



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 3RD APRIL 2013, AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers are amended reports on the Agenda previously distributed relating to the above mentioned meeting.

7. Discharging the Homelessness Duty in the Private Rented Sector Policy (Pages 1 - 6)
9. Asset of Community Value - Nomination (Pages 7 - 18)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

4th April 2013

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Bromsgrove District Council

Discharging the Homelessness Duty in the Private Rented Sector Policy

1. Statement of Intent

- 1.1 In Bromsgrove District the demand for social rented accommodation considerably outstrips supply.
- 1.2 Bromsgrove Council has various duties under homelessness legislation (Part 7 of the Housing Act 1996). The main homelessness duty requires the Council to secure accommodation for households who are homeless through no fault of their own; are eligible for assistance; and in 'priority need' eg families with dependent children and those who are vulnerable for some reason. In addition, the local authority may also make enquiries under s.184(2) to decide whether the applicant has a local connection to the District or whether the applicant or any person who might reasonably be expected to reside with them would be at risk of violence in the area where a local connection exists. In addition a local connection is applied to those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application and bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service; and existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
- 1.3 Whilst the Housing Act 1996 as amended by the Homelessness Act 2002 allows authorities to Discharge the Homelessness Duty in a variety of ways, the Localism Act contains measures to allow local authorities to Discharge the main homelessness duty with an offer of suitable private rented accommodation, with a minimum 12 month assured shorthold tenancy, without requiring the applicant's consent.
- 1.4 The opportunity to Discharge the Homelessness Duty into the Private Rented Sector without consent is a voluntary power and the Council will continue to place households in social housing. However, the lack of social housing in Bromsgrove District means that the Private Rented Sector will enable the Council to meet the housing requirements of homeless households more easily.
- 1.5 Therefore, the Council intends to utilise the private rented sector where appropriate in order to meet the full homelessness duty where it is considered appropriate to do so and the property is 'suitable'.
- 1.6 Where a full re-housing Duty has been accepted, homeless households will be advised that they may have the Duty Discharged through one offer in the Private Rented Sector. This will not apply to homeless applicants where applications were taken prior to the 9th November 2012. Homeless applicants will still retain reasonable preference on the Council's Home Choice Plus, Choice Based Lettings scheme until the Duty is Discharged.

2. Legislative Framework

- 2.1 This policy will be applied within the constraints of current and future legislation to include:
- Localism Act 2011
 - Homelessness (Suitability of Accommodation) (England) Order 2012.
 - Part VI Housing Act 1996
 - Part VII Housing Act 1996
 - Homelessness Act 2002
 - Allocation of Accommodation: Guidance for local authorities in England
 - Homelessness Code of Guidance
 - Housing Act 2004
 - Equality Act 2010
 - Human Rights Act 1998
 - Articles 6 & 8 of the European Convention on Human Rights
 - Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
 - The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
 - Any subsequent relevant legislation

3. Objectives

- 3.1 Greater use of the Private Rented Sector will assist the Council in its Duty to secure accommodation for households who are homeless through no fault of their own; are eligible for assistance and in 'priority need'.
- 3.2 The use of the Private Rented Sector may prevent homeless households spending lengthy periods in temporary accommodation including hostel or B&B accommodation and may minimise expensive costs associated with B&B accommodation.
- 3.3 The Council will proactively engage with Private landlords to encourage them to work in partnership with the Council and offer homeless households suitable accommodation with the required minimum 12 month tenancies.
- 3.4 Officers will inspect all Private Rented Sector properties to be used to Discharge the Homelessness Duty against the Suitability Order before making an offer and will support landlords to provide tenancy agreements and understand their responsibilities.

4.0 Selecting Households for Properties

- 4.1 Households will be prioritised for 'suitable' properties which become available in the Private Rented sector based on the date that the Homeless Duty is accepted, unless the property is adapted and the adaptations meet the needs of particular household or there are housing related debts.

- 4.2 In exceptional circumstances a household may be taken out of the priority identified in 4.1 by the Housing Options Manager in consultation with the Housing Strategy Manager/Team Leader. .

5. Homelessness (Suitability of Accommodation) (England) Order 2012

- 5.1 The Suitability Order sets out the specific circumstances in which a private rented sector offer, used to Discharge the main homelessness duty, is not regarded as suitable. The Order requires local authorities in determining suitability to take a view that:

- The accommodation is in reasonable physical condition
- The accommodation, appliances and furnishings comply with relevant fire and electrical safety legislation.
- If subject to House in Multiple Occupancy licensing, that the property is licensed;
- There is a valid Energy Performance Certificate
- There is a current Gas Safety record
- That carbon monoxide safety has been considered:
- A written tenancy agreement between the landlord and tenant which the local authority considers to be adequate will be used; and
- That the landlord is a 'fit and proper' person to act in the capacity of landlord (already a requirement in a House of Multiple Occupancy).

6. Affordability Assessment

Officers have carried out affordability modelling for private rented accommodation which will be used in the assessment of the Suitability of a Private Rented Sector property. Any private rented properties used to Discharge the Council's homelessness duty will be required to meet the Suitability of Accommodation Order 2012 in order to protect vulnerable households being placed in unaffordable housing.

7. Location of Accommodation

- 7.1 Wherever possible, placements into the private rented sector will be made within Bromsgrove District. It may be considered to be suitable for some applicants to be offered accommodation outside of the District. In particular some of the outlying areas of the District are more strongly connected to adjacent local authorities areas such as Redditch, Birmingham, Stourbridge, Halesowen and Dudley.
- 7.2 When considering the suitability of accommodation, the authority will take into account:
- distance of accommodation from the applicant's previous home
 - disruption to the employment, caring responsibilities, or education of members of the household
 - access to amenities such as transport, shops and other necessary facilities; and
 - established links with schools, doctors, social workers and other key services and support essential to the well being of the household.

- If the household's previous address or connection is in an area where there is limited affordable accommodation the Council may make an offer in another part of the District or an adjacent Local Authority.
- 7.3 Placements in isolated accommodation, away from public transport, shops and other facilities will be avoided.
- 7.4 In exceptional circumstances where there is no available accommodation within the District a placement may be made outside the District. When using accommodation outside the District, wherever possible, the accommodation will be in the nearest practicable Local Authority Area.
- 7.5 Where a placement is made outside of the District, notice shall be given to the receiving local housing authority in whose district the accommodation is situated.

8.0 The Re-application Duty

- 8.1 Where the homelessness duty has been Discharged in the private rented sector and the household becomes homeless within a two year period of being offered the property, a Re-application Duty will apply unless they have become homeless intentionally. The household will be eligible for the full statutory Homelessness Duty regardless of the household's Priority Need status, subject to them being eligible, homeless and not intentionally homeless.
- 8.2 The Re-application Duty can only be applied once. If the household becomes homeless a second time within the two years, a new homeless application will be taken.
- 8.3 If the household was placed outside the District but re-applies within the two years to the new local authority, the local authority will have to consider the Re-application Duty. If the Re-application Duty applies, the household can be referred back to the original Local Authority unless there is a risk of Domestic Abuse or a Hate Crime.

9. Private Rented Sector Offer Reviews

- 9.1 If the household offered private rented sector accommodation disputes that it is suitable for their needs, they can request a review of the Council's decision.
- 9.2 Where the household is disputing the suitability of accommodation due to the landlord not allowing pets the Council will expect that the pet will be found an alternative home unless there are exceptional circumstances such as the animal being an assistance dog for a disabled person or a support/companion for a household with a long and enduring mental illness. Where a landlord has requested no smoking in the property, an applicant will be expected to comply with this tenancy condition and only smoke outside the property.
- 9.3 Where the review relates to the suitability of the accommodation under homelessness legislation the individual can first accept the offer of accommodation and then request a review regarding its suitability. The review must be requested within 21 days of the offer being made. If the decision is overturned then the local authority will need to secure alternative accommodation. The Council will need to work with the

landlord to end the tenancy early and provide a replacement tenant so that the landlords support is not lost.

- 9.4 If the original decision is upheld the local authority will provide written confirmation of the reasons for reaching that decision. No further offer of accommodation will be made and should the client leave the accommodation without good reason, or the consent of the local authority, the Council will consider that the Duty has been Discharged.

10. Monitoring and Reviewing the Policy

- 10.1 The Council will establish a monitoring system to collect information relating to the number of households being placed in the Private Rented Sector as a discharge of the Homelessness Duty the number of repeat homelessness from this sector, the number households placed into the Private Rented Sector under homelessness prevention and the number and reason for any failed tenancies.

The policy will be reviewed after 12 months of implementation.

11. Consultation Arrangements

- 11.1 Partners and stakeholders were consulted in the development of this policy.

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CABINET

3RD APRIL 2013

NOMINATION OF AN ASSET OF COMMUNITY VALUE

Relevant Portfolio Holder	Cllr Roger Hollingworth
Portfolio Holder Consulted	√
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Catshill & Marlbrook
Key Decision – N/A	

1. SUMMARY OF PROPOSALS

To consider a request to list the Catshill Library as an Asset of Community Value

2. RECOMMENDATIONS

That Cabinet consider the contents of the report and decides to either:-

- (a) Support the listing of the Catshill Library as an Asset of Community Value; or**
- (b) Not support the listing of the Catshill Library as an Asset of Community Value**

3. KEY ISSUES

- 3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.
- 3.2 Officers have received a nomination for the Catshill Library which is owned by the County Council and currently vacant. The nomination has been made by the Catshill and North Marlbrook Parish Council. The Parish has requested that the asset be nominated to give the ability for it to remain as a community asset in the future.
- 3.3 The County Council and local ward Councillors have been consulted as part of the process. The County Council has confirmed that they have no objection to the asset being placed on the register.
- 3.4 Consideration of the nomination has been undertaken by Head of Planning and Regeneration who is of the view that approval of the nomination would support the provision of community activities within

the District if a community group were able to purchase the property. The recommendation from the Head of Planning and Regeneration to Cabinet is therefore to support the proposal for the library to be listed. Members are reminded that under the new process for assets of community value introduced in November 2012 the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration.

Financial Implications

- 3.5 There are no financial implications for the Council as the ongoing security of the building and any associated costs will be the responsibility of the County Council. Claims for costs incurred can only be made by private owners not Local Authorities.

Legal Implications

- 3.6 There is a legal requirement within the Localism Act 2011 to implement the provisions as defined for Assets of Community Value regulations 2012.

Service/Operational Implications

- 3.7 There are no specific operational implications for the District. The list of nominated assets will be maintained by Land Charges officers and will be available on the Councils Website.

Customer / Equalities and Diversity Implications

- 3.8 The approval of the nomination of Catshill Library will ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser.

4. RISK MANAGEMENT

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be

undertaken at each nomination to ensure a consistent approach is taken.

AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

**ASSETS OF COMMUNITY VALUE – THE COMMUNITY
RIGHT TO BID**

NOMINATION FORM

Section A: About your organisation

A1 Organisation’s name and address

Name of organisation*	Catshill and North Marlbrook Parish Council
Address including postcode	Parish Council office, Catshill Village Hall, Golden Cross Lane, Catshill BROMSGROVE B61 0JZ

**full name as written in your constitution or rules (if appropriate)*

A2 Contact details

Name	Gill Lungley
Position in organisation	Clerk to the Council
Address including postcode	Parish Council office, Catshill Village Hall, Golden Cross Lane, Catshill BROMSGROVE B61 0JZ
Daytime telephone no.	07813 671899
Email address	clerk@catshillandnorthmarlbrook-pc.gov.uk
How and when can we contact you?*	At any time, phone messaging service and e-mails are checked daily

**by email or phone, and days of the week and/or times of day you would prefer*

A3 Type of organisation

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

A4 Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Bromsgrove District . If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Bromsgrove , please confirm which area that is.

N/A

A5 Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Bromsgrove District Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in Bromsgrove, or an organisation whose activities are confined to the district. If your connection may not be obvious to us please explain what your organisation's local connection is.

Connection as the Parish Council

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Bromsgrove or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

N/A

A7 More about your organisation

What are the main aims and activities of your organisation?

AS the parish council for the area the organisation provides grass-roots local democracy with the aim of improving the quality of life of all residents in the parish through effective and accountable local government.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	N/A
Trust Deed (for a trust)	N/A
Constitution and/or rules (for other organisations)	N/A

Part B: About the land or building(s) you are nominating

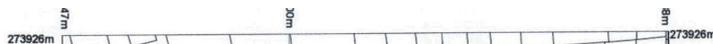
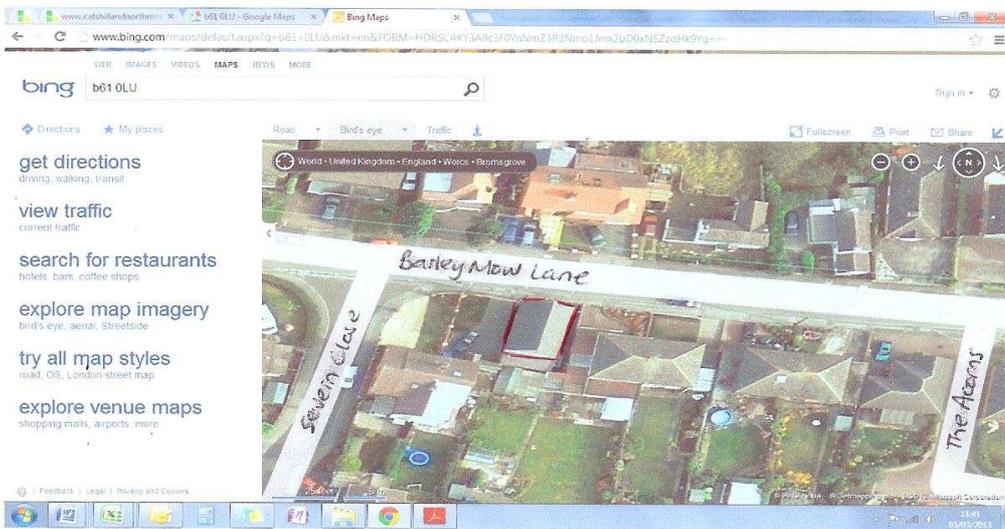
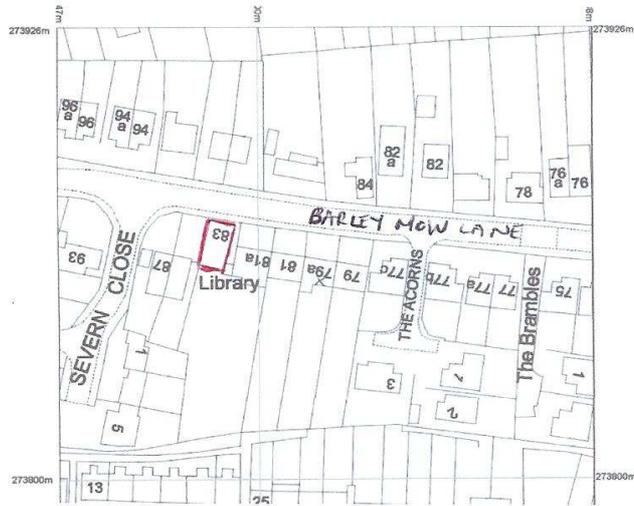
B1 Description and address

What it is (eg. pub, local shop)
As at time of application the building is used as a library.
Name of premises (eg. Post office , Community Centre)
Catshill Library
Address including postcode (if known)
Barley Mow Lane, Catshill, BROMSGROVE B61 0LU

B2 Sketch plan

<p>Please include (here or on a separate sheet) a sketch plan of the land. This should show:-</p> <ul style="list-style-type: none">• The boundaries of the land that you are nominating• The approximate size and position of any building(s) on the land.• Any roads bordering the site. <p>2 plans shown below: one sketch map and one screen shot from 'bing' maps. The library is outlined in red; there is no other land associated with the building apart from the land on which the building stands.</p>

CATSHILL LIBRARY



B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	Worcestershire County Council	County Hall, Spetchley Road, WORCESTER WR5 2NP
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	As above	As above
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	As above	As above

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

The building is established as a well-used local amenity helping to promote cultural, recreational and educational wellbeing. Before use as a library the building was used for religious purposes as a Wesleyan Chapel. The Parish Council is keen to see it retained for continued community benefit.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

The building could be used to support community needs in the area of recreation and culture relating to the under-represented groups eg youth.

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8). N/A
- Your sketch plan (question B2). Attached

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature	Gill Lungley	5 th March 2013
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C3 Where to send this form

You can submit this nomination:-

- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** j.pickering@bromsgroveandredditch.gov.uk

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