



Committee: CABINET

Date: TUESDAY, 7 OCTOBER 2014

Venue: MORECAMBE TOWN HALL

Time: 10.00 A.M.

A G E N D A

1. Apologies

2. Minutes

To receive as a correct record the minutes of Cabinet held on Tuesday, 2 September 2014 (previously circulated).

3. Items of Urgent Business Authorised by the Leader

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. Public Speaking

To consider any such requests received in accordance with the approved procedure.

Reports from Overview and Scrutiny

None

Reports

6. **Delivering New Council Housing in the District - update** (Pages 1 - 13)

(Cabinet Member with Special Responsibility Councillor Leytham)

Report of Chief Officer (Health & Housing)

7. **Housing Allocation Policy** (Pages 14 - 55)

(Cabinet Member with Special Responsibility Councillor Leytham)

Report of Chief Officer (Health & Housing)

8. **Empty Homes Strategy** (Pages 56 - 101)

(Cabinet Members with Special Responsibility Councillors Hanson and Leytham)

Report of Chief Officer (Regeneration & Planning)

9. **Exclusion of the Press and Public**

This is to give further notice in accordance with Part 2, paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item(s) in private.

Cabinet is recommended to pass the following recommendation in relation to the following item(s):-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for Cabinet itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

10. **Land forming part of Lancaster Leisure Park, off Wyresdale Road, Lancaster** (Pages 102 - 109)

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Report of Chief Officer (Resources)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Jon Barry,

Abbott Bryning, Tim Hamilton-Cox, Karen Leytham, Ron Sands and David Smith

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email ebateson@lancaster.gov.uk.

(iii) Apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Thursday, 25 September, 2014.

CABINET

**Delivering New Council Housing
In the District - Update
7 October 2014**

Report of Chief Officer (Health and Housing)

PURPOSE OF REPORT			
To update Cabinet on the progress being made to establish a council house building and acquisition programme, and to seek Cabinet approval to move to a detailed appraisal of potential development sites.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision		5 September 2014	
This report is public.			

RECOMMENDATIONS OF COUNCILLOR LEYTHAM

- (1) That Cabinet decides which council owned sites should go forward to a detailed Stage 2 appraisal by the Lancashire Regeneration Property Partnership.
- (2) That the outcome of Stage 2 appraisals be reported back to Cabinet on the viability or not of using council owned sites and should this not prove viable, then options for utilising other land be put forward for consideration, including estimated Stage 2 appraisal costs.
- (3) That where appropriate, Officers in consultation with the Chief Officer (Health and Housing) and the Chief Officer (Resources) be given delegated authority, to enter into discussions concerning the acquisition of land on a case by case basis, for delivery of the new build development, informed through an asset management approach, and that detailed proposals be brought back to Cabinet for approval prior to entering into any contractual commitment.
- (4) That the Chief Officer (Environmental Services) continues discussion with the Lancashire Regeneration Property Partnership to see if a viable Lancaster SmartBuild™ team could be established to deliver the building of council housing and report back to Cabinet on any proposals which evolve.
- (5) That the Chief Officer (Health and Housing) and the Chief Officer (Resources) undertakes a review to establish a rent setting policy that supports the development of an on-going council housing building programme meeting identified housing needs and taking into account the impact on the HRA 30-

year Business Plan.

- (6) That the Chief Officer (Health and Housing) be given the delegated authority, in consultation with the Chief Officer (Resources), to negotiate and approve the acquisition of ex-council housing on a case by case basis, taking into account the whole life costing of any proposed acquisition together with the location, need and demand for the particular type of property.
- (7) That subject to the outcome of Recommendations 1 and 6 delegated authority be given to the Chief Officer (Resources) to update the Housing Revenue Account (HRA) accordingly.

1.0 Introduction

1.1 The delivery of a programme of new council homes is one of the actions within the council's Corporate Plan and Priorities supporting the key priority of positive health and wellbeing of residents in the district.

1.2 Cabinet of 5 November 2013 approved the following:

- That a programme of new build council housing be established as set out in the report.
- That the council works with the Lancashire Regeneration Property Partnership to develop a scheme to deliver a programme of new build council housing as set out in the report and that detailed proposals be brought back to Cabinet for approval prior to entering into any contractual commitment.
- That a scheme for acquiring ex-council housing properties also be established as set out in the report, and that detailed proposals be brought back to Cabinet for approval.

1.3 This report focuses on reviewing the progress in delivering a council housing building programme; looking at five critical areas:

- Establishing the "development team"
- Financing the programme - funding
- Search for sites - land availability
- Acquisition of land for council housing
- Establishing a "delivery team" – SmartBuild™
- Acquisition of ex-council housing – property acquisition programme

2.0 Establishing the "development team"

2.1 Due to the limited capacity within the council to support a development programme, Cabinet of the 29 July 2014, approved the establishment of a Building Programme Manager for a fixed term of 3 years. This post will act as the client and will provide a critical interface between the council and the Lancashire Regeneration Property Partnership and other parties during all the stages of the development process, from preparation of brief to handover and close out of the individual schemes; ensuring they are delivered to the council's required quality, and also cost effectively.

3.0 Financing the programme - funding

- 3.1 As previously reported to Cabinet, prior to entering into any commitment to deliver the new build housing programme or acquiring ex-council properties, there was a need for HRA officers in conjunction with Resources (Financial Services) to review the current 30-year Business Plan and Rent Policy regarding ongoing affordability associated with the increased housing stock, and that detailed proposals for new build (including identified sites, numbers of properties to be accommodated within each site, and accommodation typologies) and identification of ex-council properties deemed appropriate be brought back to Cabinet for approval.
- 3.2 This work still needs to be undertaken in more detail, but in the broad perspective, the HRA Business Plan, based on the latest projections, is considered to be robust, and for the immediate future it is anticipated that an initial council housing building programme by the HRA can be funded through revenue generated reserves.
- 3.3 After taking into account allocation of funding for the establishment of the new 3 year fixed term Building Programme Manager (29 July 2014 Cabinet, minute no. 25), there is currently £8.5M in the HRA Business Support Reserve, which in principle can be allocated to cover the cost of creating new 1 bed accommodation, potential land acquisition and acquisition of ex-council housing stock within the district.
- 3.4 Whilst the council's HRA, through its reserves can support a council housing building programme on a short term basis ultimately any programme will need to cover its costs and contribute to the income stream to sustain future programmes. In order for the council to have a long-term on-going council housing building programme it is important the council develops a model that does not have a detrimental financial impact on the current forecast HRA 30-year Business Plan. For example, the future maintenance investment needs of any new housing needs to be taken into account as well as the outcome of the Rent policy review. In considering this and the need to develop a sustainable development model the council should aim for developments to break even within 30 to 35 years of construction. In exceptional cases this could be extended to 40 years. These are industry norms.
- 3.5 The evidence from the council's own housing register show growing demand for one-bedroomed accommodation and continues to support the original Cabinet view that the council should invest in new one-bedroom accommodation within the district. Development needs beyond the initial programme will be identified through an asset management approach to determine future years programmes. As was stressed earlier in the report, it is important that the council only develops when it is appropriate to do so and where an individual development makes a positive contribution to the long term viability of the council's HRA account. Whilst there are always good reasons to provide additional affordable housing it is important this does not create unnecessary financial risk within the HRA. It is being recommended that the Chief Officer (Health and Housing) and the Chief Officer (Resources) establishes a rent setting policy for new council housing that supports the development of an on-going council housing building programme to meet identified housing needs.

4.0 Search for sites – land availability

- 4.1 Developing on land the council owns is the most cost effective way forward, and should enable rent to be maintained at an affordable level. Land availability is the council's greatest constraint, and the biggest challenge. Historically land on the council's housing estates has been identified and used to facilitate development by housing associations. The majority of the more obvious sites ranging from garage sites and other open spaces have already been developed in this way.
- 4.2 Over the last 9 months officers have undertaken an exercise to identify potential council housing development sites within existing council land holdings. The search for council housing sites has also coincided with the council's wider search for new housing sites to support the need for additional new homes across the district. As has been previously reported it was felt that some scope existed for small developments of sixteen to twenty units to initiate a council housing building programme.
- 4.3 To date the search for potential council housing development sites has identified only a limited number of council owned locations. These sites present potentially the most financially viable development sites as the sites are already in council ownership. However, each site has individual issues and currently none have planning consent for developing housing. The sites have development potential, but it has to be stressed that at this stage no detailed appraisal or detailed design work has been carried out. Through the Lancashire Regeneration Property Partnership outline sketches have been produced for each site but again it must be stressed that detailed appraisals have not taken place nor do they form detailed development briefs or proposals.
- 4.4 Cabinet needs to decide which sites to move forward with to a formal appraisal and costed design proposal by the Lancashire Regeneration Property Partnership. The Lancashire Regeneration Property Partnership will then produce what is known as a Stage 2 report for each proposed site. A detailed viability appraisal will be undertaken, and, if viable, detailed scheme proposals will be drawn up which will include the design and specification of the development, planning application, site surveys, the method of delivery; in effect a fully costed "construction ready" design proposal for Cabinet to consider.
- 4.5 There is a cost in commissioning Stage 2 reports from Lancashire Regeneration Property Partnership and the indicative budget costs for each site are set out below which would be met, subject to Cabinet's approval from the HRA Business Support Reserve.
- 4.6 The following potential sites are being recommended for Cabinet's consideration to move to a Stage 2 appraisal and costing:
 - *Charnley Street/Furness Street, Lancaster*
A play area and car parking area with potential for small-scale development of 12 one bedroom accommodation. This area is a council General Fund asset. The area has not been identified within the council's Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book.

The site presents a number of issues which need to be overcome including the loss of play provision, community impact, site issues relating to underground services may restrict the site.

A more detailed Stage 2 appraisal of this site would be required establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is £48K.

- *Honister Road, Lancaster*
Currently open space and amenity land with the potential for up to 55 units of accommodation. This area is a council Housing Revenue Account asset. The area has been identified within the council’s Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as potentially deliverable as a housing site within a 1 to 5 year timescale. Although the SHLAA conveys no policy position it is an indication that the council officers have considered the site and believe it is deliverable – i.e. that it is available, achievable and suitable.

Again community impact is an issue with this site and a petition was presented to Council on the 16 July 2014 seeking to remove this site from the council’s SHLAA. Decision on the petition was deferred by Council to allow for more information.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is £192K.

- *Windermere Road, Carnforth - Site 1*
There is an area at the junction of Windermere Road that has been used in the past as an ad hoc “lorry park” which is little used. This area is a council Housing Revenue Account asset. The site has the potential for the development of 14 one bedroom flats. The area has been identified within the council’s Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as “Undeliverable” - Flood zone. However development has been allowed on similarly designated land adjacent to this site.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is £48K.

- *Windermere Road, Carnforth - Site 2*
A further potential site exist on Windermere Road which is currently partly used as garage plots. This area is a council Housing Revenue Account asset. There is the potential to release this site from its current usage making alternative provision for the small number of garage users on this site to provide a development site for 14 or more one bedroom properties. The area has been identified within the council’s Strategic Housing Land Availability Assessment 2014 - Site Assessment Map Book as “Deliverable 6 -10 years”. This site could be brought forward sooner.

A more detailed Stage 2 appraisal of this site is recommended to

establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is approximately £48K.

- *Ridge Square, Lancaster*

This area is different all the other sites being considered in this report and is a mixed commercial, residential, community and public space, and is in mixed ownership and tenure. It is a typical local “shopping precinct” designed in the late 1950’s. The area no longer serves these diverse and mixed functions well. The area needs to be looked comprehensively at as a neighbourhood regeneration scheme and as a medium to long term initiative requiring greater consideration, and detailed appraisal.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is approximately £84K.

- *ParksideCourt/Altham Walk, Morecambe*

There are two adjacent sheltered housing schemes on Westgate, Morecambe. On the site are two scheme managers’ houses. As a result of changes in the management of sheltered housing one of the properties is no longer need as a scheme manager house. It is being proposed that the property is demolished to create a site for two one bedroom bungalows. This area is a council Housing Revenue Account asset. Again this proposal requires a more detailed Stage 2 appraisal.

A more detailed Stage 2 appraisal of this site is recommended to establish viability. The indicative fee to reach a “construction ready” proposal for a scheme on this site is approximately £13K.

5.0 Acquisition of land for council housing

5.1 Although consideration should be given to all other council owned land and its suitability prior to any acquisition, it is clear, given the overall lack of council owned sites, the council will probably need to look at land acquisition if it is to develop a greater council housing programme over future years beyond any initial development. The timing of this will depend on the approach taken to whether or not to use land already in the council’s ownership.

5.2 Land acquisition will present new practical challenges in identifying and purchasing suitable land, the additional costs create further financial challenge in ensuring that developments are financially viable. The use of a “surveyor/land agent” may be necessary if the council is to successfully acquire land on the open market. The need to use of an external “surveyor/land agent” would be dependent on the capacity and workloads within the Property Group.

5.3 Approaches have been made to the County Council, and through the Lancashire Property Regeneration Partnership in a search for sites outside the council’s ownership, but to date no additional sites have been identified that could be brought forward.

5.4 It should be noted that any new build development brought forward through

these routes would also have land acquisition costs that would have to be factored into the overall build costs; this has been a major factor affecting the viability of affordable homes schemes that have been considered and brought forward by Private Registered Providers (housing associations).

- 5.5 Acquiring land for council housing would be a competitive process against commercial developers. Consultations have taken place with the council's Property Group who have advised that there are indications that the values of brownfield sites are rising, and these sites would come at a premium.
- 5.6 A more detailed analysis of the impact of site acquisition would need to be undertaken on a case by case basis. Prior to the purchase of any site a full option appraisal, including whole life costing, would need to be carried out which would involve appraisal of all the options for delivery of the final objective, the new build development, and both the operational and financial impact on the HRA.
- 5.7 It is proposed at this stage that where considered appropriate, that officers enter into discussions concerning the acquisition of land on a case by case basis for delivery of new housing with proposals being brought back to Cabinet (including Stage 2 appraisal estimates) for further consideration prior to entering into any contractual commitment
- 5.8 Looking ahead, the council, through the planning framework, will be designating strategic housing sites. Cabinet may wish to adopt a policy which supports direct development on sites identified through that process where the council is able to do so. This still requires further investigation by officers and consideration of the options to enable Cabinet to come to a view. This will be subject to future report.

6.0 Establishing a “delivery team” – SmartBuild™

- 6.1 Discussions have also taken place with the Lancashire Regeneration Property Partnership about how the construction of any new council housing could be delivered on the ground. The Lancashire Regeneration Property Partnership have proposed that the council adopts their SmartBuild™ methodology.
- 6.2 SmartBuild™ is a commercial entity with a social purpose established to deliver quality homes whilst providing local people with employment and training opportunities.
- 6.3 The SmartBuild™ approach is adaptable to our local circumstances and should enable the council to develop and enhance its own in-house repairs and maintenance service, and will use a local workforce supported by innovative design, management and production processes. The establishment of a council housing building programme should provide significant employment opportunities within the district together with wider economic benefits.
- 6.4 Based on experience, the Lancashire Regeneration Property Partnership estimates that a core team of 10 full time equivalents, supported by other part

time supplementary trades can build approximately 20 units a year.

- 6.5 It is proposed that discussions continue with the Lancashire Regeneration Property Partnership to see if a viable Lancaster SmartBuild™ team could be established.

7.0 Acquisition of ex-council housing — property acquisition programme

- 7.1 In November 2013 Cabinet agreed to establish a scheme for acquiring ex-council housing properties.

- 7.2 Development is the preferred route as it increases the total housing stock in the district, however the numbers of affordable dwellings to rent in the district can be achieved by changing the tenure of existing properties. Purchasing properties on the open market is an option that could achieve an increase in the number of council housing dwellings to rent. As previously identified properties originally sold under the right to buy scheme are a natural target group. Since the original recommendation further analysis has been undertaken as to the feasibility and viability of such a scheme.

- 7.3 At the time of writing the report there were 10 ex-council leasehold flats on the market for sale, 4 one bedroom flats, and 6 two bedroom flats. The average asking price for the 1 bedroom flats was £81.2K; ranging from £59,950 to £94,950. The average asking price for the 2 bedroom flats was £99.1K; ranging from £60,000 to £130,000.

- 7.4 Many of these properties also represent entry level dwellings for the owner-occupation market. Purchasing such properties would reduce the number available to this group of purchasers. The acquisition of former council properties would also require investment to bring them to our current council housing standards in addition to any purchase cost. The overall costs of acquiring such properties may be greater than developing new properties on our own land and or developing housing on land subject to Section 106 affordable housing obligations.

- 7.5 In any acquisition there would be additional costs above and beyond the initial purchase cost, for example, survey and legal fees. These would need to be met from the HRA Business Support Reserve. However, under the government's current Pooling of Capital Receipts regulations any acquisition would be a 'buy-back' transaction, and in effect would generate a contribution of up to 50% of the cost though a reduction in the amount of Right to Buy receipts that the council has to pay to the DCLG from capital receipts received through the Right to Buy Scheme generally.

- 7.6 All secure council housing tenants have the Right to Buy, and any former council properties acquired under an acquisition programme could still be bought under the Right to Buy at a future date. However, the 'cost floor' rules prevent any acquired properties being sold for less than the investment made in the property for 15 years.

- 7.7 In considering any acquisition the 'whole life cost' will need to be taken into account on an individual property basis taking into account the property

market value, purchase price, cost any initial refurbishment works, future maintenance and investment costs, and rental income.

- 7.8 It is proposed that the Chief Officer (Health and Housing) be given the delegated authority in consultation with the Chief Officer (Resources) to negotiate and approve the acquisition of ex-council housing with vacant possession, offered to the council under the Right of First Refusal or is available on the open market for sale, on a case by case basis taking into account the 'whole life cost' of any proposed acquisition together with the location, need and demand for the particular type of property.

8.0 Options and Options Analysis (including risk assessment)

- 8.1 Approval of council owned sites for Stage 2 appraisal

	Option 1: All the council owned sites identified in the report go to Stage 2 detailed appraisal	Option 2: Cabinet prioritises which the council owned HRA sites identified in the report go to Stage 2 detailed appraisal	Option 3: None of the sites identified in the report go to Stage 2 detailed appraisal
Advantages	An initial programme of council house building can be established. Initial council housing building programme more financially sustainable due to minimal land purchase costs. Full appraisal undertaken to establish viability of all proposed sites allowing programming options to be considered with full information.	Option to prioritise and target council housing building programme within the district to existing council HRA land. An initial programme of council house building can be established. Initial council housing building programme more financially sustainable due to no land purchase costs.	The HRA Business Support Reserve will have greater funds to support other HRA service improvements.
Disadvantages		Not all potential sites are fully appraised.	Land will need to be acquired to deliver a council housing building programme, and this will impinge on the viability of any development through increased costs resulting in a smaller new build programme

			being delivered.
Risks	Potential for abortive appraisal costs.	Potential for abortive appraisal costs.	The council housing building programme is either smaller or not delivered at all.

8.2 Acquisition of land for council housing

	Option 1: The council adopts a land acquisition strategy to enable the development of the new council housing	Option 2: The council does not adopt a land acquisition strategy to enable the development of the new council housing
Advantages	Sufficient land is made available to support new council housing development.	
Disadvantages	Outcome more costly than developing existing council owned sites.	Insufficient land is made available to support new council housing development.
Risks	Acquiring land for council housing would be a competitive process against commercial developers, and purchase cost may make development unviable. Potential for abortive appraisal costs.	The council's ambitions to build new council housing are not delivered.

8.3 Establishing a "delivery team" – SmartBuild™

	Option 1: Explore the feasibility of introducing a SmartBuild™ delivery model	Option 2: Do not explore the feasibility of introducing a SmartBuild™ delivery model
Advantages	Uses local delivery teams where possible to ensure investment is retained within the local community. Opportunity to build and enhance the capacity and capability of in-house RMS team. Local training, apprentice and employment opportunities. Potential tighter control of development costs.	None
Disadvantages	Potentially extended lead in time to building up organisation and skills.	Opportunity to enhance the capacity and capability of the in-house RMS team is not realised.
Risks	Diversion from existing priorities.	In-house skills not developed.

8.4 Acquisition of ex-council housing

	Option 1: The council adopts a policy to acquire ex-council housing to address identified housing needs following satisfactory appraisal.	Option 2: The council does not adopt a policy to acquire ex-council housing to address identified housing needs
Advantages	An opportunity to increase the housing stock in a cost effective way to meet demand.	Greater budget available for new build
Disadvantages	Purchasing such properties would reduce the number available to first time purchasers entering the housing market. Less money available for new build	An opportunity to increase the council housing stock is not realised to meet demand for affordable rented housing
Risks	Risk of future Right to Buy but partially mitigated by “cost floor” provisions.	

9.0 Officer Preferred Option (and comments)

9.1 The officer preferred options are:

Approval of council owned sites for Stage 2 appraisal - Option 1: All the council owned sites identified in the report go to Stage 2 detailed appraisal as this will ensure full appraisal undertaken to establish viability of all proposed sites, allowing programming options to be considered with full information.

Acquisition of land for council housing - Option 1: The council adopts a land acquisition strategy, informed by an asset management approach, to enable the development of the new council housing as this will ensure that sufficient land is made available to support new council housing development.

Establishing a “delivery team” – SmartBuild™ - Option 1: Explore the feasibility of introducing a SmartBuild™ delivery model to maximise the opportunities of local employment and to maximise the opportunity to build and enhance the capacity and capability of in-house RMS team.

Acquisition of ex-council housing - Option 1: The council adopts a policy to acquire ex-council housing to address identified housing needs following satisfactory appraisal as this will provide an additional opportunity to increase the housing stock in a cost effective way.

10.0 Conclusion

10.1 The proposals set out in the report form coherent strategy for the council to deliver much needed new affordable council homes in the district and also

provide added value in meeting the wider social, environmental and economic objectives of the council.

RELATIONSHIP TO POLICY FRAMEWORK

This report supports the council's priorities of clean, green & safer places, health and wellbeing, and community leadership.

Housing Strategy and Action Plan 2012 – 2017 seeks to maximise opportunities to increase the existing portfolio of affordable housing in Lancaster district.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

None directly arising out of this report.

LEGAL IMPLICATIONS

The council is able to acquire land, houses or building for housing purposes (s17 Housing Act 1985). They are also entitled to appropriate any land currently vested in them for the purpose of housing (s19 Housing Act 1985). Development of council owned land, the acquisition of land for development and the purchase of ex-council housing all have legal implications. Legal advice will be needed to explore any existing legal rights/obligations on council owned land. Legal services will have to be consulted and will have to assist in the acquisition of any land or the purchase of ex-council housing. Legal Services will have to be consulted and used in the execution of contracts for feasibility studies.

With regard to the amendment of the council's rent policy, officers will have to consider statutory requirements under the Housing Act 1985 (as amended) and the Housing and Regeneration Act 2008. Consideration will also have to be given to the Council's equality obligations under the Equality Act 2010.

FINANCIAL IMPLICATIONS

Subject to the outcome of recommendation 1, estimated costs range from £13K up to a total of £433K if all 6 sites are taken forward to detailed Stage 2 appraisal, noting that there is a risk that these could prove abortive if none of the council owned land is considered viable. At this stage there are no additional financial implications arising from recommendations 2 to 5, other than existing officer time in undertaking further discussions with relevant parties. Subject to the outcome of recommendation 6, there would be additional financial implications arising as a result of acquiring ex-council properties including ongoing management and maintenance liabilities, however it is recommended that acquisitions would only take place if considered viable in the context of the HRA 30-year Business Plan.

As set out in the body of the report there is currently £8.5M available in the HRA Business Support Reserve, which in principle can be allocated to cover the cost of creating new 1 bed accommodation, potential land acquisition and acquisition of ex-council housing stock within the district. There is also the potential to utilise Right to Buy receipts towards the acquisition of ex-council properties (Section 7.5), although further investigation is required to fully understand the specific implications for Lancaster.

As previously reported, there is still a need for HRA officers in conjunction with Resources (Financial Services) to review the current 30-year Business Plan and Rent Policy regarding ongoing affordability associated with the increased housing stock and this will need to be completed prior to entering into contractual commitment for acquisition of ex-council properties (recommendation 6).

Subject to the outcome of recommendations 1 and 6, delegated authority will need to be given to the Chief Officer (resources) to update the Housing Revenue Account budget.

OTHER RESOURCE IMPLICATIONS

Human Resources/Information Services/Property:

As outlined in the report, alongside developing plans and bringing detailed proposals forward, there will be a need to ensure there are sufficient resources available within support services, i.e. Property Group, Accountancy, HR, Legal, etc. in terms of being able to support delivery of any new build programme. This will need to be led by Council Housing.

Open Spaces:

It is recognised that there are potential issues as outlined in the report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Chris Hanna

Telephone: 01524 582516

E-mail: channa@lancaster.gov.uk

Ref: C121

CABINET

Housing Allocation Policy 7 October 2014

Report of the Chief Officer (Health and Housing)

PURPOSE OF REPORT			
To seek approval to adopt a new Housing Allocation Policy.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	5 September 2014		
This report is public.			

RECOMMENDATIONS OF COUNCILLOR KAREN LEYTHAM

- (1) That Cabinet approves the new Housing Allocation Policy to reflect local priorities and meet statutory guidance.
- (2) That delegated authority be given to the Chief Officer (Resources) to update the Housing Revenue Account budgets

1.0 Introduction

1.1 Local Authority Allocations Policies are being reviewed nationally to take advantage of the changes to the legal framework, which have given more discretion to local authorities to set up allocation policies that reflect local priorities.

1.2 The Localism Act 2011 enables local authorities to shape an allocations scheme to give greater priority to locally identified needs and removes the requirement to have an "open" housing register. The main policy objectives of the Localism Act 2011 in relation to the allocation of accommodation are to:

- Enable local authorities to better manage their housing waiting lists by giving them the power to determine which applicants do or do not qualify for an allocation of social housing
- Reflect local circumstances and priorities
- Enable local authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation
- Maintain the protection provided by the statutory reasonable preference criteria. This ensures that social housing goes to those most in need.

1.3 Following enactment of the Localism Act, Central Government has released guidance as to how councils' should administer their housing registers. These are as

follows:

- Allocation of accommodation: Guidance for local housing authorities in England (June 2012)
- Providing social housing for local people (December 2013)

1.4 The council's existing policy has been in place for over three years. It now requires updating to reflect statutory guidance and the needs of local priorities identified by consultation with relevant persons/organisations in our district.

2.0 Proposal Details

2.1 This report outlines the proposed changes to the council's Housing Allocation Policy. The suggested amendments look to:

- Address the limited housing options available to residents
- Encourage people to participate in the local community
- Provide safe and sustainable communities for residents in the district
- Encourage people to make a home for themselves and stay in the district

2.2 The specific changes proposed to the policy include the introduction of a qualification criteria. This is broadly split into three categories

- **Local connection.** Up until the Localism Act, councils were required by law to operate an open housing register which was open to anyone who had resided in the district for more than six months. This meant that people with a high level of housing need but who had little or inadequate connection to the Lancaster district could join the register and be housed ahead of those with a lower level of need but who did have a stronger connection to the Lancaster district. By way of example, persons with higher level of housing need, who had only been in the district for 6 months, could be housed ahead of person with a lesser housing need who had been in the district for many years.

To ensure that local residents with housing needs are given adequate priority, it is proposed that the current policy be amended so as to increase the time period by which a 'local connection' is deemed to apply. It is proposed that the period of six months residence should be increased to three years residence unless other local connection criteria applies.

Research undertaken has shown that our neighbouring councils are taking advantage of this change and closing their registers. If we do not follow this trend, this could leave us exposed to an increase in applicants from across the North West. We have a lower than national average supply of social housing in the district and this could have resource implications should we have an increase in applicants from outside the district.

- **Owner-occupiers.** The new Code of Guidance recommends that owner-occupiers should be excluded from housing registers. Due to the high level of demand for general needs properties, there is little justification for owner-occupiers to look to the council for assistance with housing. Applicants who

own, have an interest in a property or have signed over a property to someone else or sold a property in the previous five years, will not qualify to join the housing register. The draft policy provides exceptions to this. For example: persons placed in sheltered accommodation following domestic violence, persons with high medical needs for rehousing and some repossession cases.

- **Unsuitable behaviour.** The Localism Act allows councils the flexibility to specify groups of applicants that will be excluded from the housing register, albeit on a case by case basis. The Code of Guidance does not specify all behaviours classed as unacceptable and officers will consider each application on its own merits. If an applicant, or member of their household has behaved in a way that would make them unsuitable to become a social housing tenant, then they will not qualify to join the housing register. Examples of unsuitable behaviour may include, but not be limited to:
 - a. Applicants whose own actions, or actions of a member of their household, have led a previous landlord taking action against their tenancy.
 - b. Applicants or members of their household, who have unspent convictions that would make them unsuitable tenants.
 - c. Applicants or members of their household, who have damaged or neglected a current or previous property.
 - d. Applicants or members of their household, who have committed domestic abuse.
 - e. Applicants or members of their household, who have used a former or current homes for immoral or illegal purposes.
 - f. Applicants or members of their household, who have caused nuisance, alarm, distress or annoyance to their neighbours or local community.

Applicants who do not qualify will be advised what they need to do to enable them to qualify to join the housing register in the future.

Applicants will have the right to request a review if a decision is taken that they do not qualify to join the housing register. To request a review the applicant will need to put this in writing within 21 days of receiving their written decision. The review will be undertaken by a senior officer who was not involved in making the original decision. They will notify the applicant of the decision within 56 days of receiving the request.

2.3 Further specific amendments proposed are:

- Applicants who have been allocated a social housing tenancy in the previous 12 months will not qualify to join, unless there are exceptional circumstances.
- Applicants who contribute to their local community will be awarded the same priority as applicants who are employed in the Lancaster district.
- The qualifying age for Lancaster City Council's sheltered housing will be reduced from 60 to 55. This is in line with other sheltered housing providers within the Lancaster district. Applicants will still need to have an assessed need to qualify for sheltered housing.

3.0 Details of Consultation

3.1 A consultation event was undertaken with stakeholders, Private Registered Providers of Social Housing, tenants and members of the public in February 2013. This provided the opportunity to discuss the Housing Allocation Policy, including qualification criteria, local connection and local priorities, whilst at the same time considering the guidance published by the Department for Communities and Local Government. A number of suggestions made during the consultation period have been incorporated into the draft policy such as:

- Reducing the qualifying age for sheltered housing from 60 to 55
- Preventing applicants who have been allocated a social housing tenants in the previous 12 months from being able to move.
- Increasing the length of time an applicant is resident in the district before they are considered to have a local connection.
- Increased tenancy checks on applicants prior to an offer being made.

3.2 The draft Housing Allocation Policy has been subject to formal consultation with our partner Private Registered Providers of Social Housing and local stakeholders in July/August 2014 and two responses were received.

Two Castles Housing Association stated that the proposed changes do not give them any real concerns.

Impact Housing Association advised that they have no concerns or comments over the proposed changes. The only question they had was in relation to local connection for their development in Carnforth due to the changes proposed to the market town of Carnforth and length of residency. We advised that as this development is subject to Section 106, only applicants who meet the requirement of the Section 106 would be nominated for these properties.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Adopt New Allocation Policy	Option 2: Keep Current Allocation Policy
Advantages	Will ensure that we are meeting locally identified needs and be compliant with the latest guidance from the Department for Communities and Local Government.	No changes will be required to the IT system.
Disadvantages	Will require changes to the IT system.	We will not be compliant with the latest guidance from the Department for Communities and Local Government.
Risks	May result in low demand general needs properties being empty for longer.	We will be open to legal challenges for having a non-compliant allocation policy and will be open to an increase from applicants across the North West with no local connection. This could have resource implications.

5.0 Officer Preferred Option (and comments)

Option 1 as described above is the officer preferred option. The disadvantages associated with option 1 and the advantages for option 2 are minimal.

6.0 Conclusion

- 6.1 By adopting the new Housing Allocation Policy the council can ensure that social housing in the district is allocated in accordance with the latest guidance from the Department for Communities and Local Government.
- 6.2 There are currently 797 applicants who are currently placed in Band E. Of these applicants 28% have no local connection to the Lancaster district, 35% are owner-occupiers without a high medical and/or support need, 36% are social housing tenants who are adequately housed (who can look for a move via our mutual exchange scheme) and 1% have sufficient financial resources to be able to rent or buy a home in the private sector.
- 6.3 The majority of our low demand properties are sheltered housing flats and owner-occupiers and applicants with no local connection and/or sufficient financial resources will still be able to join the housing register and bid on these properties. Of the 797 applicants currently in Band E, 43% of them would be eligible to bid for sheltered housing flats.

RELATIONSHIP TO POLICY FRAMEWORK

The revised policy fits with the ensuring council ethos, particularly with regard to social justice and stewardship.

The policy also supports the ‘improving access to housing’ as part of the health & wellbeing priority.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

The policy is aimed to meet the housing needs of the most vulnerable.

LEGAL IMPLICATIONS

Legal Services advise that the amendments are in accordance with statutory requirements and guidance.

FINANCIAL IMPLICATIONS

If members approve the Officers recommendation it is estimated costs will be in the region of £5,000 for implementing the changes to the existing Choice Based Letting System. There is no specific annual budget to cover this, however it can be met from the HRA IT Replacement Reserve, which currently has an available balance of £591K

If approved, delegated authority will need to be given to the Chief Officer (Resources) to update the HRA Budgets.

If option 2 is approved then there are no immediate additional financial implication arising from this report. As set out in section 4 however, it is likely that there will be staff resource implications arising from an increase in applicants from outside the district. At worst case there is a potential risk that the council could be open to legal challenges, which could result in additional unbudgeted costs.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None arising out of this report.

ICT:

As set out in the report.

Property:

As set out in the report.

Open Spaces:

None arising out of this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

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DRAFT

APPENDIX 1

**LANCASTER CITY COUNCIL
HOUSING ALLOCATION POLICY**

AUGUST 2014

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LANCASTER CITY COUNCIL ALLOCATION POLICY

1. Introduction and Background

1.1 INTRODUCTION

Lancaster City Council has to provide a policy on how we allocate accommodation from our own stock and from Private Registered Providers of Social Housing (PRPSH) whom we work in partnership with.

This document sets out the Lancaster City Council's Allocation Policy. Lancaster City Council operates a district wide Choice Based Lettings Scheme which is called Ideal Choice Homes. Ideal Choice Homes is the main route into accessing social housing in the Lancaster district.

1.2 AIMS AND OBJECTIVES

- To promote balanced and sustainable communities
- To meet the legal requirements for the allocation of social housing
- To make the best use of social housing stock in the district
- To tackle under-occupancy in social housing
- To improve the availability of accommodation for applicants with a local connection to move-on from supported housing schemes in the district
- To reduce and prevent homelessness in the district
- To provide a Choice Based Lettings scheme that allows choice, is accessible to all and is fair, transparent and accountable.

1.3 EQUAL OPPORTUNITIES

Lancaster City Council is committed to promoting equality, combating discrimination and promoting balanced communities. We will ensure that discrimination does not take place in the allocation of properties and the service we provide.

Lancaster City Council is committed to:

- Make sure our services and how they are delivered meet the diverse needs of the local people
- Make sure our buildings are as accessible as possible
- Provide information about our services in accessible formats
- Promote balanced communities
- Challenge unfairness and discrimination
- Engage with all local communities to ensure their needs are identified and met
- Value the important contribution the community and voluntary sector make to the Lancaster district.

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- Work in partnership to share good practice and promote a consistent approach
- Actively seek feedback to continually develop and improve our approach

Lancaster City Council will regularly review its practices, policies, staff training and monitoring arrangements to ensure that applicants are treated fairly regardless of their gender, age, ethnicity, disability, religion or belief or sexual orientation and that they can access what they need.

1.4 DATA PROTECTION AND INFORMATION SHARING

Lancaster City Council is registered under the Data Protection Act 1988. Accordingly all the data provided on the application form will be held (primarily) for the purpose of allocating housing. Lancaster City Council has a legal duty to protect the public money it administers. As part of this duty we take part in a National Fraud Initiative, a nationwide drive to reduce the amount of public money lost each year due to fraud. As a result, information applicants provide on their application may be shared with other bodies responsible for auditing or administering public funds. For further information see the Lancaster City Council's website or contact Customer Services on (01524) 582000 or email nfi@lancaster.gov.uk

Applicants can request a copy of all the information held about them, to which the Data Protection Act applies. Any request should be made in writing to Lancaster City Council, Dalton Square, Lancaster, LA1 1PJ.

There are a number of PRPSH who are partners in the Ideal Choice Homes scheme. If you bid for a property that is owned by one of our PRPSH partners, then they will be provided with a copy of your application and we will share any relevant information regarding your application with them.

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where we are required by law to make such a disclosure
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

1.5 EXCEPTIONAL CIRCUMSTANCES

In exceptional circumstances Lancaster City Council reserves the right to depart from any aspect of this policy. The exercise of such discretion will be monitored to ensure that it is properly exercised within extremely limited bounds. This can only be authorised by the Chief Officer (Health and Housing).

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2. Applying to join Ideal Choice Homes

2.1 MAKING AN APPLICATION

Applicants need to complete an Ideal Choice Homes application to join the Lancaster Housing Register. The form can be completed online at www.idealchoicetohomes.co.uk

If an applicant is unable to complete an online form, they should contact the Ideal Choice Homes team by telephoning (01524) 582005 or in person at Lancaster or Morecambe Town Hall. We can provide bespoke assistance to applicants who are unable to complete an online form or require help to do so. We do have free internet access available at Lancaster and Morecambe Town Hall that applicants can use to make an application. Applicants can also access the internet for free at libraries throughout the Lancaster district.

All applicants who complete an application will have to agree to a declaration to:

- Confirm that all the information given is correct and that they will notify Ideal Choice Homes of any changes to their circumstances
- Give consent to allow enquiries to be made concerning eligibility for housing level or priority. This may include checks with the Home Office, Police, Probation Services, Social Services and other council departments.
- Give consent to allow their information to be provided to another partner PRPSH in the scheme.
- Give consent to contact their current or previous landlord(s) to provide information relating to their tenancy conduct.

Once an application is received along with all the supporting documentation, an assessment will be made to see if an applicant is eligible and qualifies to join the Lancaster Housing Register.

2.2 WHAT IS A HOUSEHOLD

A household is defined as “any other person who normally resides with the applicants as a member of his/her family or any other person who might reasonably be expected to reside with the applicant.” (Housing Act 1996)

If we receive a request to add a person to an application we will usually require documentary evidence to confirm that they are or could reasonably be expected to be a permanent member of that household. We would normally expect that they have resided with the applicant for a minimum 12 month period to be an established household.

If an applicant wishes to include a child on their application that they do not have parental responsibility for, they will need to provide documentation which demonstrates that the child is

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expected to reside with them on a permanent basis e.g. residency order. We may contact Social Services to verify any information provided.

A person can only be included on one application. You cannot be included as a member of a household on more than one application.

2.3 GIVING FALSE INFORMATION

It is a criminal offence for anyone applying for housing, from a housing authority to knowingly give false information or to withhold information which is relevant to their application. An offence is also committed if an applicant allows a third party to provide false information on their behalf.

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 tenant or a person acting at the tenant's instigations.

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3. Assessing Applications

3.1 ASSESSING APPLICATIONS TO JOIN THE LANCASTER HOUSING REGISTER

Lancaster City Council will consider all applications that we receive. When considering applications we will ascertain whether:

- The applicant is eligible for an allocation of accommodation, and
- If they qualify for an allocation of accommodation

3.2 ELIGIBILITY TO JOIN THE LANCASTER HOUSING REGISTER

All applications will first be assessed to see if they are eligible for an allocation of accommodation and therefore able to join the Housing Register.

Anyone aged over 16 can apply to join the housing register, unless they are a person from abroad and have been classed by the Secretary of State for Communities and Local Government as ineligible for housing.

3.3 QUALIFYING TO JOIN THE LANCASTER HOUSING REGISTER

If an applicant is eligible to join the Lancaster Housing register they will also need to qualify to join. The following qualification criteria will not apply to applicants who are accepted by the Local Authority as homeless and who we have a statutory duty to rehouse.

If an applicant makes a joint application, both parties to the joint tenancy must individually qualify to join Ideal Choice Homes and be eligible for an offer, or to bid for a property. If a joint tenancy is refused, a clear reason will be provided to the applicants in writing. Applicants can request a review of the decision is required.

In certain circumstances joint tenancies may be granted to more than two people.

3.3.1 Local connection

If an applicant does not have a local connection to the Lancaster district, then they will not qualify to join the Housing Register. This will apply to all applicants on the housing register and may mean that existing applicants on the housing register will no longer qualify to remain on the housing register.

A local connection means that one or more of the following statements applies to the applicant

- Lived in the Lancaster district for the previous three years.

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- Worked or provided a community contribution in the Lancaster district for the previous three years (See section 3.34 and 3.35).
- Is serving in the Armed Forces or has served in the previous five years.
- Is a bereaved spouse or civil partner of a member of the Armed Forces and is having to leave Services Family Accommodation.
- Is an existing or former member of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Is a social housing tenant in another Local Authority area who is needing to move to the Lancaster district to take up employment within the district.
- Close family (i.e. mother, father, adult sibling or adult child), who currently live in the Lancaster district and have done so for the previous five years. If this is the only local connection criterion that applies, then the applicant will be placed in Band E.

The only exception to this will be applicants who wish to move into and are eligible for, Category Two Sheltered Accommodation (flatted accommodation only), where they will be placed in Band E and only be able to bid on this type of accommodation. See Appendix A for the local lettings plan for sheltered accommodation, which includes eligibility criteria.

The Council may, in certain circumstances, agree some reciprocal arrangements with neighbouring authorities which may involve local lettings plans being entered into that will define an area outside the district boundary. This will only apply in limited circumstances, to meet local need and under duty to co-operate arrangements with other district councils.

3.3.2 Financial resources

If the applicant has sufficient financial resources to rent privately or purchase a suitable property in the Lancaster district, then they will not qualify to join the Housing Register. If an applicant's circumstances change then they can make a new application and a new assessment can be made.

Any applicant who has over £30,000 in savings will not be eligible to join the Housing Register.

If an applicant(s) needs one bedroom and has a gross household income of over £40,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

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If an applicant(s) needs two bedrooms and has a gross household income of over £50,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

If an applicant(s) needs three or more bedrooms and has a household income of over £60,000 (excluding any benefits or tax credits), then they will not qualify to join the Housing Register.

The only exceptions to this will be applicants who require specialist fully adapted accommodation or Category Two Sheltered Accommodation (flatted accommodation only). These applications will be assessed on a case by case basis by the Choice Based Lettings Manager.

3.3.3 Owner-occupiers

If an applicant owns, has an interest in a property or has signed over a property to someone else or sold a property in the previous five years, then they will not qualify to join the Housing Register.

This will apply to properties owned or previously owned both within and outside the United Kingdom.

The only exceptions to this will be:

- *Where the applicant is requiring Category Two Sheltered Accommodation (flatted accommodation only).*
- *Where the applicant has a high medical award (25 or more points) and it is unreasonable for them to remain in their current accommodation on medical grounds and/or their housing problem cannot be resolved by adapting their present home or by selling it and purchasing or renting a more suitable home.*
- *Where the applicant is facing repossession as they are unable to pay the mortgage and there is no equity in the property. All avenues to remain in the property will need to have been exhausted and a possession order granted, for this exception to apply.*

3.3.4 Unsuitable behaviour

If an applicant, or member of their household has behaved in a way that would make them unsuitable to become a social housing tenant, then they will not qualify to join the Housing Register.

Examples of unsuitable behaviour may include, but not be limited to:

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- Applicants whose own actions, or actions of a member of their household, have led a previous landlord taking action against their tenancy.
- Applicants or members of their household, who have unspent convictions that would make them unsuitable tenants.
- Applicants or members of their household, who have damaged or neglected a current or previous property.
- Applicants or members of their household, who have committed domestic abuse.
- Applicants or members of their household, who have used a former or current homes for immoral or illegal purposes.
- Applicants or members of their household, who have caused nuisance, alarm, distress or annoyance to their neighbours or local community.

Before a decision is made on whether they qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information in relation to this unsuitable behaviour and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant, then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria will be written to and advised what they need to do to enable them to qualify to join the Housing Register in the future.

To qualify to join the Housing Register, applicants will need to demonstrate that they have taken steps to address their behaviour and would now make a suitable tenant. Prior to any offer being made, further checks will be made to ascertain that there have been no further incidents of unsuitable behaviour.

3.3.5 Rent arrears and housing related debt

If an applicant has a tenancy with a private landlord and has rent arrears of more than eight weeks, then they may not qualify to join the Housing Register.

If the applicant has had a previous tenancy with Lancaster City Council or one of our partner PRPSH within the previous five years and owe more than £250 in arrears or housing related debt, then they will not qualify to join the Housing Register.

Before a decision is made on whether they qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information in

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relation to this. This will include details of the rent due, payments made, income and benefits received and details of any mitigating circumstances.

Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria will be written to and advised what they need to do to enable them to qualify to join the Housing Register.

To qualify to join the Housing Register, applicants will need to demonstrate that they have set up a repayment schedule, which has been agreed with their current or previous landlord and kept to this for a twelve month period, unless a shorter time period is deemed suitable. Prior to any offer being made, further checks will be made to ascertain that the repayment schedule has been adhered to.

3.3.6 Deliberate worsening of circumstances

Applicants who have deliberately worsened their circumstances, will not qualify to join the Housing Register.

Examples of this include but is not limited to:

- Selling a property that was affordable and suitable for their needs.
- Moving into insecure and/or overcrowded accommodation, where there was no good reason to do so.
- Transferring or gifting a property to another family member within the last five years. This will include social housing tenants who have assigned their tenancy to someone else.
- Where there is evidence that applicants have dispersed or deprived themselves of assets which could have reasonably been used to secure housing within the last five years from the date of application.
- Where an applicant has moved additional family or friends into their property resulting in overcrowded conditions, when suitable accommodation was available for them elsewhere.
- Moving into a property that was not affordable based on their income at the time of signing the tenancy.

Before a decision is made on whether they do not qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no

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information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria, will be advised of this in writing and will be able to make a new application twelve months from the date the decision was made.

3.3.7 Applicants who provide false or misleading information

Applicants who have provided false or misleading information on their application, will not qualify to join the Housing Register.

- Examples of providing false or misleading information will include but not be limited to:
 - Missing out tenancies or addresses from their application form.
 - Using a different surname from a previous application and not declaring this.
 - Not declaring a property that is owned or previously owned in the UK or abroad.
 - Not declaring any unsuitable behaviour listed in section 3.20.4.
 - Not declaring rent arrears and any housing related debt listed in section 3.20.5.

Before a decision is made on whether they do not qualify to join the Housing Register under this criteria, applicants will be contacted and advised to provide further information and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who do not qualify to join the Housing Register under this criteria, will be advised of this in writing and will be able to make a new application twelve months from the date the decision was made.

3.3.8 Current Lancaster City Council tenants and other social housing tenants

If an applicant has been allocated a social housing tenancy in the previous twelve months, then they will not qualify to join the Housing Register. This applies to both introductory tenants and tenants with security of tenure.

This does not apply to moves that took place as a result of a mutual exchange, where the applicant has security of tenure.

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The only exception to this will be an applicant who has been awarded exceptional needs status. See section 4.11 for further information.

If an applicant is a Lancaster City Council tenant or other social housing tenant then a reference may be sought from their Landlord. If they do not meet the qualification criteria, then they will not be eligible to join the Housing Register.

If a Lancaster City Council tenant or other social housing tenant has rent arrears or any related housing debt then their application will be deferred until these arrears or housing related debt is cleared.

If a Lancaster City Council tenant or other social housing tenant has rent arrears, which relate to them being unable to pay the rent due to under-occupying the property, then their application will not be automatically deferred. If the arrears are under £500 and the applicant has been taking all possible steps to address them, including bidding on suitable properties when they are advertised, to address them and their Landlord supports this, then they will be permitted to have an active application.

3.4 WHAT APPLICATION CHECKS ARE MADE?

When an application is received, if the applicant meets the qualification criteria, they will need to provide the following documentary evidence:

- Proof that they are eligible for social housing if they are a person from abroad (e.g. proof of immigration status, proof that they are exercising a treaty right).
- Proof that they are habitually resident in the UK.
- Proof of identification for all household members (e.g. passport, driving licence, medical card).
- Proof of address for all adult household members (e.g. driving licence, recent utility bill, recent benefit award letter).
- Proof that any children included on their application reside with them on a permanent basis (e.g. benefit letter relating to the children, residence order).
- Proof of their household income and any savings.

Applicants may also be required to provide further documentation relating to their application which will be detailed in the relevant sections.

Without documentary evidence, applicants will not be able to be fully assessed and will therefore be unable to bid on properties until this documentation is provided. If the applicant is unable to provide the documentation requested they should contact a member of the Ideal Choice Homes team to agree other acceptable forms of documentation.

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As detailed in section 2.1, checks may also be made with an applicant's current or previous landlord, Police, Probation Services, Social Services, Benefits Agency, Home Office or other council department.

If the applicant is successful in bidding on a property, we may carry out additional applicant checks to ensure that they still qualify for an offer of accommodation, that their circumstances have not changed and that they are placed in the correct band. This may include requesting a landlord reference.

3.5 WHEN WILL A HOME VISIT BE REQUIRED?

In certain circumstances it may be necessary to carry out a home visit to check the housing circumstances are as described on the application form. Applicants are expected to allow Council officers access to all parts of their home.

An appointment will be made before a home visit is arranged and all Council officers will carry photographic identification. If the appointment is not convenient, the applicant can request one at a more suitable time.

Before an offer of accommodation is made, a home visit may be required to verify an applicant's circumstances and ensure that they are as described on their housing application.

If the applicant does not allow a home visit to take place this may affect their banding or lead to a property not being offered to them, that they have been successful in bidding for.

3.6 WHEN ARE APPLICATIONS REVIEWED?

All applications will normally be reviewed on an annual basis. Applicants will have to state that they wish to re-register and confirm that there have been no changes in their circumstances. If an applicant does not respond to this review request, then their application will be cancelled. If an applicant is on the assisted bidding list or has additional support needs that are identified on their housing application, then we will make every effort to make contact with them before cancelling their application.

3.7 WHEN ARE APPLICATIONS CANCELLED?

An application will be cancelled from the Housing Register under the following circumstances:

- I. If the applicant requests this
- II. If the applicant is no longer eligible for an offer of accommodation
- III. If the applicant no longer qualifies for an offer of accommodation

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- IV. When an applicant is housed through Ideal Choice Homes
- V. When an applicant completes a mutual exchange
- VI. When an applicant fails to comply with the review process
- VII. When an applicant moves and fails to update their application with this information
- VIII. When the applicant does not respond to a request for further information within 28 days from a reminder letter being sent

In circumstances (II) and (III), the applicant will be notified in writing and informed of the reason why their application has been cancelled and of their right to request a review of that decision.

Should an applicant whose application is cancelled in circumstances (I), (VI), (VII) and (VIII) wish to rejoin the Housing Register they will need to complete a new application, using their previous application number and they will be given a new effective date. However, if an applicant contacts Lancaster City Council within 3 months of their application being cancelled and the applicant still qualifies to join the Lancaster Housing Register, the applicant can be reinstated without the loss of their waiting time.

3.8 CHANGES IN CIRCUMSTANCES

It is the applicant's responsibility to notify Lancaster City Council of any changes in their circumstances which could affect whether they qualify or are eligible to join the Housing Register or the priority for rehousing.

3.9 IDEAL CHOICE HOMES BANDING SCHEME

All applicants who qualify to join the Housing Register will have their applications assessed under the Banding Scheme set out below. There are five bands and these reflect the applicant's housing need.

- Band A – Emergency Housing Need
- Band B – High Housing Need
- Band C – Medium Housing Need
- Band D – Low Housing Need
- Band E – Very Low or No Housing Need

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Within each band there are a number of factors. Ideal Choice Homes will consider the facts of your application against each of these factors. If several factors apply to your case you will be placed in the band containing the highest ranking factors within Band A to E.

Band A - Emergency housing need

Substantial evidence must exist and be authorised by the Choice Based Lettings Manager before you can be placed in this band. This will have to be supported by a public agency such as a Local Authority, Police, Health Authority or Social Services.

1. You have been accepted by Lancaster City Council as being homeless and in priority need.
2. You have an emergency medical need. For example, you are unable to be discharged from hospital as your home is not suitable for you to return to.
3. Your home is in emergency disrepair and a prohibition order has been served on the property.
4. You are escaping violence or threats of violence of a traumatic event, where there is an immediate and serious risk to the household.
5. You are a Lancaster City Council tenant or a tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and have two or more bedrooms than you currently need. You will need to have been affected by the changes to size criteria for this to apply.
6. You have another emergency housing need due to exceptional circumstances as identified by the Local Authority, Police, Health Authority or Social Services.

Band B – High housing need

1. You have a high need for rehousing on social or welfare grounds – this is assessed in conjunction with information from another public agency e.g. Police or Social Services.
2. You have been assessed as having a high medical need for rehousing
3. Your home is permanently lacking a toilet, bathroom or hot or cold water.
4. You need two or more bedrooms than you currently have.
5. You have to leave Service Family Accommodation following the death of your spouse or civil partner.
6. You need to move because of a serious injury, medical condition or disability sustained as a result of your service in the Armed Forces. This will apply up to five years following discharge.
7. You are a Lancaster City Council tenant or a tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and have succeeded to a property that is too large or unsuitable for your needs.

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8. You are a social housing tenant in the Lancaster district who is moving into sheltered accommodation from general needs property.
9. You are a Lancaster City Council tenant or a tenant of one of our partner PRPSH who advertise all their vacancies via the Ideal Choice Homes Scheme and have one or more bedrooms than you currently need. You will need to have been affected by the changes to size criteria for this to apply.
10. You are a social housing tenant in the Lancaster district and have two or more bedrooms than you currently need.
11. You are a social housing tenant in the Lancaster district who lives in a high demand adapted property that you no longer require.
12. You have successfully completed your stay in supported accommodation, whom we have a service level agreement with and you now need to move into general needs accommodation. This will not override the local connection qualification criteria.
13. Your home is in high disrepair. See section 3.32.

Band C – Medium Housing Need

1. You have a medium need for rehousing on social or welfare grounds - this is assessed in conjunction with information from another public agency e.g. Police, Social Services etc.
2. You have been assessed by the council as being homeless but you are not in a priority need category. This will not override the qualification criteria.
3. You have been assessed as having a medium medical need.
4. You are a social housing tenant who has one bedroom more than you need.
5. You are sharing facilities (i.e. bathroom, kitchen, toilet) with people you are not related to. Please note you cannot claim this if you are living with an ex-partner or spouse.
6. You have two people of different sexes included on your application who are not living together as partners both aged over 10 who are sharing a bedroom.
7. You live in an above ground floor flat or maisonette and have two or more children aged under 16.
8. You are an agricultural worker needing to move-on from tied accommodation
9. You are employed in the Lancaster district and have a local connection. Employed can include temporary or permanent employment for a minimum of 16 hours per week or 70 hours per calendar month.
10. You are contributing to your local community. This means that you have been volunteering or doing other unpaid work in your community for at least the previous six months for at least 20 hours per month.

Band D – Low Housing Need

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1. You have been assessed by the council as being intentionally homeless. This will not override the qualification criteria.
2. You have been assessed as having a low medical need for rehousing.
3. You live in an above ground floor flat or maisonette with one child aged under 16.
4. You need one more bedroom than you currently have.
5. Your accommodation limits your access to children.
6. You are sharing facilities (i.e. bathroom, kitchen, toilet) with family.
7. You need to move nearer to someone to provide or receive support.
8. You live in private rented accommodation.
9. You live in a mobile home, caravan or boat.
10. You live in tied accommodation.
11. You have a licence to occupy your current accommodation.
12. You need rehousing and have served or are serving in the Armed Forces.

Band E – Very Low or No Housing Need

1. You have a local connection only through having close relatives who have resided in the Lancaster district for the previous five years,
2. You are an owner-occupier who is moving into Category Two Sheltered Accommodation (flatted accommodation only)
3. You do not have a local connection but wish to move into Category Two Sheltered Accommodation (flatted accommodation only).
4. You are an owner-occupier who is facing repossession, are unable to pay your mortgage and have no equity in your home.
5. You are a social housing tenant who is adequately housed.

3.10 PRIORITISING APPLICATIONS WITHIN BANDS

The banding scheme prioritises applicants by putting those in similar housing need in the same band. Within each band, applications are listed in date order. The “effective” date is the date of the first application, or the date which the applicant moved into a higher band. The “registration” date is the date the initial application form was processed.

Priority within each of the bands will be determined by the effective date. Where applicants in the same band bid for a property, the applicant with the earlier effective date has greater priority. If these applicants have the same effective date, the one with the earlier registration date has priority.

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3.11 MOVEMENT WITHIN BANDS

Applicants can move between bands if:

- Their circumstances change
- Additional information is received about medical or welfare issues which upon assessment by Lancaster City Council, leads to a higher or lower band being awarded to the applicant

If an applicant moves to a higher band, then their effective date will be replaced by the date they moved into that band. If an applicant moves into a lower band, then their effective date will remain the same.

3.12 ASSESSING MEDICAL PRIORITY

Medical priority will be awarded by the Council's District Medical Officer. If an applicant feels that there are medical reasons why they need to be rehoused they should submit medical information by completing a Medical Self-Assessment Form or by providing information from a medical professional. This will then be assessed by the District Medical Officer who will award priority as follows:

Band A: Emergency Housing Need 26-30 medical points

The current accommodation is so completely unsuitable that should the applicant remain or return to it the affect on their health would be critical. This can only be averted by a move to alternative accommodation in the shortest time possible.

Band B: High Housing Need 21-25 medical points

The housing situation is so severely affecting the applicant's health and well being that it is resulting in them being completely housebound, at risk of injury, relapse or unable to live independently.

Alternative housing is required within a reasonable time frame to prevent serious risks to their health and wellbeing.

Band C: Medium Housing Need 11-20 medical points

The housing situation is seriously affecting the applicant's health and wellbeing and is having an unacceptable impact on their ability to live independently.

Alternative housing is required to prevent a significant and serious deterioration to their health and well being in the short/ medium term (within 2 years).

Band D: Low Housing Need 5-10 medical points

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The housing situation is having a negative impact on the applicants well being but it is not causing any significant deterioration to their health or ability to live independently

Band E: 0 medical points

Whilst it is recognised that there may be a health and wellbeing issue, this is not affected by the current accommodation. The applicant's health and wellbeing would not be improved by a move to alternative accommodation. Therefore no housing need actually exists.

3.13 ASSESSING PROPERTY SIZE NEEDED

Applications will be assessed to determine the size of property their household needs. A household is defined as any other person who normally resides with the applicant as a member of his/her family or any other person who might reasonably be expected to reside with the applicant. See section 2.2 for further information.

If a household is newly formed and not yet established, then we may require them to have lived together as a household for a minimum twelve month period, before we adjust the property size they need.

If an applicant is an approved foster carer or has had a child placed with them prior to adoption then we can include them on their household. This will not increase their property size by more than one bedroom regardless of how many children they foster. Documentary confirmation of this will be required from Social Services.

If an applicant has children who are in the Armed Forces but continue to live with their parents when they are not away on operations, they can be included when assessing the size of property a household needs. We will require a letter from the adult child's chain of command to confirm that they are away on operations.

Bedroom requirements are based on assumptions that a bedroom is suitable for:

- each adult couple
- any other person aged 16 or over
- two children of the same sex aged under 16
- two children, regardless of sex, aged under 10
- any other child
- a disabled child who needs their own bedroom on medical grounds
- a carer, or team of carers, who has a home elsewhere, who uses a bedroom on a regular basis to stay overnight because an adult member of the household requires overnight care

We do not make exceptions to this which means that:

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- if an applicant shares care of their own child, the child will only be taken into account of calculating the property size needed for the designated “main carer” – if care is shared exactly equally, the main carer will be the parent that receives the child benefit
- applicants whose children visit but are not part of the household are not assessed as needing an extra bedroom
- applicants who currently sleep in separate bedrooms for personal reasons will only be allocated one bedroom

We aim to make the best use of the social housing stock in the Lancaster district. Some of our three and four bedroom houses have additional living rooms that can be utilised as a bedroom, effectively making them a four or five bedroom house. When these properties are advertised, applicants who require the extra room to be used as a bedroom will be eligible to bid for them. These applicants are given priority within each band over those who don't require the extra room.

3.13.1 Requiring an additional bedroom on medical grounds

There are no exceptions to the bedroom requirements listed above. Therefore, if applicants wish a member of their family to have a separate bedroom, they will need to arrange this themselves, within their bedroom entitlement.

If a separate bedroom is required for a disabled child or a carer they will need to provide supporting documentation regarding this. This will be submitted to our medical officer and they will make a decision as to whether this is required on medical grounds.

3.14 ASSESSING DISREPAIR

We work closely with Lancaster City Council's Housing Standards team when an applicant has stated that their current rented accommodation is in disrepair.

It will be expected that an applicant has already raised the problem with their Landlord in writing before a Lancaster City Council officer visits. This will give the Landlord the opportunity to carry out the necessary works before involving Lancaster City Council and possible enforcement action.

Applicants will be made fully aware that if a Lancaster City Council officer visits and identifies serious defects with the property that they are under a statutory duty to take appropriate steps to remedy the defects and this will involve contacting the Landlord and/or agent.

If an applicant is living in accommodation where the conditions pose an ongoing and serious threat to health and safety of the residents and where there are Band A, Category 1 hazard(s)

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that have been found following an assessment by the Council's Housing Standards team can not be resolved by the landlord, the applicant will be placed in Band B.

If an applicant's home is in emergency disrepair and a prohibition order has been served on the property, the applicant will be placed in Band A.

3.15 ASSESSING SOCIAL AND WELFARE PRIORITY

If an applicant's household includes someone with a particular need for settled accommodation and who cannot be expected to find/afford suitable accommodation in the future then they will be awarded priority under social and welfare.

The band you will be placed in will depend on whether this is assessed as being an urgent, high or medium need. We will usually require information from another public agency such as the police or social services before awarding social and welfare priority. This priority is decided by the Choice Based Lettings Manager.

3.16 EMPLOYMENT

If an applicant or member of their household is permanently employed or has been offered permanent employment in the Lancaster district, they will be placed in Band C, unless their housing needs warrants a higher banding.

Permanent employment will include self-employment and temporary contracts of more than 12 months, but not casual employment. This will include part-time employment but it will need to be for a minimum of 16 hours per week or 70 hours per calendar month.

If an applicant is on a zero hours contract but can demonstrate that on average (over a minimum three month period) that they have been employed for a minimum 16 hours per week or 70 hours per calendar month) then they will be classed as being in employment.

The applicant will need to provide documentary confirmation of this.

This does not override the qualification criteria for local connection and income.

3.17 COMMUNITY CONTRIBUTION

If an applicant or member of their household contributes to the local community, they will be placed in Band C, unless their housing needs warrants a higher banding.

This means that they have been volunteering or doing other unpaid work in the Lancaster district for a charity, not for profit organisation, social housing provider or statutory agency for

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at least the previous six months for at least 20 hours per month. The applicant will need to provide documentary confirmation of this.

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4. How the Scheme Operates

4.1 WHAT PROPERTIES ARE INCLUDED IN THE CHOICE BASED LETTINGS SCHEME?

Lancaster City Council properties and PRPSH Landlord properties to which we have nomination rights will be advertised to let through Ideal Choice Homes. This will include:

- General needs housing
- Sheltered accommodation
- The majority of adapted properties

Customers with active applicants will be able to exercise choice by registering an interest on the property by “bidding” on them.

There will be some exceptions to this, these will include:

- Extra Care sheltered accommodation

Nominations to these will be provided by Social Services

- Highly Adapted properties

These will usually be offered to a household with matching needs. These properties may be assessed by an Occupational Therapist who will assess their suitability before a formal offer is made.

- Management lets

These will be when we need to use a property for specific management purposes and the qualifying applicant will normally receive one reasonable offer of accommodation.

4.2 ARE THERE ANY LETTINGS NOT COVERED BY THIS POLICY?

The following are examples of lettings not covered by, or specifically excluded from the allocation scheme, under the provisions of the Housing Act 1996

- Offers of non-secure tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996
- The conversion of introductory tenancies into secure tenancies
- The conversion of secure tenancies into demoted tenancies

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- Offers of tied accommodation made to council employees (service tenancies)
- Offers of or nominations to accommodation made at the council's own instigation rather than in response to an application, for example offers to tenants being decanted from their homes to allow major works to take place
- Assignments of, and successions to social housing tenancies
- Mutual exchanges
- Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation
- Vesting or disposal of tenancies by order of a Court

4.3 HOUSES IN THE LANCASTER DISTRICT

Priority for two bedroom houses will be given to applicants with children aged under 16. This is because within the social housing stock in the Lancaster district, there are two bedroom flats that are suitable for applicants with no children in their household. Applicants without children who need two bedrooms will be eligible to apply for two bedroom houses but those with children aged under 16 will take priority.

This will only apply to two bedroom houses. Other sized properties will be let in accordance with their bedroom and housing need.

4.4 LOW DEMAND PROPERTIES

If there is no demand for a property we may re-advertise it to applicants who do not normally qualify for this size of property.

For example a two bedroom property may be re-advertised to enable applicants with a one-bedroom need to apply.

When this occurs, any local lettings policy in place will still apply. With retirement properties, preference will be given to social housing tenants who are freeing up a high demand property.

Before any offer of accommodation is made, a financial assessment may be undertaken to ascertain whether or not the applicant will be able to financially sustain the tenancy.

4.5 ADVERTISING VACANCIES

All Lancaster vacancies will be advertised through the Choice Based Lettings Scheme (known as Ideal Choice Homes), except those detailed in section 4.1. Each week a new list of current vacancies will be available.

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The property adverts will contain information about, amongst other things, rent, number of bedrooms, heating type, suitable household size and whether pets are accepted, as well as giving information on local services and amenities. The advert will also indicate the priority band of applicant eligible to apply. The advert will also state who the Landlord of that vacancy is.

Properties may be advertised during the notice period given by the outgoing tenant. If the notice is withdrawn by the tenant during this period the property will therefore be unavailable to be let.

4.6 QUOTA SYSTEM

To allow applicants in lower priority bands access to housing a quota system will be used. This allows a proportion of vacancies to be advertised as available only to those in a specific band. The system will be monitored to ensure that it does not operate to the detriment of those with a higher need for housing.

It is important that Lancaster City Council supports sustainable and balanced communities. This means that properties will be advertised on a percentage basis to each band to ensure that applicants in all bands will have the opportunity to access social housing. The percentages used for the quota system will be reviewed on an annual basis.

Where a sensitive let or a particular balance is required in an area a vacancy may be advertised as limited to specific types of household. The advert will include details of who can apply to ensure transparency and openness.

4.7 LOCAL LETTINGS

Partners in the Choice Based Lettings Scheme may draw up local lettings policies and plans for an area, scheme or estate to meet the specific needs of that local community. Local lettings policies may be used to tackle particular management problems and or to address imbalances in the community. Local lettings schemes will be publicised to ensure openness and transparency in the lettings process.

Lancaster City Council should be consulted by the PRPSH if they are considering implementing a new local lettings policy.

Lancaster City Council local lettings plan for Sheltered Accommodation can be found in Appendix A.

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4.8 RURAL VILLAGE AND MARKET TOWN CONNECTIONS

There is a severe shortage of social housing in rural villages and we aim to preserve rural communities. Therefore we give additional priority to applicants who have a rural connection to a village or the market town of Carnforth.

A rural connection means that the applicant has either:-

- Lived in that village for at least six out of the past 12 months or 3 out of the past five years
- Previously lived in that village for at least 5 years
- Has permanent employment in a village
- Has close family who live in the village. Close family includes parents, adult children and adult siblings.

Additional rural connection priority is given to applicants within bands but not between bands. This means that if we advertise a property to a given band, for example Band C, an applicant in Band C with a rural connection will be given priority over an applicant in Band C with no rural connection.

We will state in the advert if additional priority will be given to an applicant with a local connection. Before selecting which band to use for the property will look at which applicants on the housing register have a rural connection to that the village and choose an appropriate band, based on housing need and demand.

Under the Planning Act some developments are subject to Section 106. This requires those properties to be let to customers with a local connection, which can be more demanding than the rural connection Lancaster City Council applies. Where this applies, only those applicants meeting the requirement of the Section 106 will be eligible for an offer of property. The advert will state if this applies to the property and provide details of the connection required.

In order for an applicant to have a rural connection, they will need to provide documentary evidence of this.

If there is limited or no social housing in the village to which an applicant has a rural connection, a rural connection will be given to the next surrounding village(s).

4.9 BIDDING PROCESS

Applicants can bid for up to two properties per cycle that they meet the eligibility criteria for.

Applicants can bid through the website, at kiosks, over the phone and in person at Lancaster and Morecambe Town Halls.

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For those applicants who are unable to bid for themselves and who do not have any family, friends or advocates who can bid on their behalf we do have an assisted bidding scheme for vulnerable customers. This will mean that bids are placed on those applicant's behalf based on the preferences they express.

By bidding an applicant is simply expressing an interest in a property, and telling us that they wish to be considered for it. Their position on the shortlist may change over the course of the bidding cycle. If an applicant comes top of a shortlist there is no guarantee that they will be successful in being offered this property.

Further checks are made to ensure that they meet the criteria for the property and that the information supplied on their application form is still correct.

If an applicant is not offered this property a reason will be provided and the applicant will be able to see this on their online account.

4.10 SHORTLISTING AND OFFERS

The Choice Based Lettings Scheme will identify applicants who have placed a bid on each vacancy. It will generate an ordered list based on band and the applicant's length of time on the waiting list.

Prior to an offer being made additional verification checks will be undertaken of the applicant's eligibility and priority. An applicant's current landlord will normally be contacted to request a reference. The applicant at the top of the list will be offered the property subject to these checks, and to meeting any additional criteria included in the advert.

If an applicant is a tenant of Lancaster City Council or one of our partner PRPSH, then a check will be made with them, before any provisional offer of accommodation is confirmed.

Tenancy checks will be made to ensure that they meet the qualification criteria, that they have a clear rent account, can give vacant possession of the property, have no other housing related debt, have not caused any damage to the property or made any unauthorised alterations and have conducted their tenancy in a satisfactory manner.

If the council or a partner PRPSH does not agree to the offer being confirmed due to unsatisfactory tenancy checks, then the provisional offer will be withdrawn. If the tenancy checks highlight any issues with the tenancy, this may result in them no longer qualifying to be on the Housing Register.

See section 3.3.8 for more information on rent arrears and social housing tenants.

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Should the offer not be made to the applicant at the top of the list following the additional checks, or should it be refused, the offer is made the next eligible applicant on the shortlist. This process continues down the list until an offer of accommodation is accepted.

4.11 HOMELESSNESS

If an applicant states that they are homeless or threatened with homelessness they will be advised to make a Housing Options appointment.

If an applicant has been assessed as homeless, has a priority need for rehousing and they have not made themselves intentionally homeless they will be placed in Band A. This may override the qualifying criteria.

If an applicant has been assessed as homeless but there is no priority need for rehousing and they have not made themselves intentionally homeless they will be placed in Band C. This will not override the qualifying criteria.

If an applicant has been assessed as intentionally homeless they will be placed in Band D for a period of 12 months. Once the 12 month period has expired then their application will be reassessed and placed in the appropriate band. This however does not override the qualifying criteria.

An applicant will not be awarded homeless priority, unless they have had this assessed by a member of the Housing Options team.

If we have a statutory duty to rehouse an applicant because they are unintentionally homeless and in priority need they will be placed in Band A for two weeks. They will be advised that they have to bid for suitable properties when they become available and how to bid. If they have not bid for properties or have been unsuccessful in bidding on properties, then they will receive a direct offer of suitable accommodation when one becomes available.

The applicant has a right to review this offer and will be provided with details of how to do this when an offer is made. If their appeal is successful another direct offer of accommodation will be made.

4.12 EXCEPTIONAL NEEDS AWARDS

If Council Housing tenants are placed in Band A because they have an emergency need for rehousing as identified by the Council Housing Services awarding them Exceptional Needs status, they will be placed in Band A for two weeks. They will be advised that they have to bid for properties when they become available and how to bid. If they have not bid for properties

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or have been unsuccessful in bidding on properties, then they will receive a direct offer of suitable accommodation when one becomes available.

If they do not feel that the property they are offered is suitable for them they have 21 days from the date they are offered the property to request a review of the offer. This will be reviewed by the Choice Based Lettings Manager and advice will be sought from the Neighbourhood Housing Manager before a final decision is made.

If it is decided that the property was not suitable another direct offer of a suitable property will be made. If the applicant rejects this offer there will not be any further offers of property made and the applicant will be removed from Band A. Their application will be reassessed and they will be placed in the appropriate band.

4.13 BAND A APPLICANTS WHO ARE NOT HOMELESS OR GIVEN EXCEPTIONAL NEEDS STATUS

4.13.1 Other emergency housing needs or emergency disrepair

If applicants have been placed in Band A due to other emergency housing needs they will either have the option to bid on properties for a two week period before receiving a direct offer or they may just receive one direct offer of suitable accommodation. This will be explained to the applicant in writing when they are placed in this Band.

4.13.2 Under-occupying social housing tenants placed in band A

These applicants are the only section within Band A who are not limited to how long they have to bid on properties before being made a direct offer.

It is not anticipated that these applicants will remain in Band A for an indefinite period.

If they are not bidding on properties within a two month period of being placed in Band A, then they will be contacted to ascertain why. There may be circumstances when we make direct offers to these applicants, for example, before commencing court action for rent arrears. If these direct offers are refused this may affect their banding and whether or not they still qualify to be included on the housing register.

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5. Review Process

An applicant has a right to request a review if:

- They have not been accepted onto the Lancaster City Council Housing Register
- Their application has been removed from the Lancaster City Council Housing Register
- They disagree with how their application has been assessed and/or the band they have been placed into.

To request a review the applicant will need to put this in writing within 21 days of received our written decision. The applicant will need to give the reasons why they believe an incorrect decision has been made. If an applicant is unable to put their point across in writing, they can request a meeting with a senior officer.

The review will be undertaken by a senior officer who was not involved in making the original decision and will take account of information provided by the applicant. They will notify the applicant of the decision within 56 days of receiving the request. If the applicant is not happy with this decision, they can make a formal complaint using the complaints procedure.

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Appendix A

LOCAL LETTINGS PLAN – SHELTERED ACCOMMODATION

BACKGROUND

We have a number of properties which are currently designated as sheltered accommodation schemes. Sheltered accommodation, is housing with support, it enables older people to live independently in flats or bungalows within a supporting environment designed to suit their needs.

ALLOCATION CRITERIA

To be eligible for an allocation of one of these properties applicants will need to meet the following criteria:

- The applicant or their partner will need to be aged over 55 and be able to demonstrate that they would benefit from the key aspects of sheltered accommodation. They will need to complete an additional application form, which will assess their need and suitability for the service.
- If a member of the household has a history of anti-social behaviour or unspent convictions then they may be rejected if there is concern that their activities will affect other residents in the scheme.
- If a member of the household has support needs they will only be accepted with a recognised support package and they will need a history of previous positive engagement.
- Applicants will need to be able to live independently and not have a requirement for specialist health services, personal or nursing care which cannot be met in a community-based setting.

Please note, where necessary, supporting information for applicants will be sought from a wider range of agencies/sources than usual.

Normal exclusion criteria will still apply as outlined in the allocation policy.

UNDER OCCUPATION

Under occupation for these properties may be considered where there are no suitable applicants who meet the additional criteria. In these circumstances we may refer the applicant(s) for a financial assessment to ensure the tenancy is affordable.

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REVIEW OF POLICY

This policy will be reviewed on an annual basis by the Sheltered Housing Manager to monitor its effectiveness.

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Appendix B

LOCAL LETTINGS PLAN – SENSITIVE LETTINGS

BACKGROUND

We occasionally have properties where there is a need for a sensitive let. This can be for a number of reasons such as a history of serious anti-social behaviour in property or due to the location of the property. These can be approved by the Principal Housing Manager and are closely monitored.

ALLOCATION CRITERIA

To be eligible for an allocation of one of these properties applicants will need to meet the following criteria:

- The main applicant will need to be over the age of 30 (unless they are in full time (minimum 35 hours per week) employment)
- No member of the household can have a history of heavy drug or alcohol over the previous 12 months
- If a member of the household has a history of anti-social behaviour or unspent convictions then they may be rejected if there is concern that their activities will affect the local neighbourhood.
- If a member of the household has support needs they will only be accepted with a recognised support package and will need a history of previous positive engagement
- Applicants will need to provide two appropriate tenancy references.

Please note, where necessary, supporting information for applicants will be sought from a wider range of agencies/sources than usual for previous anti-social behaviour, arrears etc;

Normal exclusion criteria will still apply as outlined in the allocation policy.

UNDER OCCUPATION

Under occupation for these properties may be considered where there are no suitable applicants who meet the additional criteria. A financial assessment will be undertaken to ensure that the tenancy is affordable for the tenant.

REVIEW OF POLICY

This policy will be reviewed on an annual basis by the Neighbourhood Housing Manager to monitor its effectiveness.

CABINET

Lancaster District Empty Homes Strategy 7 October 2014

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT			
The report is to seek Cabinet approval to formally adopt the Lancaster district Empty Homes Strategy 1 July 2013 – 30 June 2015 and consider the options available to resource this area of work in the future.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	26/06/2014		
This report is public.			

RECOMMENDATIONS OF Councillor Janice Hansen and Councillor Karen Leytham

- (1) To formally adopt the draft Lancaster District Empty Homes Strategy 1 July 2013 - 30 June 2015.
- (2) That Cabinet give an indication of their preferred option going forward for further consideration during the 2015/16 Budget Process as appropriate.
- (3) That subject to the outcome of recommendation 2, that Cabinet gives delegated authority to the relevant Chief Officers to bid for external funds in line with the Empty Homes Strategy, subject to them being within the Budget & Policy Framework, and agrees to review the Empty Homes Strategy and ongoing need for supporting resources during the 2017/18 budget process.

1.0 Introduction

- 1.1 When the council set its budget in 2013/14, resources were identified to create a new post of Empty Homes Officer in the Regeneration and Planning Service on a temporary fixed term 2 year contract. Subsequently, an officer was appointed on the 1st July 2013 and has now been in post for just over one full year. It is common practice for local authorities to have dedicated resources to tackle empty homes, and some authorities also have established budgets to spend on empty homes (locally Preston City Council have 2 full-time Empty Homes Officers and a dedicated budget and Rossendale Borough Council have specific budgets to bring empty homes back into use. Other local authorities such as Bolton and Manchester ring-fence some of their New

Homes Bonus payments specifically to housing related activities.

- 1.2 In order to ratify the work currently being undertaken by the post holder and in order to adopt a strategic approach to tackling empty homes, officers have prepared the Lancaster District Empty Homes Strategy 1st July 2013 - 30th June 2015, which has been formally presented to Housing Regeneration Cabinet Liaison Group and Planning Policy Cabinet Liaison Group on the 7th May 2014 and 27th May 2014 respectively following consultation with stakeholders and all elected members.
- 1.3 The key drivers for the appointment of the Empty Homes Officer and the subsequent Empty Homes Strategy were:-
 - 1.3.1 When Cabinet re-affirmed its housing regeneration priorities in 2011, one of its identified priorities was to bring empty homes back into use.
 - 1.3.2 Cabinet approved an Enforced Sales Procedure in July 2012 and needed the resources to implement this approach.
 - 1.3.3 Members and officers recognised that a strategic approach to empty homes could only be achieved through a dedicated Empty Homes Officer.
 - 1.3.4 Members have supported the implementation of new council tax rates in 2013/2014 for long term empty homes to act as a disincentive for homes remaining empty for more than two years.
 - 1.3.5 There are financial benefits achieved through the New Homes Bonus, and every net empty home brought back into use generates a bonus of £825 per property per year, which equates to around £5K over the lifetime of the New Homes Bonus.
 - 1.3.6 Lancaster City Council has established a sub-regional partnership with Methodist Action North West (MANW), a Preston based charity, Preston City Council and South Ribble Borough Council. MANW have secured government funding available to third sector organisations to bring empty homes back into use. The success and delivery of this initiative has only been possible with the support of the local authorities, and other than through existing officer resources, there have been no other direct financial implications provided by Lancaster City Council to date.
 - 1.3.7 The rationale of bringing empty homes back into use is widely supported both nationally and locally, with significant media interest in the context of maximising opportunities to meet local housing need and address housing shortages.

2.0 Empty Homes Strategy

- 2.1 The Draft Empty Homes Strategy 1st July 2013 - 30th June 2015 (Appendix 1) is a 30 page document which provides a framework of priorities and approaches to bring empty homes back into use.
- 2.2 The Empty Homes Strategy period corresponds with the current contract period of the Empty Homes Officer, given that, as stated in this report, the Strategy can only be delivered with sufficient officer resources in post.

3.0 Structure and purpose of the Empty Homes Strategy

- 3.1 The Empty Homes Strategy forms two parts: - it contains a contextual statement and an action plan, which includes and describes the following:-
 - 3.1.1 An executive summary which details the main reasons why homes remain empty.
 - 3.1.2 The national context around empty homes and the recent funding opportunities that have become available.
 - 3.1.3 The regional context around empty homes and the partnership working that has been established regionally and sub-regionally.
 - 3.1.4 The local context and how the Empty Homes Strategy will link to other agreed Corporate and Service Priorities.
 - 3.1.5 Details of the funding that has been made available locally to support bringing empty homes back into use.
 - 3.1.6 The main objectives of the Empty Homes Strategy and how these will be delivered through specific actions.

4.0 Details of Consultation

- 4.1 The draft document has been circulated to key stakeholders, which includes all elected members, Registered Providers of Social Housing and members of the Homelessness Forum.

5.0 Progress with the Empty Homes Strategy

- 5.1 The figure reported for the number of long term empty properties from council tax records in Lancaster district on the 15th July 2014 is **846** including **297** on an empty homes premium for being vacant for more than 2 years (74 of these are within the West End's Chatsworth Gardens Scheme which the Council is actively involved in bringing back into use as referred to in Appendix 1). It should be stressed, however, that whilst this figure is used by central government to monitor empty homes by district, there are a number of other empty homes across the district that fall within 11 of 21 exempt categories that are not routinely counted within these figures, such as properties which are unoccupied and registered as second homes. If all the exempt categories were included it would more than double the figure provided for the number of long term empty homes.
- 5.2 In the first year of being in post, a total of 386 empty properties in the Lancaster district have been identified by the Empty Homes Officer and the owners have been contacted. 356 (92%) of these owners have responded or taken action further to correspondence being sent out by the Empty Homes Officer resulting in a total of 108 (28%) properties being returned to use so far. Only 30 owners (8%) of the 386 have not been in touch or done anything with their empty properties to date; these owners are being pursued. Whilst the primary focus of the Empty Homes Officer is to tackle the number of long term empty homes within Lancaster district, there may well be instances where properties that fall within an exempt category require some monitoring or intervention.
- 5.3 Appendix 2 provides a more detailed summary of progress made so far since the appointment of the Empty Homes Officer. The figures are based on the 386 empty home owners that have been contacted and it should be noted that figures are fluid and change on a daily basis and do go up as well as down.

6.0 Enforced Sales Procedure

- 6.1 In July 2012, Cabinet approved the empty homes enforced sale procedure, as a mechanism to bring problematic long-term empty dwellings back into habitable use where council debts have been registered as a land charge against the property and not discharged.
- 6.2 The council is currently in the advanced stages of this new procedure in relation to a problematic empty property which has been the focus of much local attention for some years. To date, a formal section 215 notice under the Town and Country Planning Act 1990 has been issued with a list of works to be undertaken. No works were carried out by the owners, and therefore the council has carried out “works in default”. The cost of the works has been presented to the owners, with a request for payment. At the same time a local land charge for the cost of the works was placed on the property. Legal services have been instructed to progress the enforced sale by auction, under the Law of Property Act 1920. The outstanding debt with costs will then be taken from the sale proceeds and the remainder of the monies will be given to the property owner. There are another 6 properties at various stages of the new enforced sale procedure.

7.0 Empty Homes and the New Homes Bonus

- 7.1 The New Homes Bonus (NHB) is a non ring-fenced payment the Department for Communities and Local Government has paid, since April 2011, to local authorities for every home added to their council tax register. It was introduced to act as a financial incentive to boost housing and economic growth. A pre-determined formula for calculating payments applies, which takes account of new housing, conversions and empty homes returned to use, and additional premiums apply for both affordable homes and for affordable traveller pitches.
- 7.2 The current scheme is for 6 years, however there is inference that the scheme will continue and may well end up replacing the current Revenue Support Grant funding arrangements but this is by no means clear; it is hoped the position will be clarified in future Local Government finance settlements. Even if it does continue, the methodology used to calculate funding may well change.
- 7.3 It should be noted however, that the current budget already includes an assumption on the number of new and empty properties being brought onto the council tax register each year, with £1.277m and £1.576M being estimated over the next two years. This will include the empty homes brought into use over the last 12 month period up to 30 June 2014. The amount to be included in future years will be determined as and when the future funding position becomes clearer.

8.0 Funding for Empty Homes

- 8.1 Section 4 of the Empty Homes Strategy describes the sub-regional partnership set up in 2012 following Methodist Action’s successful bid for grant funding through the government’s Affordable Homes Programme 2011 – 2015 whereby £30M (Round 1) and £40M (Round 2) grant funding was available to Community Groups to bring empty homes back into use. The success of this partnership is reliant upon the local authorities involved being able to initially identify empty homes, target the owners of empty properties and make the appropriate referrals to Methodist Action to maximise the funding available.

- 8.2 In return for the investment made on empty properties that are eligible for the scheme, Methodist Action lease the property, normally for 10 years, and recover the grant through a reduced income to the property owner in the early part of the lease period. The properties are then let through the council's Housing Options Team to households in need.
- 8.3 It should be stressed that as with all funding made available in the Affordable Homes Programme 2011-2015, the funding is only available until March 2015, unless there are any future announcements which extend the programme period, or additional funding becomes available. Furthermore, the level of funding that applies per property is not sufficient to tackle the worst empty homes (with grant rates of £4.5K per bedroom) which often require substantial investment that could sometimes exceed £50K per property. However, Preston City Council, through their dedicated budget for empty homes, have also made a direct contribution of £40K to allow specific empty properties be brought back into use in the Preston area, that would otherwise have been unsuccessful.
- 8.4 Notwithstanding this, Methodist Action are keen to continue the empty homes partnership and are currently exploring financial mechanisms to do so. They may be in a position, in the future, to recycle the recovered grant monies and continue to roll the existing scheme out and they are investigating the merits of a bid for the Big Lottery Fund "Power to Change" which offers £150M funding to support sustainable community led enterprises. However, this funding is not specific to empty homes work and if Methodist Action are eligible to bid, a successful bid could not be guaranteed. In terms of future funding from the Homes and Communities Agency, the Affordable Homes Programme 2 (2015-2018) provides a single stream of funding, and unlike the previous Programme, does not set aside specific funding to bring empty homes back into use. In order for Methodist Action to access the new AHP2 funding, there would be a requirement that they gain Registered Provider status and the scheme would require properties to be within their ownership rather than securing a long lease, and therefore, at this point, Methodist Action cannot satisfy these requirements.
- 8.5 To date, Methodist Action have been involved in bringing 10 properties back into use in Lancaster district, which has required a total investment of £101,700.00. There are a further 10 properties earmarked for the scheme at varying stages, that potentially require £81,500.00.
- 8.6 Whilst much of the Empty Homes Officer's work is enforcement related, having some financial capacity to provide grants and undertake pro-active work would undoubtedly increase the impact and effectiveness of this area of work. Bearing in mind the level of funding that has been required to bring empty properties back into use, a dedicated budget of say £200K would mean that the work undertaken by Methodist Action and the existing partnership could continue beyond March 2015, but this amount is not fixed; it offers some degree of flexibility in terms of the level of funding required per property, but still providing some value for money.
- 9.0 Options and Options Analysis (including risk assessment)**
- 9.1 As referred to in paragraph 2.2, the Empty Homes Strategy delivery period is 1st July 2014 to 30th June 2015, to take account of the existing officer resources within the current establishment. Cabinet are asked to consider the future options available in tackling empty homes:-

	Option 1: Aim to continue a strategic approach to empty homes until 31 March 2017, and request Officers to consider how Officer support might best be provided/reallocated, for consideration during the budget.	Option 2: Aim to continue a strategic approach to empty homes until 31 March 2017, and request Officers to investigate how Officer support might best be provided/reallocated, and what potential exists to create a dedicated revenue and/or capital budget for long term empty homes (including any external funding opportunities), for consideration during the budget.	Option 3: Deliver the existing Empty Homes Strategy until July 2015 and discontinue the strategic approach to empty homes.
Advantages	Subject to budget decisions, the additional empty homes brought back into use would make a positive contribution to the overall housing supply and mix. The council will be fulfilling its strategic housing function by making effective use of existing housing, including empty homes, in order to meet housing needs. Empty homes work will contribute towards the Cabinet decision to engage in housing provision targeted towards affordable housing using a variety of methods. Empty homes work will contribute towards the strategic housing regeneration priority to bring empty homes back into use. Proactively identifying empty homes and the use of enforcement will send a strong message that the council does not tolerate empty homes, acting as a powerful disincentive to owners.	As with Option 1 but some additional resources (if identified) would ensure the pro-active work through grants can continue if alternative external sources of funding are discontinued or could allow potential match funding for properties that require a higher level of investment. The exact level will be determined as part of the annual Budget Process.	No further council resources would be required beyond those already committed and budgeted for.

	<p>Bringing empty homes into use will attract positive media coverage and publicity for the council. This is particularly important in the context of the Local Plan and meeting the district's future housing requirements. Internal and external funding opportunities can potentially be identified and quickly responded to. The council can make informed decisions around the appropriate use of the different enforcement tools available.</p>		
Disadvantages	<p>Future funding would be required for a dedicated resource beyond those currently committed, and it is not yet determined how this could be afforded or whether it could be reallocated from elsewhere.</p>	<p>As with option 1 but additional resources may need to be committed which may impact on the council's budget and future savings which need to be identified, even if more New Homes Bonus is generated.</p>	<p>The number of empty homes in the district could increase. The council would not be positively contributing or fulfilling its strategic housing function by making use of the existing housing provision locally. There could be more opposition to the council's Local Plan proposals which will seek to significantly increase new housing supply to meet local need when the council is failing to deal with empty homes. The council will not be delivering against its previously agreed priorities. There would be a potential loss of New Homes Bonus. Negative media publicity. Loss of opportunity to benefit from future funding available to tackle empty homes. No regular monitoring of empty homes or relevant data being held and no targeted officer</p>

			resources to initiate enforcement action.
Risks	Any empty homes officer resource is unable to return a satisfactory number of empty homes to use. Enforcement action may take longer than expected. Funding to support the pro-active work to bring empty homes back into use may be limited or not available in the future.	As with option 1 but even if further resources are identified it may still not be of a sufficient level to tackle the worst long term empty properties. Pro-active schemes require the co-operation of the existing owner.	Reputational and income loss for the council if the post was to be discontinued. May reduce the potential to secure future funding opportunities without the necessary officer resources. Impact upon the existing housing stock as properties continue to deteriorate, resulting in higher levels of capital investment required in the future. Could impact on other corporate priorities if there is more resistance to the Local Plan proposals if the council is not addressing empty homes.

10.0 Officer Preferred Option

- 10.1 The officer preferred option is Option 2 then Option 1. Both options may allow the Empty Homes Officer resources to continue until March 2017 in some form (subject to future budget setting processes and approvals) and may ensure that the strategic approach that has been adopted to tackle empty homes will continue in the medium term. Both options allow members to consider the extent to which the council can commit resources to tackling empty homes along with the council's other priorities when the budget is set for 2015/16 and beyond, and at a time when there is more clarity about any other funding that could be made available to support bringing empty homes back into use given the circumstances described in paragraph 8.3. Under Option 2, if there is an additional budget made available to tackle empty homes, there is the potential to continue the existing partnership with Methodist Action with or without the benefit of central government funding, which would mean that the grant paid by the council to Methodist Action could be fully recovered through a reduced rental income payable to the empty homes owner and the monies could then be recycled and rolled out for other empty properties.
- 10.2 Whilst Option 1 would allow consideration of officer resources, it would seem more fitting to consider a wider range of options at the appropriate time, as allowed for under Option 2. Furthermore, the role of the Empty Homes officer support could predominantly focus on enforcement instead of having the benefit of a wider range of approaches to tackle empty homes depending upon other available resources and funding opportunities. Option 3 would ultimately result in less action being delivered to tackle empty homes, with no specific resources available to tackle even the worst empty homes within the district and with all the associated negative impacts and loss of potential income outlined above.

11.0 Conclusion

- 11.1 Members have been provided with the draft Lancaster District Empty Homes Strategy, which has emerged as a result of having the necessary resources for its delivery and to formalise the current arrangements. This report details the many potential benefits in adopting a strategic approach to tackling empty homes, whilst acknowledging the necessary resources required. Should Option 1 or 2 be approved, then officers will review the Empty Homes Strategy 1 July 2013-30 June 2015 and prepare a revised document up to 30 March 2017 for approval in due course.
- 11.2 Action around empty homes has been widely debated and subject to close scrutiny both nationally and locally. Officers can report that at every Local Plan consultation event that took place in June 2014, members of the public raised questions about what actions the council was taking to tackle empty homes in the context of the need for 12,000* new homes across the district (*figure from the Turley report which will be subject to further review), and the local community were furnished with very positive details of the activities and attention that has been given to tackling empty homes in the past 12 months. There would be a significant loss to Lancaster district not to be able to continue this very important work in the longer term.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan 2014-2016 (Health and Wellbeing): Action: increase the number of improved homes and improve access to housing.

Housing Action Plan 2012/2017- reduce the number of empty homes within the District by taking appropriate enforcement action, developing an Empty Homes Strategy, pursue bids for funding and through council tax charging.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

There are no negative impacts identified.

LEGAL IMPLICATIONS

There will be some resource implications for Legal Services where legal proceedings are initiated against the owners of empty homes but these are currently met through existing resources.

FINANCIAL IMPLICATIONS

There are some minor financial implications arising from option 3 in terms of redundancy entitlement arising if the Empty Homes Officer post is not continued, for which any costs will be met from reserves.

The proposals under option 1 and 2 may require the continuation of additional staff costs in the region of £24.9K in 2015/16 and £34.2K in 2016/17; Officers would consider how best to address this, and report back accordingly. There will also be further costs arising under option 2 for a dedicated resource to enable pro-active work to take place to put empty homes back into a habitable condition through grants. This is likely to be revenue in nature rather than capital as it is expected that the majority of works will be classified as enhancement works. As there is no specific budget identified to cover the associated additional costs for these two options, the proposal falls outside of the current budget framework and will impact on the need to make savings in other areas of activity. Subject to whether or not members wish to progress with option 1 or 2, continuation would need to form part of Cabinet's proposals for further consideration and approval by Full Council as part of the 2015/16 Budget Process.

In terms of the New Homes Bonus payment although there may be potential for additional income it is difficult to quantify how much this will be at this stage. As referred to in the report, it is re-iterated that the current budget already includes estimates of £1.277M in 2015/16 and £1.576M in 2016/17 with future years being determined as and when the future funding position becomes clearer.

For information, out of the 386 empty properties identified, the 67 empty homes (17.4%) brought back into use with direct intervention from the Empty Homes Officer post will generate the following amounts of Council Tax for the District for each relevant precepting body as shown in the table below:

Precepting Body	Additional Council Tax £
Lancashire County Council	55,000
Police & Crime Commissioner for Lancashire	8,000
Lancashire fire Authority	3,000
Lancaster City Council	10,000
Total	76,000

Obviously, the City Council share is less than the annual cost of the post, and therefore from a financial point of view, continuation of the Empty Homes Officer post does not represent value for money. Furthermore, it is very difficult, if not impossible, to be sure that the above is as a direct and sole result of having a dedicated officer, as there are various other measures in place that may well have impact. The table does demonstrate that the other precepting bodies, Lancashire County Council in particular, are also potentially benefitting from additional council tax income generated by the Empty Homes Officer and so it may be considered appropriate to approach County and ask for a contribution towards the cost of extending the post and any associated dedicated resources, though clearly it has its own budget pressures and priorities. If the other precepting bodies were to contribute it would make options 1 and 2 more cost effective.

Irrespective of whether or not the proposals are cost neutral, from a social impact perspective, the business case for continuation may be viewed differently by members however, in terms of the value perceived by them and the community, etc.

Finally, should it be recommended that option 1 or 2 be progressed as part of the annual budget process, then this will also tie in with the current Housing Strategy and Action Plan 2012-2017 as well as providing more detailed evidence going forward when determining the impact of the Empty Homes Strategy and associated resources, such as the Empty Homes Officer post. It seems appropriate at this stage therefore to review any continuing need for this post / additional dedicated budget resource again during Autumn 2016 to feed into the 2017/18 Budget Process.

OTHER RESOURCE IMPLICATIONS

Human Resources:

In line with the Fixed Term Workers Regulations the Council is able to extend the current post holder's contract until 31 March 2017.

If consideration is given in the future to retaining the post of Empty Homes Officer beyond 31 March 2017, part of that consideration will involve the likelihood that the post will be converted to a permanent post, unless the Council was able to objectively justify why this should not be the case.

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

Drawing on the Council's existing financial strategy, until such time as the funding outlook and Cabinet's overall budget priorities and proposals become clear, there can be no guarantee that any proposal to extend or increase resources for tackling empty homes will be affordable.

Considering this matter further during the budget process will ensure that it is appraised alongside all competing pressures.

If officers can identify savings and/or ways of reallocating resources from other activities, this would help manage such budgetary pressures and challenges.

DEPUTY MONITORING OFFICER'S COMMENTS

None arising from this report.

BACKGROUND PAPERS

None.

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Lancaster City Council Regeneration and Planning Service Empty Homes Strategy 1 July 2013-30 June 2015



Date: July 2014

www.lancaster.gov.uk/housingpolicy

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Section 1 - Executive Summary

Introduction

- 1.1 The Council's Empty Homes Strategy aims to reduce the number of empty homes within Lancaster district and maximise opportunities to bring empty properties back into use through a range of approaches, measures, interventions and enforcement action.
- 1.2 In July 2013, Lancaster City Council appointed its first Empty Homes Officer after Cabinet approval was obtained to create a two year post initially. Prior to this, Lancaster district's approach to tackling empty homes was largely reactive driven by complaints and notifications of empty properties. However, with the benefit of additional resources, Lancaster City Council is able to adopt a more strategic approach to tackle empty properties. However, it is acknowledged that the delivery of this Strategy requires the necessary officer resources to implement it. Therefore, the Empty Homes Strategy and implementation period will take effect until July 2015.

What is an Empty Home?

- 1.3 At any given time, there will always be a number of empty homes due to people relocating, buying or selling their homes. In most cases, this will be a short term situation. Of more concern are the long term empty homes which are defined as being empty for six months or more.

Why do homes become empty?

- 1.4 There are a number of reasons why properties are left empty such as:-
 - Abandonment, Repossession or Bankruptcy
 - Inheritance and the legal owner is unaware of their responsibilities
 - Family disputes or relationship breakdown
 - Part way through renovations the finance runs out
 - Landlord is unable to let the property in a low demand area
 - Landlord does not have the resources/finance to bring the property up to the required standard.
 - Health issues of an owner
 - Probate
 - Owner in hospital or residential institution
 - Owners are overseas and use the property on a temporary basis
 - Direct action by the Council in acquiring properties within regeneration areas
 - Owner is unsure what to do and lack of awareness of options and support available
 - Property is being kept as a financial investment

Strategies and Policies

- 1.5 The Coalition Government has made funding available to local authorities, Registered Providers and Community Groups to facilitate schemes to reduce the number of empty homes nationally. To this end, Lancaster City Council has been successful in securing funding through "Cluster of Empty Homes Funding" for Morecambe's West End Chatsworth Gardens project, and a partner organisation has been successful in obtaining sub-regional funding targeted at empty homes.

- 1.6 The Empty Homes Strategy directly relates to the Housing Strategy and Action Plan 2012 – 2017 and links with Private Sector Housing Policies, Homelessness Strategy and the Local Plan in meeting the district's housing needs in the future.

Aims and Objectives of the Empty Homes Strategy

- 1.7 The aim of this strategy is to provide a framework within which empty homes will be brought back into use to ensure sustainable neighbourhoods are provided which will contribute towards regeneration and investment, reduce social problems, crime and disorder and meet the housing needs of the district.

The main objectives identified are:-

- To raise awareness of empty homes issues
- To maintain accurate records and information about empty homes in the district
- To explore and pursue funding opportunities to tackle empty homes
- To implement specific measures to bring empty homes back into use, and take enforcement action in a timely way but as a last resort where possible

Section 2 - Introduction

- 2.1 This is the first Lancaster District Empty Homes Strategy to be adopted by Lancaster City Council and sets out how Lancaster City Council intends to tackle the issue of empty homes in the next two years.
- 2.2 The purpose of the Strategy is ensure that number of empty homes in Lancaster district is kept to a minimum and that a range of timely measures and interventions are used to encourage owners to bring empty properties back into use.
- 2.3 Empty homes can often have a very negative impact on neighbourhoods and areas especially when they deteriorate over time and can often be subject to vandalism, and it is difficult to justify allowing homes to remain empty when housing demand exceeds supply. In recent years, in the wake of the credit crunch, there have been very low new housing completions being completed, and whilst in the event that all empty homes could be brought back into use, this alone would not meet the current and future housing need, it would make a significant contribution, and enhance existing communities.
- 2.4 The Council's Regeneration and Planning Service is responsible for delivering the Empty Homes Strategy primarily, with some support and input from the Council's Health and Housing Service (Housing Standards Team).

Empty homes funding and recent developments

- 2.5 Lancaster City Council has undertaken some limited work around empty homes in previous years, albeit on a piecemeal basis as and when external funding has been made available. This has included Regional Housing Pot funding, some of which was specifically directly into areas like Poulton, a former renewal area, and more recently, the West End of Morecambe, where the highest concentration of empty homes exists. Funding has also been made available previously through the Housing Corporation (replaced by the Homes and Communities Agency) which supported schemes in areas such as Skerton.
- 2.6 In recent years, however, the Regional Housing Pot funding had ended, and there are limited streams of funding available that can be directed into empty homes projects. However, as part of the Coalition Government's Affordable Homes Programme, some specific funding set aside that can be used to tackle empty homes. Lancaster district has benefitted from two different types of funding, which are described in more detail on page 14.
- 2.7 Furthermore, as local authorities have more discretion around how council tax is charged for empty homes, Lancaster City Council has recently taken advantage of these flexibilities.

Recent changes to Council Tax

- 2.8 Previously certain types of empty homes were exempt from paying Council Tax, but the Government made changes to regulations which abolished these exemptions from 1st April 2013, and gave Councils powers to decide on local discounts instead. The Council decided to apply the following discounts:

- Empty and unfurnished properties;

100% discount for the first two months; 50% discount for a further period of up to four months, then full council tax;

- Empty and unfurnished properties which need major repairs or structural alterations to render them habitable; 50% discount for a maximum 12 months

The council tax policy is being kept under review to consider its effectiveness and impact on empty homes.

New Empty Property Premium

- 2.9 Properties which have been empty and unfurnished for two years or more will be charged an additional 50% premium on top of the full Council Tax. Exceptions may apply for empty annexes and property left empty by service personnel.

New Homes bonus

- 2.10 A further financial incentive to bringing empty homes back into use is through the New Homes Bonus. The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use.
- 2.11 The New Homes Bonus is paid each year for 6 years. It's based on the amount of extra Council Tax revenue raised for new-build homes, conversions and long-term empty homes brought back into use. There is also an extra payment for providing [affordable homes](#). Every net empty home brought back into use generates a bonus of £825 per property in the first year, which equates to around £5000 over the lifetime of the New Homes Bonus. Any monies received as a result of New Homes Bonus to Lancaster City Council will be spent on the Council's identified corporate priorities, and, as a result of this, the Council approved the establishment of a new dedicated officer post specifically to reduce the number of empty homes in this district for a minimum of two years, as part of its commitment to tackle empty properties.

The National Context

- 2.12 Statistics produced in 2012 suggest that nationally there are 710,000 empty homes in England, taken from Council Tax records. Of these, 259,000 are long term empty homes (i.e. empty for more than six months). The need to tackle empty homes has been widely recognised and debated in the press and media, given the national housing shortage. This resulted in the government appointing George Clarke (architect and TV presenter) as an independent empty homes adviser, who has made 12 recommendations as part of his Empty Homes Review. These are detailed in Appendix 1.
- 2.13 On the 21st November 2011, the Government launched its long awaited Housing Strategy for England. The Strategy outlined a number of measures to increase the supply of new housing, the reform of social and affordable housing, ways to support growth in the private rented sector and a continued commitment to tackle empty homes having already introduced a range of initiatives and which has since included a change in legislation to tackle squatting in empty residential properties.
- 2.14 The Coalition Government's response to tackling empty homes has been to make specific funding available within the Homes and Communities Agency's Affordable Homes Programme 2011-2015, £70m of which has been directed at Local Authorities and Registered Providers and £30m to Community Groups to bring empty homes back into use either through purchase and repair or leasing schemes creating

affordable homes. Round 2 funding was also announced in 2012 providing a further £40m for schemes bringing empty homes back into use. A separate £50M Cluster of Empty Homes fund was also set up to tackle the worst concentrations of poor quality empty homes in low demand areas, where a minimum of 100 empty homes will be brought back into use, within a geographical area where over 10% of empty homes apply. The Homes and Communities Agency have also provided an Empty Homes Toolkit to assist with tackling empty homes across tenures.

- 2.15 The Empty Homes Agency was established in 1992 as a charitable organisation who campaign for action on tackling empty homes and who have undertaken research and produce statistical information both nationally and regionally to understand the issues associated with empty homes. The Empty Homes Agency, also referred to as Homes from Empty Homes widely promote schemes and initiative that will bring empty homes back into use.
- 2.16 In September this year, the new National Empty Homes Loan fund was launched, which is a joint initiative between the Empty Homes Agency, the Ecology Building Society, £3M central government funding and 39 participating local authorities. The Ecology Building Society is a specialist mortgage lender that supports sustainable communities. The scheme provides loans of up to £15,000 to owners of empty properties to help bring them back into affordable use.
- 2.17 The National Empty Homes Fund (NEHLF) will enable access to secured loans at a fixed 5% interest rate, and will enable owners to renovate their property to Decent Homes standard.

Empty Dwelling Management Orders

- 2.18 Empty Dwelling Management Orders (EDMOs) are a legal power that enables councils to put an unoccupied privately owned home back into use. The provisions are contained in the [Housing Act 2004](#). The powers ultimately allow councils to take over the management of a home for a period of up to seven years - the council is able to renovate the property, let it and collect the rent. The rent is paid to the council, who are able to recover any costs they may have incurred by taking possession of the property and making it habitable, as well as the routine costs of maintenance and letting. However, any money over and above these costs is to be paid to the owner of the property.
- 2.19 The Department for Communities and Local Government announced on 7 January 2011 they would be making changes to EDMOs through amendments to secondary legislation by summer 2011. Changes limit the authorisation of interim EDMOs to those properties empty for over two years; require local housing authorities to give property owners a minimum notice period of 3 months before applying to a residential property tribunal for an interim EDMO; require the local housing authority to provide all the information they have that the empty property has been causing a nuisance to the community and that there is community support of the proposal of the local housing authority to take control of the empty home.

The Regional and Sub-Regional Context

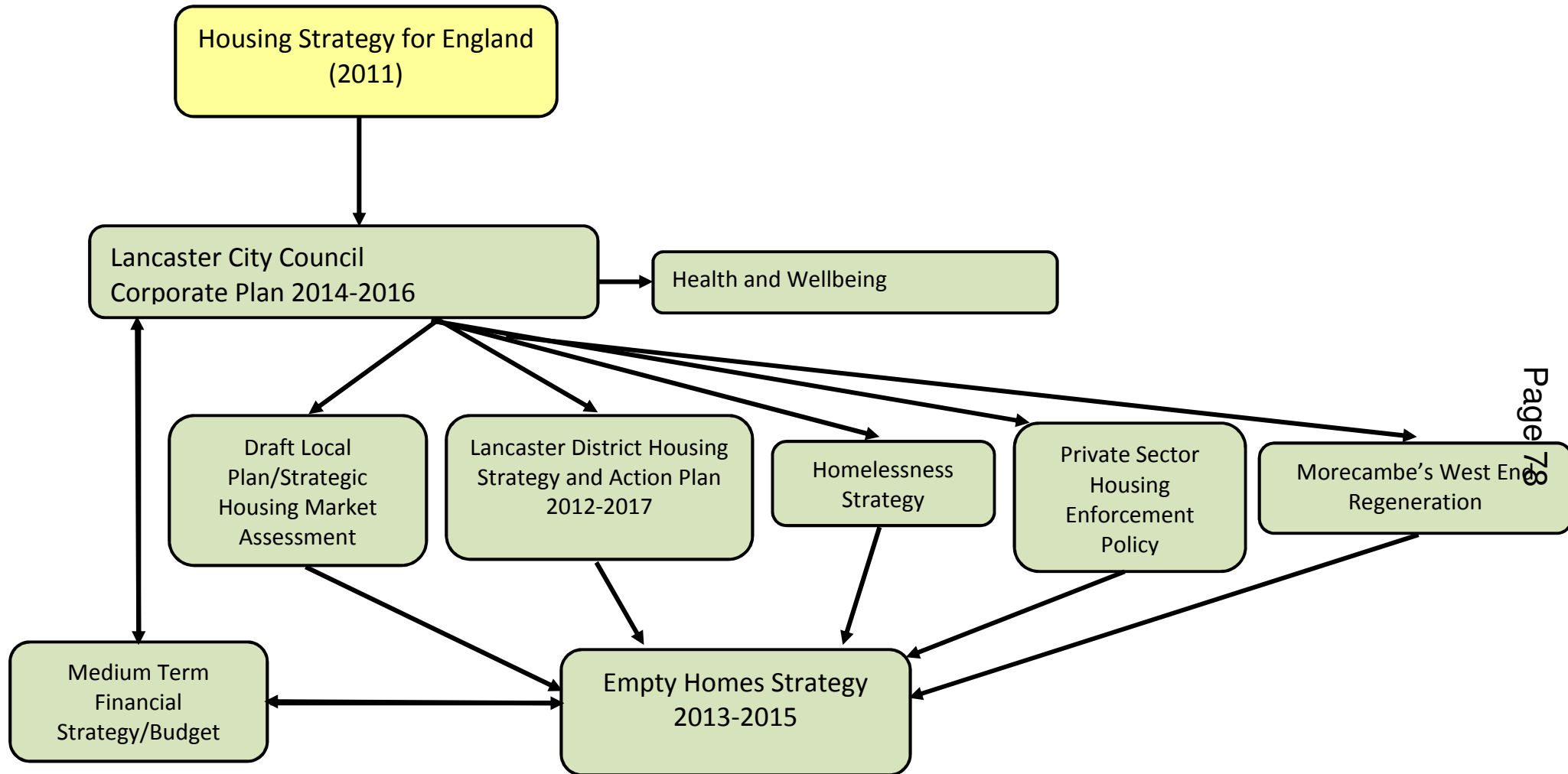
- 2.20 Bringing empty homes back into use is a Government priority and is an important contributor to meeting the Government's housing and regeneration objective of creating mixed, sustainable and cohesive communities where people want to and can afford to live. Empty homes and the problems associated with them are not restricted to Lancaster district and all local authorities are encouraged to tackle empty homes and adopt an Empty Homes Strategy.
- 2.21 Regionally, the North West Housing Forum is the representative body for housing in the North West of England, and represents the 5 regions of Cheshire, Cumbria, East Lancashire, Greater Manchester, Lancashire West and Merseyside. The early work of the Forum was dominated by issues around low demand and failing housing markets leading to the Housing Market Renewal Pathfinders. The Forum's current focus is to ensure that throughout the region there are attractive and vibrant communities that will contribute to a growing regional economy. The North West Housing Forum has provided support and training and Conference events to assist local authorities and social housing providers to tackle empty homes and to make use of the funding available.

Section 3: The Local Context – Key Facts and Figures

- 3.1 There are normally around 1000 long term empty homes in Lancaster district, although this number is subject to frequent change and can go up or down. The main source of statistical data is council tax records. It should be stressed, however, that figures routinely collected, provided, and published nationally around the number of vacant dwellings does not include unoccupied properties that fall into an exempt category. There are 21 different exempt categories, 11 of which relate to unoccupied dwellings. The exempt categories include dwellings classed as second homes which are unoccupied and furnished. To include all the exempt categories along with those categorised as long term empty homes would increase figures considerably.
- 3.2 With the appointment of Lancaster City Council's first dedicated Empty Homes Officer in July 2013, our approach so far has been to analyse council tax records and to make contact with owners of all empty homes. In some instances the Empty Homes Officer may also choose to target properties which could fall within an exempt category but nevertheless warrant some form of intervention, investigation and enforcement action where appropriate. Through various actions and initiatives the Housing Standards Team and Regeneration Team have been involved in bringing 99 properties back into use in the financial year 2013/14. This strategy will set out the Council's agreed actions to tackling empty homes through a range of different approaches and interventions.
- 3.3 Lancaster district hosts a population of 138,400 residents making us the second largest district within Lancashire. The district comprises the historic city of Lancaster, the seaside resort of Morecambe and Heysham, the small town of Carnforth and a number of very beautiful unspoilt rural settlements and areas of outstanding beauty. Lancaster is the most northern district of Lancashire, and is a largely self-contained in relation to its housing market.
- 3.4 The District of Lancaster has a total housing stock of around 61,000 dwellings. The Housing Needs Survey 2011 reported that 60.5% of dwellings are either detached or semi-detached, 23.5% are terraced houses, 13.8% are flats and the remainder are houseboats, caravans and mobile home properties. The last Housing Stock Condition Survey was undertaken in 2004, which reported that 78% of the stock is owner-occupied, 4% is owned and managed by Registered Providers, 6% is owned by the Local Authority and 12% is private rented. These statistics demonstrate that the District of Lancaster has higher levels of owner-occupation than the national average which peaked at 72.5% in 2001, and lower levels of social housing in comparison to the national average of 17% (English Housing Survey: Housing Stock Report 2009).
- 3.5 Housing markets in Lancaster vary quite significantly. The average property price is £184,880 representing an increase of around 10% in the last year, and the average asking rent is currently £562 per calendar month (source: Zoopla July 2014). South Lancaster has always been a strong housing market because of its relationship with the two universities and a higher proportion of student housing than anywhere else in the district. In recent years, however, there has been a marked increase in new student housing provision in the City Centre area, which in time should alleviate some of the housing pressures in the main residential areas. This contrasts with other parts of the district which have experienced housing market failure, exacerbated by the recent credit crunch and

downturn in mortgage finance, and are central to the housing and economic regeneration priorities of the City Council embedded within Morecambe Area Action Plan and Morecambe's West End Masterplan.

Links to Strategies and Policies



**Lancaster City Council's Corporate Plan / Medium Term Financial Strategy
2014-2016**

Corporate Plan / Medium Term Financial Strategy

3.5 Lancaster City Council's Corporate Plan 2013-2014 identifies four main priorities for Lancaster district which are:

- Economic growth
- Health and Wellbeing
- Clean, Green and Safe Places
- Community Leadership

The Health and Wellbeing priority is around improving the quality of housing and availability of housing across the district, which includes housing renewal, housing regeneration and improvements to the existing housing stock. Bringing empty homes back into use contributes to this priority. The Clean, Green and Safe Places priority is concerned with ensuring our district is a safe place to live and the wider context is about reducing the potential for anti-social behaviour and acts of vandalism and crime that are often associated with empty homes and the impact upon the wider community.

The Medium Term Financial Strategy must both support and inform the Council's vision for the district and the strategic direction as set out in the Corporate Plan. This is so that available resources are matched against agreed priorities and any other supporting needs. It also highlights any imbalance – this being the need to make savings and manage expectations.

The Council expects that this imbalance and the need to make savings will continue to grow significantly over the medium term and will need to be considered by the Council as part of its annual budget process.

Draft Local Plan and Strategic Market Assessment

3.6 The National Planning Policy Framework (NPPF) requires all local authorities to understand their district's housing requirements, and to ensure that they take account of, and plan to meet that need, and this is a very important pre-cursor in getting Local Plans adopted.

3.7 Lancaster City Council commissioned a new district wide Housing Needs Survey in 2011, and in 2013, the council undertook a SHMA (Strategic Housing Market Assessment) the focus of which is to take the evidence from the Housing Needs Survey and combine it with future household projections to arrive at an annual dwelling requirement for the district. The Core Strategy, adopted in 2009, established a target of 400 dwellings annually, the recent SHMA (subject to further review) recommends that a higher figure is required to meet objectively assessed need and work is currently underway to review and identify a sufficient supply of housing sites. The methodology for assessing the district's housing need already takes account of empty properties in each district and even if every empty property came back into use there would still be a significant shortfall. Notwithstanding this, the Local Plan will not focus solely on new supply of housing, as the existing housing stock in Lancaster district is just as important, and the emphasis of new

supply is very much focused on what new housing is required across the district to meet the specific needs of that community.

Housing Strategy and Action Plan 2012-2017

- 3.8 The Housing Strategy and Action Plan was approved in 2013 after the Council undertook a district wide Housing Needs Survey in 2011. The three themes contained within the Housing Strategy are:-

Quantity – achieving sustainable growth in the Lancaster District

Quality – Regeneration priorities and improving the existing housing stock

People – meeting the housing needs of all parts of the community

Improving the existing housing stock remains a very clear priority in Lancaster district, but very challenging at a time when much of the external funding opportunities have ceased. However, bringing back empty properties into use is an agreed Cabinet priority, and a specific action within the Housing Strategy was to prepare and implement an Empty Homes Strategy for Lancaster district. Should the council wish to continue to tackle empty homes beyond the current Strategy period, any key findings or trends which have emerged should inform the next Strategy and actions to be taken.

Private Sector Housing Enforcement Policy

- 3.9 Lancaster district has a very large private rented sector due in part to the presence of two major universities in the City and the corresponding need for large amounts of student housing.
- 3.10 Lancaster City Council's Housing Standards Team carries out a wide range of duties seeking to ensure compliance with legislative standards designed to protect consumers and safeguard public health and safety. Where possible, the Council will seek to achieve full voluntary compliance with legislative requirements and license provisions, but will not hesitate in using its enforcement powers where necessary.
- 3.11 The Housing Standards Team deliver a responsive and efficient statutory service in accordance with regulatory and service standards to ensure that minimum standards are achieved. The primary focus is to ensure that Category 1 hazards are removed from dwellings in accordance with the Housing Act 2004 and responding to around 700 complaints every year. The Housing Standards Team also promote and encourage good quality accommodation by administration of the Houses in Multiple Occupation licensing and the Council's Accredited Property Scheme and work very closely with the Home Improvement Agency and Housing Options Team providing a seamless service where possible. They routinely inspect properties prior to a bond being issued or where properties are being referred into the Council's Social Lettings Agency, complaints around anti-social behaviour as well as disrepair and illegal eviction.
- 3.12 With the provision of some health funding, a new post was created temporarily to specifically address issues connected to improving the thermal efficiency of dwellings, which is an identified priority within the Lancaster and Fylde Coast

Affordable Warmth Strategy. This funding has now ceased and the officer is no longer in post.

- 3.13 The Housing Standards Team significantly contribute to the improvement and investment in the private rented sector and work towards increasing the number of private sector properties that meet the decent homes standard.
- 3.14 There are direct links between the Housing Standards Team and the Empty Homes Officer. The Housing Standards Team will often take an initial complaint about an empty property and then work to resolve short term issues affecting neighbouring properties through negotiation and enforcement.

Homelessness Strategy

- 3.15 Lancaster City Council has re-assessed its last Homelessness Review and Strategy (2008-2013) and has prepared a draft Homelessness Strategy for the next five year period. One of the identified priorities in the last Homelessness Strategy was to increase the supply of affordable housing and good quality rented accommodation available in Lancaster district. Much work has been done to increase the provision of rented accommodation in the district, which has included the implementation of the Council's Choice Based Lettings Scheme and a review of the allocation policy, closer working between the Council's Housing Options Team, Housing Standards Team and Home Improvement Agency, who are all based in one office at Morecambe Town Hall. There is strengthened partnership working with key partners such as Registered Providers, third sector organisations and private landlords, and a new partnership with Methodist Action North West who operate a Social Lettings Scheme in Lancaster district (which is described in Section 4).

Section 4 - Funding for Empty Homes

Methodist Action

- 4.1 In 2012, a new partnership was formed between Lancaster City Council and Methodist Action North West (a Preston based charity) to deliver a new Social Lettings Agency in Lancaster district. A Project Co-ordinator was employed in October 2012 with a target to sign up 30 landlords with suitable properties onto the scheme. The scheme works by Methodist Action leasing a private sector property from the landlord or owner, normally for a two year period. In return, Methodist Action let the property and set the rent at no higher than the local housing allowance rate, manage the property for a small management fee and guarantee the rental income for the lease period. All properties are checked by the Housing Standards Team prior to being signed up. The Project Co-ordinator is based within the Council's Housing Options Team and properties are let through the established links with the team or through the Council's Choice Based Lettings Scheme. The scheme has been hugely successful and has increased the number of available properties in the rented sector which has greatly assisted the Council in meeting local housing need.
- 4.2 During early stage discussions with Methodist Action to set up the Social Lettings Agency, the government made available £30M funding to community groups to bring empty properties back into use. Methodist Action commenced dialogue with district councils in Lancashire to gauge interest to support a bid. The dialogue continued with Lancaster City Council, Preston City Council and South Ribble Borough Council culminating in a sub-regional "Round 1" bid for funding, which would result in £500K funding across the partnership to bring around 50 properties back into use. The scheme runs alongside the Social Lettings Agency and broadly operates in the same way. An initial loan is offered to the owner of a long term empty property, depending upon the size of the property, to undertake work to bring the dwelling up to decent homes standards, and the loan is recoverable through an ongoing deduction from the rental income over the first few years. Unlike the Social Lettings Agency, the lease period is normally for ten years, which gives the tenant and Methodist Action greater certainty in terms of the rental income and loan repayments being made. Once the properties are completed, they will be let and managed by the Project Co-ordinator in association with the Council's Housing Options Team.
- 4.3 Given the strong partnerships in place and the results that they were able to demonstrate with Round 1 funding, Methodist Action bid for Round 2 funding, which was announced in early 2013, which again was successful leveraging in a further £750K funding, and as a result of this, there should be sufficient monies to bring a further 35 properties back into use across the partnership.

Cluster of Empty Homes Funding – Chatsworth Gardens (Morecambe's West End)

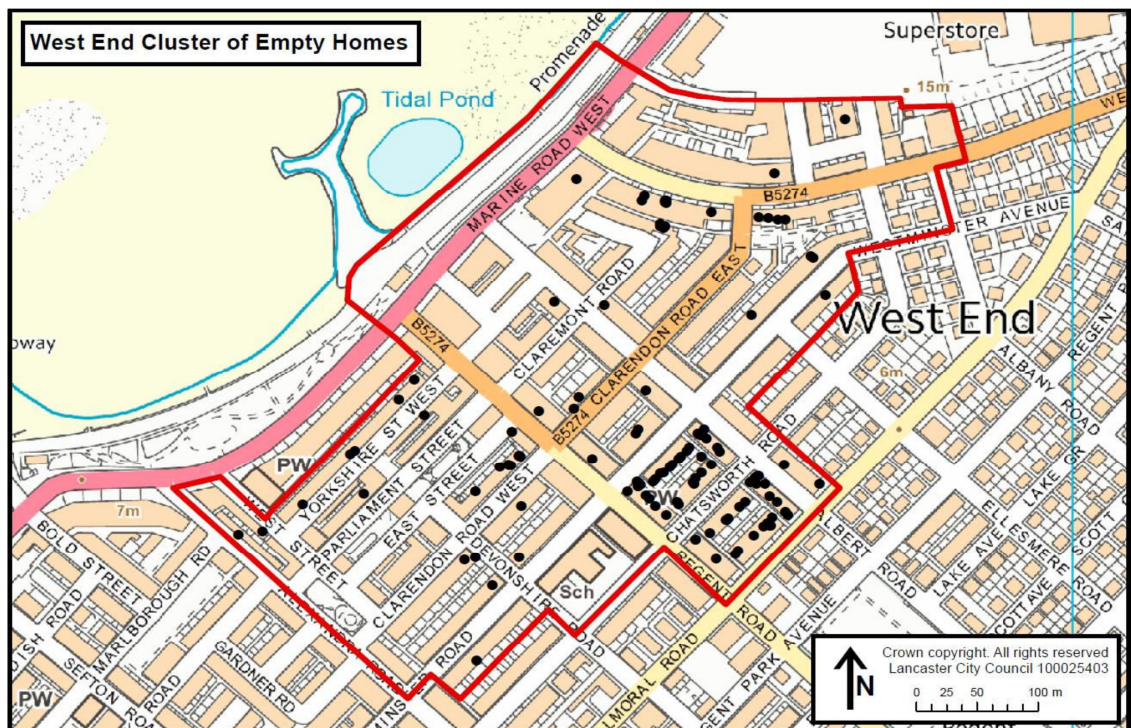
- 4.4 The highest concentration of empty properties in Lancaster district are situated in the West End of Morecambe, which for the past decade has been a major regeneration priority founded upon the West End Masterplan's principle focus to remove Houses in Multiple Occupation (HMO's) and remove smaller poor quality flat units by converting to larger family housing. To date, the Masterplan has delivered significant improvements primarily to West End Road, Clarendon Road, The Quadrant (former bus depot site on Heysham Road) Marlborough Road and Bold Street. The original intention of the Masterplan was to create an exemplar

scheme at Chatsworth Gardens, and for this purpose, the council acquired a number of properties (which are now long term empty properties), and due to market constraints in the intervening period, the initial scheme failed. Then in 2012, a new funding opportunity presented itself.

4.5 The Clusters of Empty Homes Programme seeks to tackle concentrations of empty homes and forms part of a package of measures announced by the government in *Laying the Foundations – a Housing Strategy for England*. Funding is available to areas with clusters of empty homes which have good market prospects but require an intensive approach to return them to a liveable standard. The main details of the funding programme are:

- A minimum of 100 homes brought back into use over the lifetime of the project.
- Delivery is within a distinct, compact area (ward or smaller) with over 10% of homes empty, and each cluster representing more than 25 empty homes.
- Clear and demonstrable high level strategic fit and community support - as well as evidence of local authority commitment if the local authority is not the lead bidder.
- In principle commitment to providing 100% match funding.
- Homes can be for rent, shared ownership or outright sale for owner occupation
- Only capital funding is available and it can only be spent on empty properties.
- Only refurbishment and reconfiguration of empty homes will be supported and not demolition and new build.

The map below formed the basis of the Cluster of Empty Homes bid



4.6 The council was successful in bidding for £1.9M capital funding in 2012. The initial bid was submitted to support a council led scheme which could support two potential options to bring about the remodelling and refurbishment of some or all of the council

owned properties and brought back into use by being sold to owner occupiers. However, early in 2013 and in conjunction with the HCA, the council has been investigating the merits of a developer led scheme which would create market rented dwellings, and which could potentially provide a more ambitious two phase scheme of higher quality potentially delivering around 90 units and would provide a mix of townhouses, duplex apartments and hybrid apartments/maisonettes. A developer led scheme removes the associated risks to the council if the properties are not sold or are sold at less than the anticipated sales values.



- 4.7 The good management of the properties is vital to the success and sustainability of the scheme and is likely to be delivered by a Registered Provider partner.
- 4.8 The council's developer has gained planning permission for the first phase of refurbishment and redevelopment. The proposal is of a high design quality and provides the opportunity for a positive outcome for these properties. Pictured below is a sketch from the approved planning application documents of the rear of Westminster Road terrace with balconies and reconfigured rear yards with limited secure parking and gardens.

Chatsworth Gardens approved scheme.



Section 5 Empty Homes Strategy Objectives – Lancaster City Council's approach

5.1 To raise awareness of empty homes issues

Benefits of raising awareness using information and publicity:

- Residents and members of the community affected by empty properties are more informed and are more helpful with assisting the council in dealing with these properties.
- The public become aware that enforcement actions are available to local authorities to help assist in dealing with problematic empty properties.
- Owners of empty properties are educated in the problems associated with their empty properties and the missed opportunities.
- Owners become more aware of the assistance available through promotion of the council's role.

Actions:

Letters to Empty Home Owners

- 5.1.1 The council's Empty Homes Officer has written to the owners of empty properties, highlighting the negative issues which surround them; for example unsightliness of the properties; their vulnerability to being accessed by squatters; the fact that they attract anti-social behaviour and drag down areas etc. Advice and guidance on methods of bringing empty properties back into use is highlighted in the letters, as well as the financial benefits which can be gained from having a property occupied.

Empty Homes promotion at Community Meetings

- 5.1.2 The council's Empty Homes Officer has attended community meetings in the area, building relationships with residents and allowing residents to report and voice any concerns they have with regards to empty properties. This is an approach to help deal with the problem of empty properties in localised neighbourhoods. An example of this is the Sandylands Prom Community Meeting held at the West End Impact Centre on 30/10/13. Photograph below.



Media Coverage

- 5.1.3 The appointment of the councils Empty Homes Officer was documented in the media; the coverage highlighted the council’s aim of trying to bring long term empty properties back into use.

Below is an extract from the *Lancashire Evening Post*.



Lancaster has appointed its first empty homes officer to tackle the problem of unused housing in the city.

Andrew Dent's job will be to get properties back into use, making use of funding from Preston-based charity Methodist Action (NW).

"I am extremely excited to be fulfilling this new role for the city council," he said. "Empty properties can be a detriment to an area, they look unsightly and are known to attract anti-social activities.

"By bringing an empty property back into use, these issues are alleviated.

"The majority of my work will be informal, in which I will be working with landlords, offering guidance, and potentially financial assistance via the Methodist Action loan scheme.

"However, if empty property owners are unwilling to co-operate, the council does have enforcement powers."

Published on the
21 July
 2013
 08:40

6 comments

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Council's Webpage

- 5.1.4 The council’s Empty Homes Webpage is a useful communication point for residents across the District. The website provides information for owners of empty properties and a facility which allows the public to report empty properties. <http://www.lancaster.gov.uk/planning/planning-policy/housing-policy/empty-properties/>

5.2 To maintain accurate records and information about empty homes in the district

Actions:

- 5.2.1 The majority of the statistics obtained in the district are acquired from the council tax register. This register shows how many properties in the district have been vacant for a period greater than 6 months and also provides a contact address for the owners of these properties. The Empty Homes Officer receives a new list every quarter to keep up to date with any changes.

- 5.2.2 Other ways of information gathering are via complaints from the general public, internal referrals from other services within the authority and other statutory bodies i.e. Fire Brigade and Police etc. On receipt of the information a hard file and an electronic file is created; all copies of letters, photographs, and other documents are input into these files. All the Empty Homes Officer actions are also logged on the council's database UNIFORM i.e. telephone calls, emails, results from visits etc.
- 5.2.3 By keeping records and information on empty properties in the area, it allows the council to monitor the progression being made towards bringing an empty property back into use. It also assists in deciding what future action needs to be taken.

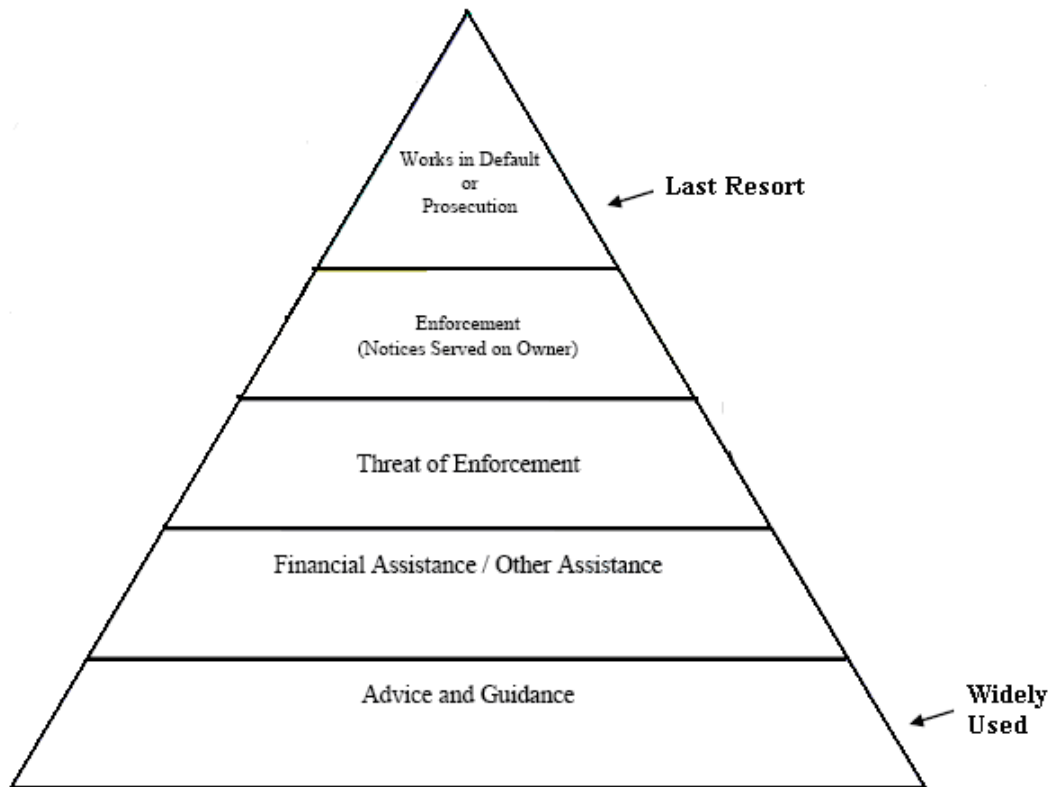
5.3 To explore and pursue funding opportunities to tackle empty homes

- 5.3.1 The council is always open to funding opportunities to help assist in bringing empty properties back into use.
- 5.3.2 A recently explored option was to look at the National Empty Homes Loan Fund (NEHLF) which is a joint initiative between the charity Empty Homes, Central Government and the Ecology Building Society.
- 5.3.3 The fund is advertised as a method of enabling owners of empty homes to obtain a loan of up to £15,000 to help bring empty properties up to the Decent Homes Standard and back into occupation. The condition is that the refurbished home is let at an affordable rent. The loan is provided by Ecology Building Society and is set at a fixed rate of 5%.
- 5.3.4 Making use of this fund was carefully considered, however after consultation with various local authorities, the general consensus was that a loan with interest rates at 5% could be obtained from the majority of banks and the interest rates may be more competitive from local banks. This is currently been looked into.
- 5.3.5 Empty Homes meetings have also been co-coordinated between various Lancashire authorities where discussions about methods and approaches to help tackle the problem of empty properties have been held. Knowledge on funding opportunities is also shared between the authorities who attend the meetings and any funding opportunities raised are explored.

5.4 To implement specific measures to bring empty homes back into use and take enforcement action in a timely way but as a last resort where possible

- 5.4.1 The Empty Homes Officer has a methodical approach to dealing with empty properties, which is known as the 'pyramid approach'. An illustration of this is highlighted on the following page.

- 5.4.2 The intervention of offering advice and guidance is the desired approach in attempting to get owners to bring their properties back into use. The last resort is take formal / legal action against the owners by carrying out works in default; this is only used with a minority of empty home owners and is a very last resort.



Measures:

- 5.4.3 **Advice and Guidance** – This consists of development advice; which will highlight the financial benefits of utilising an empty property as opposed to leaving it unoccupied i.e. An occupied property only pays 100% council charge compared to 150% if unoccupied therefore a saving of 50%. Other financial opportunities are identified such as future rental income streams, tax incentives i.e. reduced VAT rates; guidance on planning etc.
- 5.4.4 **Financial Assistance / Other Assistance** – For those owners who have no finance to renovate their empty properties, the council are in partnership with Methodist Action who can offer an interest free loan of approximately £4500 per bedroom to help assist in bringing empty properties back into use. Once renovation works have been completed, the property is let out and managed by Methodist Action for up to a 10 year period. The loan is paid back through rental income over the first 3 years. A management fee of 15% of the rent is made by Methodist Action.
- 5.4.5 Some home owners are uneasy about letting their properties out and unsure of which agents to use. Methodist Action also offers another scheme where

an empty property is simply let out and managed by Methodist Action. A 15% management fee is deducted from the rental income and the remainder is paid to the owner. The scheme is popular as it offers a guaranteed 12 month rental income, even if the property is unoccupied. It is also popular as Methodist Action promises to hand back the property in the exact same condition they received it in.

- 5.4.6 **Threat of Enforcement** – If the council has no success towards bringing an empty property back into use and has exhausted all its voluntary assistance, the threat of enforcement action is raised with the owner.
- 5.4.7 **Enforcement** – If an empty property owner still refuses to take the appropriate steps towards rectifying problems identified, statutory notices under a range of legislation can be used.
- 5.4.8 Note: Enforcement action can only be used on empty properties which are problematic i.e. deemed a detriment to the amenity of the area, suffers from vermin problems, are unsecure and at risk to being accessed by squatters, a fire risk etc.
- 5.4.9 **Works in Default or Prosecution** – This would be used as the last resort and only effect very few of the empty property owners in the district.
- 5.4.10 Prosecution would be a direct result of non-compliance with a legal notice. Works in default can be carried out as a way of ensuring works are done to rectify a problematic empty property. Where notices are not complied with, the council has the option to carry out works in default and recover costs. All such works carried out are invoiced to the owner, but these may not be paid if, for example, the owner cannot be traced or does not have the means to pay. There remains, therefore, a debt on the property and a continuing empty home.
- 5.5.11 If the property has a charge or charges registered against it by the council for carrying out works in default, this gives the council all the powers of a mortgagee under the Law of Property Act 1925, Section 101, to discharge the charge, together with any interest and reasonable expenses. In order for the council to recover their costs from the owner, the only asset available is the property itself, which under the procedure would be sold by the council.

Section 6 CASE STUDIES:

WESTMINSTER ROAD, MORECAMBE

This property was reported by a public member to the Empty Homes Officer (EHO) via telephone. The nature of the complaint was in relation to the property being empty and being accessed by squatters.

The EHO tracked down the owner and notified them of the problems with the property and encouraged them to either renovate the property ready for occupation or sell the property.

The owner informed the EHO that sale of the property was the most likely approach to bringing the property back into use, but took no steps towards securing the property.

After informal requests and repeated threats of enforcement action; used in an attempt to get the property secured, were ignored; the EHO informed Environmental Health that the property on Westminster Road was at risk, and believed to be being accessed by squatters. The property was secured under the Miscellaneous

Provisions Act 1982. The rear yard was also cleaned up using powers under the Prevention of Damage by Pests Act 1949.

The property was then marketed for sale.

Before Intervention



After Intervention

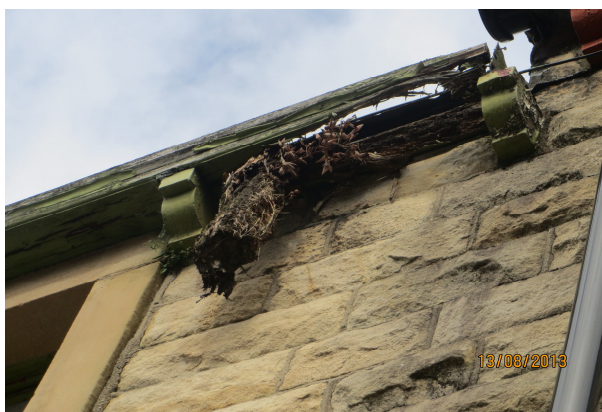


RAILWAY STREET, LANCASTER

This was a long term empty that had been vacant since 2004 and which had fallen into a poor state of repair. One of the major concerns was the defective guttering at the front of the property which was at risk of falling onto the pathway below, potentially striking a pedestrian and causing injury.

The EHO contacted the owner and raised the dangers of the defective guttering. Methods of bringing the property back into use were also discussed and the Methodist Action scheme was explored. The owner of the property decided that the best option was to sell the property and is at present in negotiations with a potential buyer.

Before Intervention



After Intervention



LOW LANE, TORRISHOLME

This empty property was reported to the EHO by a local councillor and public members. The concern was that the property had been vacant for a prolonged period of time and that the external appearance was dragging down the area. It transpired that the property had been stood empty since 2007. The councils EHO contacted the owners and notified them of the complaints. Advice was given with regards of ways of ensuring the curtilage of the property is maintained i.e. employing local gardeners etc. The Methodist Action scheme was explored as a way of potentially providing the owners with financial assistance to help to bring the property back into occupation. The owners of the property decided that they would like to move into the property and are now currently renovating the property; the external appearance of the premises is now regularly maintained.

Before Intervention



After Intervention



George Clarke's 12 Recommendations



George Clarke's 12 Empty Homes Review Recommendations

1. Refurbishing and upgrading existing homes should always be the first and preferred option rather than demolition.
2. Demolition of existing homes should always be the last option after all forms of market testing and options for refurbishment are exhausted.
3. Proper community consultation is required for any existing homes regeneration programme. The questions in a consultation should clearly consider all of the options openly and fairly and not directly or indirectly give preference to one option over another.
4. If, following an open and transparent community consultation process and after rigorous market testing for refurbishment, demolition is still the preferred choice

of the community then tenants/owners should be moved to new 'like for like' properties. No one should be placed in temporary accommodation.

5. If owners/tenants are moved to a new property they should suffer no net financial loss or any increase in rent, other than what they would expect as a reasonable increase if they remained in their existing home and in line with inflation. Any significant financial increase in rent from a housing association is to be subsidised by the HA or local authority and not the owner/tenant.
6. Areas should not be systematically 'wound down' which is a process that destroys communities and reduces house prices in the area. If Homeowners or tenants choose to move they should be moved in large clusters at the same time (entire street by street) and if homes are to be demolished they are to be emptied and demolished as quickly as possible to make way for new development.
7. Homes should not be emptied at all until full planning permission has been fully approved for demolition and new build development in advance (with majority support from the local community) and all funding for the new development is fully secured with a clear timetable for delivery.
8. If an area of existing housing requires improvement or redevelopment then a 'mixed and balanced' urban design scheme should be considered where existing properties are retained and improved while being mixed with appropriate new build development.
9. Local Authorities and Housing Associations should promote and encourage alternative methods of project procurement for the refurbishment of empty homes such as Homesteading, Co-operatives and Sweat Equity schemes. These are community-based schemes that encourage community involvement while providing better value for money.
10. Displaced occupiers should be given a 'right to return' following the completion of a housing renewal programme. In practice this means giving first refusal to new or refurbished houses at the same price as the compensation paid to the occupier when they were displaced.
11. Where a regeneration scheme is withdrawn or partly withdrawn prior to demolition. Owners should be given first refusal to have their home back. The property should be offered at the same price as the compensation they received minus any compensation due for remedial work to return the property to the condition it was in prior to sale.
12. Where properties decanted for renewal schemes are left empty for more than six months, they must be openly offered for temporary accommodation in a safe and habitable state.

EMPTY HOMES ACTION PLAN 1 JULY 2013 – 30 JUNE 2015

Action – Raise Awareness	Outcomes	Lead	Timescale for completion	Resource Implications
Regularly review council tax data and make contact with empty homes owners at the earliest possible stage	Reduction in the time homes are empty	Empty Homes Officer	Ongoing	Within existing resources until June 2015
Use a wide range of publicity at regular intervals and encourage reporting of empty homes	Raises public awareness	Empty Homes Officer	Ongoing	Within existing resources until June 2015
Provide early intervention through a wide range of advice and support to bring empty homes back into use as quickly as possible	Reduction in the time homes are empty	Empty Homes Officer	Ongoing	Within existing resources until June 2015
Action – maintain accurate records				
Obtain information from council tax on a quarterly basis to monitor the total number of empty properties on a district wide basis	More effective monitoring	Empty Homes Officer	Quarterly	Within existing resources until June 2015
Maintain internal records of empty properties being targeted and log all actions taken	More effective monitoring	Empty Homes Officer	Ongoing	Within existing resources until June 2015
Provide statistical information to check progress on reducing the number of empty homes and consider the impact of the current council tax charging policy	More effective monitoring	Empty Homes Officer	Quarterly	Within existing resources until June 2015

Action – seek funding				
Investigate any funding opportunities to draw down funding for empty homes	More resources provided to reduce empty homes	Empty Homes Officer/ Housing Strategy Officer	As and when required	Within existing resources until June 2015
Work in partnership and support Methodist Action North West by identifying suitable empty properties that can be brought back into use	Will reduce empty homes and monies are recycled	Empty Homes Officer/Housing Strategy Officer/Senior Regeneration Officer	Ongoing and at quarterly reviews	Within existing resources until June 2015
Maintain links with other district councils, regional and national bodies to identify potential funding opportunities and recognised good practice around empty homes	Better chance of securing funding	Empty Homes Officer/Housing Strategy Officer/Senior Regeneration Officer	As and when required	Within existing resources until June 2015
Action - enforcement				
Maintain contact with empty homes owners at regular intervals and monitor the situation	Better recording and audit trail	Empty Homes Officer	Ongoing	Within existing resources until June 2015
Where appropriate, serve notices upon empty homes owners and take appropriate legal action	Will reduce number of empty homes	Empty Homes Officer / Senior Regeneration Officer	As and when required	Within existing resources until June 2015
If necessary, prosecute empty homes owners and undertake works in default and pursue an enforced sale as a last resort	Will reduce number of empty homes	Empty Homes Officer / Senior Regeneration Officer	As and when required	Within existing resources until June 2015

Empty Homes Progress Report**07/07/14**

This report is a continuation from the last Empty Homes Progress Report, dated the 2nd April 2014.

The Empty Homes Officer has been in post for a year now, being appointed on the 1st July 2013. Since his appointment, a total of 386 empty properties in the Lancaster district have been identified and the owners have been contacted. 356 (92%) of these owners have responded or taken action further to correspondence being sent out by the Empty Homes Officer. Only 30 owners (8%) of the 386 have not been in touch or done anything with their empty properties to date; these owners are being pursued.

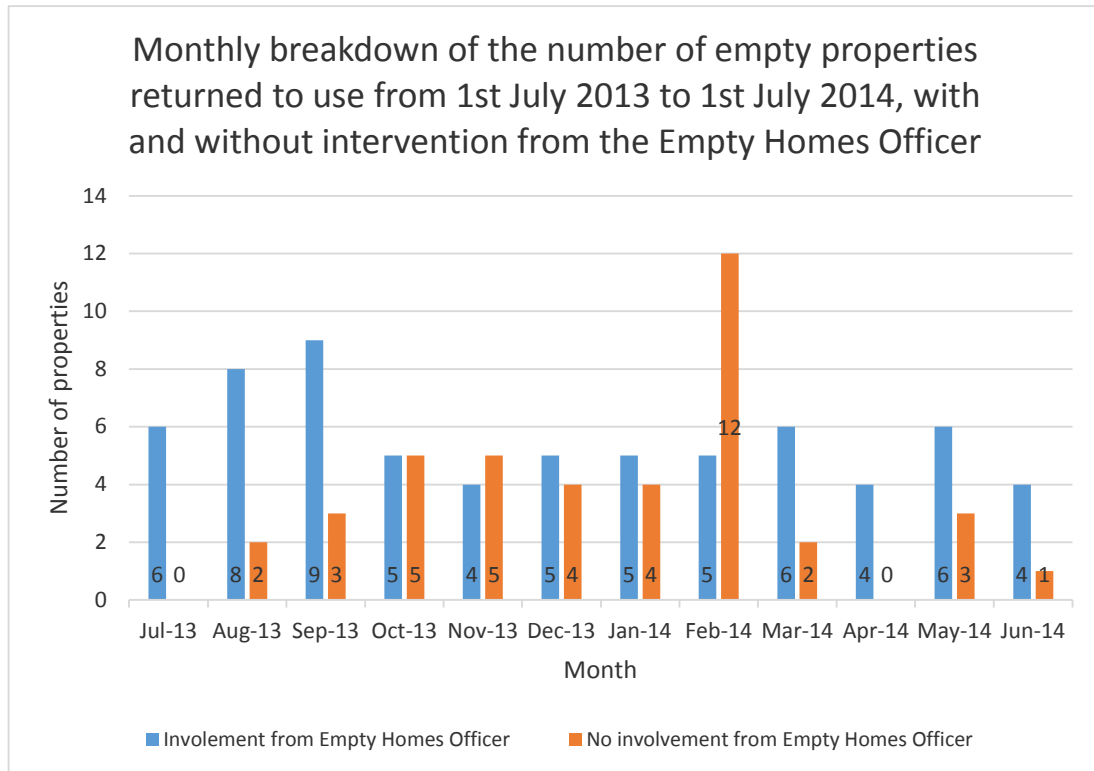
Below is a table representing the progress made so far since the appointment of the Empty Homes Officer. The figures are based on the 386 empty home owner's that have been contacted. (Please note, figures are fluid and change on a daily basis).

	<u>Numbers</u>	<u>Percentages</u>
Owner submitted Development Plans	5	1.30%
Owner is in the process of placing property up for sale / owner has placed property up for sale.	36	9.33%
Owner in process of renovating property with view of: selling/occupying/renting out	77	19.95%
Owner requesting assistance via the Methodist Action Schemes	8	2.07%
No works on property required and owner ready to move in	3	0.78%
Owner using property as a 2nd home	8	2.07%
Enforcement action being taken against owner	7	1.81%
Searching for persons responsible for property i.e. property owner deceased, search for their heirs etc	7	1.81%
No Further Action i.e. Property not fit for habitation; use of property has changed from domestic to commercial, etc	12	3.11%
Empty Homes Officer negotiating and liaising with owner with regards to the future of their property	115	29.79%
Property occupied with no involvement from the Empty Homes Officer	41	10.62%
Property occupied with involvement from the Empty Homes Officer	67	17.36%

Out of the 386 properties identified by the Empty Homes Officer, 61 of these are flats and 325 are single dwellings.

The average rate of empty properties which are being bought back into use with input from the Empty Homes Officer, measured from 1st July 2013 up until 1st July 2014, is **5.58 per month**.

Below is an illustration of the monthly rate empty homes in the district which are being bought back into use with and without the Empty Homes Officers involvement.



From the period 1st July 2013 to 1st July 2014, out of the 386 empty properties identified by the Empty Homes Officer, a total of 108 empty properties have been returned to use both with and without involvement from the Empty Homes Officer (A chart on the following page represents this).

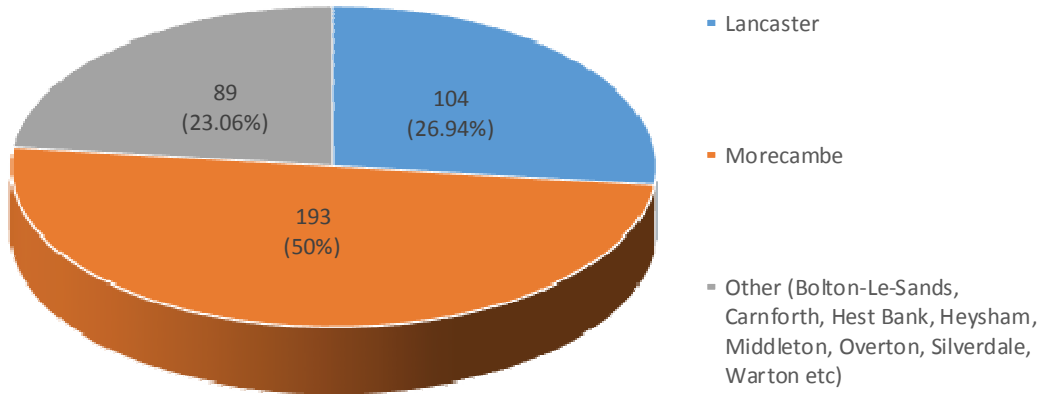
However, the owners of the 41 empty properties which were bought back into use with no involvement from the Empty Homes Officer, may have been influenced by the new empty property council tax premium charge, which was introduced in April 2013 and requires owners of empty properties with a vacancy date greater than 2 years to be charged a premium of 50% on their council tax bill.

If you have any questions or queries, please contact Andrew Dent (Empty Homes Officer).

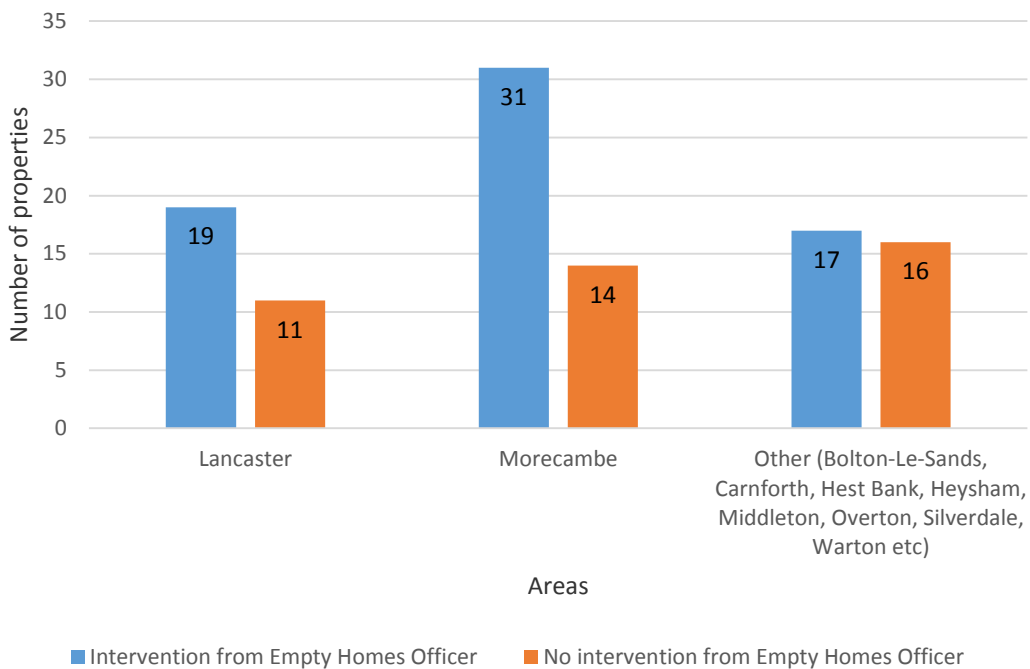
Telephone: 01524 582321
 E-mail: adent@lancaster.gov.uk
 Regeneration and Policy Service, Policy & Delivery Team
 Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF

Other Empty Homes Statistics

Chart highlighting the locations of the the 386 empty properties identified from the 1st July 2013 to 1st July 2014.



Number of empty properties returned to use throughout the district from 1st July 2013 to 1st July 2014, with and without intervention from the Empty Homes Officer



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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