The number of hours per week required for employment varies according to household size and status. Current criteria can be found at the following webpage: <https://www.gov.uk/working-tax-credit/eligibility>

For the purposes of this Allocation Scheme, employment is described as having a permanent contract, working as a temporary member of staff or being self-employed. Applicants will only qualify if the worker has been employed for 9 out of the last 12 months. Verification will be sought at point of application as well as point of offer of tenancy under the same terms. Applicants must provide payslips, P60, bank statements or an original (i.e., not photocopied) verifying letter on headed paper in order to qualify.

## **2. Volunteering**

Volunteers must have been volunteering for a continuous period of at least 6 months up to the point of application for community contribution status and at point of tenancy offer. Volunteering must be for a not-for profit organisation that is recognised by the Council, or a charity that is registered with the Charity Commission or is funded by the Council or another local authority. Tenants and Residents Associations which are constituted are classified as not-for-profit organisation. They must be registered with Hammersmith & Fulham Council or a Private Registered Provider to qualify. Volunteering must be for a minimum of 20 hours per month.

### **Evidence Required for voluntary work**

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 20 hours per month of voluntary work for at least 6 months. This person must not be related to the applicant in any way.

## **3. Training or Education**

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and / or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training award a person must initially access a recognised Information, Advice and Guidance (IAG) service for young people up to age 19 years to develop an agreed employment action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

A person must have been studying or training against the eligible criteria and definition outlined, for a continuous period of at least 6 months up to the point of application and the same at point of offer. Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work (this may not apply to full time students dependent on the hours they are studying). Training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience. Training must be a minimum of 10 hours a month.

Some people undertaking training are not actively seeking work. Where the Department for Work and Pensions can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this policy.

### **Evidence required for Training element**

Further/higher education candidates must supply evidence of:

- letter from college or university confirming participation in course of study for period of 6 months

For vocational training award the following evidence must be provided:

- an agreed employment action plan developed through a recognised IAG service plus verification of steps taken towards achievement of action plan targets
- certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least 6 months)

### **4. Ex Armed Service Personnel**

Applicants who have served in the British Armed Forces and lived in Hammersmith & Fulham for at least 6 months immediately prior to enlisting, will qualify for a community contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Royal British Legion.

The Council intends to work with one or more housing organisations with experience of ex-service personnel issues in order to develop criteria and maximise housing options opportunities for ex service personnel.

### **5. Registered Foster Carers, Adopters and Special Guardians**

The Council recognises the contribution that Hammersmith & Fulham foster carers, adopters and Special Guardians make towards ensuring that children in care receive a settled environment to grow up in. To qualify for a community contribution award under this policy, applicants will require written confirmation a from the Council's Children's Service confirming that they have been approved as a Hammersmith & Fulham foster carer and/or adopter and/or accepted as a Special Guardian (i.e., the child concerned is the subject of a Special Guardianship Order) and that they are in a position to take one or more placements. Any re-housing requirements will be dealt with on a case by case basis.

## **6. Carers**

The applicant will usually need to be receiving Carer's Allowance to meet this criteria. Applicants who undertake formal care of dependents who are in receipt of Disability Living Allowance (DLA) higher rate or care element DLA may qualify for the community contribution award under this policy.

Note: Welfare reforms are changing the way disabled people are considered for benefit entitlement and this section (i.e., impact of such changes on carers) will need to be reviewed to reflect any changes that come into force.

## **7. People with disabilities and older residents**

Whilst many older people and those with disabilities work or volunteer (or where the applicant is receiving carer's allowance as described above), there may be circumstances in which frailty or a disability prevents this, or means that the full eligibility criteria set out in this annex. A Senior Officer will need to approve such as award.

## **8. Young People**

Generally young people (applicants aged 25 and under) will be required to meet the full community contribution criteria set out in this annex. However, a Senior Officer will have discretion with regard to the length of time a young person has been in employment. In addition where a young person is able to participate in volunteering and is not in employment or training the number of hours per month required is 20 hours.

The Council will have discretion to consider applicants who are referred to it by other sections of the Council.



| <b>ANNEX 3 – HAMMERSMITH &amp; FULHAM HOUSING BANDS</b>   |   |
|---|---|
| <b>Band 1</b>   |   |
| <b>Urgent Need to Move due to Reasonable Preference PLUS additional priority</b>                              |   |
| <b>Summary Guide of Criteria</b>  |   |
| <p>Emergency medical or disability<br/>Reasonable preference category S.167(2)(d)</p>                         | <ul style="list-style-type: none"> <li>• Where an applicant’s condition is expected to be terminal within a period of twelve months and re-housing is required to provide a basis for the provision of suitable care.</li> <li>• The condition is life threatening and the applicant’s existing accommodation is a major contributory factor.</li> <li>• The applicant’s health is so severely affected by the accommodation that it is likely to become life threatening.</li> <li>• The applicant (or household member) is unable to access their accommodation and requires re-housing into accommodation suitable for their use.</li> <li>• The applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>• Where overcrowding in the property leaves the applicant at risk of life threatening infection.</li> </ul> |
| <p>Exceptional Circumstances Welfare and Hardship Criteria<br/>Reasonable preference category S.167(2)(e)</p> | <ul style="list-style-type: none"> <li>• Emergency need to move determined by the Council and authorised by the Director of Housing responsible for Housing Options.</li> </ul>   |
| <p>Exceptional need to move<br/>Reasonable preference category S.167(2)(e)</p>                                | <ul style="list-style-type: none"> <li>• Applicants who need to move due to domestic abuse, extreme violence or extreme harassment.</li> <li>• Extreme violence or harassment will be verified by the Police and/or other agencies as necessary. This may include where a move is necessary to protect a witness to criminal acts.</li> <li>• Agreed in exceptional circumstances due to significant problems associated with the tenant’s occupation of a council dwelling and there is a high risk to the tenant or their family’s safety if they remain in the dwelling/area. For council housing tenants, transfers will be to properties of the same size, type or smaller if they are under-occupying where required, but locations or areas are likely to change.</li> </ul>   |
| <p>Disability need to move on hardship grounds<br/>Reasonable preference category S.167(2)(d)</p>             | <ul style="list-style-type: none"> <li>• This is any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces</li> </ul>  |

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| <p>Release of adapted property<br/>Reasonable preference category S.167(2)(e)</p>   | <ul style="list-style-type: none"> <li>• Where a social housing tenant is willing to transfer to a suitable non adapted property and is releasing an adapted home or designated older persons property.</li> </ul>  |
| <p>Statutory Overcrowded<br/>Reasonable preference category S.167(2)(c)</p>   | <ul style="list-style-type: none"> <li>• Council tenants who are statutorily overcrowded and who require at least two additional bedrooms.</li> </ul>   |
| <p>Acute Overcrowding<br/>Reasonable preference category S.167(2)(c)</p>  | <ul style="list-style-type: none"> <li>• Where a household is 3 bedrooms short of the bedroom standard set out in 'Size of Household – Common Examples' set out in Annex 1.</li> </ul>  |
| <p>Private sector properties unsanitary or unfit.<br/>Those living in unsanitary conditions where the conditions pose an ongoing and serious threat to health;<br/>Reasonable preference category S.167(2)(c)</p> | <ul style="list-style-type: none"> <li>• Private sector tenants and residents of dwellings that the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health, where the applicant has an existing health condition that is exacerbated by these conditions. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period.</li> <li>• A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004.</li> </ul> |
| <p>Under-occupation<br/>Reasonable preference category S.167(2)(e)</p>  | <p>Where a Council tenant will release a home with two or more bedrooms by moving to a property which is either a 1 bedroom or studio/bedsit.</p> <p>Where a Private Registered Provider (normally a housing association) tenant who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the Council</p>  |
| <p>Major works or demolition<br/>Reasonable preference category S.167(2)(c)</p>   | <ul style="list-style-type: none"> <li>• Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished</li> </ul>  |
| <p>Foster carers referred by the Council's Children's Service<br/>Reasonable preference category 167(2) (d) or (e)</p>  | <ul style="list-style-type: none"> <li>• Foster carers or adopters approved by the Council whose housing prevents them from being able to start, or continue, to provide foster or adoptive care.</li> </ul>  |

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| <b>Band 2</b>   |  |
| <b>Need to Move Reasonable Preference AND a Community Contribution as identified in Annex 2 (i.e., eligible and qualifying applicants who are working; volunteers; in training or education; ex-armed service personnel; registered foster carers and adopters; carers; people with disabilities and older residents; and certain categories of young people.</b> |  |
| <b>Band 3</b>   |  |
| <b>Need to Move Reasonable Preference (as set out in Band 2) but NO Community Contribution as identified in Annex 2 (See above)</b>   |  |
| <b>Summary Guide of Criteria</b>  |  |
| Homeless Households owed a full homeless duty under section 193(2) or 195(2).<br>Reasonable Preference categories s167(2) (b)   | <ul style="list-style-type: none"> <li>• People who are owed a duty under section 193 (2) Or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) - This means households who are homeless or threatened with homelessness, eligible and in priority need</li> </ul>   |
| Overcrowded by the Bedroom standard.<br>Reasonable Preference category s167(2)(c)   | Where an applicant (but not a single applicant or a couple without dependants) is one or two bedrooms short of the bedroom standard set out in 'Size of Household – Common Examples' set out in Annex 1.   |
| Applicants living in unsatisfactory housing lacking basic facilities.<br>Reasonable Preference category s167(2)(c)  | <p>Applicants without access at all to any of the following facilities. No access to:</p> <ul style="list-style-type: none"> <li>• a bathroom or kitchen</li> <li>• an inside WC</li> <li>• hot or cold water supplies, electricity, gas or adequate heating</li> </ul> <p>Applicants who occupy a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.</p> <p>Applicants who only have access to shared facilities in shared accommodation will not qualify under these criteria.</p> |
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| <p>Medical grounds<br/>Reasonable Preference category s167(2)(d)</p>  | <p>Where an applicant's housing is unsuitable for moderate or severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. Such applicants (or applicants with a household member) may include a person with a learning disability. Housing Options officers will only consider applications where officers from the Council Adult Social Care Department consider the applicant is capable of independent living, taking account of any necessary and funded package of care and support.</p> |
| <p>Hardship or welfare need to move for care or support<br/>Reasonable Preference category s167(2) (c) and (d)</p>  | <p>Those in hardship or welfare who need to move to give or receive care that is substantial and ongoing.(or receive care that is acute and exceptional).</p>  |
| <p>Housing need due to age<br/>Reasonable Preference category s167(2)(d)</p>  | <p>Older or disabled applicants seeking Retirement or Extra Care or Sheltered housing (where available in each instance). At least one of the applicants will need to be over 65 years old to be eligible.</p>   |
| <p>Ready to move on from Council accredited supported housing schemes<br/>Reasonable Preference category s167(2)(c)</p>   | <p>An applicant is ready to move to independent settled housing; .the applicant is in need of medium to long term rather than short term ongoing tenancy support; and, a support package has been assessed and is in place.</p>  |
| <p>Move on from Care<br/>Reasonable Preference category s167(2)(c)</p>  | <p>A care leaver who has been agreed by the Care Leaver's Panel who is ready to move to independent settled housing and is genuinely prepared for a move to independent living; possess the life skills to manage a tenancy including managing a rent account; and is in need of either a long term or medium term tenancy support; and that a support package has been assessed and is in place.</p>  |
| <p>Discretionary Succession</p>   | <p>Where the Council has agreed to grant a tenancy under sections 3.9 – 3.15 of this policy.</p>   |
| <p>Ex Armed Service Personnel with urgent housing needs (all reasonable preference categories)</p>  | <p>Ex Armed Service personnel meeting the criteria set out in the <i>Housing Act 1996 (Additional Preference for Armed Forces)(England) Regulations 2012</i></p>   |
| <p>Existing Foster Carers and Adopters approved by the Council willing to provide care for an additional child<br/>Reasonable preference category 167(2) (d) or (e)</p> | <p>Where a Foster Carer or Adopter already provides a home for at least one foster or adoptive child offers to provide care for an additional foster or adoptive child.</p>  |

| <b>Band 4</b>  |  |
|--|--|
| <b>Reduced Priority : Need to Move - Reasonable Preference but with Reduced Priority</b> |  |
| <b>Summary Guide of Criteria</b>   |  |
| Applicants owed Reasonable Preference but who have been given reduced priority.          | Applicants in this band have reduced preference and are extremely unlikely to be offered social housing but may be offered assistance to find a home in the private rented sector. |

## **Reference Documents**

Communities & Local Government (CLG) Allocation of Accommodation: guidance for local housing authorities (June 2012)

CLG Providing social housing for local people. Statutory guidance on social housing allocations for local authorities in England (December 2013)

CLG Right to Move- Statutory guidance on social housing allocations for local housing authorities in England (March 2015)

The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012

The Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015.

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**Hammersmith & Fulham Council**

# **Tenancy Strategy**

**DRAFT**

**June 2015**

## **Tenancy Strategy Consultation**

The Council is seeking your views on what you think of this Tenancy Strategy .

### **What is the Tenancy Strategy**

The council is required by law to produce a Tenancy Strategy. This document sets out what kinds of affordable housing tenancies the local authority grant; the circumstances in which they will grant a tenancy of a certain kind; where they grant tenancies for a fixed term; the lengths of the terms, and the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

To access this Draft Tenancy Strategy electronically, go to [www.lbhf.gov.uk/housingconsultation](http://www.lbhf.gov.uk/housingconsultation)

If you:

- Want a paper copy of the Draft Tenancy Strategy document
- Have any questions about this Draft Tenancy Strategy document and would like to discuss them
- Want a clearer explanation of what we are proposing
- Want to meet someone from the Council to discuss the Draft Strategy or would like someone to attend a meeting
- Want to send a response

please contact Aaron Cahill, Interim Housing Strategy Manager on 020 8753 1649 or email [housingconsultation@lbhf.gov.uk](mailto:housingconsultation@lbhf.gov.uk) and we will respond as soon as we can. You can also write to us at the office address below.

The Council will collate responses from:

- Consultation survey responses (written and electronically)
- Interviews and discussions with individuals and group meetings
- Written submissions received from individuals and organisations
- Notes from consultation meetings

If you want a paper copy of the Draft Tenancy Strategy document, call or email us using the contact details above.

If you want to submit a paper copy of any response you want to make, please send it to:

Housing Strategy Team  
Housing Department  
First Floor, 145 King St  
London W6 9XY



Submissions in response to this consultation process must be made by **Wednesday 16 September 2015**.

### **Housing Strategy Consultation Process January - March 2015**

We consulted with interested parties during early 2015 on the Housing Strategy, seeking views on the 'direction of travel' that we wanted to take. We have now adopted our Housing Strategy and have undertaken to consult further on the detail of individual documents. The other documents we are consulting on are the Housing Allocation Scheme and the Home Buy Allocation Scheme. People took some time and effort to respond to what we published and we have set out below some of what they said. The comments below relate to the Council's proposed approach to the Tenancy Strategy.

#### **We asked you two questions:**

**The First Survey Question was:** To what extent do you agree that the council should return from fixed term tenancies to lifetime tenancies?

**Responses to the Survey:** 42% of the respondents agreed with the proposal while 40% disagreed.

#### **Comments Included:**

"Security of tenure is important to invest in establishing a strong community. It helps local people to have security, towards employment, education and having strong family ties." – *male, council tenant, unable to work, W12*

"Fixed term tenancies (other than probationary tenancies) are an administrative nightmare as they effectively mean reassessing every tenant every few years. Much better to have good incentives for people to (for example) move to low cost home ownership if their income rises."

"What if a person's circumstances change during this time?" – *female, shared ownership, full-time work, SW6*

"Tenants would have a greater stake in their area and communities more stable and settled. After all, owner occupiers (by and large) enjoy a more settled. I do think it should be easier for tenants to be able to move if necessary for work, or retirement, etc." – *female, owner outright, retired, W12*

"People need security for their home." – *female, council tenant, part-time work, W12*

"Helps build community and give people a sense of security." – *female, council tenant, full-time work, W12*

"Again, a very nuanced issue. Under-occupation should be avoided of course. We also want to prevent encouraging a culture in which more occupants = larger, more valuable homes so larger families becomes a perceive path to a better life for those most at risk in society." – *male, owner with a mortgage or loan, full-time work, SW6*

“People should have an expectation that if their and the borough's circumstances do not change materially they will be able to retain their existing housing and policies should be operated to enable this, to avoid unnecessary upheaval and encourage people to invest in their homes, but there should be no right to remain if circumstances change.” – *owner with a mortgage or loan, full-time work*

“I believe in the principle of life time tenancies but I also think there needs to be an element of a probationary period initially where by the council can work with new tenants to ensure they can manage their tenancy and respect the local community. Greater emphasis needs to be placed on releasing properties that are under occupied. This might include grants to move on to smaller properties.” – *male, owner outright, retired, W12*

“For example a 3 bedroom flat might be necessary when children are young but as they grow up and leave home the housing needs of a retired couple are different.” – *female, owner with a mortgage or loan, part-time work, W12*

“Lifetime tenancies are not a good idea; they could lead to complacency with some tenants and remove the incentive to improve their housing situation in their own initiative.” – *owner with a mortgage or loan, full-time work*

“Council tenancies should be for life to give security for the family to know they have a home for life if you are living in a council property you a usually on a low income to start with and very difficult to move from that bracket to next.” – *female, owner with a mortgage or loan, full-time work, W12*

“I think security in housing is very important to people's quality of life; especially for families.” – *female, private rented, full-time work, W6*

“Tenants should be able to feel secure in their tenancy and consequently they will feel more attached and look after the property and surrounding environment better. But in certain cases a renegotiation and downsizing might be encouraged” – *female, owner outright, retired, W12*

“It is disruptive to move people just because their tenancy has ended. If they pay their rent and are not anti-social they should stay” – *female, council tenant, full-time work, SW6*

“The way to rebuild communities is to give tenants life security” – *female, owner outright, part-time work, SW6*

“If a purely commercial view is taken of the efficient occupation of the affordable housing stock and the need to move people on as soon as or if their financial circumstances improve it pushes against the need to foster social cohesion. If people can't call somewhere home it is unsettling that they might have to move their children from existing schools if they are asked to surrender their tenancy because they have secured stable employment and a good income.” – *male, owner outright, full-time work, W10*

“Especially sensible for tenants who are unlikely to ever be able to access other forms of housing, i.e. disabled tenants, tenants who work in lower paid jobs, such as nurses, teachers etc.” – *housing association tenant, part-time work, W12*

“Security of tenure increases the health and wellbeing of individuals and communities.” – *female, council tenant, full-time work, W6*

“People occupying properties at least one bedroom bigger than their needs should be moved into more suitable homes. They should be given a choice of homes and not just put somewhere, but at the same time should not be allowed to stay in 3 bedroomed and larger homes. When the tenancy is signed this should be a condition of the tenancy, but as long as they require the size of home they should be allowed to live there. There should also be a condition regarding income. People who can afford to purchase or rent privately should lose their entitlement to social housing.” – *male, private rented, unable to work, SW6*

“Helps to create sustainable communities and allow people to put down roots in the community.” – *male, housing association tenant, full-time work*

“Lifetime tenancies offer security which a lot of people need. However, people with a history of anti-social behaviour could be offered a fixed term tenancy and closely monitored.”

“Everyone wants secure longer term tenancies particularly if extended family are included in childcare, looking after disabled and vulnerable relatives. Care in the community, means care in the home and you can't do it very easily if you have to worry about what happens when you die/ fall ill. Who actually is going to look after your disabled child or elderly parent.” – *female, council tenant, unable to work, W12*

“Security for the family. You cannot put a price on that. In terms of things I own, the secure tenancy is the most precious by a long, long way. For those who aren't millionaires, it is the most precious thing you have in London. Build more social housing so you can hand more out. It's a great bargaining chip to get antisocial folk to behave. Also return rights to succession.” – *female, owner with a mortgage or loan, full-time work, W12*

“Security of tenure is essential to allow families to plan their lives.” – *Hammersmith & Fulham Law Centre, SW6*

**The Second Survey Question was:** To what extent do you agree that the council should keep fixed-term tenancies for certain categories of applicant?

**Responses to the Survey:** 69% of the respondents agreed with the proposal while 19% disagreed.

#### **Comments Included:**

“If someone continues to prove antisocial. It's a balance between a 'right and a responsibility.” – *male, council rented, unable to work, SW6*

“Again, this enables the council to create preferred classes of society, which is wrong.” – *private rented, full-time work*

"If they have bad behaviour their tenancy should be reviewed more often. These people are being provided with a benefit and they should respect that benefit being provided to them."  
– *female, private rented, full-time work, SW6*

"People with a history of anti-social behaviour should always have their behaviour left under scrutiny."

"Giving them access to permanent residency is inviting them to return to anti-social behaviour." – *male, owner with a mortgage or loan, full-time work, W12*

"People with a record of anti-social behaviour, with rent arrears or similar criteria obviously seem to struggle with the responsibilities of life in general. While I do not condone their behaviour I think these people should be supported and helped rather than punished." –  
*female, private rented, full-time work, W6*

"I thought, though, that a tenancy could be taken away because of anti-social behaviour anyway. I know it would be a long process, but life tenancies have to be conditional on basic respect for neighbours." – *female, owner outright, part-time work, SW6*

"Lifetime tenancies should be for senior people only however, those who have shown that they have possessed a good record of behaviour may also be offered this." – *male, private rented, unemployed, W6*

"Every tenant with anti-social behaviour should always be able to be evicted from their homes what-ever kind of tenancy they have. It is grossly unfair for decent quiet people to be disturbed by others period!" – *male, private rented, unable to work, SW6*

"I think that is simple common sense. If you make things hopeless for people they will behave hopelessly. So offer a light at the end of a tunnel. Certainly, don't bar people just because they have a criminal record etc." – *male, council rented, unable to work, W14*

## **Index**

- 1. What is the Tenancy Strategy and why have one?**
- 2. Hammersmith & Fulham's Tenancy Strategy Approach**
- 3. Use of Fixed Term Tenancies (also known as Flexible Tenancies)**
- 4. Affordable Rents**

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## **1. What is the Tenancy Strategy and why have one?**

### **1.1 Summary**

1.1 The 2011 Localism Act places a statutory duty on local authorities to produce a Tenancy Strategy which should set out the local authority's approach to tenure reform in the social housing sector. Section 150 (1) and (2) states the following:

(1) A local housing authority in England must prepare and publish a strategy (a "tenancy strategy") setting out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to:

- (a) the kinds of tenancies they grant
- (b) the circumstances in which they will grant a tenancy of a certain 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

(2) The tenancy strategy must summarise those policies or explain where they may be found

1.2 In this document, we describe the current 'state of play' in respect to the Council's own stock as Registered Provider for its own stock and that owned and managed by housing associations (also known as Private Registered Providers) partners, for the purposes of this document described as Housing Associations.

1.3 This Tenancy Strategy will replace the Tenancy Strategy adopted in October 2012.

## **2. Hammersmith & Fulham's Tenancy Strategy Approach**

2.1 A key theme of the administration's manifesto commitments was to improve security of tenants and also help ensure housing costs could remain affordable.

2.2 Historically, tenancies issued by local authority registered providers and housing association registered providers are broadly similar, inasmuch they are 'lifetime' tenancies. This means that tenants have the right to stay in the property unless the landlord can convince the court that there are special reasons to evict them, for example, the tenant has not paid the rent and service charges, is not living at the property, has sublet or has broken another condition of the tenancy. All new Hammersmith and Fulham tenants will be introductory tenants for the first 12 months of the tenancy.

2.3 There are opportunities for succeeding the tenancy if the tenant dies, principally spouses/partners/civil partners and/or household members who have resided at the property for at least 12 months. Succession rules changed for tenancies granted after 1 April 2012 and individual tenants should check their tenancies as to what rules apply to them. The policy position on discretionary succession will also be set

out in the latest Council Housing Allocation Scheme document which sets out the 'rules' by which affordable rented accommodation is allocated.

- 2.4 On security of tenure, the Council intends to return to issuing 'lifetime' secure tenancies for its council tenancies. But the Council is seeking views on whether certain categories of applicant (e.g., those with a record of anti-social behaviour) should have fixed term tenancies granted in the first instance. We also recommend to our housing association partners that their equivalent tenancy, the Assured Tenancy, should be adopted rather than adopting Assured Shorthold Tenancies. However, we recognise under the funding regime adopted by the Mayor of London and that policies adopted by both the Council and housing associations must be in 'general conformity' with his Housing Strategy, housing associations have changed their approach to both tenancies and rents. Some housing associations are now issuing five year fixed term Assured Shorthold Tenancies and are charging affordable rents that can be twice what they are charging their existing tenants. The Council recognises that the Affordable Rent regime and the more commonplace adoption of Assured Shorthold Tenancies is a result of a change in national policy, but nonetheless consider that some local discretion can be applied to improve affordability and security of tenure.
- 2.5 The Council has relatively limited powers to exert change on our housing association partners' work, but where the Council provides funding or land for development or other tangible support, in the absence of any GLA funding, it will seek additional value – through lower rents and lifetime tenancies - where appropriate.
- 2.6 For housing associations, the Council expects them to have regard to this Tenancy Strategy when developing tenancy policies and granting tenancies in Hammersmith & Fulham area. These decisions may be impacted by GLA grant conditions for new affordable housing broader changes applied following the 2011 Localism Act. Where the Council directly or indirectly facilitates the delivery of new housing through use of public land; commuted sums; or other intervention, then the Council would seek to ensure that the housing association concerned delivers rents and tenancies that broadly conforms with this Tenancy Strategy, namely Assured Tenancies, charged at target rents.

### **3. Use of Fixed Term Tenancies (also known as Flexible Tenancies)**

- 3.1 The Council in its Housing Strategy states that it will use fixed term tenancies for "certain categories of applicant". This section sets out the categories of applicant and what types of tenancy will be granted. There are two categories of applicant that the Council may grant fixed term tenancies for:

3.1.1 Where the Council adopts a Local Lettings Plan which will involve varying the 'rules' of the Housing Allocation Scheme which enables applicants to access the Housing Register. The Council will consult with tenants who are affected by the change in policy. Such a change in policy may involve giving allocations priority to certain categories of applicant from the Housing Register or the Home Buy Register. Where the Council proposes a Local Lettings Plan, it will publish a draft document and undertake a consultation process, which sets out what kinds of tenancies are going to be proposed. These will either be 2 year or 5 year fixed term tenancies

which can be renewed, both of which will be preceded by a 1 year introductory tenancy.

3.1.2 The Council is retaining discretion to grant fixed term tenancies for applicants who have a history of anti-social behaviour; unspent criminal convictions; or any other reason that the Director of Housing responsible for Housing Options considers necessary to warrant the grant of a fixed term tenancy.

3.1.3 In both instances set out above, the basis for renewal of such a tenancy will be raised with the tenant when the renewal process is due to begin, approximately 9 months before the tenancy is due to expire.

#### **4. Affordable Rents**

- 4.1 One of the objectives of the National Government through its *Future for Social Housing* consultation paper and the 2011 Localism Act that followed it was to generate additional revenue from the rental stream of new affordable housing, with the intention of alleviating the capital cost of housing development. This meant rather than adopting rents which were generated from individual housing associations' policies – mostly 'target rents' - the intention was to link affordable rents to those of the local housing market.
- 4.2 The Council is not seeking to set a local affordable rent policy which all Registered Providers should adhere to. The Council's preference is that rents should be aligned as close as possible to 'target rents' for individual Registered Providers and be affordable to people on low incomes in the Borough. The Council recognises that where schemes are funded by the Greater London Authority, rents charged may be either Discounted Rent (up to 80% of local market rents) or Capped Rent (up to 50% of local market rents), both inclusive of service charges. Where new social or affordable rented homes are proposed, 'in year' indicative rents and service charges for comparative purposes should be set out. In calculating social and affordable rents, developers should have regard to the Mayor of London's *London Rents Map* (which uses up to date housing costs information from the Valuation Office Agency) for comparative purposes. Any increases in rent between the proposal and completion should be based on an annual Consumer Price Index (CPI) + 1% projection.
- 4.3 For guidance purposes, the Council will publish 'indicative rents' on its website based on affordable rents charged for that financial year in the borough that will give residents, housing associations and developers to 'benchmark' the level of rents the Council would expect to see charged. Our preference remains to support the delivery of rented homes charged at 'target rents' but we are also aware of the impact of service charges (which are excluded from the 'target rent' regime), particularly in high density developments. The Council would not expect target rents plus service charges to exceed Capped Rents described above and will expect service charges to be kept to an affordable minimum. The Council believes careful consideration to the design of new homes can help minimise costs derived from service charges.

June 2015



**Hammersmith & Fulham Council**

**Home Buy Allocation  
Scheme**

**DRAFT**

**June 2015**

## **Home Buy Allocation Scheme Consultation**

The Council is seeking your views on this Draft Home Buy Allocation Scheme.

### **What is the Home Buy Allocation Scheme**

This Home Buy Allocation Scheme sets out the 'rules' by which affordable intermediate housing available to the council is allocated to applicants on the Council's Home Buy Register. Intermediate housing is usually for working people on low to medium incomes who don't qualify to access the housing register social or affordable rented housing but can't afford to buy a home on the open market. The most common forms of intermediate housing are shared ownership and discount market sale but there are other types which are explained in this document.

To access this Draft Home Buy Allocation Scheme electronically, go to [www.lbhf.gov.uk/housingconsultation](http://www.lbhf.gov.uk/housingconsultation)

If you:

- Want a paper copy of the Home Buy Allocation Scheme document
- Have any questions about this Home Buy Allocation Scheme document and would like to discuss them
- Want a clearer explanation of what we are proposing
- Want to meet someone from the Council to discuss the Draft Scheme or would like someone to attend a meeting
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Housing Strategy Team  
Housing Department  
First Floor, 145 King St  
London W6 9XY

Submissions in response to this consultation process must be made by **Wednesday 16 September 2015**

## Housing Strategy Consultation Process January - March 2015

We consulted with interested parties during early 2015 on the Housing Strategy, seeking views on the 'direction of travel' that we wanted to take. We have now adopted our Housing Strategy and have undertaken to consult further on the detail of individual documents. The other documents we are consulting on are the Housing Allocation Scheme and the Tenancy Strategy. People took some time and effort to respond to what we published and we have set out below some of what they said. The comments below relate to the Council's proposed approach to the Home Buy Allocation Scheme.

### We asked you two questions:

**The First Survey Question was:** To what extent do you agree with the proposal to allocate homes for low-cost home ownership equally between three income bands in future?

The background to the question was as follows:

The Council intends to consult on changes to the Home Buy Allocation Scheme. This scheme allocates the homes available for low-cost ownership according to applicants' income and priority ranking. The Mayor of London's London Plan says low-cost home ownership should be open to people earning between £21,100 and £66,000 (or £80,000 for 3-bed homes)\*. In future, the council is proposing to allocate homes for low-cost ownership equally between three income bands:

- Up to £29,000 gross income
- £29,001-£43,550 gross income
- £43,551-£50,550 gross income

\* Note: The Mayor of London has since increased the income floor to £21,500 and the income caps to £71,000 and £85,000 since the consultation process.

**Responses to the Survey:** Over a half (56%) of the respondents agreed with the proposal while a third (33%) disagreed.

### Comments included:

"This will help the lowest income population on the housing ladder." – *male, council tenant, unable to work, W12*

"Good idea, otherwise sales of LCHO homes will be solely market-driven i.e. will go those most able to afford, which undermines mixed communities"

"I would have thought that there should more preference given to people in the lower income brackets, rather than share out the opportunity equally to all three bands." – *owner outright, retired, W6*

“This would be fair to all groups that can't get on to the housing list.” – *female, council tenant, part-time work, W12*

“Would like to own my own home and any incentive to buy either my current home or a new build would certainly help me and others like me.” – *female, council tenant, full-time work, W12*

“LBHF should be providing cheap rentals not propping up the cost of ownership by being involved in any kind of ownership scheme.” – *private rented, full-time work, W6*

“The Council's three bands seem more realistic (i.e. better reflecting existing need) than the Mayor's.” – *female, owner outright, retired, W14*

“People earning £80,000 need help buying a home? I think they may need lessons in financial planning. Home ownership is not an inalienable right.” – *male, owner with a mortgage or loan, full-time work, SW6*

“Agree that it should be distributed across those income bands, but believe the focus should be much more on rented accommodation than ownership.” – *female, owner outright, part-time work, SW6*

“You live where you can afford.”

“I think the Mayor's income levels are too high. For instance public sector incomes are rarely found to be much more than £40k more likely to be less than £30k. Other income level such as shop workers, earn nothing like these salaries.” – *male, owner outright, retired, W12*

“Looks good in writing but will it come to plan.” – *female, council tenant, full-time work, SW6*

“I think it's a really good idea to allow people to buy - but if the homes are heavily discounted then it should be on a leasehold basis only (no more than 90 years or life-term)” – *female, owner with a mortgage or loan, part-time work, W12*

“Disagree with Home Ownership Schemes. Council is there to provide social housing for those in need. Property prices are expensive in the private sector but that should not be the concern of the Council.” – *male, owner with a mortgage or loan, full-time work, W14*

“If it is administered without interference it could work.” – *female, private rented, unable to work, W6*

“Priority should be given to those at the lower end.” – *female, owner outright, retired, W12*

“Would like to see more priority for low-income families.” – *male, owner outright, retired, W6*

“Should be a higher proportion for lower earners.” – *female, council tenant, full-time work, SW6*

“All these groups need help to buy somewhere to live.” – *female, owner outright, full-time work, W12*

“The current Shared Ownership salary cap of £66,000 for 2 bedrooms properties makes it increasingly difficult to find a market for higher value units (which are becoming increasingly common in London following a price rise over the past 18 months) due to mortgage lenders’ restrictions on the amount that purchasers can borrow. By further restricting the income criteria you will make it impossible to sell certain units through the Shared Ownership model to anyone other than those parties with very large deposits.” – *housing association tenant*

**The Second Survey Question was :** To what extent do you agree with the current priority order in which the council ranks people seeking low-cost home ownership?

The context to the question was as follows: At the moment, the council ranks people seeking low cost home ownership in the following priority order: 1. social tenants (council or housing association who would be vacating their home); 2. armed services / (ex-armed services personnel); 3. police officers living or working in the borough; 4. homeless working households in temporary accommodation; 5. disabled applicants; 6. households living for 12 consecutive months in the borough; 7. households working for 12 consecutive months in the borough; 8. households living or working in the borough with an income within a certain limit; 9 households with an income above a certain limit.

**Responses to the Survey:** Over a half (51%) of the respondents agreed with the current priority order while a quarter (25%) disagreed.

**Comments included:**

“Want to see the proposed detail. However given the density of the borough. The high property values. It seems to me that building the rental market in a fair way may be more prudent than passing resources to the private sector. If rents were fair and affordable then as in the past, people would be able to save for home ownership. Subsidising home ownership is a cost to the borough from which it is likely to achieve no return on investment.” – *male, council tenant, unable to work, SW6*

“People born or educated in the borough” – *owner outright, full-time work, SW6*

“I would add in health service workers and care workers.” – *female, owner outright, retired, W12*

“Living in the borough for 12 months is not long enough.” – *female, council tenant, part-time work, W12*

“Very difficult to prioritise the different categories” – *female, owner outright, retired, W14*

"Police/Firemen/Armed Service Personnel/Nurses should be very high priority. I would also include teachers and carers, but not as high." – *male, owner with a mortgage or loan, full-time work, SW6*

"Once again the provision appears to apportion on a fair basis." – *male, housing association tenant, retired, SW6*

"Key workers should be added. Key worker definition needs to be agreed but should include the police for instance, but should include health workers and other providing vital public services." – *male, owner outright, retired, W12*

"Anyone who works, but has a low income, should be supported." – *female, owner with a mortgage or loan, part-time work, SW6*

"The time living in the borough is far too short to qualify for subsidised housing." – *owner outright, retired, W6*

"I don't see why armed forces or Police officers should get preferential treatment here. Disabled applicants should get priority to appropriate properties but not as a general policy." – *male, owner with a mortgage or loan, full-time work, W12*

"Young adults coming from the care system" – *female, owner with a mortgage or loan, full-time work, W12*

"Not sure about Armed Services / Ex Armed Services Personnel." – *female, private rented, full-time work, W6*

"There is no mention of key workers such as hospital staff." – *female, owner with a mortgage or loan, full-time work, W14*

"Nurses, NHS staff should be ranked at or above the same level as police officers. London Transport drivers should also be on the list, although not Tube Drivers."

"Why should MY tax money be used to pay for somebody's housing just because they have worked in the borough for 12 months? What is the Tube for?" – *male, owner with a mortgage or loan, part-time work, SW6*

"Add medical personnel to this list - in principle the benevolent who give to society should receive back from society." – *male, shared ownership, full-time work, SW6*

"Armed service and police personnel need to be lower down as they earn far more than a lot of people. Disabled and homeless and those living/ working in borough should be higher up instead." – *female, private rented, full-time work, W6*

"The borough is losing lots of teachers/ police officers because of housing." – *male, full-time work, W12*

"Likewise I don't think the police should have higher priority than other public services." – *female, council tenant, full-time work, W6*

“I think teachers who work in special schools who do many out of hours social activities.” – *female, council tenant, unable to work, W12*

“Police officers living or working in the borough should not be given priority.”  
- *Advice Centre*

“We do not agree that certain professions should be offered priority over others, nor do we believe that it is necessary to restrict the Shared Ownership market to those parties who live or work in the Borough. As such we would recommend that these criteria are removed from the list above.” – *housing association tenant*

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## **Home Buy Allocation Scheme**

### **Index**

1. What is the Home Buy Allocation Scheme and why have one
2. What intermediate housing products are available
3. Who provides intermediate housing
4. Qualification and priority
5. Affordability Bands for Home Buy Products
6. Local Lettings Plans
7. How to Register for Home Buy

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## **1. What is the Home Buy Allocation Scheme and why have one**

1.1 The Home Buy Allocation Scheme sets out the Council's overall approach to allocating homes available to applicants on the Home Buy Register. These will be applicants who cannot afford to access open market housing in Hammersmith & Fulham and do not otherwise qualify to access affordable for rent housing that can be accessed under the Housing Allocation Scheme.

1.2 In more detail, the Home Buy Allocation Scheme seeks to:

**Firstly**, make clear to applicants seeking Home Buy opportunities what criteria needs to be met to access the Home Buy register and what products are available.

**Secondly**, make clear to developers and housing associations (also known as Private Registered Providers) what the Council's approach to Home Buy is, particularly in respect of affordability.

**Thirdly**, to align the Council's approach to allocating homes under the Home Buy Scheme with the approach the Council has adopted for social housing, as set out in the Housing Allocation Scheme which is being revised at the same time, with specific reference to Local Lettings Plans.

1.3 There are more detailed associated documents that address specific issues regarding registration and the kind of information that applicants need to provide the Council in order to access the Home Buy Register. These are available from the Council's Home Buy team whose details can be found at the end of this document.

## **2. What intermediate housing products are available**

2.1 The rationale for intermediate housing is a very simple one: it is for people who do not qualify for social housing and who cannot afford to buy a home on the open market and in some instances not able to rent privately either. It is normally the case that the cost of intermediate housing will be lower than the cost of open market housing (including private rented housing) but higher than the cost of social/affordable rented housing. It relies on a discount which is achieved through public subsidy; discounted land; or through a 'planning obligation' whereby the developer provides the affordable housing as part of a planning agreement.

2.2 Intermediate housing tend to have three characteristics:

- The rent on the home is discounted
- The purchase cost of the home is discounted
- Both the rent and the purchase cost of the home is discounted

Service charges (e.g., cleaning and maintenance of communal and environmental areas; communal heating; management costs, etc) will be an additional cost, making up total 'housing costs'.

2.3 As a guiding principle, the more the discount, the lower the housing costs. But this means the cost of providing the home is greater. Given the high house prices in Hammersmith & Fulham, the discount can be hundreds of thousands of pounds for one property, which means the subsidies involved or planning obligation provided are a significant financial consideration for the developer concerned.

2.4 There are four main intermediate housing products, with a number of variations within each one.

1. **Shared ownership:** Applicants purchase on a leasehold basis paying between 25 and 75 per cent of the property value, and pay a low rent on the remaining property value to a housing association. This means a tenancy is created. 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.

2. **Discount Market Sale (DMS)** is a low cost home ownership product where a newly built property is purchased at a discounted price with the unsold equity held by the Council in perpetuity. The Council in effect gives the owner the free use of the Council's share. Should the home owner decide to sell the property, it is sold at the same percentage at the prevailing market value, ideally to another prospective purchaser from the Home Buy Register.

3. **Intermediate Rent:** These are homes, typically let by housing associations, at below market rent, thereby enabling tenants to save for a deposit. Rents are usually charged at up to 80 per cent of market levels.

4. **Shared equity/loan:** Applicants purchase the property outright with a conventional mortgage but with the assistance of a further loan, 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.

A further option is being considered by the Council.

5. **Equity Home Share** - The Council wants to take the best aspects of the products described above into something that is attractive for applicants; financially viable; and mortgageable. The DMS product is popular, but there is no scope for 'staircasing up' as per the shared ownership model, but nor is there an incentive to do so, apart from speculating on future house price rises. If the Council were to charge a rent for the unsold

equity, then this would involve creating a tenancy and would require a landlord (e.g., a housing association).

- 2.5 In summary, the Council is generally supportive of all the intermediate products described above, with the caveat that it is developing its approach to developing a fifth option. However, it will always seek to ensure that any intermediate product that is developed is affordable to those seeking homes **and** that prospective applicants will be able to afford to sustain the housing costs in intermediate housing over the medium to long term.

### 3. **Who Provides Intermediate Housing?**

- 3.1 There are only a few organisations that provide intermediate housing. They are principally:

3.1.1 **Housing Associations** – also known as Private Registered Providers who have a strong record in delivering intermediate housing. Organisations such as Notting Hill; Peabody; Shepherds Bush; Catalyst (not an exhaustive list) all have a track record of delivering intermediate housing in the borough and outside it.

3.1.2 **Private Developers** – have in recent years delivered affordable products, principally Discount Market Sale housing. In this instance, the developer sells a proportion of the home to the applicant, with the remaining unsold proportion vested with the Council.

3.1.2 **Hammersmith & Fulham Council** – in its 'direct delivery' role had a programme of building new homes which in the past has led to the development of Discount Market Sale homes.

- 3.2 As a general principle, the Council will take responsibility for nominating households to Home Buy opportunities available in the borough. These will be structured through nomination agreements.

### 4. **Qualification and Priority**

- 4.1 When a New Build Home Buy property becomes available we alert all the people registered with h&f Home Buy via email. Once the property has been viewed and reservation fee lodged by those people who are seriously interested in moving to the property the council are sent a list of these people by the developing Housing Association or their agents from which we create a prioritised shortlist.

- 4.2 More people express an interest in low cost home ownership than we have available properties, so the council has to prioritise which people will be given the opportunity to purchase. Information on minimum and maximum income levels are specified in the next section of this document.

## Qualification

- 4.3 Regarding qualification for the Home Buy Register, applicants, should:
1. Live or work within the Borough
  2. Not be a home owner at the time of nomination for a development (Note: exceptions to this rule will be where an applicant who is currently in a recognised low cost home ownership property and need to move to a larger home). Such applicants will have to have commenced the sale process of their existing home and must have at least reached the 'exchange of contract' stage before being considered for another LCHO property.
  3. Have a household income not exceeding the relevant limits (See Section 6)
  4. Not be able to purchase a comparable property on the open market
  5. Be eligible under the Housing Allocation Scheme (See Annex A)

## Priority

- 4.4 The council has followed government and local priorities when deciding who will be prioritised for Home Buy properties. Priority is given in the order listed below (the first two have joint priority):
1. Social tenants in either council housing or Private Registered Provider housing (i.e., housing association) accommodation, where the Council will gain the nomination of the vacated property vacated. This will include council tenants on 5 year flexible tenancies or 5 year housing association tenants on Assured Shorthold Tenancies.
  1. Armed Services (and Ex Armed Services) personnel (as defined by First Steps London\*) living (or previously living as an adult) for twelve consecutive months in the borough
  3. Police officers living or working in the borough
  4. Homeless Working Households in Temporary Accommodation
  5. Disabled applicants who are wheelchair users (See Section 5.8)
  6. Households **living** for twelve consecutive months in the borough
  7. Household **working** for twelve consecutive months in the borough
  8. Households living or working in the borough with an income within the relevant limit
  9. Households with an income above the levels specified in Section 6.3, expected to be mainly for resale of low cost home ownership products.

Note: Households will be prioritised in order of need for the type or bedroom size of the property and for family sized properties,

households with a need will be prioritised. As a general principle, an applicant's household bedroom need will have more weight than that of an applicant who wants, but doesn't need an additional bedroom irrespective of the priority grouping.

\* First Steps London definition of eligible armed (and ex-armed) services personnel is as follows:

*To be considered a priority, armed forces personnel must have completed basic (phase 1) training and fall into one of the following categories:*

- *Regular service personnel (including Military Provost Guards Service in the Army, Navy, Air Force)*
- *Clinical staff (excluding doctors and dentists)*
- *MoD police officers*
- *Uniformed staff in the Defence Fire Service*
- *Ex-regular service personnel (who have served in the Armed Forces for a minimum of six years and can produce a Discharge certificate, or similar document). Applications must be within 12 months of discharge*
- *The surviving partners of regular service personnel who have died in service may be eligible to be prioritised where they apply within 12 months of the date of being bereaved*

*The following roles are prioritised for Intermediate Rent only:*

- *Full Time Reserve Service (Full Commitment)*
- *Individuals who have not completed basic training*

5.5 The Council reserves the right to change the prioritisation model at any time without notice. This will be agreed by the Director of Housing responsible for Housing Options in consultation with the Cabinet Member for Housing.

5.6 There will be occasional schemes which have attracted specific funding which may require variations on the eligibility and qualifying criteria outlined above.

### **Shortlisting**

5.7 The Council currently has over 7,000 applicants on its Home Buy Register. This means that when schemes are marketed, they are often over-subscribed. The Council as part of its shortlisting process will assess the applicant's priority (as described in 5.4 above); their income; and their savings when considering who should be allocated a Home Buy Opportunity. In the case of two bedroom or more, priority will be given to households with children. The Council will also be mindful of its statutory equality duties to ensure that a suitably wide range of the Hammersmith & Fulham community accesses Home Buy opportunities.

## Housing for People with Disabilities

- 5.8 The Council as part of its planning approach requires that *all new build dwellings should be built to "Lifetime Homes" standards with 10% to be wheelchair accessible, or easily adaptable for residents that are wheelchair users* (Core Strategy Policy H4). Note: Reference to the Lifetime Homes Standard, wheelchair accessible or easily adaptable dwelling will be replaced by new Building Regulation Requirements on 1<sup>st</sup> Oct 2015 and the London Plan is currently being altered to ensure that these new optional requirements will be implemented in London.
- 5.9 Where the Council has secured affordable housing for Home Buy purposes which is accessible (or adaptable) for wheelchair users, such housing will be marketed in the first instance to Home Buy applicants who have indicated that they require such housing. The Council will seek to ensure that the marketing programme for such housing will be longer than that for general needs applicants.
- 5.10 Applicants who are wheelchair users will receive priority for accommodation which is wheelchair adapted/adaptable. A disabled applicant who uses a wheelchair at the time of application should be capable of independent living, allowing for any funded package of care and support. In the event that such accommodation is not allocated to a disabled applicant who uses a wheelchair, the Council may give priority to applicants who have moderate or severe disabilities (including learning disabilities) and be capable of independent living, allowing for any funded package of care and support. The Council may seek advice from its independent medical advisor to assess the severity of need to inform its decision.

## Affordability and Income

- 5.11 It is important that applicants have sufficient income and saving to be able to both access the Home Buy products that the Council has available, but also to have the resources to sustain the occupancy of the home concerned. By this we mean be able to pay the housing costs, e.g., mortgage, rent, service charges and living expenses, in a managed fashion.

## Affordability

- 5.12 As guiding principles, a successful applicant will need to:
- be in sustainable employment
  - have the necessary savings for any deposit required (dependent on the Home Buy product)
  - have sufficient income to meet the housing (and associated) costs of sustaining occupation of the Home Buy product
- 5.13 Affordability is based on a mortgage multiplier of 3.5 x gross annual household income. This means if your gross household income is £50,000, then the mortgage that we consider likely that you will be able to attract for affordability purposes would £175,000. The Council does not expect housing

costs to be greater than 40% of disposable income (i.e., after income tax), in line with guidance set by the Mayor of London.

### **Minimum Income Floor and Maximum Income Cap Levels**

- 5.14 Eligibility for intermediate housing is defined largely in relation to income and ability to purchase a suitable home without assistance. Applicants (i.e., a single applicants or joint applicants) must have an annual income of more than £21,500 although we will consider exceptions to this (e.g. where an applicant has a substantial deposit). This is an 'income floor'. The maximum income that a household can earn and still qualify for the Home Buy Register is £71,000 for a one bedroom or two bedroom home, increasing to £85,000 for those with dependents purchasing three-bedrooms or more, in order to reflect the higher cost of both developing and buying a family sized home in London. These income levels should be considered as 'income ceilings'. The income floor and income ceilings are drawn from the Mayor of London's Annual Monitoring Report which are usually published in Spring of each year.
- 5.15 This means the maximum income you can have if you are seeking to access a home available under the Home Buy Allocation Scheme. The one exception to these limits would be Priority 9 identified in Section 4.4 (9) of this report.

### **6. Affordability Bands for Home Buy Products**

- 6.1 The tenure, type and supply of affordable housing for Home Buy purposes comes from a number of sources and circumstances and it is therefore not possible to be certain about what will be available at a particular time. However, the Council is committed to increasing the supply and choice of affordable housing for Home Buy purposes as part of its wider objective to realise its regeneration and growth ambitions.
- 6.2 Where the Council is working with a private developer and/or a housing association on a scheme, the Council will seek to facilitate the delivery of intermediate housing which will be affordable to applicants on incomes set out below. bands:
1. 1/3 affordable to households on gross incomes of up to £29,000 (midpoint figure £25,250)
  2. 1/3 affordable to households on gross incomes of up to £43,550 (midpoint £36,275)
  3. 1/3 affordable to households on gross incomes of up to £50,550 (midpoint £47,050)
- 6.3 The reasoning behind the affordability bands is simple: the Council wishes to see as broad a range as possible of income earners accessing Home Buy opportunities. If the affordable housing concerned were only available to households on incomes at the Mayor of London's income caps of £71,000 and £85,000 as described in Section 4.2, this would clearly be restricting access to households in lower paid employment, particularly those who are currently resident in social rented housing. The Council is particularly keen to encourage these cohorts of need to access intermediate housing opportunities available under the Home Buy Allocation Scheme.

- 6.4 In addition, the Council will seek the mid-point of these income bands when negotiating with developers and housing associations which are set out in brackets above
- 6.5 The Council will review these income bands in the spring of each financial year with a view to uplifting them using the Office for National Statistics (ONS) Average Working Earnings index.
- 6.6 Homes available to buy under Shared Ownership are usually available to purchase at a minimum equity purchase of 25% of their open market value with a rental payment due on the remaining 75% of the unowned equity, with additional payment due for service charges. With the high open market values in Hammersmith & Fulham, the Council will expect developers to minimise the rental payment on the unowned equity (i.e., that part owned by the housing association which the occupier pays rent on) and also service charges. This will help keep the monthly housing cost outgoing to a minimum, as close as possible to the income bands described in Section 6.2, but the Council recognises that this will continue to be challenging, as it is elsewhere in central London locations.
- 6.7 In calculating affordable Intermediate Rents, developers should have regard to the Mayor of London's *London Rents Map* (which uses up to date housing cost information from the Valuation Office Agency) when calculating what intermediate rents (which will include service charges) are intended to be charged and their relationship with the income bands described above.
- 6.8 The Council be considering ways and means of making available affordable housing for people on the income bands described above and will welcome innovative approaches from developers which achieve that objective.
- 6.9 As is clear from the above, the Council's approach is based on the income affordability, and is not based on the market value of the property concerned. This is an important distinction. If the Council were to stipulate that all Home Buy products for sale (i.e., excluding Intermediate Rent opportunities) were to be priced at 50% of market value in the higher priced areas of the borough, then it is possible that very few homes would be affordable for applicants, even those on the higher income bands. What in effect happens is that applicants purchase a part of the home and have the use of the remainder. Some Home Buy Products such as Shared Ownership offer opportunities for applicants to buy the remainder at some point in the future as income and wealth increases which can happen as people's circumstances change.
- 6.10 Each scheme on which the Council works with a private developer and/or housing association will vary. There may be circumstances where it is not financially viable for affordable housing to be built which can be accessed by applicants on each of the income bands identified in Section 6.8.
- 6.11 For **Intermediate Rent** schemes, the Council expects housing costs (rent and services charges) to be no greater than 80% of local market rental costs (i.e., including service charges) and should be lower than this, given the high housing costs in Hammersmith & Fulham, and should be affordable to applicants on the income bands set out in Section 6.2.



## **7. Local Lettings Plans**

- 7.1 The Housing Allocation Scheme (Dec 2012) gave the Council authority to adopt Local lettings Plans (LLPs) in accordance with government guidance. Any updated Scheme is likely to continue to feature the Council using this power. The purpose of LLPs is to adopt a different approach to lettings in an area where the Council wishes to achieve certain objectives, such as meeting specific housing needs, which may include alleviating overcrowding.
- 7.2 This approach may include letting housing association homes charged at Affordable Rents (charged at up to 80% of local market rents) on fixed term tenancies. The intention is to create an opportunity for working households to save money on their housing costs in order to access the low cost home ownership at some future point. This is part of the Council's wider '*Delivering the change we need*' approach. The Council will be exploring other ways of achieving this objective.
- 7.3 Separate qualification criteria will apply to those persons on the Home Buy Register who qualify for an allocation under a Local Lettings Plan.
- 7.4 More detail on the Council's approach to Local Lettings Plans can be found in the Housing Allocation Scheme and consultation will take place on individual proposed Local Lettings Plan proposals.
- 7.5 Home Buy Applicants will be asked to make clear whether they wish to be considered for a Local Lettings Plan opportunity when they apply or are refreshing their current application.

## **8. How to register for Home Buy**


- 8.1 If you wish to register with the Council for accommodation under the Home Buy Allocation Scheme, make your first point of enquiry our website to appraise you of further information available.
- [www.lbhf.gov.uk/homebuy](http://www.lbhf.gov.uk/homebuy)
- 8.2 If you wish to make an appointment to see one of our specialists for a one-to-one meeting with an advisor, help with solicitors and finding an independent financial advisor:

call 020 8753 6464

or, email [h&fHome-Buy@lbhf.gov.uk](mailto:h&fHome-Buy@lbhf.gov.uk)

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June 2015

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|---|--|
|                        | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>MAY 2015</b> |
| <b>CONSTITUTION OF THE GOVERNING BODY OF ALL SAINTS CHURCH OF ENGLAND PRIMARY SCHOOL</b>                |  |
| <b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b>  |  |
| <b>Open Report</b>  |  |
| <b>Classification - For Decision</b>  |  |
| <b>Key Decision: No</b>   |  |
| <b>Wards Affected:</b>  |  |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance   |  |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b> | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk  |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 May 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of All Saints Church of England Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of All Saints Church of England Primary School, as set out in Appendix 1 of this report, be made, coming into effect from the 18th May 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of All Saints Church of England Primary School held on 8th December 2014 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 16 to 14 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 3 to 2
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors reduce from 9 to at 8
- Co-opted Governors – A new category of 1

Total = 14

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of All Saints Church of England Primary School.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM

#### INSTRUMENT OF GOVERNMENT:

#### ALL SAINTS CHURCH OF ENGLAND PRIMARY SCHOOL

1. The name of the school is All Saints Church of England Primary School.
2. The school is a voluntary aided school.
3. The name of the governing body is "The governing body of All Saints Church of England Primary School."
4. The Governing Body shall consist of
  - a. Two (2) parent governors
  - b. One (1) staff governor
  - c. One (1) Local Authority governor
  - d. One (1) Head Teacher (ex-officio)
  - e. One (1) co-opted governor
  - f. Eight (8) foundation governors
5. The total number of governors is fourteen (14).
6. The term of office for parent governors, the staff governor, the local authority governor and 7 foundation governors who are not ex-officio is 4 years.
7. Foundation governors shall be appointed as set out below:
  - a. 2 by the London Diocesan Board for Schools (or any person for the time being exercising authority on behalf of the board);
  - b. 3 by the Hammersmith and Fulham Deanery Synod;
  - c. 2 by the All Saints Parochial Church Council;
8. Foundation governor ex-officio
  - a. The holder of the following office shall be a foundation governor ex-officio: the Chief Officiating Minister of All Saints Church, Fulham
  - b. The Archdeacon of Middlesex shall be entitled to appoint a foundation governor to act in the place of the ex officio foundation governor whose governorship derives from the office named in (a) above, in the event that that ex officio foundation governor is unable or unwilling to act as a foundation governor, or has been removed from office under regulation 21(1) of the Regulations.
9. The Archdeacon of Middlesex shall be entitled to request the governing body to remove the ex-officio foundation governor referred to in 8 a. above and to appoint any substitute governor.


10. A trust for the school exists.
11. Recognizing its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith, and promotes Christian values through the experience it offers to all its pupils.

12. This instrument of government comes into effect on 18th May 2015.
13. This instrument was made by order of the London Borough of Hammersmith and Fulham on
14. A copy of the instrument must be supplied to every member of the governing body (and the headteacher if not a governor), any trustees and to the appropriate religious body.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No</b> | <b>Description of Background Papers</b>                         | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                              |
|-----------|---|--|---|
| 1.        | Education Act 2002  | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |
| 2.        | The School Governance (Constitution) (England) Regulations 2012 | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |

|   |  |
|---|--|
|                        | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>MAY 2015</b> |
| <b>CONSTITUTION OF THE GOVERNING BODY OF BAYONNE AND JAMES LEE NURSERY SCHOOLS FEDERATION</b>           |  |
| <b>Report of the CABINET MEMBER FOR EDUCATION</b>   |  |
| <b>Open Report</b>  |  |
| <b>Classification - For Decision</b><br><br><b>Key Decision: No</b>                                     |  |
| <b>Wards Affected:</b>  |  |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance   |  |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b> | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk  |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 May 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of Bayonne and James Lee Federation to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of Bayonne and James Lee Federation, as set out in Appendix 1 of this report, be made, coming into effect from the date of making.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Bayonne and James Lee Federation held on 17th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 18 to 15 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will remain at 4
- LA Governors will remain at 1
- Staff Governors will remain at 1
- Headteachers will reduce from 2 to 1
- Community Governors are renamed to Co-Opted Governors and will reduce from 10 to 8

Total = 15

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.



Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Bayonne and James Lee Federation.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No</b> | <b>Description of Background Papers</b>                         | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                              |
|-----------|---|--|---|
| 1.        | Education Act 2002  | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |
| 2.        | The School Governance (Constitution) (England) Regulations 2012 | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM

#### INSTRUMENT OF GOVERNMENT:

#### BAYONNE AND JAMES LEE NURSERY SCHOOLS FEDERATION

1. The name of the Federation is Bayonne and James Lee Nursery Schools Federation.
2. The names of the schools in the Federation are:
  1. Bayonne Nursery School
  2. James Lee Nursery School

The schools are maintained nursery schools.

3. The name of the governing body is “The governing body of Bayonne and James Lee Nursery Schools Federation”.
4. The governing body shall consist of:
  - a. 4 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. 1 Head Teacher
  - e. 8 co-opted governors
5. Total number of governors is 15.
6. This instrument of government comes into effect on the day of making.
7. This instrument was made by order of Hammersmith & Fulham Local Authority on .....

8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).



## London Borough of Hammersmith & Fulham

### CABINET MEMBER DECISION

JUNE 2015

#### CONSTITUTION OF THE GOVERNING BODY OF LARMENIER AND SACRED HEART CATHOLIC PRIMARY SCHOOL

#### Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION

#### Open Report

**Classification** - For Decision

**Key Decision:** No

**Wards Affected:**

**Accountable Executive Director:** Jane West, Executive Director Finance and Corporate Governance

**Report Author**  
**Jackie Saddington**  
**Tri-Borough Head of School Governor Services**

**Contact Details:**  
E-mail:  
Jackie.saddington@rbkc.gov.uk

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 8 June 2014

## 1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Larmenier and Sacred Heart Catholic Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

## 2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Larmenier and Sacred Heart Catholic Primary School as set out in Appendix 1 of this report, be made, coming into effect from the date of making.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Larmenier and Sacred Heart Catholic Primary School held on 10th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 16 to 14 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 3 to 2
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors will reduce from 9 to 8
- There will be 1 co-opted governor

Total = 14

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Larmenier and Sacred Heart Primary School.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM

#### INSTRUMENT OF GOVERNMENT:

#### DIOCESE OF WESTMINSTER

#### LARMENIER AND SACRED HEART CATHOLIC PRIMARY SCHOOL

#### INSTRUMENT OF GOVERNMENT


1. The name of the school is Larmenier and Sacred Heart Catholic Primary School.
2. The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Westminster and in particular:
  - (a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
  - (b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the School is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The School is a voluntary aided school in the trusteeship of the Diocese of Westminster and is an exempt charity for the advancement of the Catholic religion by such means as the Archbishop may think fit.
4. The name of the governing body is: The Governing Body of Larmenier and Sacred Heart Catholic Primary School.
5. The Governing Body shall consist of fourteen governors of which there shall be:
  - (a) eight foundation governors (*of whom no more than two shall, at the time of their appointment, be eligible for election or appointment as parent governors*);
  - (b) two parent governors;
  - (c) one LA governor;
  - (d) the headteacher;
  - (e) one staff governor;
  - (f) one co-opted governor.
6. Foundation governors shall be appointed and may be removed by the Archbishop of Westminster (or any other person exercising Ordinary jurisdiction on his behalf).

7. The term of office for every foundation governor shall terminate on 31<sup>st</sup> August following the third anniversary of the date of appointment. The term of office for staff and elected parent governors and the LA governor shall be four years.
8. This Instrument of Government comes into effect on the date of making.
9. This Instrument of Government was approved by the Diocese of Westminster on 31<sup>st</sup> March 2015 and made by order of Hammersmith and Fulham local authority on .
10. A copy of this Instrument of Government must be supplied to every member of the governing body (and head teacher if not a governor), and the Diocese of Westminster.



**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

|   |  |
|---|--|
|                                  | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>MAY 2015</b> |
| <b>CONSTITUTION OF THE GOVERNING BODY OF NORMAND CROFT COMMUNITY SCHOOL FOR EARLY YEARS AND PRIMARY EDUCATION</b> |  |
| <b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b>  |  |
| <b>Open Report</b>  |  |
| <b>Classification - For Decision</b><br><br><b>Key Decision: No</b>   |  |
| <b>Wards Affected:</b>  |  |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance             |  |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b>           | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk  |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 28 May 2015

## 1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Normand Croft Community School for Early Years and Primary Education to bring them in line with the School Governance (Constitution) England) Regulations 2012.

## 2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Normand Croft Community School for Early Years and Primary Education, as set out in Appendix 1 of this report, be made, coming into effect from 22nd June 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Normand Croft Community School for Early Years and Primary Education held on 23rd March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 15 to 10 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors reduce from 5 to 2
- LA Governors reduce from 3 to 1
- Staff Governors reduce from 3 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will change from 4 to 5.

Total = 10

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors

of Normand Croft Community School for Early Years and Primary Education.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No</b> | <b>Description of Background Papers</b>                         | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                              |
|-----------|---|--|---|
| 1.        | Education Act 2002  | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |
| 2.        | The School Governance (Constitution) (England) Regulations 2012 | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |


## **APPENDIX 1**

### **LONDON BOROUGH OF HAMMERSMITH AND FULHAM**

#### **INSTRUMENT OF GOVERNMENT:**

#### **NORMAND CROFT COMMUNITY SCHOOL FOR EARLY YEARS AND PRIMARY EDUCATION**

1. The name of the school is Normand Croft Community School for Early Years and Primary Education.
2. The school is a Community school.
3. The name of the governing body is “The governing body of Normand Croft Community School for Early Years and Primary Education”.
4. The governing body shall consist of:
  - a. 2 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. 1 Head Teacher – Ex Officio
  - e. 5 co-opted governors
5. Total number of governors is 10.
6. This instrument of government comes into effect on 22nd June 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Authority on .....
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).

|   |   |
|---|---|
|                        | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>JUNE 2015</b> |
| <b>CONSTITUTION OF THE GOVERNING BODY OF QUEENS MANOR PRIMARY SCHOOL</b>                                |   |
| <b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b>  |   |
| <b>Open Report</b>  |   |
| <b>Classification - For Decision</b><br><br><b>Key Decision: No</b>                                     |   |
| <b>Wards Affected:</b>  |   |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance   |   |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b> | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk   |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 8 June 2014

## 1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Queens Manor Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

## 2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Queens Manor Primary School, as set out in Appendix 1 of this report, be made, coming into effect from 30th June 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Queens Manor Primary School held on 17th April 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will remain at 12 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors reduce from 4 to 3
- LA Governors reduce from 2 to 1
- Staff Governors reduce from 2 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will change from 4 to 6.

Total = 12

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Queens Manor Primary School.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington



## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM


#### INSTRUMENT OF GOVERNMENT:

#### QUEENS MANOR PRIMARY SCHOOL

1. The name of the school is Queens Manor Primary School.
2. The school is a community school.
3. The name of the governing body is “The governing body of Queens Manor Primary School.”
4. The governing body shall consist of:
  - a. 3 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. 1 Head Teacher
  - e. 6 co-opted governors
5. Total number of governors is 12.
6. This instrument of government comes into effect on 30th June 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Authority on .....
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

|   |   |
|---|---|
|                        | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>JUNE 2015</b> |
| <b>Constitution Of The Governing Body Of Queensmill Special School</b>                                  |   |
| <b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b>  |   |
| <b>Open Report</b>  |   |
| <b>Classification - For Decision</b>  |   |
| <b>Key Decision: No</b>   |   |
| <b>Wards Affected:</b>  |   |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance   |   |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b> | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk   |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 8 June 2014

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of Queensmill Special School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of Queensmill Special School, as set out in Appendix 1 of this report, be made, coming into effect from 1st September 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Queensmill Special School held on 12th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 17 to 11 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors reduce from 6 to 3
- LA Governors reduce from 3 to 1
- Staff Governors reduce from 3 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will remain at 5.

Total = 11

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Queensmill Special School.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM

#### INSTRUMENT OF GOVERNMENT:

#### QUEENSMILL SPECIAL SCHOOL

1. The name of the school is Queensmill Special School.
2. The school is a community special school.
3. The name of the governing body is “The governing body of Queensmill Special School.”
4. The governing body shall consist of:
  - a. 3 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. 1 Head Teacher
  - e. 5 co-opted governors
5. Total number of governors is 11.
6. This instrument of government comes into effect on 1st September 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Authority on .....
8. A copy of the instrument must be supplied to every member of the governing body (and the Head Teacher if not a governor).

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |



**London Borough of Hammersmith & Fulham**

**CABINET MEMBER DECISION**

**JUNE 2015**

**CONSTITUTION OF THE GOVERNING BODY OF WILLIAM MORRIS SIXTH FORM**

**Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION**

**Open Report**

**Classification - For Decision**

**Key Decision: No**

**Wards Affected:**

**Accountable Executive Director:** Jane West, Executive Director Finance and Corporate Governance

**Report Author**  
**Jackie Saddington**  
**Tri-Borough Head of School Governor Services**

**Contact Details:**  
E-mail:  
Jackie.saddington@rbkc.gov.uk

**AUTHORISED BY:**

The Cabinet Member has signed this report.

DATE: 8 June 2014

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of William Morris Sixth Form to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of William Morris Sixth Form, as set out in Appendix 1 of this report, be made, coming into effect from 22nd June 2015.



### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of William Morris Sixth Form held on 30th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 15 to 13 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors reduce from 5 to 2
- LA Governors reduce from 3 to 1
- Staff Governors reduce from 3 to 1
- Principal
- Community Governors are renamed to Co-Opted Governors and will change from 4 to 8.

Total = 13

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of William Morris Sixth Form

### **7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM


#### INSTRUMENT OF GOVERNMENT:

#### WILLIAM MORRIS SIXTH FORM

1. The name of the school is William Morris Sixth Form
2. The school is a Community school.
3. The name of the governing body is “The governing body of William Morris Sixth Form”.
4. The governing body shall consist of:
  - a. 2 parent governors
  - b. 1 staff governor
  - c. 1 Local Authority governor
  - d. 1 Principal
  - e. 8 co-opted governors
5. Total number of governors is 13.
6. This instrument of government comes into effect on 22nd June 2015.
7. This instrument was made by order of Hammersmith & Fulham Local Authority on .....
8. A copy of the instrument must be supplied to every member of the governing body (and the Principal if not a governor).

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

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|---|--|
|                        | <b>London Borough of Hammersmith &amp; Fulham</b><br><br><b>CABINET MEMBER DECISION</b><br><br><b>MAY 2015</b> |
| <b>CONSTITUTION OF THE GOVERNING BODY OF WORMHOLT PARK PRIMARY SCHOOL</b>                               |  |
| <b>Report of the CABINET MEMBER FOR EDUCATION</b>   |  |
| <b>Open Report</b>  |  |
| <b>Classification - For Decision</b><br><br><b>Key Decision: No</b>                                     |  |
| <b>Wards Affected:</b>  |  |
| <b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance   |  |
| <b>Report Author</b><br><b>Jackie Saddington</b><br><b>Tri-Borough Head of School Governor Services</b> | <b>Contact Details:</b><br>E-mail:<br>Jackie.saddington@rbkc.gov.uk  |

AUTHORISED BY:

The Cabinet Member has signed this report.

DATE: 11 May 2015

## 1. EXECUTIVE SUMMARY

The report recommends a variation in the Instrument of Government for the governing body of Wormholt Park Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

## 2. RECOMMENDATIONS

That the Instrument of Government for the governing body of Wormholt Park Primary School, as set out in Appendix 1 of this report, be made, coming into effect from 13th May 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Wormholt Park Primary School held on 17th December 2014 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will Reduce from 18 to 12 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors reduce from 6 to 4
- LA Governors reduce from 4 to 1
- Staff Governors reduce from 4 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will increase from 4 to 5.

Total = 12

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Wormholt Park Primary School.

**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No</b> | <b>Description of Background Papers</b>                         | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                              |
|-----------|---|--|---|
| 1.        | Education Act 2002  | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |
| 2.        | The School Governance (Constitution) (England) Regulations 2012 | Jackie Saddington<br>020 7598 4782     | Tri-borough Children's Services<br>Kensington Town Hall |


## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM INSTRUMENT OF GOVERNMENT: WORMHOLT PARK PRIMARY SCHOOL

The name of the school is Wormholt Park Primary School.

1. The name of the school is Wormholt Park Primary School.
2. The school is a community school.
3. The name of the governing body is "The governing body of Wormholt Park Primary School".
4. The governing body shall consist of:
  - a) 4 parent governors;
  - b) 1 Local Authority governor;
  - c) 1 staff governor;
  - d) 5 co-opted governors;
  - e) 1 Head Teacher.
5. Total number of governors 12.
6. This instrument of government comes into effect on 13 May 2015.
7. This instrument was made by order of the London Borough of Hammersmith and Fulham on.
8. A copy of the instrument must be supplied to every member of the governor body.



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|                                   | <p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET MEMBER DECISION</b></p> |
| <p><b>Constitution Of The Governing Body Of The Good Shepherd Catholic Primary School</b></p>                      |  |
| <p><b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b></p>  |  |
| <p><b>Open Report</b></p>  |  |
| <p><b>Classification - For Decision</b></p> <p><b>Key Decision: No</b></p>   |  |
| <p><b>Wards Affected:</b></p>  |  |
| <p><b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance</p>       |  |
| <p><b>Report Author</b><br/> <b>Jackie Saddington</b><br/> <b>Tri-Borough Head of School Governor Services</b></p> | <p><b>Contact Details:</b><br/> E-mail:<br/> Jackie.saddington@rbkc.gov.uk</p>   |

AUTHORISED BY:

The Cabinet Member has signed this report

DATE: 26 June 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of The Good Shepherd Catholic Primary School to bring them in line with the School Governance (Constitution) England Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of The Good Shepherd Catholic Primary School, as set out in Appendix 1 of this report, be made, coming into effect on the 14th July 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5 UPDATE**

At the Full Governing Body meeting of The Good Shepherd Catholic Primary School held on 12th May 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 16 to 14 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 3 to 2
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors reduce from 9 to 8.
- 1 Co-opted Governor will be added.

Total = 14

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of The Good Shepherd Catholic Primary School.

## **7 RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

## **8 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

## **9. EQUALITY IMPLICATIONS**

There are no equality implications.

## **10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## DIOCESE OF WESTMINSTER

### The Good Shepherd Catholic Primary School


#### INSTRUMENT OF GOVERNMENT

1. The name of the school is The Good Shepherd Catholic Primary School.
2. The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Westminster and in particular:
  - (a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
  - (b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the School is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The School is a voluntary aided school in the trusteeship of the Diocese of Westminster and is an exempt charity for the advancement of the Catholic religion by such means as the Archbishop may think fit.
4. The name of the governing body is: The Governing Body of The Good Shepherd Catholic Primary School.
5. The Governing Body shall consist of fourteen governors of which there shall be:
  - (a) eight foundation governors (*of whom no more than two shall, at the time of their appointment, be eligible for election or appointment as parent governors*);
  - (b) two parent governors;
  - (c) one LA governor;
  - (d) the headteacher;
  - (e) one staff governor;
  - (f) one co-opted governor.
6. Foundation governors shall be appointed and may be removed by the Archbishop of Westminster (or any other person exercising Ordinary jurisdiction on his behalf).
7. The term of office for every foundation governor shall terminate on 31<sup>st</sup> August following the third anniversary of the date of appointment. The term of office for staff and elected parent governors and the LA governor shall be four years.
8. This Instrument of Government comes into effect on the 14<sup>th</sup> July 2015.

9. This Instrument of Government was approved by the Diocese of Westminster on 19<sup>th</sup> May 2015 and made by order of Hammersmith and Fulham local authority on .
10. A copy of this Instrument of Government must be supplied to every member of the governing body (and head teacher if not a governor), and the Diocese of Westminster.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

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|                                   | <p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET MEMBER DECISION</b></p> |
| <p align="center"><b>CONSTITUTION OF THE GOVERNING BODY OF JACK TIZARD SCHOOL</b></p>                              |  |
| <p align="center"><b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b></p>                               |  |
| <p><b>Open Report</b></p>  |  |
| <p><b>Classification</b> - For Decision</p> <p><b>Key Decision:</b> No</p>   |  |
| <p><b>Wards Affected:</b></p>  |  |
| <p><b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance</p>       |  |
| <p><b>Report Author</b><br/> <b>Jackie Saddington</b><br/> <b>Tri-Borough Head of School Governor Services</b></p> | <p><b>Contact Details:</b><br/> E-mail:<br/> Jackie.saddington@rbkc.gov.uk</p>   |

**AUTHORISED BY:**  
The Cabinet Member has signed this report  
  
**DATE:** 26 June 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of Jack Tizard School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of Jack Tizard School, as set out in Appendix 1 of this report, be made, coming into effect from 10th July 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5. UPDATE**

At the Full Governing Body meeting of Jack Tizard School held on 6th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will remain the same at 12 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors from 4 to 3
- LA Governors from 2 to 1
- Staff Governors from 3 to 1
- Headteacher
- Community Governors are renamed to Co-Opted Governors and will change from 3 to 6.

Total = 12

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Jack Tizard School.



**7. RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

**8. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

**9. EQUALITY IMPLICATIONS**

There are no equality implications.

**10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

### LONDON BOROUGH OF HAMMERSMITH AND FULHAM


#### INSTRUMENT OF GOVERNMENT:

#### JACK TIZARD SCHOOL

1. The name of the school is Jack Tizard School.
2. The school is a community special school.
3. The name of the governing body is "The governing body of Jack Tizard School".
4. The governing body shall consist of:
  - a) 3 parent governors;
  - b) 1 LA governor;
  - c) 1 staff governors;
  - d) 1 headteacher;
  - e) 6 co-opted governors.
5. Total number of governors 12.
6. This instrument of government comes into effect on 10 July 2015.
7. This instrument was made by order of Hammersmith and Fulham Local Education Authority on
8. A copy of the instrument must be supplied to every member of the governor body (and the head teacher if not a governor).

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

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|                                   | <p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET MEMBER DECISION</b></p> |
| <p><b>CONSTITUTION OF THE GOVERNING BODY OF POPE JOHN CATHOLIC PRIMARY SCHOOL</b></p>                              |  |
| <p><b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b></p>  |  |
| <p><b>Open Report</b></p>  |  |
| <p><b>Classification - For Decision</b></p>  |  |
| <p><b>Key Decision: No</b></p>   |  |
| <p><b>Wards Affected:</b></p>  |  |
| <p><b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance</p>       |  |
| <p><b>Report Author</b><br/> <b>Jackie Saddington</b><br/> <b>Tri-Borough Head of School Governor Services</b></p> | <p><b>Contact Details:</b><br/> E-mail:<br/> Jackie.saddington@rbkc.gov.uk</p>   |

**AUTHORISED BY:**  
The Cabinet Member has signed this report  
  
DATE: 26 June 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of Pope John Catholic Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of Pope John Catholic Primary School, as set out in Appendix 1 of this report, be made, coming into effect on the 8th July 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5 UPDATE**

At the Full Governing Body meeting of Pope John Catholic Primary School held on 10th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will remain at 16 and the numbers in each category will reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will remain at 3
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors remain at 9
- 1 Co-opted Governor will be added.

Total = 16

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of Pope John Catholic Primary School.

## **7 RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

## **8 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

## **9. EQUALITY IMPLICATIONS**

There are no equality implications.

## **10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

# DIOCESE OF WESTMINSTER

## Pope John Catholic Primary School

### INSTRUMENT OF GOVERNMENT


1. The name of the school is Pope John Catholic Primary School.
2. The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Westminster and in particular:
  - (a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
  - (b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the School is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The School is a voluntary aided school in the trusteeship of the Diocese of Westminster and is an exempt charity for the advancement of the Catholic religion by such means as the Archbishop may think fit.
4. The name of the governing body is: The Governing Body of Pope John Catholic Primary School.
5. The Governing Body shall consist of sixteen governors of which there shall be:
  - (a) nine foundation governors (*of whom two shall, at the time of their appointment, be eligible for election or appointment as parent governors*);
  - (b) three parent governors;
  - (c) the headteacher;
  - (d) one LA governor;
  - (e) one staff governor;
  - (f) one co-opted governor.
6. Foundation governors shall be appointed and may be removed by the Archbishop of Westminster (or any other person exercising Ordinary jurisdiction on his behalf).
7. The term of office for every foundation governor shall terminate on 31<sup>st</sup> August following the third anniversary of the date of appointment
8. This Instrument of Government comes into effect on the 8<sup>th</sup> July 2015.

9. This Instrument of Government was approved by the Diocese of Westminster on 14<sup>th</sup> May 2015 and made by order of Hammersmith and Fulham local authority on .
10. A copy of this Instrument of Government must be supplied to every member of the governing body (and head teacher if not a governor), and the Archdiocese of Westminster.



**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

| <b>No .</b> | <b>Description of Background Papers</b>                                  | <b>Name/Ext of Holder of File/Copy</b> | <b>Department/Location</b>                                 |
|-------------|--|--|--|
| 1.          | Education Act 2002   | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |
| 2.          | The School<br>Governance<br>(Constitution) (England)<br>Regulations 2012 | Jackie<br>Saddington<br>020 7598 4782  | Tri-borough Children's<br>Services<br>Kensington Town Hall |

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|--|--|
|                                   | <p align="center"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p align="center"><b>CABINET MEMBER DECISION</b></p> |
| <p><b>CONSTITUTION OF THE GOVERNING BODY OF ST AUGUSTINE’S CATHOLIC PRIMARY SCHOOL</b></p>                         |  |
| <p><b>Report of the CABINET MEMBER FOR CHILDREN AND EDUCATION</b></p>  |  |
| <p><b>Open Report</b></p>  |  |
| <p><b>Classification - For Decision</b></p>  |  |
| <p><b>Key Decision: No</b></p>   |  |
| <p><b>Wards Affected:</b></p>  |  |
| <p><b>Accountable Executive Director:</b> Jane West, Executive Director Finance and Corporate Governance</p>       |  |
| <p><b>Report Author</b><br/> <b>Jackie Saddington</b><br/> <b>Tri-Borough Head of School Governor Services</b></p> | <p><b>Contact Details:</b><br/> E-mail:<br/> Jackie.saddington@rbkc.gov.uk</p>   |

**AUTHORISED BY:**  
The Cabinet Member has signed this report  
  
DATE: 26 June 2015

**1. EXECUTIVE SUMMARY**

The report recommends a variation in the Instrument of Government for the governing body of St Augustine’s Catholic Primary School to bring them in line with the School Governance (Constitution) England) Regulations 2012.

**2. RECOMMENDATIONS**

That the Instrument of Government for the governing body of St Augustine’s Catholic Primary School, as set out in Appendix 1 of this report, be made, coming into effect on the 30th June 2015.

### **3. REASONS FOR DECISION**

The Council is required to make a new Instrument of Government.

### **4. BACKGROUND**

The Education Act 2002 and the School Governance (Constitution) (England) Regulations 2012 require the governing bodies of all maintained schools to conform to a constitutional model.

The regulations set out the options available to schools in terms of the overall number of governors, the categories of governor and the guiding principles for the constitution.

The constitution of each governing body is laid down in a document known as the Instrument of Government. A governing body may at any time change their constitution, in accordance with the regulations, by varying their Instrument of Government.

### **5 UPDATE**

At the Full Governing Body meeting of St Augustine's Catholic Primary School held on 24th March 2015 the governors voted to reconstitute the Governing Body to bring it in line with the School Governance (Constitution) (England) Regulations 2012. The Governing Body had previously been constituted under the School Governance (England) (Constitution) Regulations 2003. The total number of governors will reduce from 16 to 14 and the numbers in each category will be amended to reflect the latest Regulations. The number of governors in each category will change as follows:

- Parent Governors will reduce from 3 to 2
- LA Governors remains the same at 1
- Staff Governors will reduce from 3 to 1
- Headteacher
- Foundation Governors reduce from 9 to 8.
- 1 Co-opted Governor will be added.

Total = 14

### **6. INSTRUMENT OF GOVERNMENT**

Accordingly, they have asked the Authority to vary their Instrument of Government to show the amended categories of governors.

Appendix 1 of this report sets out the constitution of the governing body in the form of an Instrument of Government, as requested by the governors of St Augustine's Catholic Primary School.

## **7 RISK MANAGEMENT**

The subject of the report is not included on a departmental or corporate risk register.

## **8 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE**

There are no financial implications to the Council.

Comments supplied by Jackie Saddington

## **9. EQUALITY IMPLICATIONS**

There are no equality implications.

## **10. LEGAL IMPLICATIONS**

The School Governance (constitution) (England) Regulations 2012 set out the framework for the constitution of governing bodies and the process of making Instruments of Government. The Instrument of Government proposed in appendix 1 of this report complies with those regulations.

Comments supplied by Jackie Saddington

## APPENDIX 1

# DIOCESE OF WESTMINSTER

## ST AUGUSTINE'S CATHOLIC PRIMARY SCHOOL

### INSTRUMENT OF GOVERNMENT

1. The name of the school is St Augustine's Catholic Primary School.
2. The School was founded by and is part of the Catholic Church. The School is to be conducted as a Catholic School in accordance with Canon Law and the teachings of the Catholic Church, and in accordance with the Trust Deed of the Diocese of Westminster and in particular:
  - (a) religious education is to be in accordance with the teachings, doctrines, discipline and general and particular norms of the Catholic Church;
  - (b) religious worship is to be in accordance with the rites, practices, discipline and liturgical norms of the Catholic Church;and at all times the School is to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
3. The School is a voluntary aided school in the trusteeship of the Diocese of Westminster and is an exempt charity for the advancement of the Catholic religion by such means as the Archbishop may think fit.
4. The name of the governing body is: The Governing Body of St Augustine's Catholic Primary School.
5. The Governing Body shall consist of fourteen governors of which there shall be:
  - (a) eight foundation governors (*of whom no more than two shall, at the time of their appointment, be eligible for election or appointment as parent governors*);
  - (b) two parent governors;
  - (c) one LA governor;
  - (d) the headteacher;
  - (e) one staff governor;
  - (f) one co-opted governor.
6. Foundation governors shall be appointed and may be removed by the Archbishop of Westminster (or any other person exercising Ordinary jurisdiction on his behalf).
7. The term of office for every foundation governor shall terminate on 31<sup>st</sup> August following the third anniversary of the date of appointment. The term of office for staff and elected parent governors and the LA governor shall be four years.

8. This Instrument of Government comes into effect on the 30<sup>th</sup> June 2015.
9. This Instrument of Government was approved by the Diocese of Westminster on 1<sup>st</sup> June 2015 and made by order of Hammersmith and Fulham local authority on
10. A copy of this Instrument of Government must be supplied to every member of the governing body (and head teacher if not a governor), and the Diocese of Westminster.

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