

Notice of Meeting

Executive

Thursday 28 July 2016 at 5.00pm

**in the Council Chamber, Council Offices,
Market Street, Newbury**

Date of despatch of Agenda: Tuesday 19 July 2016

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: executivecycle@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



WestBerkshire
C O U N C I L

To:	Councillors Dominic Boeck, Anthony Chadley, Hilary Cole, Roger Croft, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones, Alan Law and Garth Simpson
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Agenda

Part I

Pages

- 1. Apologies for Absence**
To receive apologies for inability to attend the meeting (if any).
- 2. Minutes**
To approve as a correct record the Minutes of the meeting of the Committee held on 30 June 2016. 5 - 10
- 3. Declarations of Interest**
To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
- 4. Public Questions**
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution. *(Note: There were no questions submitted relating to items not included on this Agenda.)*
- 5. Petitions**
Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

Items as timetabled in the Forward Plan

Pages

- 6. Council Performance Report 2015/16: Year End (Key Accountable Measures and Activities) (EX2964)**
(CSP: All)
Purpose:
 - (1) To report year end outturns against the Key Accountable Measures contained in the 2015/16 Council Performance Framework and any additional performance intelligence.
 - (2) To provide assurance to Members that the objectives laid out in the Council Strategy and other areas of significance / importance11 - 40



Agenda - Executive to be held on Thursday, 28 July 2016 (continued)

across the Council are being delivered.

- (3) To present, by exception, those measures/milestones not achieved and to cite any remedial action taken and its impact to allow the scrutiny and approval of the corrective or remedial action put in place.

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7. **Superfast Berkshire Phase 3 (EX3159)** 41 - 56
(CSP: BEC, SLE, HQL and SLE2)
Purpose: To outline the progress made by the Superfast Berkshire project and to make a recommendation for a new phase of the project (Intervention Phase 3). This report is based upon recommendations previously endorsed by the Superfast Berkshire Project Board, Berkshire Chief Executives Group, Berkshire Leaders, Thames Valley Berkshire LEP Forum and the LEP Executive.
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8. **Approval to Consult on the Draft Temporary Accommodation Policy (EX3165)** 57 - 72
(CSP: P&S)
Purpose: To seek approval from the Executive to proceed with a consultation on the Draft Temporary Accommodation Policy.
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9. **Approval to Consult on the Draft Decant Policy (EX3167)** 73 - 96
(CSP: P&S)
Purpose: To seek approval from the Executive to proceed with a consultation on the Draft Decant Policy.
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10. **Members' Questions**
Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution.
- (a) **Question to be answered by the Portfolio Holder for Communities and Public Protection submitted by Councillor Alan Macro**
"How many vehicles have been turned away from the Smallmead waste site in Reading since the re3 consortium stopped West Berkshire residents from using it?"
-
- (b) **Question to be answered by the Portfolio Holder for Adults, Care and Culture submitted by Councillor Alan Macro**
"How many people have attended the Library Needs Assessment drop-in sessions?"
-
- (c) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Lee Dillon**
"How many primary and secondary schools are forecasting deficit budgets?"
-



Agenda - Executive to be held on Thursday, 28 July 2016 (continued)

- (d) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Lee Dillon**
“Following the recent inspection of Thatcham Park Church of England Primary School, can the Portfolio Holder outline what support and resources this Council will provide to improve the overall effectiveness rating?”
- (e) **Question to be answered by the Portfolio Holder for Education and Corporate Infrastructure submitted by Councillor Mollie Lock**
“What percentage and number of children, by school, were offered their first choice of secondary school for this September’s intake?”

Andy Day
Head of Strategic Support

West Berkshire Council Strategy Aims and Priorities

Council Strategy Aims:

- BEC** – Better educated communities
- SLE** – A stronger local economy
- P&S** – Protect and support those who need it
- HQL** – Maintain a high quality of life within our communities
- MEC** – Become an even more effective Council

Council Strategy Priorities:

- BEC1** – Improve educational attainment
- BEC2** – Close the educational attainment gap
- SLE1** – Enable the completion of more affordable housing
- SLE2** – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy
- P&S1** – Good at safeguarding children and vulnerable adults
- HQL1** – Support communities to do more to help themselves
- MEC1** – Become an even more effective Council

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



West Berkshire
C O U N C I L

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EXECUTIVE

MINUTES OF THE MEETING HELD ON THURSDAY, 30 JUNE 2016

Councillors Present: Dominic Boeck, Anthony Chadley, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Alan Law

Also Present: Nick Carter (Chief Executive), Sarah Clarke (Legal Services Manager), Peta Stoddart-Crompton (Public Relations Officer), Andy Walker (Head of Finance), Rachael Wardell (Corporate Director - Communities), Steve Broughton (Head of Culture & Environmental Protection), Stephen Chard (Policy Officer), Councillor Lee Dillon, Councillor Alan Macro and Councillor Richard Somner

Apologies for inability to attend the meeting: Councillor Roger Croft and Councillor Garth Simpson

(Councillor Graham Jones in the Chair)

PART I

94. Minutes

The Minutes of the meeting held on 26 May 2016 were approved as a true and correct record and signed by the Deputy Leader.

95. Declarations of Interest

There were no declarations of interest received.

96. Public Questions

There were no public questions submitted.

97. Petitions

Councillor Alan Macro presented a petition, on behalf of Ms Lisa Cox, containing 628 signatures requesting that West Berkshire Council reverse its decision to not pay the re3 subsidy payment which would mean that West Berkshire residents could no longer use the Smallmead Household Waste Recycling Centre. Petitioners felt it unfair that residents on the outside edges of West Berkshire should be made to travel a further 30 miles to dispose of waste and there was concern that a steep increase in fly tipping could result.

The petition was referred to Officers in Culture and Environmental Protection, and Finance for a response.

(Post meeting note: the decision to withdraw from the re3 waste partnership was taken at the Special Council meeting held on 24 March 2016 as part of setting the Council's 2016/17 budget. The Council's Constitution did not permit decisions made within the previous six months to be returned to and therefore the petition could not be considered until that six month time period had elapsed, i.e. the end of September 2016).

98. Provisional Financial Outturn Report - 2015/16 (EX3022)

The Executive considered a report (Agenda Item 6) concerning the provisional financial outturn for the Council in respect of the 2015-16 financial year, subject to the final result of the closedown and External Audit process.

EXECUTIVE - 30 JUNE 2016 - MINUTES

Councillor Graham Jones introduced the report and explained that total capital expenditure in 2015-16 was £38.5m, with an under spend of £6.7m against the revised budget of £45.2m. The budget was revised during the course of the year to take account of funds brought forward from 2014-15, additional grant and section 106 funding allocated to schemes during the year and funds re-profiled into 2016-17, and these changes had been explained in the quarterly budget monitoring reports provided to the Executive. The Capital Strategy Group had recommended that £6.6m of the overall underspend should be carried forward to enable schemes already underway to be completed and/or to meet future capital commitments.

The total revenue expenditure in 2015-16 was £125m, with a provisional year end overspend of £115k or 0.09% of net budget which would lead to a reduction in the General Fund. Councillor Jones felt this was a considerable achievement when considering the financial pressures felt during 2015-16 and Officers were thanked for their efforts in achieving this outturn. Investment had also been made into Children and Family Services during 2015-16 in response to the Ofsted Inspection. This investment was helping to achieve positive results.

Councillor Jones explained that at Quarter Three, the forecast Year End position for the Council was an overspend of £625k, but through a deliberate slowing of non-essential expenditure across services, the corporate position had been reduced to the Year End provisional overspend of £115k.

Councillor Jones then reported that increasing demand across social care budgets during 2015-16 had put the Council's resources under considerable strain. This budget pressure included the burden of meeting the requirements of the Care Act. Councillor Jones explained that efforts continued to engage Central Government on the issue of appropriate funding to implement the requirements of the Care Act.

It was also noted that the Council had made significant investment into identified pressure points as part of the 2016-17 budget process.

Councillor Hilary Cole agreed that the 2015/16 budget had been well managed in what were difficult financial times and staff should be congratulated. Social care staff had done particularly well when considering increasing levels of demand.

Councillor Alan Macro queried whether it was the expectation that budget overspends were likely to continue in Children and Family Services. Councillor Lynne Doherty responded by advising that this was not the expectation. She added that while social care services were demand led, the number of Looked After Children and children subject to a Child Protection Plan had reduced post the production of the Council's Ofsted Improvement Plan.

Councillor Macro then referred to the underspend reported for the Environment Directorate and queried whether this was contributed to by the mild winter experienced. Councillor Jones agreed that a written response would be provided on this point from the Portfolio Holder for Transport and Emergency Planning.

Councillor Lee Dillon referred to the retention of local business rates and queried whether an increase in income could be achieved from this in future. Nick Carter explained that assumptions had been made on business rate growth and this was an area regularly reviewed. While, as stated in the report, this was a volatile area, historically West Berkshire had a trend of growth and it was hoped that this would continue. In response to this, Councillor Dillon referred to the point made in the report that growth in local business rate retention had stagnated and he therefore questioned the points made by the Chief Executive. Andy Walker agreed that this was a volatile area and there had been

EXECUTIVE - 30 JUNE 2016 - MINUTES

some one off pressures during 2015-16 which had impacted on growth, but it was hoped that a more stable position could be maintained moving forward.

RESOLVED that:

- Members were fully aware of the provisional financial outturn of the Council.
- The budget movements processed in year, detailed in Appendix D, be noted.

Reason for the decision: To inform Members of the provisional financial outturn of the Council for 2015-16.

Other options considered: None.

99. The Household Waste Recycling Centre Service (EX3123a)

The Executive considered a report (Agenda Item 7) which sought approval for proposals to mitigate against the effects of the end of the cross border arrangement by Hampshire County Council for their residents to use West Berkshire Council's Household Waste Recycling Centre (HWRC) service, and the decision to cease the arrangement with the re3 partnership (which consisted of Bracknell Forest, Reading and Wokingham Councils) which enabled West Berkshire residents to use the Smallmead HWRC.

Councillor Marcus Franks explained that from 1 April 2016, Hampshire County Council, having given notice, ended their financial contributions to allow Hampshire's residents access to the Padworth and Newtown Road HWRCs. Currently Hampshire residents were still using West Berkshire's HWRCs.

To mitigate against the loss of income from Hampshire County Council, it was proposed that access to the West Berkshire HWRC sites be controlled by the implementation of a resident permit scheme and restricting access to commercial vehicles.

At the Special Council Meeting on 24 March 2016 the Council decided to end the arrangement with re3 and cease the Council's contribution of £460,000 at a time when significant savings had to be found. Therefore, three months notice had been given to re3 which would end the agreement on the 30 June 2016. re3 had responded by introducing controls to stop residents from West Berkshire using their facility from the 1 July 2016. The disposal of waste by West Berkshire residents at this facility would need to be managed through the Council's waste services.

Councillor Franks pointed out that significant efforts had been made with the re3 waste partnership with a view to reducing costs and avoiding this situation prior to this decision being made in March 2016.

To mitigate against the impact on residents, following the decision by the re3 partnership to close access to West Berkshire residents, it was proposed that the possibility of extending the service at the Padworth HWRC should be explored with the Council's Waste Management contractor (Veolia).

Councillor Franks urged those residents who had utilised the Smallmead HWRC to date to make use of the Padworth HWRC for recyclable waste, the Newtown Road HWRC for both recyclable and non-recyclable waste, as well as utilising roadside recycling and bulky waste collections.

Councillor Franks then made reference to the petition submitted earlier in the meeting which requested that the Council reverse its decision to not pay the re3 subsidy payment, thereby allowing continued access to the Smallmead HWRC. Councillor Franks gave the view that it would be difficult to reverse this decision as the financial saving had been incorporated in the 2016/17 budget and if the decision was reversed, then an alternative saving would need to be found from elsewhere within the Council's budget.

EXECUTIVE - 30 JUNE 2016 - MINUTES

Concern was also raised in the petition of a potential steep increase in fly tipping. Councillor Franks stated that the Council would be vigilant on the offence of fly tipping and would prosecute offenders. However, he expected that residents would continue to dispose of their waste responsibly.

Councillor Alan Macro highlighted that discussions with Veolia should have been progressed with a greater level of urgency when considering that West Berkshire residents would be unable to access the Smallmead facility from 1 July 2016. He questioned when an extension to the Padworth HWRC could be achieved.

Councillor Franks explained that considerations had been ongoing in relation to Padworth, there had however been issues to resolve with the planning application. The decision to withdraw funding from re3 had been brought forward due to the need to identify savings, before Padworth discussions were able to conclude. The decision made by Hampshire County Council was a contributing financial factor.

Once the planning application had been submitted to Veolia, it would be subject to a 13 week planning process, but this would not commence until decisions had been taken by the Executive. Subject to planning permission being granted, it was anticipated that works to make Padworth a full waste site would take up to six months to complete.

Councillor Macro gave the view that it would have been preferable to continue to pay re3 until the Padworth extension had been completed.

Councillor Macro then stated the view that a greater level of publicity was needed to inform members of the public of these developments. Councillor Franks advised that communications had taken place in the form of newspaper advertisements, information had been made available in libraries, leisure centres and on the Council website, information had also been shared with all parish councils and Ward Members. Communications would continue. Councillor Franks added that developments were also being promoted by re3.

Councillor Graham Jones pointed out that cross border arrangements of this type were coming to a close across the country and added that Councillor Franks, with Officers, was looking to find solutions for West Berkshire's residents without incurring additional cost.

Councillor Franks then gave thanks to Councillor Macro for his well balanced and factual letter on this matter which had been published in the Newbury Weekly News.

Councillor Macro asked whether information to confirm these altered arrangements would be provided to householders on their waste bins as efforts were needed to avoid residents being turned away at the Smallmead site. Councillor Franks confirmed this was the intention and this would take place late July/early August 2016 to coincide with information being provided on collection date changes due to the August Bank Holiday.

Councillor Macro then queried the estimated cost of implementing the residents permit scheme and of enforcing this. Councillor Franks confirmed that the detail of this would be worked upon with Veolia, subject to Executive approval, but costs had already been estimated of £9,000. Councillor Franks also gave an assurance that the necessary information would be sent to each household on this development.

Councillor Lee Dillon felt that following the completion of works to make Padworth a full waste site, the use of the Padworth HWRC was likely to increase and bring with that an increase in traffic movements. He queried whether an increased use of both the Padworth and Newtown Road HWRCs could be accommodated. Councillor Franks responded that Padworth and Newtown Road had additional capacity.

EXECUTIVE - 30 JUNE 2016 - MINUTES

Councillor Dillon then queried whether staffing levels would increase at the HWRCs. Councillor Franks explained that this was an aspect which formed part of the discussions with Veolia, but the expectation was that levels of service would be maintained.

Councillor Anthony Chadley made the point that many residents living in the east of the district utilised the Smallmead site. However, access to Smallmead was not straightforward and Councillor Chadley felt that the Padworth HWRC was accessible to residents living in the east of the district.

RESOLVED that:

- new measures would be introduced to control access to the Council's HWRC services; including a resident permit scheme and a booking system for residents using commercial type vehicles.
- the extension of the Padworth HWRC service in conjunction with the above point would be explored with the Council's Waste Management Contractor.

Reason for the decision: To mitigate the effects of the closure of access for West Berkshire Residents to the Smallmead HWRC.

Other options considered: As set out in Appendix D.

100. Members' Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) Question to be answered by the Portfolio Holder for Communities and Public Protection submitted by Councillor Richard Somner

A question standing in the name of Councillor Richard Somner on the subject of the launch of the community energy-switching scheme was answered by the Portfolio Holder for Communities and Public Protection.

(b) Question to be answered by the Portfolio Holder for Communities and Public Protection submitted by Councillor Alan Macro

A question standing in the name of Councillor Alan Macro on the subject of the proportion of non West Berkshire residents using the Council's waste and recycling centres was answered by the Portfolio Holder for Communities and Public Protection.

(c) Question to be answered by the Portfolio Holder for Transport and Emergency Planning submitted by Councillor Alan Macro

A question standing in the name of Councillor Alan Macro on the subject of the visibility of traffic signs was answered by the Deputy Leader of the Council on behalf of the Portfolio Holder for Transport and Emergency Planning.

(d) Question to be answered by the Portfolio Holder for Economic Development and Planning submitted by Councillor Alan Macro

A question standing in the name of Councillor Alan Macro on the subject of the adequacy of the Council's planning enforcement resource was answered by the Portfolio Holder for Economic Development and Planning.

101. Exclusion of Press and Public

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraph 3 of Part 1 of Schedule 12A of the Local

EXECUTIVE - 30 JUNE 2016 - MINUTES

Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Rule 8.10.4 of the Constitution](#) also refers.

102. The Household Waste Recycling Centre Service (EX3123b)

(Paragraph 3 – information relating to financial/business affairs of particular person)

The Executive considered an exempt report (Agenda Item 10) concerning the budget and service issues in relation to the Household Waste Recycling Centre Service.

RESOLVED that the recommendations in the exempt report be agreed.

Reason for the decision: as detailed in the exempt report.

Other options considered: as detailed in the exempt report.

(The meeting commenced at 5.00pm and closed at 5.45pm)

CHAIRMAN

Date of Signature

Key Accountable Performance 2015/16: Year End

Committee considering report:	Executive
Date of Committee:	28 July 2016
Portfolio Member:	Councillor Roger Croft
Date Portfolio Member agreed report:	7 July 2016
Report Author:	Jenny Legge / Catalin Bogos
Forward Plan Ref:	EX2964

1. Purpose of the Report

- 1.1 To report year end outturns against the Key Accountable Measures contained in the 2015/16 Council Performance Framework and any additional performance intelligence.
- 1.2 To provide assurance to Members that the objectives laid out in the Council Strategy and other areas of significance / importance across the council are being delivered.
- 1.3 To present, by exception, those measures/milestones behind schedule or not achieved and cite any remedial action taken and the impact, if it has, to allow the scrutiny and approval of the corrective or remedial action put in place.

2. Recommendations

- 2.1 To note progress against the Council Strategy Priorities for improvement and celebrate achievements.
- 2.2 To review those areas reporting as 'red' to ensure that appropriate action is in place.

3. Implications

- 3.1 **Financial:** Any implications will be highlighted in the individual exception reports.
- 3.2 **Policy:** Any implications will be highlighted in the individual exception reports.
- 3.3 **Personnel:** Any implications will be highlighted in the individual exception reports.
- 3.4 **Legal:** Any implications will be highlighted in the individual exception reports.
- 3.5 **Risk Management:** Any implications will be highlighted in the individual exception reports.
- 3.6 **Property:** Any implications will be highlighted in the individual exception reports.

3.7 **Other:** None

4. Other options considered

4.1 None

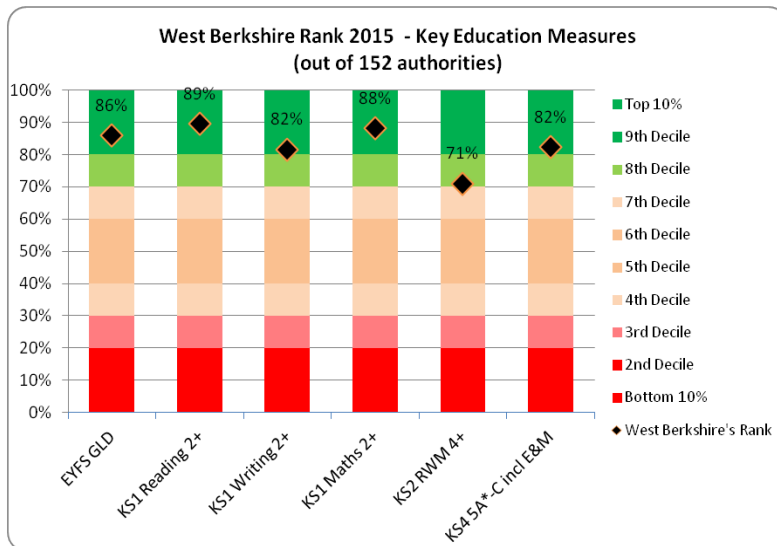
5. Executive Summary

- 5.1 This report presents qualitative and quantitative information to assess the performance levels achieved against measures from all the services provided by the council identified for reporting at Executive level.

6. Performance by Council Strategy Priorities for Improvement:

(A) Priorities for Improvement: Improve Educational Attainment and Close the Educational Attainment Gap

- 6.1 **Demand - Number of Pupils:** Between 2013 – 2015, the overall number of pupils has increased by 324 (1.1% WB, 2.3% SE region, 2.3% Eng). This includes the increase by 542 of primary state funded schools' pupils and a decrease of 349 of secondary schools' population.
- 6.2 More recent local intelligence shows that there has been an increase of the number of pupils during September 2015, which is still continuing. A lot of this increase is due to pupils' parents coming to work at the large companies in the district. This increase has effectively filled any surplus capacity, especially in infant age group in Newbury. Two primary bulge classes for September 2016 have been agreed as a way of dealing with this demand. Schools building projects have progressed as expected.
- 6.3 **Demand - First Language not English:** At 6.2% of pupils with English not their first language, West Berkshire percentage is half that for the SE region (11.6%) and one third of the national average (17.3%). Between 2013 and 2015 this followed an increasing trend (mirroring the regional and England evolution), the difference amounting to 347 pupils.
- 6.4 **Demand - Free School Meals:** The % of pupils known to be eligible for and claiming free school meals (7% in Primary and Secondary Schools) is below regional (11%) and national (15%) averages. Over the three years to Jan 2015 this percentage reduced for infant, primary (1.2 % points) and secondary schools (1.5% points) following a similar trend seen at regional and national level. The introduction of universal infant free school meals and the eligibility for free meals being linked to income based job seekers allowance are probably key factors in this change.
- 6.5 **Performance: Attainment**
- 6.6 **Foundation Stage (end of reception year)** – performance regarding the Good Level of Development (GLD) and Average Points Score remains in the top 20% (9th Decile) nationally.



6.7 **Key Stage 1 (end of year 2)** – percentages achieving level 2+ in Reading, Writing or Maths respectively, remained or improved to reach 9th Decile.

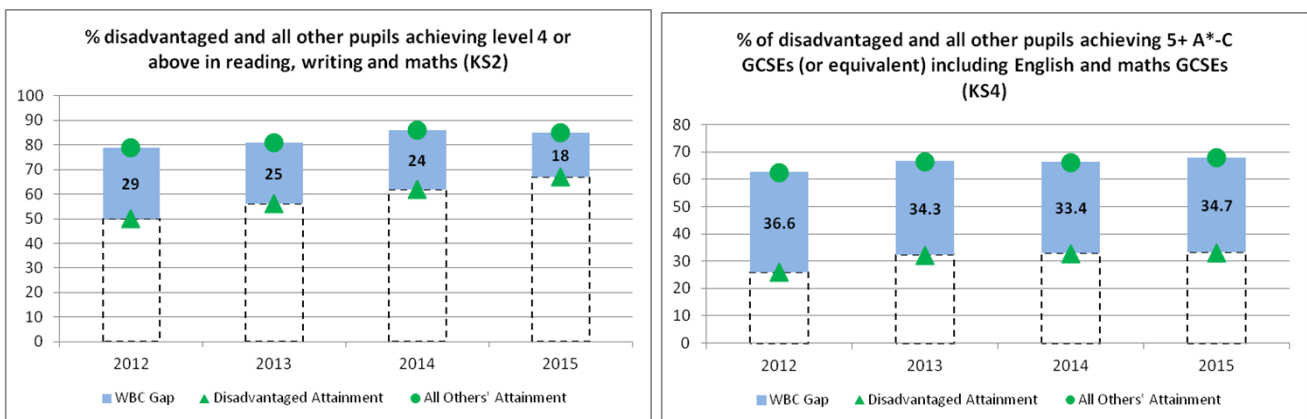
6.8 **Key Stage 2 (end of year 6)** - the combined attainment measure for level 2+ in the three subjects (RWM - Reading, Writing and Maths) has declined back to the 8th Decile following the improvement of the previous year (2014). This is due primarily to a decline in results in Mathematics.

Progress between KS1 and KS2 is an area of focus especially for Reading and Maths due to a drop in attainment in Level 4 in a few of our large schools in the Newbury/Thatcham area. Remedial actions are underway to address weak leadership and governance in some schools and enable support for targeted schools (see exception reports for further details).

6.9 **Key Stage 4 (GCSE)** – improved performance achieved for the previous year for 5 good GCSEs incl Eng and Maths has been maintained, keeping West Berkshire in the top 20% nationally.

6.10 Performance: Attainment Gap Reduction

6.11 For 11 year olds (Year 6), the educational gap between disadvantaged pupils and their peers has reduced over the last 4 years whilst attainment improved for both cohorts (faster for the disadvantaged group).



6.12 In the secondary phase, the trend seen over the previous three years of closing the attainment gap has been reversed in 2015. Whilst both cohorts had better results compared to the previous year, the non-disadvantaged group has improved more from the 2014 level. A wide range of activities are being implemented to focus the support to improve the attainment gap (see Exception report for further details).

6.13 **Additional intelligence:**

6.14 The new Ofsted inspection framework and the assessment of pupils from 2016 on a “tougher” new national curriculum have resulted in significant challenges for schools.

6.15 Since Sep 2015, all schools inspected had improved or sustained their judgement of good or outstanding. Four other schools previously judged as requiring improvement (RI) are awaiting an inspection and the expectation is that at least three of them will achieve a good or above outcome resulting in 83% of our schools assessed as good or outstanding.

Securing the recruitment and retention of good teachers continues to be a barrier to improvement for a number of schools. A new website TeachWestBerks has been created and is now live to support teachers’ recruitment.

(B) Priority for Improvement: Enable the Completion of More Affordable Housing

6.16 **Demand** - The number of new housing applications received during the financial year was 6% higher compared with 2014/15.

6.17 Re-registration of the Common Housing Register applicants in the autumn has led to an overall drop in numbers and a reduction in the number of qualifying applicants from 1110 at the end of 14/15 to 850 at 15/16 year end. This number may increase during the course of the year as those who have had their applications removed re-register.

6.18 Over the last 12 months Land Registry data shows that the average price for properties in West Berkshire has increased by 15% from £259,007 (Mar 2015) to £298,069 (Mar 2016) continuing the trend from 2013.

6.19 **Performance**

6.20 The introduction of Strategy Board has afforded Members and Officers with a new way of working in looking at strategic issues faced by the Council. Strategy Board looked at the potential to deliver 1000 affordable homes by 2020 and used the Collaborative Architect process as a means of generating ideas as to how this could be achieved.

The Collaborative Architect approach involved partner organisations coming together to look at the issue, resulting in a number of proposals being submitted to Members and officers for consideration.

6.21 158 affordable housing have been completed during 2015/16 and solutions are being considered to enable to delivery of the 1000 affordable homes over the 5

years period. In addition, the Sandleford Planning Application, which has the potential to provide 40% affordable housing units of the up to 2000 houses, has been received and is being assessed.

6.22 **Additional intelligence:**

We currently have planning permissions in place that could see delivery of 3,308 units, of which 568 would be affordable (38%). In addition, there are 844 affordable housing units in the Housing Site allocation DPD which provides a total of 1,412 units 'in the pipeline'. The current forecast suggests that 883 will be built in the next 5 years.

The Council's difficult financial position will see the service responsible for bringing empty property back into use ceasing.

(C) Priority for Improvement: Deliver or enable key infrastructure projects in relation to roads, rail, flood prevention, regeneration and the digital economy

6.23 **Demand** - The last winter was reasonably dry and mild and this is reflected by the fall in the number of highway emergencies (down 8%), third party claims (down 50%) and service requests (down 36%) compared to previous year.

6.24 A number of major infrastructure improvements are being carried out across the district including the new road layout associated with IKEA at Calcot and the replacement of the Boundary Road railway bridge in Newbury by Network Rail.

6.25 **Performance**

Based on the latest available comparative data (2014/15), the year end result of 2% of the principal road network (A roads) in need of repair is estimated to reach the top performing 25% of councils nationally for the condition of our roads.

6.26 108 roads were resurfaced in 2015/16, or 96% of our planned programme. Resurfacing of at least 145 miles of road will have been achieved by the end of 2018/19.

6.27 The Highways and Transport Service has delivered a £16.7m capital programme of highway and transport improvements including all 21 flood prevention and drainage improvement schemes planned for 2015/16. The first phase of a new access road from the A339 into the London Road Industrial Estate commenced.

6.28 The proportion of West Berkshire households having access to superfast broadband reached 83% by Mar 2016.

6.29 **Additional intelligence:** The 10 year highway maintenance contract with Volker Highways worth £7m pa is entering its final year. Work is ongoing on retendering this contract.

(D) Priority for Improvement: Good at Safeguarding Children and Vulnerable Adults

6.30 **Demand** - The demand on our Children and Family Service regarding the number of children and young people subject to a child protection plan and the number of

children in need has increased compared with previous year by 25% and 13% respectively. The number of looked after children remained relatively stable.

- 6.31 The number of adult social care safeguarding concerns has continued to increase over the year, as have the number of Deprivation of Liberty Safeguards (DoLS) applications.
- 6.32 There has been a significant reduction in people waiting for an adult social care service. It is hoped that the implementation of our change programme will help us to maintain this improvement in the long term.
- 6.33 **Performance**
We have continued with our efforts to improve our Children's Services to achieve 'Good' following the Ofsted inspection. The progress that we have made and the strategies that we have put in place to secure system-wide improvements have been recognised by the Department of Education (DfE). The improvement in the LSCB (Local Safeguarding Children's Board) roles and functions has also been recognised by the DfE Improvement Advisors.
- 6.34 Performance measures indicate that the Children's Services achieved or exceeded the expected end of year results in almost all areas. Efforts continue to resolve issues associated with over reliance on agency staff and plans have been put in place to address timeliness of assessments and the proportion of Leaving Care clients with Pathway Plans (see exception reports for details).
- 6.35 Our Quality Assurance and Safeguarding Service has made significant progress in reducing the reliance on the use of agency workforce from 70% (6) in July 15 to a 0% (by 31st May 16). A Peer Review conducted by the Director of Children's Services from Brighton & Hove and his team in February 16, identified improvements in this service and the continued development in the quality of the Child Protection Plans was also acknowledged.
- 6.36 Care Quality Commission (CQC) have rated our Home Care Service and all four of our adult social care residential homes overall as 'Good'. Changes have been made in response to one care home which was previously judged as 'requires improvement on safety' (see exception report for further details).
- 6.37 **Additional intelligence**
There will be a further peer review of our Children's Services in 2016.
- 6.38 The new way of working trailed at a smaller scale in Adult Social Care (ASC) will be replicated across the entire ASC services based on the new locality structure.

(E) Priority for Improvement: Support Communities to do More to Help Themselves

6.39 **Demand**

2015/16 proved to be another challenging year for the Council from a financial perspective. Central Government funding for local authorities will continue to reduce and it will therefore be imperative that discussions are held with our Parishes and

communities about how they can help themselves in the delivery of some of the key services that they value going forward.

6.40 Performance

The Voluntary Sector Prospectus approach to working with the voluntary and community sector is proving to be successful and is based on the VCS delivering against defined outcomes.

6.41 Three communities have started to use our refined guidance and process for the completion of a community plan.

6.42 Stratfield Mortimer Parish Council has received support and progressed a Neighbourhood Development Plan and will be looking to adopt this following a successful examination and referendum.

6.43 During 2015/16 community conversations have taken place in Lambourn, Hungerford and Thatcham to identify local needs. Restorative practice training has been delivered to 895 multi-agency staff/volunteers and 332 children and young people.

(F) Overarching aim: Become a More effective council

6.44 Demand

During 2015/16 the Council conducted two phases of public consultation on the public facing budget proposals in response to a need to identify a total of £18m of savings whilst also considering increases in council tax. A further £21.8 million savings are required by 2019.

6.45 Performance

The Local Government Peer Review Team revisited the Council to look at the progress made since the original corporate peer review in July 2014. The review highlighted a good level of progress made and commented that the Council Strategy provided a clear shared vision for Members and Officers. The review also recognised the progress made since setting up the Strategy Board to look at key strategic issues facing the Council.

6.46 The review identified that there were still matters to progress such as scrutiny, health and social care integration and the need to align capacity and ambition in a climate of financial challenges. Actions have been put in place to address these areas.

6.47 The first phase of the Better Care Fund Programme was successfully implemented, promoting greater integration of local health and social care services to offer better support for the most vulnerable.

6.48 Additional intelligence

The basket of key accountable measures used to monitor the delivery of the Council Strategy 2015-2019 at Executive level, indicates that 81% (21) of measures have achieved or exceeded their expected results for the year. This level of performance across the council is better than that achieved for 2014/15, when 77% (32) of measures had been achieved. (see exception reports for further details on measures below target).

7. Core Business Measures

- 7.1 **Key Accountable (public) Measures** - The set of measures used to monitor other core functions of the council indicate that expectations have been achieved or exceeded in a number of areas such as:
- Reviews of the long term adult social care beneficiaries ensured that all people have been assessed under the new eligibility framework
 - Timely responses were provided in processing the claims to the local welfare provision and completing benefits assessments for referrals from Children's Services
 - We have maintained the proportion of household waste recycled, composted, reused, recovered and have not exceeded an acceptable level of litter, detritus and graffiti
- 7.2 We have experienced localised challenges in sourcing suitable external home care and nursing/residential home care placements, hindering our ability to support timely discharge from hospital - delayed transfers of care (DTOC) from hospital and those attributable to social care from acute and non-acute settings was higher than expected at the end of 2015/16 (see exception reports for further details).

8. Conclusion

- (i) The results achieved by the end of the first year of the Council Strategy 2015-2019 show that progress has been made in all priority areas.
- (ii) Demand continues to rise for services, especially in education and social care services, and the Council will need to continue to review this position given the financial pressures faced.
- (iii) An action plan will be developed to enable the Council to focus on enabling the delivery of 1000 affordable homes by 2020.
- (iv) At year end, 81% of measures have been reported as 'green', compared to 32 out of 52 (77%) in 2014/15.
- (v) For those measures identified as RAG rated 'red', plans have been put in place at service level without requests for additional actions to be taken at strategic level and without the need to revise the initially agreed targets.

9. Appendices

- 9.1 Appendix A - Supporting Information

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West Berkshire Council Performance Report

Key accountable measures and activities 2015/16

Update: Year end

compiled by:

Jenny Legge

Research, Consultation & Performance Officer

Strategic Support Unit

westberks.gov.uk/performance

May 2016

For queries contact: Catalin Bogos (01635 519102 or catalin.bogos@westberks.gov.uk)

Available from westberks.gov.uk/strategyandperformance

Purpose of this report

To provide an update on progress against the council's key accountable measures and activities at year end 2015/16.

The key measures / activities within this report have been distilled from those routinely monitored and managed through individual service delivery plans to focus more singularly on those which are of particular importance / significance key in delivering the strategic objectives in the Council Strategy and to the ongoing work of the council as a whole. This report therefore:

- provides assurance to the Executive that the objectives laid out in the Council Strategy are being delivered;
- provides assurance to the Executive that areas of significance / particular importance are performing;
- acts as an early warning system, flagging up areas of significance / particular importance which are not performing - or are not expected to perform - as hoped;
 - and therefore ensures that adequate remedial action is put in place to mitigate the impact of any issues that may arise.

Conventions used in this report

Throughout the report we have used a RAG 'traffic light' system to report progress:

- ★ means we have either achieved / exceeded, or expect to achieve what we set out to do;
- ◆ means we are behind schedule, but still expect to achieve or complete the measure / activity by year end;
- indicates that we have not achieved, or do not expect to achieve, the activity or target within the year;
- 🎯 indicates that data can only be reported at a single point of the year and progress cannot be tracked – e.g. GCSE results or the road condition survey, whilst;
- 🕒 indicates that quarterly data is unavailable when this report was published
- 🌊 indicates that a measure is not targeted and results are being recorded as a baseline for future monitoring.
- (E) indicates that an outturn is an estimate and will be confirmed during the year.

Where measures / activities are reported as 'red' or 'amber', an exception report provides (a) a description of why the measure / activity will not be achieved / completed, (b) the impact of not achieving, (c) the remedial action being taken to mitigate the impact of this as well as (d) the revised anticipated year end position (e) if any actions is required from Strategy Board.

In total, there are 28 key measures or activities which are appraised by the Executive through this reporting mechanism. In the report, these are aligned to the strategic priorities laid out in the Council Strategy.

The main body of the report presents these in more detail. Along with a description of the measure, the table also provides:

- *Column 1:* a reference code
- *Column 2:* the title of the measures
- *Column 3-6* previous years' outturns and comparative performance

- *Column 7:* the current year's target.
- *Columns 8-11:* quarterly outturns and RAG ratings.
- *Column 12:* and supporting commentary or volume data.

Comparative outturns

To complement monitoring progress in absolute terms, an indication of our comparative standing is provided. This will only relate to standardised, nationally reported measures and by default the data is compared to England as a whole. Outturns are presented in relation to quartiles, although in some cases it should be noted that a direct, national comparison is not possible as the measure is locally defined and monitored.

Because of the timescales involved in compiling, validating and publishing relative performance statistics, these are usually available 6-12 months in arrears. As such, the data we are able to use to compare our relative performance, will ordinarily relate to the previous year.

Summary of Performance

Across this reporting framework as a whole, 28 key accountable measures and activities are captured in total.

Education operates on an academic year basis and their service plan covers the academic year ending September 2015. A suite of key accountable measures, relating to attainment in this period, are included in this basket of measures.

Highways and Transport report on the 'percentage of work orders of permanent pothole repairs' a quarter in arrears and reported 'green' for quarter 3.

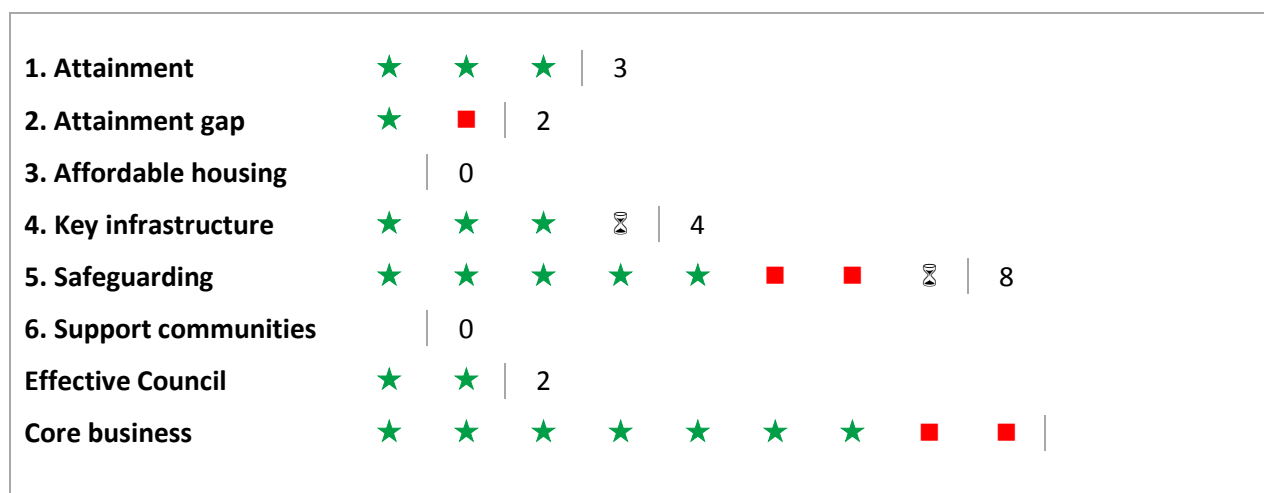
Of the 28 reported measures, outturns are available for 26. Those not reported are comprised of, 1 which is reported a quarter in arrears and 1 which was unavailable at the time of publication. Therefore, of the measures reported:

- 21 (81%) are reported as 'green' – or are on track to be delivered / achieved by year end.
- 5 (19%) is reported as 'red' - not achieved, or do not expect to achieve, the activity or target within the year

The summary table below shows year end outturns by directorate.

Overview of performance outturns	2012/13	2013/14	2014/15	2015/16 (Year end)			
	YE	YE	YE	Overall	Comm	Env	Res
Green	45	36	40	21	15	4	2
Amber	0	1	0	0	0	0	0
Red	3	9	11	5	5	0	0
<i>Annual (yet to be reported)</i>	0	1	0	0	0	0	0
<i>Baseline (yet to be targeted)</i>	-	-		0	0	0	0
<i>Unavailable at time of publication</i>	1	0	1	2	1	1	0
Total	49	47	52	28	21	5	2

This graph summarises the same data against the council's priorities.



★ On track / achieved ◆ Behind schedule ■ Unachievable 🎯 Annual ⌚ Data not available 〰 Baseline

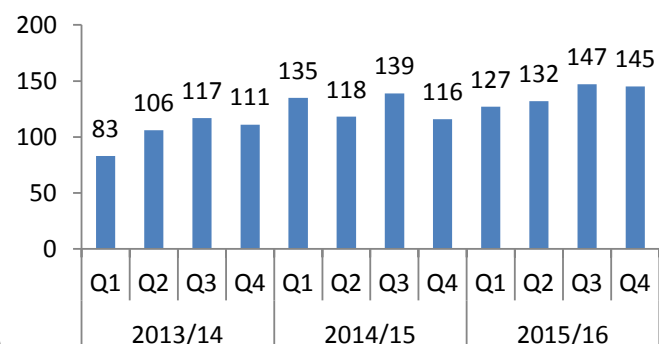
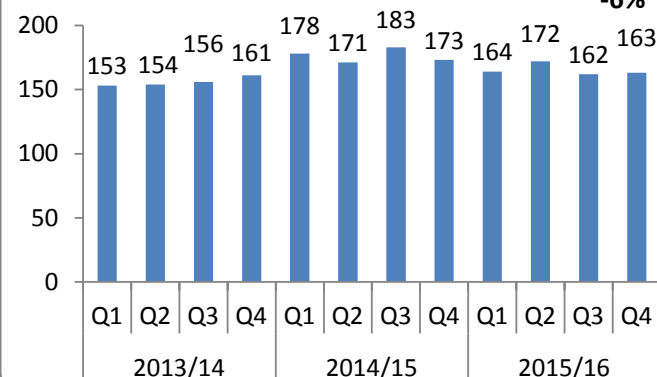
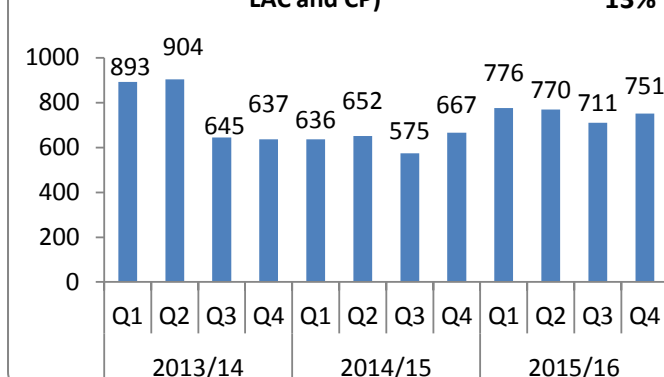
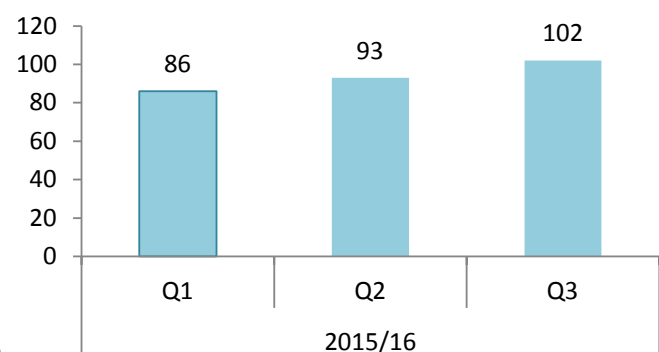
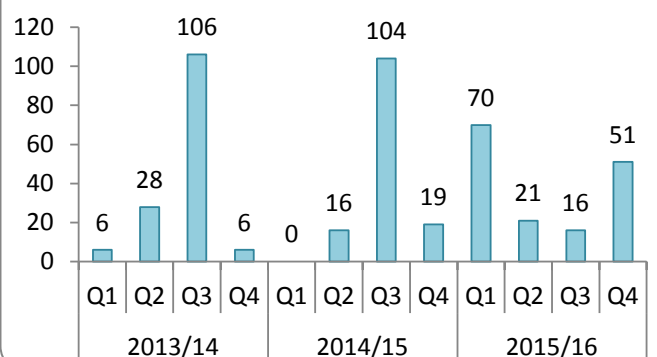
The 5 measures reported as 'red', are listed below. (For more information on each of these measures, including detailed outturns, commentary and exception reports – please consult the main body of this report:

List of reported 'red' measures / activities	Target	Q1 outturn	Q2 outturn	Q3 outturn	YE outturn
Priority 5. Good at Safeguarding children and vulnerable adults					
1. To maintain a high percentage of (single) assessments being completed within 45 working day	>=90%	◆ 71.2%	◆ 79.7%	■ 79.1%	■ 82.5%
2. % of Leaving Care Clients with Pathway Plans	100%	◆ 79.9%	◆ 89.0%	◆ 99.0%	■ 96.7%
Close the educational attainment gap					
3. Reduce the attainment gap at GCSE (5A*-C including English and Maths) between disadvantaged and other pupils	30ppt AY 2014/15	🎯	🎯	🎯	■ 34.7ppt
Core Business					
4. Decrease the level of delayed transfers of care (DTC) from hospital and those attributable to social care from acute and non-acute settings (ASCOF 2C Part 2)	4	★ 3.3	◆ 4.7	◆ 4.8	■ 6.4
5. Proportion of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services (small cohort)	92%	★ 92.9%	◆ 90.4%	◆ 88.7%	■ 79.1%

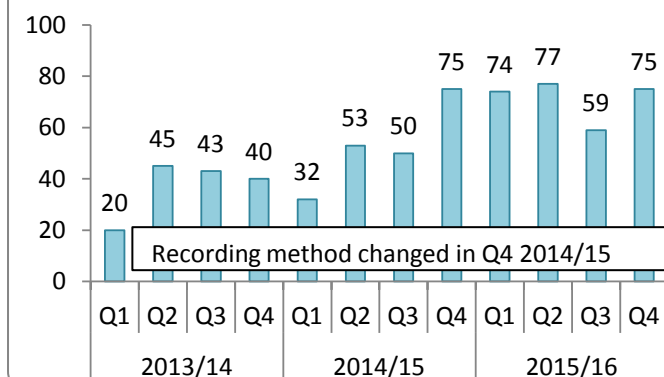
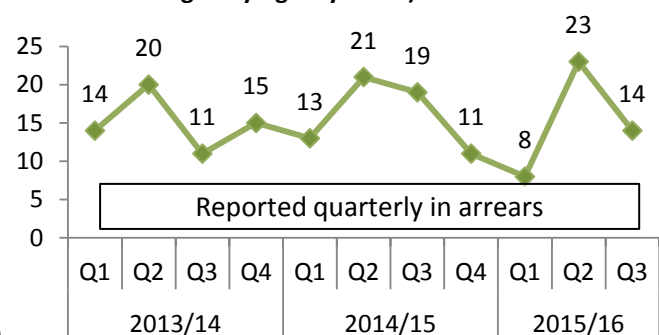
Key accountable measures and activities 2015/16

Year end

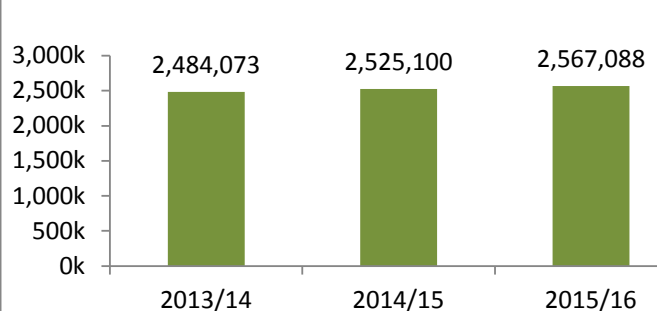
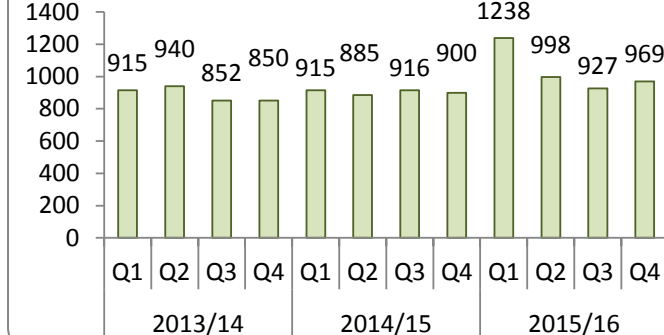
Contextual and volume measures

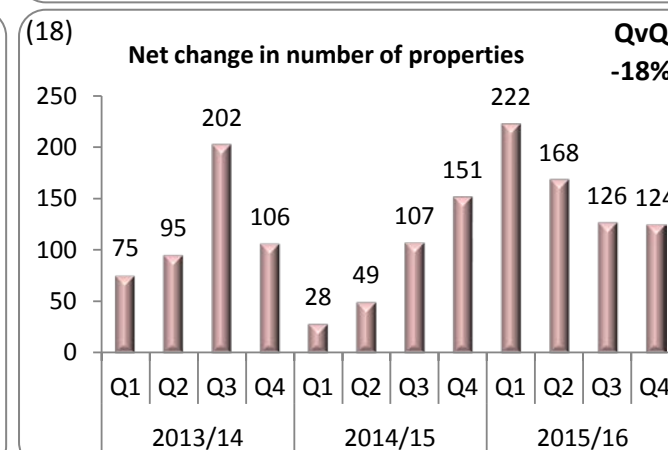
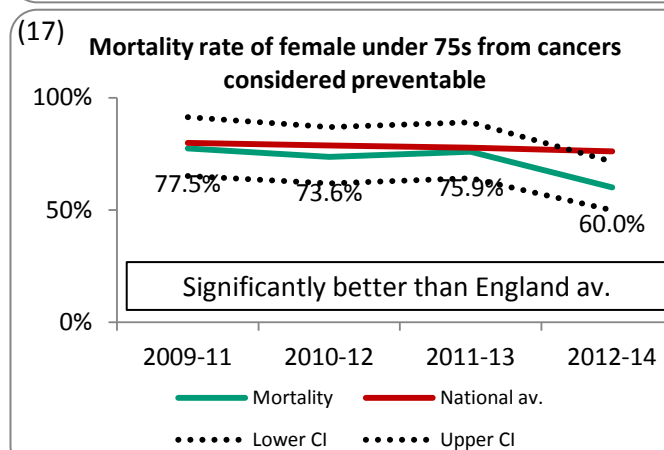
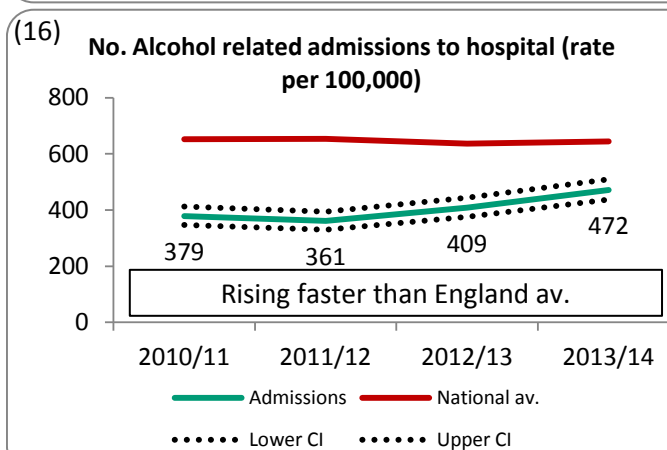
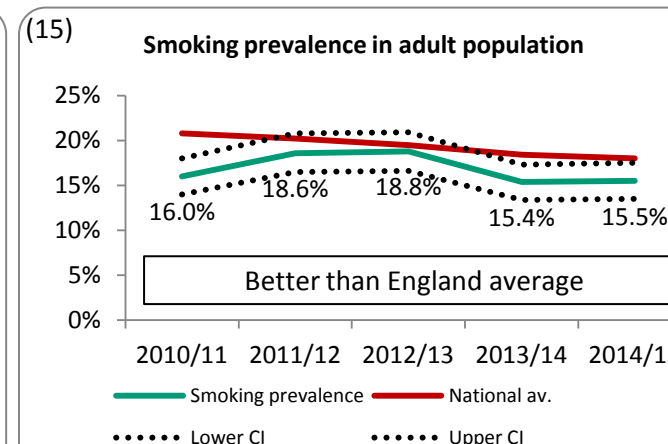
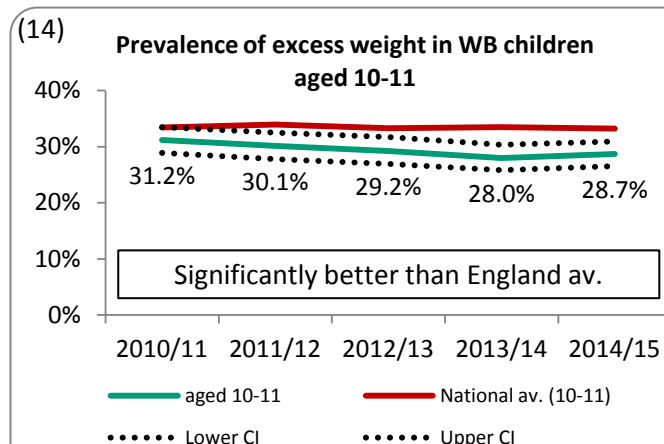
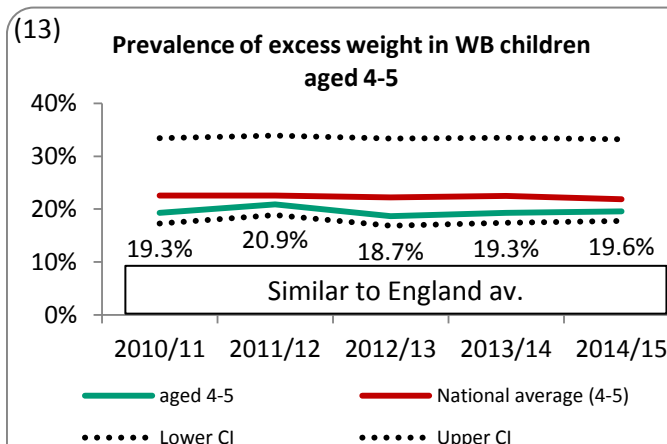
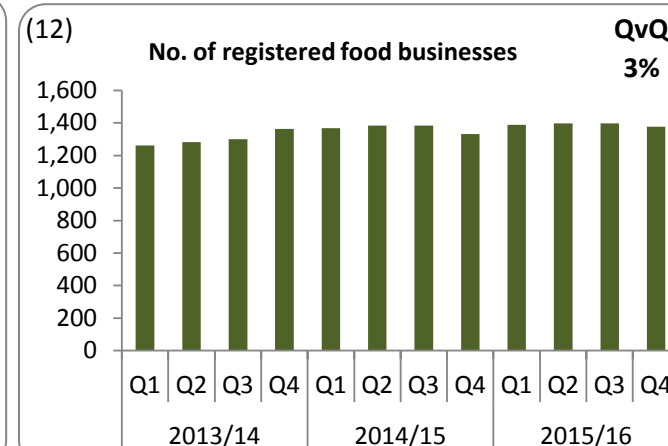
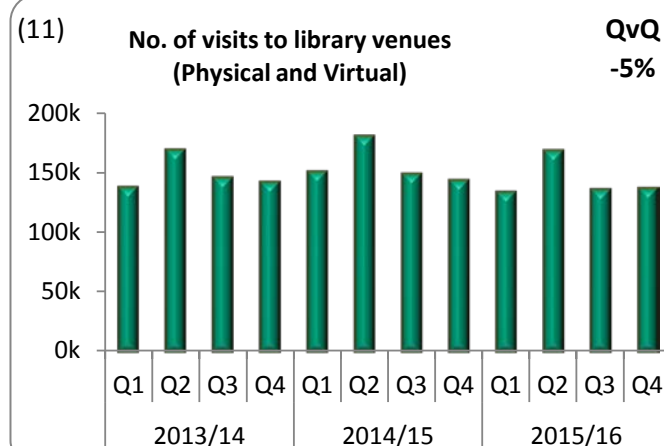
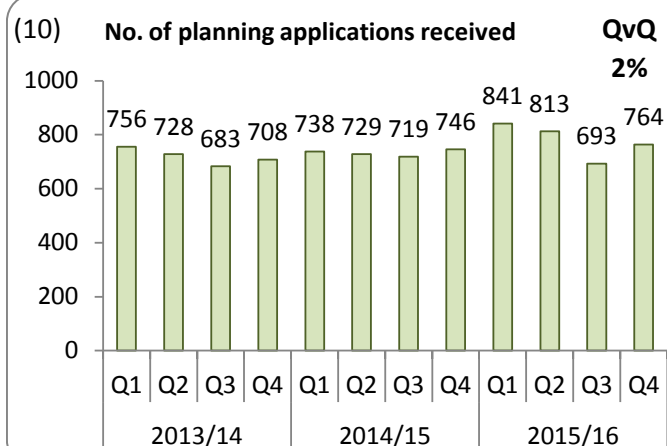
(1) No. of Children subject to Child Protection (CP) Plans **QvQ 25%**(2) No. of Looked After Children (LAC) cases **QvQ -6%**(3) No. of Children in Need (excluding LAC and CP) **QvQ 13%**(4) No. of Carers receiving an assessment against eligibility **New**(5) No. of affordable housing completions **QvQ 168%**

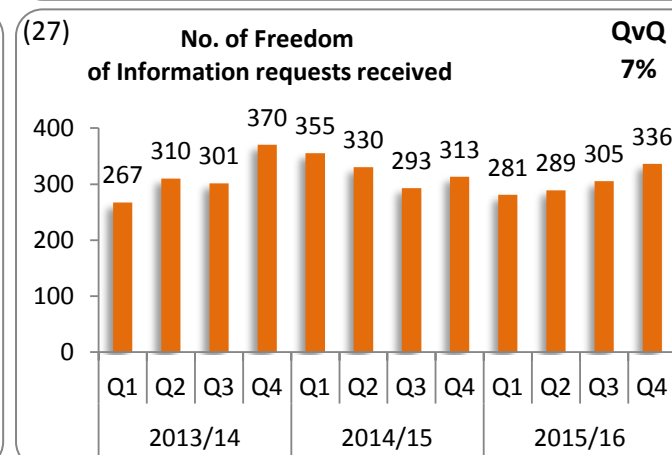
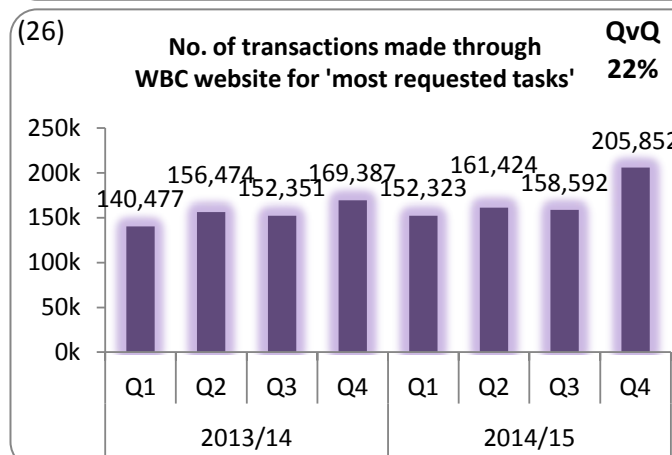
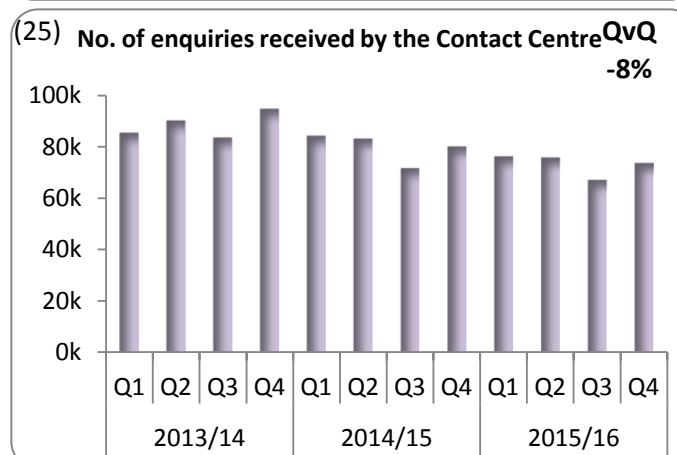
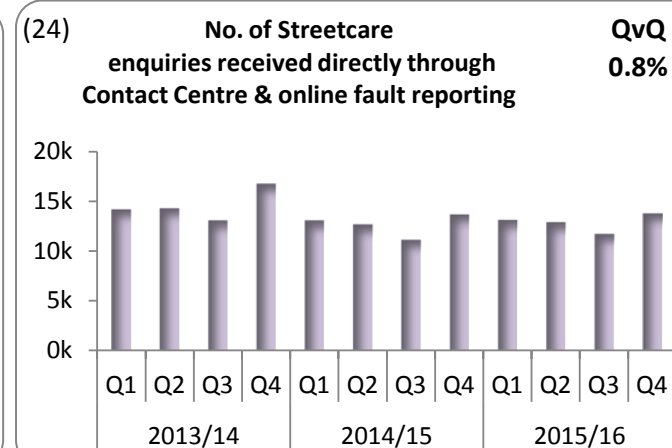
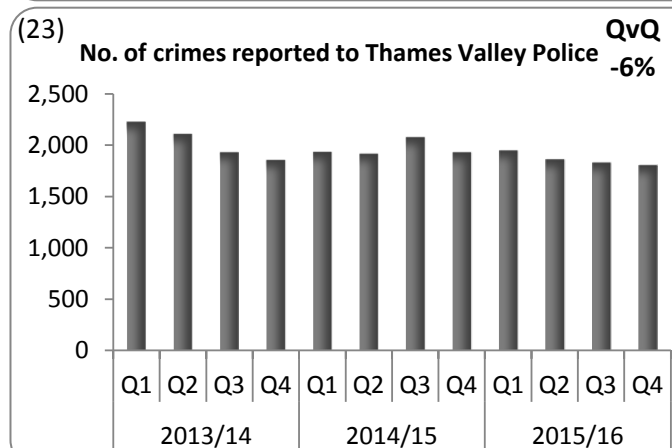
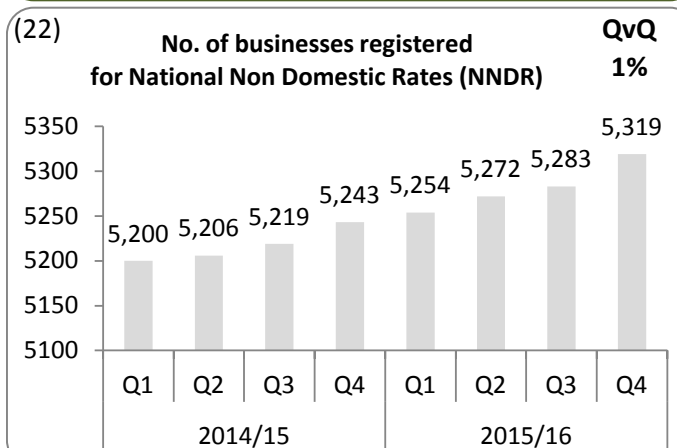
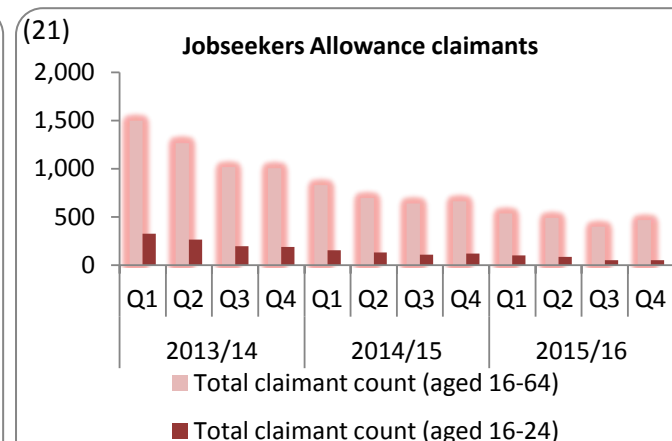
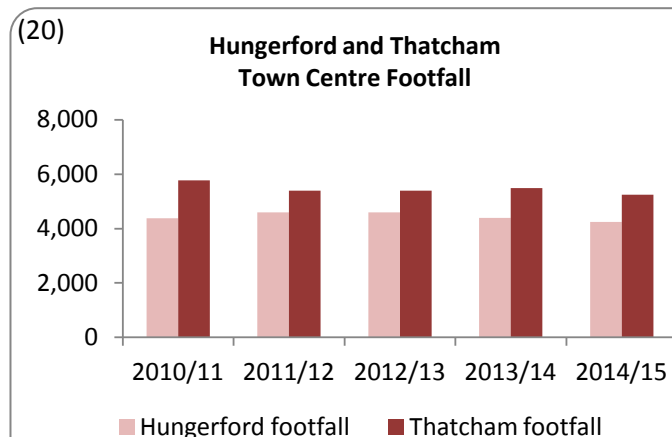
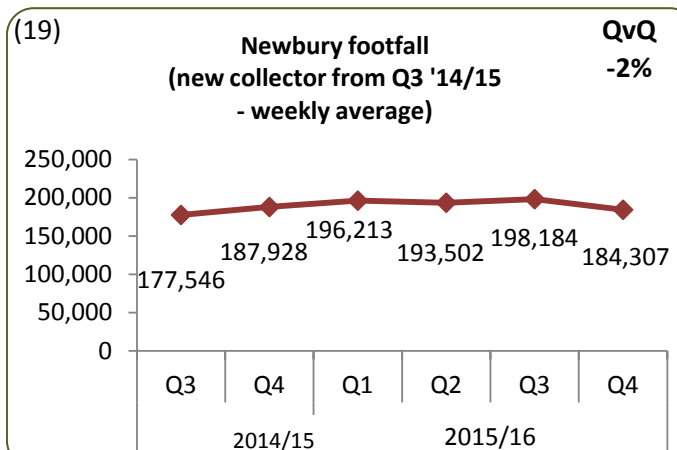
(6) No. of adult safeguarding enquiries opened

(7) No. of people killed or seriously injured on roads in West Berkshire (incl. Highway Agency roads) **QvQ -26%**

(8) No. of bus passenger journeys commencing in West Berkshire

(9) No. of all applications received in Planning (Plan apps, TPOs, Pre-apps, Prior approvals etc) **QvQ 8%**





Key accountable measures and activities 2015/16

Year end

Exception reports

Key accountable measures and activities 2015/16

Year end

Performance outturns by strategic priority

2015/16 West Berkshire Council Key Accountable Measures Performance Report - Quarter three

Ref:	Measure / activity	National Rank / Quartile 2012/13	2013/14 Year end outturn	National Rank / Quartile 2013/14	2014/15 Year end outturn	2015/16 target	Q1 RAG / outturn	Q2 (YTD) RAG / outturn	Q3 (YTD) RAG / outturn	Year end (YTD) RAG / outturn	Q4 Supporting commentary
Priority 1. Improve educational attainment											
BEC1ed03	The number of schools judged good or better by Ofsted under the new Framework (harder test)	-	-	-	63	63	★ 67	★ 67	★ 67	★ 68	
BEC1eday08	KS2: Prop'n pupils achieving at least level 4 in Reading, Writing and Maths	3rd	77% 2012/13 AY	2nd	82% 2013/14 AY	AY 2014/15 82%	🕒 Annual	🕒 Annual	★ 82%	★ 82%	Reported in Q3
BEC1eday09	KS4: Proportion pupils gaining 5+ A*-C at GCSE including English and Maths - First attempt results (maintained and Acad)	2nd	66% 2012/13 AY	1st	64% 2013/14 AY	AY 2014/15 61%	🕒 Annual	🕒 Annual	★ 62%	★ 62%	Reported in Q3
Priority 2. Close the educational attainment gap											
BEC2eday19	Reduce the attainment gap at KS2 (level 4+ Reading Writing Maths combined) between disadvantaged and other pupils.	-	-	-	23.4 pp 2013/14 AY	AY 2014/15 22pp	🕒 Annual	🕒 Annual	🕒 Annual	★ 18pp	
BEC2eday19	Reduce the attainment gap at GCSE (5A*-C including English and Maths) between disadvantaged and other pupils	-	-	-	33.4pp 2013/14 AY	AY 2014/15 30pp	🕒 Annual	🕒 Annual	🕒 Annual	■ 34.7pp	See exception report for details.
Priority 3. Enable the completion of more affordable housing											
Priority 4. Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy											
SLE2ht03	Ensure that no more than 5% of the principal road network (A roads) is in need of repair	50/143 2nd	3%	-	3%	5%	🕒 Annual	🕒 Annual	🕒 Annual	★ 2.%	
SLE2ht06	Aim to complete at least 75% of all works orders for permanent pothole (PPR) and permanent carriageway repairs (PCR) within 28 days of the order date.	-	(267/330) 81%	-	(413/610) 68%	75%	★ 100%	★ 99.7%	★ 99.6%	⌘ dna	Reported quarterly in arrears. Q2 figure has been updated. Q3 YTD = 1769/1776 (99.6%)
SLE2ht11	Completion of at least 90% of the flood prevention and drainage improvement schemes listed in the capital programme.	-	-	-	(25/25) 100%	90%	★ 9.5%	★ 33.3%	★ 85.7%	★ 100.%	Q4: 21 / 21
SLE2ict04	Increase nos of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above	-	41,287 (60.0%)	-	-	83%	★ 79%	★ 85%	★ 83%	★ 83%	
Priority 5. Good at safeguarding children and vulnerable adults											
P&S1c&f07	To maintain a high percentage of (single) assessments being completed within 45 working days	Local	New	Local	70%	>=90%	◆ 71.2%	◆ 79.7%	■ 79.1%	■ 82.5%	Q4: 1251 / 1517 See exception report for details.
P&S1c&f08	ICPCs (Initial Child Protection Conferences) held within 15 days of S47 (child protection) enquiry (year to date)	3rd	81%	dna	77%	>=90%	★ 97.4%	★ 97.2%	★ 96.2%	★ 95.3%	Q4: 243 / 255
P&S1c&f10	Child Protection Reviews - held on time (snapshot)	1st	93%	4th	100%	>=95%	★ 100.%	★ 97.6%	★ 98.9%	★ 97.9%	Q4: 92 / 94
P&S1c&f11	To increase the percentage of children subject to a CP Plan that have received a visit within the past 10 working days	-	-	-	84%	>=95%	◆ 84.1%	◆ 84.6%	★ 95.9%	★ 94.5%	Q4: 137 / 145
P&S1c&f14	The number of weeks taken to conclude care proceedings (children social care)	-	-	-	31	<=26 weeks	◆ 27	★ 24	★ 24	⌘ dna	Data not available at time of publication of this report.
P&S1c&f17	Percentage of LAC with Health Assessments on time	-	-	-	63%	>=90%	◆ 50.8%	◆ 72.7%	★ 93.%	★ 97.6%	Q4: 122 / 125

2015/16 West Berkshire Council Key Accountable Measures Performance Report - Quarter three

Ref:	Measure / activity	National Rank / Quartile 2012/13	2013/14 Year end outturn	National Rank / Quartile 2013/14	2014/15 Year end outturn	2015/16 target	Q1 RAG / outturn	Q2 (YTD) RAG / outturn	Q3 (YTD) RAG / outturn	Year end (YTD) RAG / outturn	Q4 Supporting commentary
P&S1c&f21	% of Leaving Care Clients with Pathway Plans	-	-	-	100%	100%	79.%	89.0%	99.0%	96.7%	Q4: 88 / 91 See exception report for details.
P&S1asc03	Maintain % of safeguarding concerns responded to within 24 hours.	-	87%	-	91%	92%	92.2%	95.1%	92.6%	94.4%	Q4: 135 / 143
Priority 6. Support communities to do more to help themselves											
PLACEHOLDER - additional measure to be confirmed for supporting communities approach linked to Health Visiting and School Nurses services from 2016/17											
Become a More effective council											
OP1asc06	Implement first phase of health and social care integration programme under the Better Care Fund framework.	.	.	.	-	Completed by March 2016	On track	On track	On track	Complete	
OP3asc17	A new way of delivering adult social care (change programme) will be completed by May 2016	-	-	-	-	Completed by May 2016	On track	On track	On track	On track	
Core Business											
OP2asc13	Proportion of clients with Long Term Support (LTS) receiving a review in the past 12 months	-	-	-	62%	90%	61.6%	63.9%	74.0%	95.1%	Q4: 1129 / 1187
OP3asc14	Decrease the level of delayed transfers of care (DTOC) from hospital and those attributable to social care from acute and non-acute settings (ASCOF 2C Part 2)	138 / 141 4th	9	-	5	4	3.3	4.7	4.8	6.4	See exception report for details. * DTOC is a snapshot count of the number of patients (per 100,000 aged 18+) delayed at midnight on the last Thursday of a reporting period (a calendar month). This number is attributable to social care services only (ie. excluding Health services). Data is reported by NHS England a month and a half in arrears - reporting February YTD figures at year end.
OP3asc15	Proportion of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services	-	-	-	93%	92%	92.9%	90.4%	88.7%	79.1%	Q4: 53 / 67 Moving forward this indicator is no longer linked to the strategic priority of making safeguarding good. It is not a service that is as a result of safeguarding processes and / or specific to safeguarding actions; and is in relation to working with relevant people (65+) to maximise their independence through effective reablement to support them to remain at home – this can apply to any vulnerable individual that social care work with, it does not mean that they are subject to safeguarding processes. See exception report for details.

2015/16 West Berkshire Council Key Accountable Measures Performance Report - Quarter three

Ref:	Measure / activity	National Rank / Quartile 2012/13	2013/14 Year end outturn	National Rank / Quartile 2013/14	2014/15 Year end outturn	2015/16 target	Q1 RAG / outturn	Q2 (YTD) RAG / outturn	Q3 (YTD) RAG / outturn	Year end (YTD) RAG / outturn	Q4 Supporting commentary
CBO1cchs08	Ensure % of claims for Local Welfare Provision are processed within 10 working days	-	95%	-	97%	95%	★ 97.0%	★ 98%	★ 99.0%	★ 99.2%	Q4: 60 / 60 YE: 263 / 265
CBO1cchs09	Maintain % of benefits assessments within 3 weeks of referral from Children's Services	-	95%	-	96%	85%	★ 96.8%	★ 95.5%	★ 97.4%	★ 97.8%	Q4: 35 / 35 YE: 222 / 227
CBO1cchs11	Maintain % of claims for Discretionary Housing Payment, determined within 28 days following receipt of all relevant information	-	84%	-	86%	80%	★ 97.2%	★ 98%	★ 100%	★ 97.1%	Q4: 66 / 68
CBO1cep13	Maintain the proportion of household waste recycled/composted/reused/recovered (Local Indicator)	-	tbc	-	tbc	80%	★ 75.9%	★ 80.3%	★ 81.7%	★ 80.3% (E)	Q4: 14570 / 19256 YE: 66,417 / 82,749 This quarters result is an estimate based on partial availability of data and will not be finalised until the next quarter. This result is also subject to change once figures are validated and confirmed by DEFRA after quarter 4.
CBO3cep16	Maintain an acceptable level of litter, detritus and graffiti (as outlined in the Keep Britain Tidy local environmental indicators).	-	Good	-	Satisfactory	Good	🕒 dna	★ Good	★ Good	★ Good	
CEO5	Milestone: confirm plans regarding LGA review	-	-	-	-	Mar-16	🎯 Annual	★ Complete	★ Complete	★ Complete	

End of report

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Superfast Berkshire Phase 3

Committee considering report:	Executive on 28 July 2016
Portfolio Member:	Councillor Dominic Boeck
Date Portfolio Member agreed report:	7 July 2016
Report Author:	Kevin Griffin
Forward Plan Ref:	EX3159

1. Purpose of the Report

- 1.1 To outline the progress made by the Superfast Berkshire project and to make a recommendation for a new phase of the project (Intervention Phase 3).
- 1.2 This report is based upon recommendations previously endorsed by the Superfast Berkshire Project Board (03/05/2016 and 25/05/2016), Berkshire Chief Executives Group (12/05/2016), Berkshire Leaders (23/05/2016), Thames Valley Berkshire LEP Forum (20/05/2016) and the LEP Executive (12/04/2016).

2. Recommendations

- 2.1 The recommendations to Executive are as follows

- (1) That the circa £2.5m of underspend and gainshare funding from intervention phase 1 of the Superfast Berkshire project and the unspent phase 2 funds from Reading and Wokingham (including LEP contribution) be invested into a procurement for a Superfast Berkshire Phase 3.

The objective of this new phase is to get all Berkshire unitary districts to as close to 100% superfast broadband coverage as possible by the end of 2018. At the very least we should assist all districts in getting to 97% superfast broadband coverage.

- (2) That West Berkshire Council continues to act as the lead authority, for this successful project, both for this new procurement and for overseeing delivery of the existing and new phases of the project.
- (3) That we continue using the governance arrangements, which were set up for phase 1 of the project. (Subject to the proposed updates to the Collaboration Agreement being completed).
- (4) That project resource costs be divided equally across all 7 project participants.

3. Implications

- | | | |
|-----|------------------------|--|
| 3.1 | Financial | <p>Phase 3 of the project will reinvest under spend from phase 1 of the project and gainshare from the higher than expected take-up of broadband by consumers. This will total around £2.5m. A further investment of around £1m will be made by Reading and Wokingham using unspent funds from phase 2 of the project.</p> <p>The project is to be underwritten by a Growing Places Fund loan of up to £1.8m from the Thames Valley Berkshire LEP, which will allow the project to be funded until BT releases gainshare and project underspend in 2023.</p> |
| 3.2 | Policy | None |
| 3.3 | Personnel | <p>The project is managed by a contracted Project Manager, Colin Batchelor and Project Administrator, Sarah Moxon.</p> <p>Specialist assurance, financial, legal and technical resources drawn from the Berkshire local authorities (mainly West Berkshire) are also used to support the project.</p> |
| 3.4 | Legal | <p>Governance for the project, which has been running since 2011, is well established and effective. A collaboration agreement exists between the 6 Berkshire unitaries and the LEP.</p> <p>Legal support and advice is provided by the West Berkshire Legal team and by experts from Broadband Delivery UK (BDUK).</p> <p>The project is bound by EU procurement and State Aid rules and by processes and procedures developed by BDUK.</p> |
| 3.5 | Risk Management | <p>Risk is managed using the West Berkshire Council risk management methodology.</p> <p>The Berkshire Councils Broadband Collaboration Agreement defines liabilities, immunity and indemnity for the project</p> |
| 3.6 | Property | None |
| 3.7 | Other | None |

4. Other options considered

- 4.1 To accept an “Accelerated Gainshare” offer from BT whereby the £2.5m project underspend and gainshare is reinvested with BT under project change control. The Superfast Berkshire Project Board believes that procuring phase 3 in the open market will provide better technical solutions and better value-for-money than accepting BT’s offer (Of course BT is free to bid competitively for this work).
- 4.2 That West Berkshire Council hand over responsibility to another Berkshire authority after completion of phase 2 of the project since it does not benefit directly in terms of increased broadband coverage from phase 3.

However this project is an excellent example of how the 6 Berkshire authorities can work together and it is considered that West Berkshire Council should continue to use the knowledge and expertise it has built up to lead this project to its conclusion. The collaborative working and the infrastructure improvements brought by this project will continue to bring benefit to all project participants.

5. Executive Summary

- 5.1 Superfast Berkshire is a pan-Berkshire project, which began in 2011, led by West Berkshire. It involves all 6 Berkshire Unitary Councils and the Thames Valley Berkshire Local Enterprise Partnership (LEP) who have collectively with Broadband Delivery UK (BDUK) invested around £10m of public subsidy into improving Berkshire's superfast broadband coverage in areas deemed commercially non viable during the broadband market provision (Phase 0)
- 5.2 So far there have been 2 intervention phases to the project which will have, by the end of 2017, helped deliver superfast broadband to 33,027 additional premises in Berkshire.
- 5.3 There is around £3.5m funding available to invest in a new phase of the project (Phase 3) to further increase Berkshire's superfast broadband coverage to between 97% and 100%. This funding comprises;
- Phase 1 gainshare: £816k (and likely to increase)
 - Phase 1 project underspend: £1m+
 - Phase 1 unused basic broadband funding: £623k+
 - Unspent Phase 2 funding from Reading: £383k
 - Unspent Phase 2 funding from Wokingham: £615k

6. Conclusion

- 6.1 Under the leadership of West Berkshire Council the Superfast Berkshire project has been very successful. By the end of 2017, it will have helped deliver superfast broadband to 33,027 additional premises in Berkshire taking superfast broadband coverage from 87.0% to 95.6%.
- 6.2 The frequent enquiries from those individuals and communities that still do not have access to superfast broadband proves that access to good broadband are seen as a key element of modern life.
- 6.3 The project underspend and gainshare funding gives us the opportunity to fill in the remaining gaps in Berkshire's superfast broadband coverage.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equality Impact Assessment – Stage One
- 7.3 Appendix C1 – Superfast Berkshire Phase 3 Procurement Lots (Rural)
- 7.4 Appendix C2 – Superfast Berkshire Phase 3 Procurement Lots (Urban)
- 7.5 Appendix D – Superfast Berkshire Phase 3 Procurement Activities

Superfast Berkshire Phase 3 – Supporting Information

1. Purpose of Report

- 1.1 To outline the progress made by the Superfast Berkshire project and to make recommendation for the next phase of the project (Intervention Phase 3).
- 1.2 This report is based upon recommendations previously endorsed by the Superfast Berkshire Project Board (03/05/2016 and 25/05/2016), Berkshire Chief Executives Group (12/05/2016), Berkshire Leaders (23/05/2016), Thames Valley Berkshire LEP Forum (20/05/2016) and the LEP Executive (12/04/2016).

2. Introduction/Background

- 2.1 Berkshire broadband improvement initiative began in 2011 when the Government established a national programme to address the gap in broadband coverage (known as the intervention area) that remained after providers had completed their commercial deployments. The target was to achieve 90% Superfast Broadband (24Mbit/s or above) coverage by the end of 2015 and to provide basic broadband (2Mbit/s or above) to all premises in the same timeframe.
- 2.2 To achieve these targets the Government announced £530m of state aid funding, awarded to local bodies on a matched funding basis, and established a new organisation; Broadband Delivery UK (BDUK) to oversee the various projects and to provide the necessary legal and operational governance.
- 2.3 Subsequently, in February 2014, the Government announced additional funding of £250m to increase national superfast broadband coverage to 95% by the end of 2017 (Phase 2 of the Programme).

3. Berkshire's Project "Superfast Berkshire"

- 3.1 Superfast Berkshire is a pan-Berkshire project, led by West Berkshire and involves all 6 Berkshire Unitary Councils and the Thames Valley Berkshire Local Enterprise Partnership (LEP).
- 3.2 Phase 1 of the project saw £4.61m of public funds invested in Berkshire's broadband via a BDUK procurement framework contract with BT. This phase increased Berkshire's superfast coverage from 87% to 92%, bringing superfast broadband to an additional 18,500 premises.
- 3.3 Phase 2 of the project saw a further £5.15m of public funds invested in Berkshire's broadband. This phase was procured through an open market competition, rather than using BDUK's framework. The procurement was undertaken in 'lots', with each lot considering the different requirements and priorities and the available funding of each participating district. West Berkshire Council's area was further sub-divided into four separate lots.

- 3.4 Bracknell Forest and Slough didn't participate in phase 2 of the project on the basis that their superfast coverage was already above the 95% target and that they had other priorities for capital expenditure.
- 3.5 The phase 2 procurement resulted in the selection of suitable bids for each participating council, but due to some issues regarding the technical design and gaining state aid approval we were unable to sign the contracts for Reading or for Wokingham.
- 3.6 The table below shows the capital investment made by the various participants of the project over the first two phases of the project and the broadband uplift achieved in each Berkshire district during these phases.

Project Participant	Investment		Superfast Coverage		
	Phase 1	Phase 2	Start	Phase 1 End	Phase 2 End
Bracknell Forest	£197,424	£0	94.9%	96.0%	96.0%
Reading	*1 £72,186	£191,250	93.6%	97.2%	97.2 % (99.4%)
Slough	£198,814	£0	94.2%	95.8%	95.8%
West Berkshire	£610,019	£1,475,000	65.2%	83.0%	100.0%
Windsor and Maidenhead	£484,060	£163,750	87.8%	89.9%	92.7%
Wokingham	£217,496	£243,000	90.4%	91.8%	91.8% (96.8%)
LEP	£300,000	£500,000	-	-	-
BDUK	£2,030,000	£2,573,000	-	-	-
Total:	£4,609,767	£5,147,000	87.0%	92.0%	95.6% (96.9%)

*1 Reading's Phase 1 contribution included £50k of revenue funding.

* Bracketed Phase 2 figures show anticipated superfast coverage if Callflow contracts had been awarded.

- 3.7 The broadband improvements shown above have been achieved with a phase 1 project under spend of around £1m (Exact figure to be confirmed at project closure). We also have remaining a provision for basic broadband upgrades of around £623k that will no longer be required.
- 3.8 During the first two phases of the project two significant developments have taken place to the benefit of the project;

(1) Broadband provider commercial activity

It is very apparent that broadband providers' appetite to invest in superfast broadband, particularly in areas previously deemed commercially non-viable, has increased considerably over the 3-year lifetime of the project.

Examples of commercial activities include;

- upgrades by Warwicknet in a number of Berkshire business parks (3 business parks upgraded up to 57 others proposed)
- upgrades by Hyperoptic in various apartment blocks in Reading with an interest in bringing broadband to 8,000 social and other housing in Reading and Slough
- an extension of Virgin Media's fibre network in Lambourn, West Berkshire.

(2) Phase 1 Gainshare

The Phase 1 (BDUK Framework) contract included within it a clawback mechanism regarding the state aid subsidy, whereby if customer take-up of the new superfast broadband service exceeded 20% over the life of our contract with BT, then BT is bound to refund money to the project in a gainshare arrangement.

As at May 2016 Berkshire's take-up of new broadband infrastructure stood at 30% giving us an entitlement of £816k of gainshare from BT to reinvest in further improvements. BT is not required to refund this gainshare until contract maturity in 2023, but has made Berkshire an "accelerated gainshare" offer on condition that this money is reinvested with BT.

The LEP has offered to provide the project with an interest free loan of up to £1.8m, using 'recycled' Growing Places Fund money in order to provide freedom and flexibility on how we invest the gainshare and BT underspend. This loan agreement will be between the LEP and the lead authority, West Berkshire Council.

This LEP loan would be repaid in 2023, at contract maturity, when BT repay us for their gainshare commitment and project underspend.

In the remote event that BT defaulted on its repayment the liability for repaying the LEP loan would be shared equally amongst the 7 participants of the project.

4. Superfast Berkshire Phase 3 Proposals

4.1 Facilitate Commercial Broadband Deployment

The project team will continue to facilitate the commercial deployment of broadband improvements by engaging with broadband service providers. This will reduce the size of our intervention area and the amount of public subsidy needed to address it.

4.2 Reinvest Available Funding

It is estimated that the Superfast Berkshire project has around £2.5m to invest/reinvest in a new, likely final, phase of the project. This funding comprises;

- Gainshare: £816k and likely to continue to grow
- Project underspend: £1m+
- Unused basic broadband funding: £623k+

In addition unspent phase 2 funding, from Reading (£383k) and Wokingham (£615k), is available to invest into phase 3. This will help these two districts realise the improvements originally planned for phase 2 that we were unable to deliver because of state aid difficulties that prevented these contracts being approved by BDUK.

The gainshare element of this funding and BT's share of the project underspend will be underwritten by the Growing Places Fund loan from the LEP described above.

4.3 Improvement Targets

Superfast Berkshire Phase 3 is designed to get all Berkshire districts to at least 97% superfast coverage and then to as near to 100% coverage by the end of 2018.

4.4 Procurement Approach

The procurement approach adopted for phase 2 of the project was successful both in securing good superfast coverage and achieving good value for money. Consequently we propose to adopt a similar approach to our phase 3 procurement, where we will;

- Conduct an EU open market procurement adopting the Crown Commercial Services *Competitive Procedure with Negotiation* (CPN) methodology.
- Break our remaining broadband intervention area into procurement lots. Each lot will have an associated intervention area, funding quantum, local priorities (business parks, specific communities) and coverage uplift targets. Current analysis suggests that we should divide our intervention into up to 4 rural lots and up to 3 urban lots. These lot areas are illustrated on Berkshire maps in Appendices C1 and C2.

4.5 Funding Apportionment

The precise apportionment of funds across the proposed procurement lots will be decided and agreed after further analysis and after we've gauged the appetite of broadband providers from our early supplier engagement activities.

- 4.6 The table below illustrates our current prediction of how our investment will need be spent across the various Berkshire districts in order to reach our target superfast broadband coverage.

District	Unspent Phase 2 Investment	Benefitting Premises	Phase 3 Target Superfast Coverage			
			>97%		>99%+	
			Benefitting Premises	Estimated Subsidy Required	Benefitting Premises	Estimated Subsidy Required
Bracknell Forest	£0	0	495	£124k	986	£218k
Reading	£383k	1549	0	£0	94	£24k
Slough	£0	0	633	£158k	1353	£338k
West Berkshire	£0	0	0	£0	0	£0
Windsor & Maidenhead	£0	0	2832	£708k	1628	£407k
Wokingham	£615k	3253	145	£36k	1643	£411k

5. Project Activities

5.1 The procurement process will involve a number of stages dictated by state aid rules and public contracts regulations and will include;

- conducting an open market review (OMR)
- conducting a public consultation
- broadband supplier engagement
- preparing an OJEU contract notice
- preparing and issuing an invitation to tender (ITT)
- applying for state-aid approval

These activities will take place between May 2016 and April 2017 and are shown diagrammatically at Appendix D.

6. Resources

6.1 Throughout the various stages of Superfast Berkshire we have tried to run the project as leanly as possible, often using 'borrowed' resources from the various unitary councils (The majority of these from West Berkshire, the lead authority).

6.2 We have since May 2012 employed a full time project manager on the project (Colin Batchelor) and since October 2014 included a full-time project administrator (Sarah Moxon). This full time team is considerably smaller than most equivalent projects.

6.3 This report proposes that the resource costs associated with continuing to employ these project staff to deliver phase 3 should be divided equally across the 7 participating parties, as set out in the table below.

Participant	2016/17 ^{*1}	2017/18	2018/19 (If required)
Bracknell Forest ^{*2}	£24,286	£20,000	£20,000
LEP	£24,286	£20,000	£20,000
Reading	£24,286	£20,000	£20,000
Slough	£24,286	£20,000	£20,000
West Berkshire	£24,286	£20,000	£20,000
Windsor & Maidenhead	£24,286	£20,000	£20,000
Wokingham	£24,286	£20,000	£20,000
Total:	£170,000	£140,000	£140,000

^{*1} Please note the revenue quantum for 2016/17 is higher, at £170k, than other years in order to fund a data/GIS analyst for all the mapping/data analysis work required in preparing the OMR and ITT.

^{*2} Bracknell Forest has elected to fund its revenue contribution from the capital it has already contributed to the project. BDUK rules dictate that it will be necessary for the project to pay back to BDUK the matched funding contribution associated with this withdrawn capital. Therefore the quantum of capital associated with Bracknell Forest in phase 3 will be reduced by up to £128,572.

7. Governance

- 7.1 Governance arrangement set up for phase 1 of the project are set out in a document entitled “*Berkshire Councils Broadband Collaboration Agreement*”, dated 15th March 2013. This document was approved by the executive body of each participating partner to the project (The 6 Berkshire unitary councils and The Thames Valley Berkshire LEP) and signed and sealed by all parties.
- 7.2 It is proposed that we continue with this governance for the procurement of phase 3. However it is recommended that the narrative be amended/updated where appropriate and that the following schedules to this agreement be updated to reflect the current project position;
- Schedule A1 – Project Cost Sharing Scheme (Capital)
 - Schedule A2 – Project Cost Sharing Scheme (Revenue)
 - Schedule D1 – Project Board (Some names need updating)
 - Schedule D2 – Bid Evaluation Team (Some names need updating)

8. Conclusion

- 8.1 Under the leadership of West Berkshire Council the Superfast Berkshire project has been very successful. By the end of 2017, it will have helped deliver superfast broadband to 33,027 additional premises in Berkshire taking superfast broadband coverage from 87.0% to 95.6%.
- 8.2 Project underspend and gainshare funding provides the opportunity to conduct a project phase 3 to fill the remaining gaps in Berkshire's superfast coverage.
- 8.3 The frequent enquiries from those individuals and communities that still do not have access to superfast broadband proves that access to good broadband are seen as a key element of modern life.
- 8.4 Although West Berkshire has little to gain from phase 3 of the project, in terms of increased broadband coverage, it is considered that the continued collaborative working across the 6 Berkshire Districts will be beneficial in supporting shared service initiatives and future collaborative arrangements.

9. Consultation and Engagement

- 9.1 This following stakeholders have been consulted in the compilation of this report;

Organisations/Groups

- Superfast Berkshire Project Board
- Broadband Delivery UK (BDUK)
- Berkshire Chief Executives Group (BCEG)
- Berkshire Leaders Group
- TVB LEP Forum & Executive

Individuals

- Colin Batchelor (Superfast Berkshire Project Manager)
- Cllr Dominic Boeck
- Nick Carter
- Shiraz Sheikh

Recommendation

9.2 The recommendations of this report are as follows:

- (1) That the circa £2.5m of underspend and gainshare funding and the unspent phase 2 funds from Reading and Wokingham be invested into a procurement for a Superfast Berkshire Phase 3. The objective of this new phase is to get all Berkshire districts to as close to 100% superfast broadband coverage as possible by the end of 2018. At the very least we should assist all districts in getting to 97% superfast broadband coverage.
- (2) That West Berkshire Council continues to act as the lead authority, both for this new procurement and for overseeing delivery of the existing and new phases of the project.
- (3) That we continue using the governance arrangements which were set up for phase 1 of the project. (Subject to the proposed updates to the Collaboration Agreement being completed).
- (4) That project resource costs be divided equally across all 7 project participants.

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- ☒ **BEC – Better educated communities**
- ☒ **SLE – A stronger local economy**
- ☒ **HQL – Maintain a high quality of life within our communities**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- ☒ **SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**

Officer details:

Name: Kevin Griffin
 Job Title: Head of ICT & Corporate Support
 Tel No: 01635 519292
 E-mail Address: kevin.griffin@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Procurement Activity
Version and release date of item (if applicable):	
Owner of item being assessed:	Nick Carter (Project Sponsor)
Name of assessor:	Kevin Griffin
Date of assessment:	06/06/2016

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	Improve Berkshire's superfast broadband coverage
Objectives:	Procure a contract for phase 3 of the Superfast Berkshire project.
Outcomes:	All Berkshire Districts to have superfast coverage of between 97% and 100% by end 2018.
Benefits:	Improved access to superfast broadband for all Berkshire communities, businesses and organisations.

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
All groups	Greater access to superfast broadband	Berkshire's superfast broadband coverage to be increased from 95.6% to between 97% and 100%.
Further Comments relating to the item:		

3. Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?

Yes/No

Please provide an explanation for your answer:

Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?

Yes/No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:

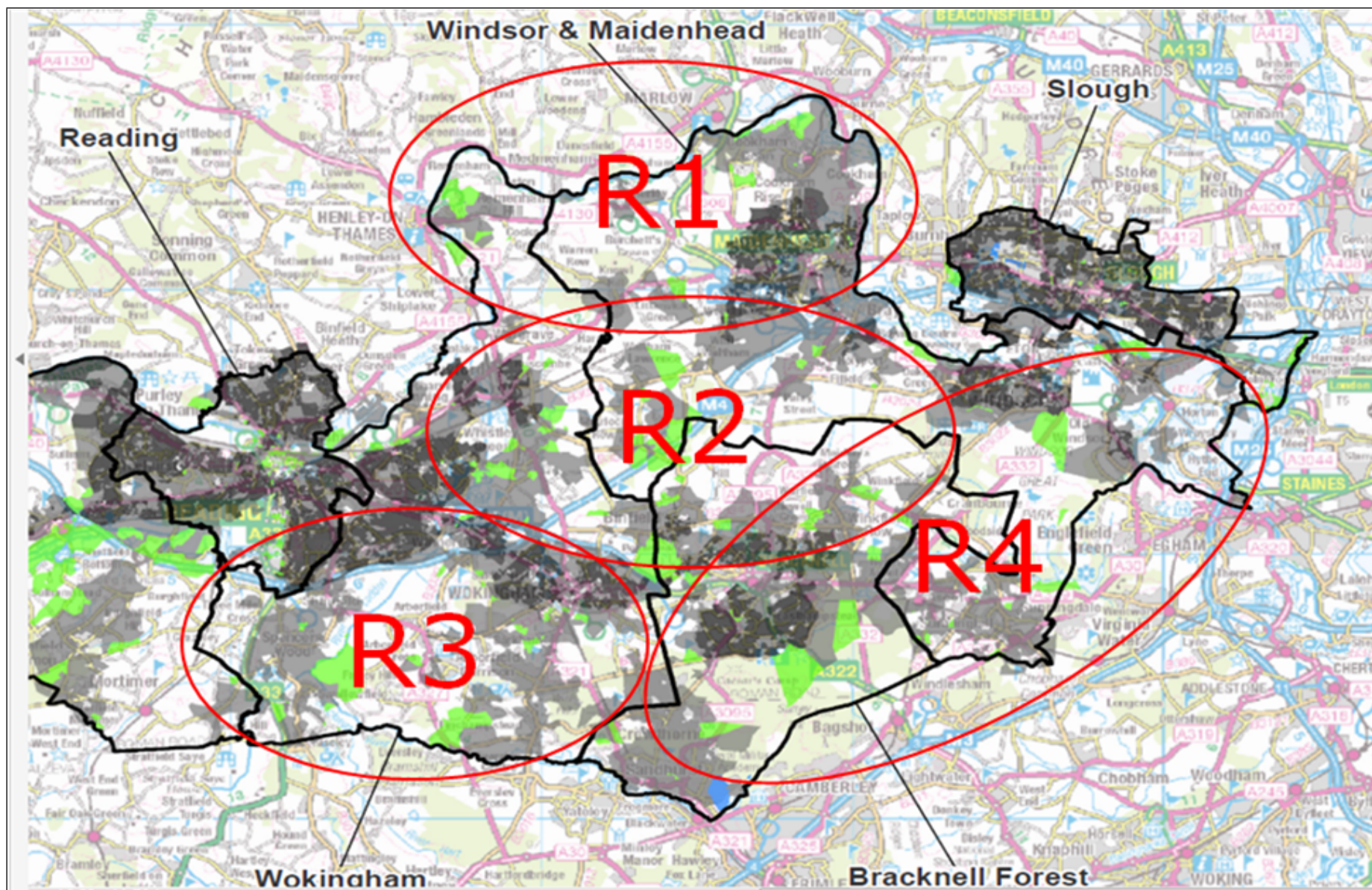
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	✓

Name: Kevin Griffin

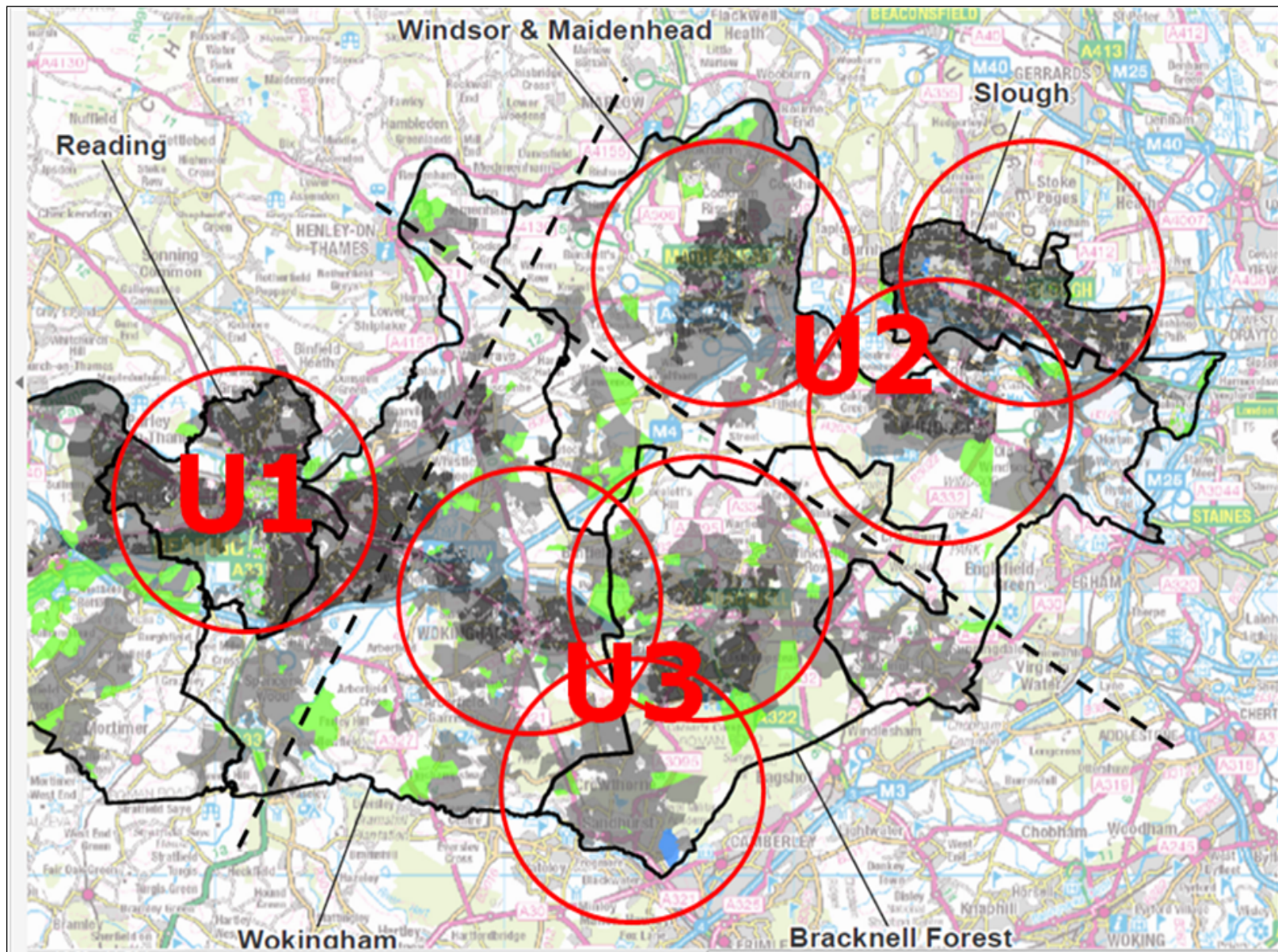
Date: 06/06/2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

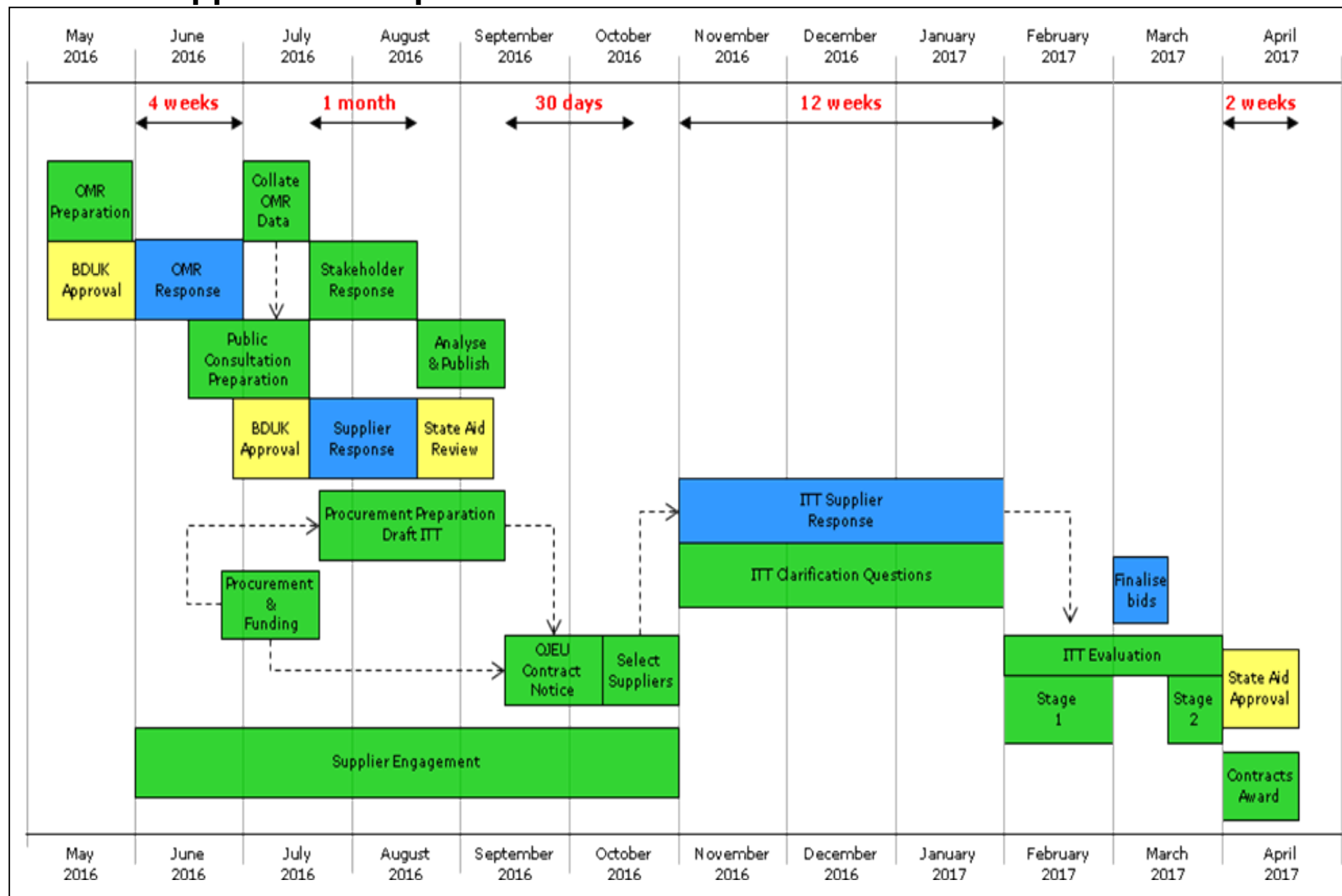
Appendix C1 Superfast Berkshire Phase 3 Procurement Lots (Rural)



Appendix C2 Superfast Berkshire Phase 3 Procurement Lots (Urban)



Appendix D Superfast Berkshire Phase 3 Procurement Activities



Approval to Consult on the Draft Temporary Accommodation Policy

Committee considering report: Executive on 28 July 2016

Portfolio Member: Councillor Hilary Cole

Date Portfolio Member agreed report: 7 July 2016

Report Author: Mel Brain

Forward Plan Ref: EX3165

1. Purpose of the Report

- 1.1 To seek approval from Executive to proceed with a consultation on the draft Temporary Accommodation Policy.

2. Recommendation

- 2.1 Executive to approve the publication of the draft Temporary Accommodation Policy for consultation.

3. Implications

- 3.1 **Financial:** The Policy sets out a procurement strategy for securing new temporary accommodation. This will require capital investment, however, each and every project would be subject to approval by Capital Strategy Group.
- 3.2 **Policy:** The Policy sets out the Council's approach to procuring sufficient temporary accommodation and details how units of temporary accommodation will be allocated to individual households.
- 3.3 **Personnel:** There are no personnel issues arising from this report.
- 3.4 **Legal:** The Court of Appeal, in the case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22, stated that local authorities should have a policy for procuring sufficient temporary accommodation to meet demand for the year and a policy for allocating such units to individual households. This policy has been drafted to meet this requirement.
- 3.5 **Risk Management:** The Council has duties to homeless households and whilst it has a small stock of temporary accommodation, this is insufficient to meet current demands. Families with children should not be placed in Bed & Breakfast for longer than 6 weeks but this is currently highly likely. This Policy sets out a clear Policy by which the Council seeks to mitigate the risk of breaching the 6-week rule.

3.6 **Property:** The Council owns a small stock of temporary accommodation and this Policy provides a strategy to increase this provision by acquiring new assets. Whilst capital investment would be required to procure the units, it is anticipated that ongoing repair and maintenance costs would be met from rental income.

3.7 **Other:** N/A

4. Other options considered

4.1 The Council could decide not to implement a Temporary Accommodation Policy. This could give rise to legal challenge if households are not allocated suitable accommodation under statutory homelessness duties.

5. Executive Summary

- 5.1 The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. In addition, the Court of Appeal stated that *“The question of whether the accommodation offered is “suitable” for the applicant and each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her household” (Para.27).*
- 5.2 The Court of Appeal went on to say that *“Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available” (Para. 39).*
- 5.3 This Policy has been developed to meet the requirements set out by the Court of Appeal. In summary, it provides:
- (1) The strategy for procuring new temporary accommodation to meet demands should include leasing properties from Registered Providers, securing new properties via planning obligations, purchasing back shares in DIYSO (do-it-yourself shared-ownership) properties as and when they become available, buying properties on the open market and reviewing existing temporary accommodation stock to ensure that its use is maximised.
 - (2) That when allocating units of temporary accommodation to individual households, the Housing Service will take account of the full circumstances of the household in relation to the financial, social and medical needs of the household and will prioritize families with the highest overall level of need for local placements, using the following cascade:
 - (a) Homeless households with dependent children in school years 11,12 and 13 who are preparing for, or who are in the process of, taking examinations.
 - (b) Homeless households who have at least one household member in employment within the district.
 - (c) All other homeless households with school age children.

- (d) All other homeless households

5.4 It is proposed that the draft policy be published on the Council's website for all members of the public to comment on. In addition, all residents currently in temporary accommodation will be contacted, in writing or by e-mail, asking them for their views, as will all statutory and voluntary stakeholders who have an interest in, or work with households affected by, homelessness. The proposed period of consultation is 6 weeks.

6. Conclusion

6.1 It is recommended that the Executive approve the publication of the draft Temporary Accommodation Strategy for consultation.

7. Appendices

7.1 Appendix A - Supporting Information

7.2 Appendix B – Equalities Impact Assessment

7.3 Appendix C – Draft Temporary Accommodation Strategy

Approval to Consult on the Draft Temporary Accommodation Policy – Supporting Information

1. Introduction/Background

- 1.1 The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. In addition, the Court of Appeal stated that *“The question of whether the accommodation offered is “suitable” for the applicant and each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her household” (Para.27).*
- 1.2 The Court of Appeal went on to say that *“Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available” (Para. 39).*

2. Supporting Information

- 2.1 This Policy has been developed to meet the requirements set out by the Court of Appeal. In summary, it provides:
- (1) The strategy for procuring new temporary accommodation to meet demands should include leasing properties from Registered Providers, securing new properties via planning obligations, purchasing back shares in DIYSO (do-it-yourself shared-ownership) properties as and when they become available, buying properties on the open market and reviewing existing temporary accommodation stock to ensure that its use is maximised.
- (2) That when allocating units of temporary accommodation to individual households, the Housing Service will take account of the full circumstances of the household in relation to the financial, social and medical needs of the household and will prioritize families with the highest overall level of need for local placements, using the following cascade:

- (a) Homeless households with dependent children in school years 11,12 and 13 who are preparing for, or who are in the process of, taking examinations.
- (b) Homeless households who have at least one household member in employment within the district.
- (c) All other homeless households with school age children.
- (d) All other homeless households

2.2 A copy of the draft Temporary Accommodation Policy is attached at Appendix Three.

3. Options for Consideration

3.1 The Council could decide not to implement a Temporary Accommodation Policy. This could give rise to legal challenge if households are not allocated suitable accommodation under statutory homelessness duties.

4. Proposals

4.1 It is proposed that the draft Temporary accommodation Policy be published for a 6-week consultation. The draft policy will be published on the Council's website for all members of the public to comment on. In addition, all residents currently in temporary accommodation will be contacted, in writing or by e-mail, asking them for their views, as will all statutory and voluntary stakeholders who have an interest in, or work with households affected by, homelessness.

5. Conclusion

5.1 It is recommended that the Executive approve the publication of the draft Temporary Accommodation Strategy for consultation.

Background Papers:

Housing Act 1996 (as amended)

Homelessness strategy 2013-2018

Housing Strategy 2010-2015

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

☒ **P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the above Council Strategy aim by ensuring that vulnerable homeless households are provided with appropriate temporary accommodation, in line with statutory duties.

Officer details:

Name: Mel Brain
Job Title: Service Manager, Housing Strategy & Operations
Tel No: 01635 519403
E-mail Address: mel.brain@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Draft Temporary Accommodation Strategy
Version and release date of item (if applicable):	V1.0, June 2016
Owner of item being assessed:	Mel Brain
Name of assessor:	Mel Brain
Date of assessment:	28 June 2016

Is this a:		Is this:	
Policy	<u>Yes/No</u>	New or proposed	<u>Yes/No</u>
Strategy	<u>Yes/No</u>	Already exists and is being reviewed	<u>Yes/No</u>
Function	<u>Yes/No</u>	Is changing	<u>Yes/No</u>
Service	<u>Yes/No</u>		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To set out a strategy for procurement of temporary accommodation to meet demand and to set out the policy for allocating units of temporary accommodation to individual households.
Objectives:	To ensure transparency, accountability and fairness in the allocation of temporary accommodation to homeless households.
Outcomes:	To ensure that the Council is able to fulfil its statutory duties under the Housing Act 1996 (as amended) and to ensure that homeless households are allocated appropriate temporary accommodation in a fair, transparent and accountable way.
Benefits:	Case law requires that the Council should implement such a policy and keep it up to date – by adopting such a policy, the Council should reduce the likelihood of legal challenge, whilst also ensuring that it has a transparent and accountable way of allocating a limited

	resource.
--	-----------

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Homeless households are disproportionately from younger age groups, with the majority having ahead of household who is under-25. This means that younger households, with children, are more likely to be placed in B&B outside of the district when applying as homeless. The proposed policy provides a clear framework for determining which households are place din temporary accommodation within the district, as and when it becomes available.	P1E returns
Disability	The Council has two units of disabled-adapted temporary accommodation and will seek to prioritise households in need of such adaptations when making allocations of temporary accommodation.	
Gender Reassignment, Marriage & Civil Partnership	This policy should have no impact on this strand.	
Pregnancy and Maternity	Households with dependent children or with a member who is pregnant are automatically conveyed priority need and are therefore highly likely to be owed at least an interim accommodation duty. Due to high demand and limited temporary accommodation	Housing Act 1996 P1E returns

	stock, households with children or pregnant members, are more likely to be placed in B&B outside of the district when applying as homeless. The proposed policy provides a clear framework for determining which households are placed in temporary accommodation within the district, as and when it becomes available.	
Race, Religion or Belief	This policy should have no impact on this strand.	
Sex and sexual orientation	Homeless households disproportionately have female members as their lead household member. This means that households with women as the lead member, especially those with responsibility for caring for children, are more likely to be placed in B&B outside of the district when applying as homeless. The proposed policy provides a clear framework for determining which households are placed in temporary accommodation within the district, as and when it becomes available.	P1E Returns
Further Comments relating to the item:		
The Council has insufficient temporary accommodation stock to meet demands and has to resort to placements outside of the district. It is recognised that this is not ideal, as it takes vulnerable households away from their support networks, schools, employment and medical care. Whilst the Policy is unlikely to resolve this situation, it does provide a framework by which to make clear, accountable and transparent decisions when allocating limited resources.		

3. Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?

Yes/No

Please provide an explanation for your answer:

The way in which homelessness legislation is drafted means that certain households are given priority need, and those households may fall within some of the strands to be considered under the Equalities Act (primarily age, pregnancy and maternity, and Sex and sexual orientation). Whilst the Policy is unlikely to resolve this situation, it

does provide a framework by which to make clear, accountable and transparent decisions when allocating limited resources.

Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?

Yes/No

Please provide an explanation for your answer:

The Policy is designed to provide a transparent and accountable framework by which to make decisions when allocating temporary accommodation and will therefore improve the way in which the function is delivered.

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:

Stage Two required

Yes

Owner of Stage Two assessment:

Mel Brain

Timescale for Stage Two assessment:

To be considered after consultation has closed and prior to adoption of the Temporary Accommodation Strategy.

Stage Two not required:

Name: Mel Brain

Date: 28 June 2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Draft Temporary Accommodation Strategy

Contents

1.	Purpose	3
2.	Applicability.....	3
3.	Roles and Responsibilities	3
4.	Background	3
5.	Temporary Accommodation Stock	4
6.	Allocations	5
7.	Procurement.....	6

1. Purpose

- 1.1 The purpose of this policy and procedure is to set out how West Berkshire Council will decide on allocations of temporary accommodation in order to meet its S188 duty to provide interim accommodation to homeless households and its S193 duty to provide temporary accommodation.
- 1.2 The policy and procedure will also explain what steps will be taken by West Berkshire Council to secure additional units of temporary accommodation in order to meet the needs of homeless households.

2. Applicability

- 2.1 The policy and procedure is applicable to all households who are owed an S188 or S193 duty to provide interim or temporary accommodation by West Berkshire Council.

3. Roles and Responsibilities

- 3.1 The Head of Care Commissioning, Housing and Safeguarding has overall responsibility for ensuring that West Berkshire Council's temporary accommodation is managed appropriately in accordance with these agreed standards.
- 3.2 The Service Manager (Housing Strategy and Operations) is responsible for:
 - Directing and reviewing this standard.
 - Ensuring that there is effective consultation and communication on Temporary Accommodation related matters in terms of allocations and procurement.
 - Publishing & Promoting the adoption of this standard to Housing staff.
 - Ensuring compliance with published standards, procedures, working practices and technology changes in relation to housing services relevant to this policy and procedure.
- 3.3 The Service Manager and the Housing Options Team Leader are responsible for the day-to-day management of temporary accommodation allocations, including ensuring implementation of this standard.
- 3.4 All Housing Operations staff are responsible for familiarising themselves with, and ensuring that they comply with this standard.

4. Background

- 4.1 The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. In addition, the Court of Appeal stated that "*The question of whether the accommodation offered is "suitable" for the applicant and each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her household*" (Para.27).

- 4.2 The Court of Appeal went on to say that *“Ideally, each local authority should have, and keep up to date, a policy for procuring sufficient units of temporary accommodation to meet the anticipated demand during the coming year. That policy should, of course, reflect the authority’s statutory obligations under both the 1996 Act and the Children Act 2004. It should be approved by the democratically accountable members of the council and, ideally, it should be made publicly available. Secondly, each local authority should have, and keep up to date, a policy for allocating those units to individual homeless households. Where there was an anticipated shortfall of “in borough” units, that policy would explain the factors which would be taken into account in offering households those units, the factors which would be taken into account in offering units close to home, and if there was a shortage of such units, the factors which would make it suitable to accommodate a household further away. That policy too should be made publicly available”* (Para. 39).
- 4.3 This Policy has been developed to meet the requirements set out by the Court of Appeal.

5. Temporary Accommodation Stock

- 5.1 West Berkshire Council currently have 22 units of self-contained temporary accommodation, one shared house with four bedrooms for shared occupation and 16 units of self-contained accommodation which are leased from Sovereign Housing Association for use by homeless households and all of which are situated within West Berkshire. All units of accommodation are unfurnished; however some units offer fridges and cookers.
- 5.2 West Berkshire Council has one unit of self-contained accommodation which is situated out of area in Basingstoke and Deane local authority area, which is located just over the border.
- 5.3 West Berkshire Council is able to offer emergency beds at Two Saints Hostel in Newbury for single homeless households in shared rooms on a ‘bed only’ basis which can be accessed between 9pm and 8am.
- 5.4 For single homeless households in crisis full privileges may be offered at Two Saints Hostel so that the applicant can remain at the Hostel during the day and on a full-board basis. Any offer of full privileges must be agreed by the Service Manager (Housing Strategy and Operations), Housing Options Team Leader or Senior Housing Options Officer.
- 5.5 Where no suitable unit of temporary accommodation is available with which to carry out West Berkshire Council’s S188 duty to a homeless household, a Bed and Breakfast placement, which may be out of area, will be sought in the first instance until a suitable unit of temporary accommodation becomes available or whilst a suitable unit of temporary accommodation is procured. The Homelessness Code of Guidance for Local Authorities states that Bed and Breakfast accommodation must only be used for homeless households with children when no other accommodation is available for their occupation and that it must be for no longer than six weeks in duration.

6. Allocations

- 6.1 Chapter 17 of The Homelessness Code of Guidance for Local Authorities requires that local authorities give regard to the fact that ‘the accommodation [under S188] must be suitable in relation to the applicant and to all members of his or her household who normally reside with him or her, or who might reasonably be expected to reside with him or her’. Therefore all homeless households will require an assessment of needs to determine the minimum size of accommodation and bedroom requirements and applicants will then be matched to available properties.
- 6.2 The Council always seeks to place homeless households in temporary accommodation within the district but as a non-stockholding authority this is not always possible. The following paragraphs indicate how we will priorities between families requiring temporary accommodation when deciding to whom to make an offer.
- 6.3 Where there is more than one homeless household requiring a specific size of temporary accommodation within the district, West Berkshire Council will prioritize households as follows:
- (1) Homeless households with dependent children in school years 11,12 and 13 who are preparing for, or who are in the process of, taking examinations.
 - (2) Homeless households who have at least one household member in employment within the district.
 - (3) All other homeless households with school age children.
 - (4) All other homeless households.
- 6.4 This is in-line with the ‘Think Family’ approach and aims to minimize the disruption to homeless families and to minimize the impact on the children of such households.
- 6.5 Section 17.41 of the Homelessness Code of Guidance for Local Authorities states that
- ‘Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, and, wherever possible, secure accommodation that is as close as possible to where they were previously living, so they can retain established links with schools, doctors, social workers and other key services and support essential to the well-being of the household.’*
- 6.6 Therefore, the Council will take a holistic approach at the time of placement and will take account of the full circumstances of the household in relation to the financial, social and medical needs of the household and will prioritize families with the highest overall level of need for local placements.
- 6.7 Section 17.42 of the Homelessness Code of Guidance for Local Authorities states that

‘Housing authorities will need to be sensitive to the importance of pets to some applicants, particularly elderly people and rough sleepers who may rely on pets for companionship. Although it will not always be possible to make provision for pets, the Secretary of State recommends that housing authorities give careful consideration to this aspect when making provision for applicants who wish to retain their pet.’

- 6.8 Due to the shortage of available properties within the district, it is not always possible to accommodate larger pets with homeless households, though the Council will endeavour to allocate properties where pets are allowed to households in need of such a property.
- 6.9 Homeless households requiring disabled facilities will be prioritized over all other applicants for an allocation of disabled adapted temporary accommodation.
- 6.10 In accordance with section 16.6 of the Homelessness Code of Guidance, where there is concern that a household may be at risk, due to violence or threat of violence, including domestic abuse, the Council may determine that an out-of-area placement is needed in order to minimize risk to that household.

7. Procurement

- 7.1 West Berkshire Council will seek to procure additional units of temporary accommodation as necessary, via the following means:
- Additional units of temporary accommodation will be sought from local Registered Providers on a rolling lease basis.
 - Consideration will be given to whether additional units of temporary accommodation can be secured through the enabling of new developments.
 - Review of our own temporary accommodation stock to consider whether the properties could be better utilized by making adaptations to current arrangements.
 - Purchasing back shares in DIYSO properties when current owners wish to relinquish ownership.
 - Purchasing properties on the open market in order to fulfil the Council’s duty to provide temporary accommodation and where this duty cannot be met through alternative means.
- 7.2 When a household may benefit from accommodation within another local authority area, or has expressed a desire to relocate to another local authority area, the Council may offer a reciprocal arrangement to the receiving local authority if this would be mutually beneficial. A reciprocal arrangement may also be sought when a household is fleeing violence and when the Council has already accepted a full housing duty.

Consultation on the Draft Decant Policy

Committee considering report: Executive on 28 July 2016

Portfolio Member: Councillor Hilary Cole

Date Portfolio Member agreed report: 7 July 2016

Report Author: Mel Brain

Forward Plan Ref: EX3167

1. Purpose of the Report

- 1.1 To seek approval from Executive to proceed with a consultation on the draft Decant Policy

2. Recommendation

- 2.1 Executive approve the publication of the draft Decant Policy for consultation

3. Implications

- 3.1 **Financial:** The Policy sets out the Council's approach to decant of secure tenants and licensees with security of tenure (including residents of Council-managed Gypsy & Traveller sites). The Landlord Compensation Act 1973 requires that Home Loss payments and Disturbance Payments are made in specific circumstances, The Policy reflects this and also sets out other financial assistance that may be available subject to certain criteria being met. It is intended that such costs would form part of the overall refurbishment/major works project costs for any such project.
- 3.2 **Policy:** The Policy sets out what the Council will do when it is necessary for a tenant or licensee to move home due to major works or redevelopment of their current home.
- 3.3 **Personnel:** There are no personnel issues arising from this report.
- 3.4 **Legal:** The Landlord Compensation Act 1973 requires that Home Loss payments and Disturbance Payments are made in specific circumstances.
- 3.5 **Risk Management:** There are no specific risks arising from this Policy.
- 3.6 **Property:** The Council has a very small number of tenants and licensees who are afforded security of tenure. This Policy sets out what the Council will do in the event that major works or refurbishment is proposed and the tenants or licensees are required to move to allow the work to take place.

3.7 Other: N/A

4. Other options considered

4.1 N/A

5. Executive Summary

- 5.1 The Council has a small number of tenants and licensees who are afforded security of tenure. This Policy has been drafted to set out how the Council will manage decant of these tenants or licensees in the event that major works or refurbishment works are required to the properties. The Council would be unable to decant tenants or licensees without having a policy in place.
- 5.2 In summary, the Decant Policy provides:
- (1) Information on how a decision to decant tenants or licensees will be made
 - (2) What would be deemed as suitable alternative accommodation
 - (3) How and when Notice would be served
 - (4) What rights the tenant or licensee would have to move back to the property once works are completed
 - (5) The circumstances in which statutory and discretionary payments may be made, including statutory Home Loss Payments and statutory Disturbance Payments
 - (6) The procedure that will be followed when decants are being made
 - (7) The appeals process.
- 5.3 It is proposed that the draft policy be published on the Council's website for all members of the public to comment on. In addition, all residents currently in accommodation to which the decant Policy would apply will be contacted, in writing or by e-mail, asking them for their views, as will all statutory and voluntary stakeholders who have an interest in, or work with households affected by the Decant Policy. A face-to-face meeting will be offered to residents of Four Houses Corner.. The proposed period of consultation is 6 weeks.

6. Conclusion

- 6.1 It is recommended that the Executive approve the publication of the draft Decant Policy for consultation.

7. Appendices

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Draft Decant Policy

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Consultation on the Draft Decant Policy – Supporting Information

1. Introduction/Background

- 1.1 The Council has a small number of tenants and licensees who are afforded security of tenure. This Policy has been drafted to set out how the Council will manage decant of these tenants or licensees in the event that major works or refurbishment works are required to the properties. The Council would be unable to decant tenants or licensees without having a policy in place.

2. Supporting Information

- 2.1 In summary, the Decant Policy provides:
- (1) Information on how a decision to decant tenants or licensees will be made
 - (2) What would be deemed as suitable alternative accommodation
 - (3) How and when Notice would be served
 - (4) What rights the tenant or licensee would have to move back to the property once works are completed
 - (5) The circumstances in which statutory and discretionary payments may be made , including statutory Home Loss Payments and statutory Disturbance Payments
 - (6) The procedure that will be followed when decants are being made
 - (7) The appeals process.
- 2.2 A copy of the draft Decant Policy is attached at Appendix C.

3. Options for Consideration

- 3.1 N/A

4. Proposals

- 4.1 It is proposed that the draft Decant Policy be published for a 6-week consultation. The draft policy will be published on the Council's website for all members of the public to comment on. In addition, all residents currently accommodation to which the Decant Policy would apply will be contacted, in writing or by e-mail, asking them for thier views, as will all statutory and voluntary stakeholders who have an interest in, or work with households affected by the Decant Policy. Residents of Four Houses Corner will also be offered a face-to-face meeting with the Specialist Housing Officer.

5. Conclusion

- 5.1 It is recommended that the Executive approve the publication of the draft Decant Policy for consultation.

Background Papers:

Landlord Compensation Act 1973

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

☒ **P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the above Council Strategy aim by ensuring that household who are required to move in order to facilitate refurbishment, redevelopment or major works are suitably compensated and that there is a procedure to ensure timely and effective management of the decant process.

Officer details:

Name:	Mel Brain
Job Title:	Service Manager, Housing Strategy & Operations
Tel No:	01635 519403
E-mail Address:	mel.brain@westberks.gov.uk

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Draft Decant Policy
Version and release date of item (if applicable):	V1.0, June 2016
Owner of item being assessed:	Mel Brain
Name of assessor:	Mel Brain
Date of assessment:	28 June 2016

Is this a:		Is this:	
Policy	<u>Yes/No</u>	New or proposed	<u>Yes/No</u>
Strategy	<u>Yes/No</u>	Already exists and is being reviewed	<u>Yes/No</u>
Function	<u>Yes/No</u>	Is changing	<u>Yes/No</u>
Service	<u>Yes/No</u>		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To set out a policy and procedure to manage decants in the event that tenants or licensees need to move to facilitate refurbishment, redevelopment or major works..
Objectives:	To ensure that decants are managed effectively and in a timely way so as to minimise delay to major projects. To ensure that the Council meets its statutory duties in relation to compensation.
Outcomes:	To ensure that there is a clear and accountable procedure for managing decants.
Benefits:	Minimise delay to major refurbishment, redevelopment or major works projects. To set out the payments that the Council will make to tenants or licensees in the event that they are decanted.

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	This policy should have no impact on this strand.	Profile of tenants/licensees
Disability	This policy should have no impact on this strand.	Profile of tenants/licensees
Gender Reassignment, Marriage & Civil Partnership	This policy should have no impact on this strand.	Profile of tenants/licensees
Pregnancy and Maternity	This policy should have no impact on this strand.	Profile of tenants/licensees
Race, Religion or Belief	The tenants or licensees subject to the decant Policy includes residents of a Council-managed Gypsy & Traveller site. Particular consideration has been given to the cultural needs of this group, in terms of the support and assistance offered by the Council during a decant, whilst drafting the Policy.	Profile of tenants/licensees
Sex and sexual orientation	This policy should have no impact on this strand.	Profile of tenants/licensees

Further Comments relating to the item:

In respect of Gypsy & Travellers who may be affected by the decant Policy, advice has been sought from relevant agencies and particular consideration given to the education needs of the children and to storage of touring vans.

3. Result

Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?

Yes/No

Please provide an explanation for your answer:

Specific consideration has been given to any strands that may have been adversely impacted and the Policy has been drafted to mitigate any such inequality.	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	Yes/<u>No</u>
Please provide an explanation for your answer: The Policy is designed to provide a transparent and accountable framework by which to make decisions about decants and to set out the procedures that will be followed..	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	No

Name: Mel Brain

Date: 28 June 2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

Appendix C

Decant Policy

Contents

1.	Purpose	3
2.	Applicability.....	3
3.	Roles and Responsibilities	3
4.	Decant Decisions.....	3
5.	Suitable Alternative Accommodation.....	4
6.	Right to Move Back	5
7.	Notice to Move.....	5
8.	Tenancy Status on being rehoused.....	5
9.	Compensation	5
10.	Decant Procedure.....	8
11.	Appeals	8
12.	Equal Opportunities	9

1. Purpose

- 1.1 The purpose of this policy and procedure is to clarify what the Council will do when it is necessary for a tenant or licensee to move home due to major works or redevelopment of their current home. This process is known as 'decant'.
- 1.2 The Executive have approved the Decant Policy & Procedure.

2. Applicability

- 2.1 This policy and procedure applies to Council tenants, including licensees on Gypsy & Traveller sites managed by the Council, who need to move home so that major works or redevelopment can take place to their current home.
- 2.2 For clarity, this policy and procedure does **not** apply to homeless applicants who have been accommodated under a duty arising from Part VII, Housing Act 1996 (as amended) or to any other form of Council licensee.

3. Roles and Responsibilities

- 3.1 The Head of Care Commissioning, Housing & Safeguarding has overall responsibility for ensuring that decant decisions are managed appropriately in accordance with these agreed standards.
- 3.2 The Service Manager (Housing Strategy & Operations) is responsible for:
 - Directing and reviewing this standard.
 - Ensuring that there is effective consultation and communication to Housing and Housing Benefit staff about matters in relation to decant criteria and decisions.
 - Publishing & Promoting the adoption of this procedure to Housing Staff.
 - Ensuring compliance with published standards, procedures, working practices and technology changes in relation to housing services relevant to this procedure.
- 3.3 The Service Manager (Housing Strategy & Operations) is responsible for the day-to-day management of decant decisions, including ensuring implementation of this standard.
- 3.4 All Housing Service staff are responsible for familiarizing themselves with, and ensuring that they comply with this standard.

4. Decant Decisions

- 4.1 The decision to decant residents will be agreed by the Portfolio Holder via an Individual Decision. Once the decision has been taken, the residents will be decanted into suitable alternative accommodation. The decanting can take 2 forms:

A – Permanent Decant – where the resident/s is/are moved out permanently into suitable accommodation. This is usually the case where the property/block is to be demolished or redeveloped.

B – Temporary decant – where resident/s is/are moved out for a period of time, enabling their home to be improved or refurbished and then move back to their original home.

5. Suitable Alternative Accommodation

- 5.1 When residents are moving permanently, those under-occupying their current homes will be offered alternative suitable accommodation more appropriate to their needs. For example, a couple occupying a three-bedroom home will be offered a one-bedroom home.
- 5.2 Households with adult children living with them may be offered separate accommodation for the tenant/licensee and the adult child, in line with the Housing Allocations Policy.
- 5.3 In making an offer of suitable alternative accommodation, the Council will have regard to the resident's stated preferences but an offer will be deemed as suitable if it is reasonably suitable to the needs of the resident and his/her family as regards to proximity to work, schools, rental and size of accommodation.
- 5.4 As the Council does not hold stock of its own, it will work with other providers to make an offer of accommodation suitable to the needs of the household. The resident may be decanted to a social rent, affordable rent or privately rented property (in the case of temporary decants only). Where a temporary decant is made to private rented accommodation, the Council will have regard to the affordability of the offer but may also seek to offer a top-up payment, either via Discretionary Housing Payment or via another means.
- 5.5 It is the policy of the Council to make ONE offer of suitable alternative accommodation only. The Council may, at its discretion, extend the number of offers it makes, although this will only be in exceptional circumstances.
- 5.6 If a resident rejects an offer of suitable alternative accommodation, the Council may institute court proceedings to obtain possession of the property.
- 5.7 Where the duration of the refurbishment or major repairs is of short duration (up to 28 days), the use of hotel accommodation may be an acceptable alternative to securing an alternative property. Compensation payments will not be offered as the Council will pick up any costs involved (hotel, storage costs etc but excluding food costs).
- 5.8 Non-authorised occupants, including sub-tenants, lodgers and licensees (excluding lawful licensees of Council-managed Gypsy & Traveller sites) have no right to re-housing under this policy. They should approach the Council's Housing Options team for advice.

6. Right to Move Back

- 6.1 Where the Council intends to redevelop or refurbish properties themselves or undertake major repairs, and to retain ongoing management, the resident will be offered the right to move back to the block/estate/site and will be given priority for allocations before any other housing applicants are considered.
- 6.2 Residents do not have the right to move back to the exact home/plot from which they were decanted.
- 6.3 Where the Council intends to demolish then sell, or to simply sell, the site for redevelopment, it is not able to offer the right to move back. This will result in a permanent decant.

7. Notice to Move

- 7.1 The Council will seek to give six months notice to move prior to the anticipated commencement of work/demolition. It is expected that residents will be aware of proposals prior to the six month notice period and will have had a number of opportunities to provide their comments and input.
- 7.2 The decanting process will begin as soon as possible after residents have been notified formally of the Council's intention to decant. The aim is to achieve vacant possession of the premises within the six months notice period and to enable redevelopment/refurbishment to commence as soon as possible.
- 7.3 A notice, in the relevant or prescribed format, will be served upon residents as a matter of course and will serve as formal notification that the decanting process has commenced.

8. Tenancy Status on being rehoused

- 8.1 When residents move permanently to alternative suitable accommodation they will take on new tenancies dependent, upon the tenancy type offered (secure, assured or fixed), at the rent level for that property. This rent may be higher than their existing rent.
- 8.2 When residents move temporarily and are returning to their original homes after works, they retain their tenancies/licenses and continue to pay the same rent, unless the rent on the temporary accommodation is lower, in which case the lower figure is charged.

9. Compensation

- 9.1 **Home Loss Payment** – this is a statutory fixed payment, under Sections 29-33 of the Land Compensation Act 1973, paid in recognition of personal upset and distress caused by displacement. It will only be paid for permanent moves, where the following criteria are met:
- The resident has occupied the property as their sole or main residence for a period of one year prior to the date of displacement
 - The move is permanent.

- 9.2 Qualifying residents are entitled to a lump sum payment of £5,300 (subject to review) per household as a home loss payment. Claims will be processed as soon as the resident takes up occupation of their new home. Given the thresholds are subject to change annually by the Secretary of State, the levels of payment will be reviewed each time this policy is used.
- 9.3 In exceptional circumstances the Council may be able to make a partial advance payment.
- 9.4 Any rent arrears will be deducted from the home loss payment.
- 9.5 **Disturbance Payment** – this is intended to compensate residents, under the Land Compensation Act 1973, for their actual expenses with moving, up to a maximum payment of £2000. It is applicable to both permanent and temporary decants.
- 9.6 The payment will be made after production of receipts and paid to the tenant. Where appropriate, consideration will be given for payments to be made directly to a company (e.g. for removal expenses). In such cases, two estimates will be required and the company will be paid following receipt of an invoice. The list of items that is considered reasonable under the Land Compensation Act 1973 is shown below:
- Removal costs from the current home to the new home. For vulnerable residents this may include additional support, such as furniture packing and unpacking.
 - Redirection of mail for each authorised surname living at the address
 - Telephone and internet disconnection and reconnection
 - Disconnection of television aerials and satellite dishes connected to either an existing television or that allows the proper operation of television equipment. Reconnection only applies with the express approval of the landlord at the new address.
 - Washing machine, cooker, dishwasher and plumbed fridge disconnection and reconnections to be carried out by a suitably qualified tradesman
 - Curtain and carpet options: It is generally expected that relocating residents will refit existing carpets where possible and the costs of this will be covered by the Disturbance Payment. However, where this is not possible, the costs of new carpets to an equivalent standard will be covered through the Disturbance Payment. The existing carpet will be assessed and a quote obtained on this. Any additional rooms in the new home will be carpeted but the cost will be deducted through the Home Loss Payment if applicable.
 - Special locks and alarm refitting if these are currently fitted at the old property. They must be dismantled and refitted by a qualified locksmith or

recognised Alarm Company and all locks and alarms must meet the relevant British standard for security. Front door and window grilles would not be covered.

- Home improvements that have been notified and approved by the Council, less the cost of depreciation.
- Dismantling and re-fitting of fitted resident-owned furniture (such as kitchen units and wardrobes)
- Any extra cost of new school uniform if moved to a different area, which necessitates a change of school (supported by letters from the respective schools)
- Where the costs of adaptations in the home were previously met by the tenant, the Council will reimburse the tenant subject to relevant receipts being available
- Reimbursements for wage or salary loss on the day of removal, provided loss of earnings is certified by the employer, for up to 2 members of the household
- Other reasonable costs incurred by the tenant if approved in writing by the Council prior to the costs being incurred, for example, travel to viewings, replacement of sheds and outside furniture that cannot be dismantled.

- 9.7 Discretionary Payments – the Housing Service may, at their discretion, offer to pay for storage for touring caravans for residents of Council-managed Gypsy & Traveller sites who are temporarily decanted: the resident will be responsible for ensuring they have appropriate insurance cover to limit any damage, theft or other losses arising from the storage and the payment will be made directly to the storage company. The Housing Service may also, at their discretion, pay for home-to-school transport in order to minimise disruption to the education of children who are temporarily decanted: the payment will be made direct to the travel provider. Such decisions will depend upon the length of the decant, availability of school places in schools close to the temporary address and any other key factors (for example, if a child is in GCSE year etc)
- 9.8 Tenants/Licensees facing permanent rehousing will be entitled to compensation comprising both a Home Loss Payment and a Disturbance Payment.
- 9.9 Tenants/Licensees facing temporary rehousing are entitled to compensation by way of a Disturbance Payment only and will not be entitled to Home Loss Payment. Payments relating to storage and home-to-school transport will be considered on a case-by-case basis.
- 9.10 All compensation payments will require a written claim form from residents (and in the case of Disturbance Payments, production of original and company signed receipts) and will be paid upon them moving into suitable alternative accommodation.

10 Decant Procedure

- 10.1 A decision on the redevelopment/refurbishment/major works proposal will be taken by Individual Decision or at Executive: this should include the implications of decant requirements.
- 10.2 Once a decision has been made, the Housing Management Officer (HMO) will visit each affected resident to explain the proposal and the decant policy. During the visit the appropriate notice will be served with a covering letter. A Decant Form (Appendix One) will be completed. The form provides residents with an opportunity to provide details on the size and type of suitable alternative accommodation they require and to raise any relevant medical or social factors as part of their stated preference. Where it is not possible to complete the form as part of the visit, it will be left with the resident to complete and return within 14 days. If the form is not returned, the Housing Service will make decisions on suitable alternative accommodation based on facts known about the household.
- 10.3 Upon return to the office, the Decant Form will be passed to the Housing Register Team who will set up a CHR application if one does not already exist. In addition, consideration will be given to social and welfare needs points and whether an application should be made for discretionary housing needs points. The CHR Team will start to find suitable alternative accommodation for the residents, placing bids on their behalf where required.
- 10.4 Upon an offer being made and accepted, the HMO will complete a Decant Agreement (Appendix Two) with the resident and assist them with the relevant arrangements to move at the earliest possible date.
- 10.5 Upon completion of the move, the HMO will assist the resident to complete the Home Loss and Disturbance Payment Record Sheet, along with any associated invoices or receipts. The HMO will pass the completed Record Sheet to the Housing Options Team Leader or Service Manager, Housing Strategy & Operations for approval. Once approved, the HMO will complete an AP Form to arrange payment to the resident.
- 10.4 The aim will be to decant all residents within 6 months of the decision date, or sooner if possible. The aim is to commence works as soon as is possible.
- 10.5 If a tenant refuses to move or refuses an offer of suitable alternative accommodation, the HMO will institute court proceedings to gain possession. This should start as soon as the refusal is instigated to reduce delay and disruption to the proposed works.

11 Appeals

- 11.1 There is no requirement for the Council to have an appeals process, however, the Council has decided that an appeal process should be put in place in the event that a resident is dissatisfied with the outcome of a decision made under the decant policy. This will ensure that residents have the opportunity to present any additional information that they think we have overlooked in the original decision.

- 11.2 Applicants will be notified of their right to request a review of these decisions. Anyone wishing to do so must advise the Authority in writing within 21 days of the decision date, giving their reasons for doing so.
- 11.3 As evidence is taken in written form it is very important that, when making the request for a review, the applicant, or someone acting on their behalf:
- Brings to the Council’s attention any new information, not already on file, that they wish to have considered
 - Addresses the reasons for the decision in their case set out in the decision letter
 - Explains why they think the decision is wrong.
- 11.4 If no written representations are received the matter will be decided on the facts already known.
- 11.5 A Manager who has not been involved in the original decision, will carry out the review and respond to the applicant.
- 11.6 The Council will determine the review within eight weeks (56 days). If there is a delay with the review decision the applicant will be advised in writing of the reason for the delay and a revised timescale.
- 11.7 A copy of the Manager’s decision, and the reasons for it, will be sent to the applicant as soon as possible after the decision is made.
- 11.7 If the applicant disagrees with the review decision, they can seek judicial review.

12 Equal Opportunities

- 12.1 An Equalities Impact Assessment, specific to the area of regeneration, will need to be completed when using the Decant Policy.

Appendix One

Decant Form

Please fill in this form carefully and clearly. When completed, please return it to the Housing Management officer in the pre-paid envelope provided. You can also contact the Housing Management Officer if you need help to complete the form.

YOU AND YOUR HOUSEHOLD

Your Title: Mr ☐ Mrs ☐ Miss ☐ Ms ☐

Other (please specify):

Surname: _____ First Name(s): _____

Date of Birth: _____ Age: _____

Employment Status: _____ National Insurance Number: _____

Current Address: _____

_____ Postcode: _____

Telephone: Home: _____ Mobile: _____

Other: _____

WHO WILL LIVE WITH YOU?

Please list everyone who will live with you, even if they are not living with you now:

Surname	First Name	Date of Birth	Age	Sex	Relationship to You	Occupation
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		
				M/F		

MEDICAL OR PHYSICAL NEEDS

Do you, or any members of your household, have a medical or physical problem? Please answer all of the questions below:

Does anyone in your household have a disability? Yes / No

Is anyone in your household registered disabled? Yes / No

Does anyone in your household have any physical difficulties relevant to your housing situation? Yes / No

Does anyone in your household need ground floor or another specific kind of accommodation? Yes / No

Is there anyone in your home who requires wheelchair adapted accommodation? Yes / No

If you answered yes to any of these questions, please give details below:

PETS

Does any member of your household have any pets? Yes / No

If yes, please give details below:

Please note that you may not be able to take your pets with you into your temporary accommodation,. The Council can arrange kennelling etc if necessary.

YOUR CURRENT HOME:

How long have you lived at your current address? Years: ____ Months: ____

What floor is it on? Ground / 1 / 2 / 3 / 4

Number of bedrooms: Bedsit / 1 / 2 / 3 / 4 / 5

Is it a caravan? Yes / No If yes, is it rented? Yes / No

If rented, please provide details of the landlord: _____

WHERE WOULD YOU LIKE TO LIVE?

Please answer all of the questions below:

How many bedrooms do you need? Bedsit / 1 / 2 / 3 / 4 / 5

Would you like to live in older persons accommodation? Yes / No

Do you need wheelchair adapted accommodation? Yes / No

Can you cope with a long flight of stairs? Yes / No

If you have children, where do they go to school?

Do you have any other essential requirements?

Is there anywhere in the West Berkshire district that you do **not** wish to live?

ADDITIONAL INFORMATION

Is there any other information you would like to add? For example, do you want to move to a specific area because you have family living there or you work in that area?

Name: _____ Signature: _____ Date: _____

EQUAL OPPORTUNITIES

We monitor the ethnic origin, age, sex and disability of housing applicants to ensure that we deal fairly with all applicants, regardless of background. The information you provide will be in confidence and will give no advantage or disadvantage. You may refuse to answer if you wish.

I do not wish to answer ☐

White:

British ☐ Irish ☐ Other ☐

Mixed:

White and Black Caribbean ☐ White and Black African ☐
White and Asian ☐ Other mixed ☐

Asian or Asian British:

Indian ☐ Pakistani ☐ Bangladeshi ☐ Other ☐

Black or Black British:

Caribbean ☐ African ☐ Other ☐

Chinese or Other Ethnic Group:

Chinese ☐ Other ☐

Gypsy/Traveller (please tick all that apply):

Romany ☐ Welsh ☐ English ☐ Irish ☐
Scottish ☐ Gypsy ☐ Traveller ☐ New Age ☐

Religion:

I do not wish to answer ☐ None ☐

Buddhist ☐ Christian ☐ Hindu ☐ Muslim ☐
Jewish ☐ Sikh ☐ Other ☐

Sexual Orientation:

I do not wish to answer ☐

Heterosexual ☐ Bisexual ☐ Homosexual ☐

DECLARATION

Even if someone else has completed this form on your behalf, you should sign the declaration if you can.

Please read the declaration carefully before you sign and date it.

I hereby declare the information given on this form is correct and complete to the best of my knowledge.

I understand that under Section 214 of the Housing Act 1996 it is an offence to knowingly or recklessly make a statement which is false and/or withhold information in order to obtain assistance with housing.

It is also an offence if you do not notify the Council of any material changes in your circumstances as soon as possible.

I am aware that if I give information that is incorrect or incomplete the Council may take action against me. This may include court action and anyone guilty of such an offence is liable, upon conviction, to a fine of up to £5,000.

Signed: _____

Date: _____

Signed: _____

Date: _____

Appendix Two

Temporary Decant Agreement

Tenant / Licensee Name: _____

Temporary Address: _____

This agreement is to confirm the offer of temporary accommodation whilst West Berkshire Council carry out works on your home at:

Permanent Address _____

Your tenancy/license will remain at your Permanent Address and your liability for rent and service charge will remain unchanged at £.....per week. Housing Benefit entitlement will continue at the permanent address.

You must return to your Permanent address when you are notified that the work has been completed to the satisfaction of the West Berkshire Council

West Berkshire Council will have the right to take legal action to enforce this agreement under Ground 8 of Schedule 2 of the 1985 Housing Act:

Ground 8

“The Dwelling-house was made available for occupation by the tenant (or a predecessor in title of his) while works were carried out on the dwelling-house which he occupied as his only or principle home and –

- a) The tenant (or predecessor) was a secure tenant of the other dwelling-house at the time when he ceased to occupy it as his home,*
- b) The tenant (or predecessor) accepted the tenancy of the dwelling-house of which possession is sought on the understanding that he would give up occupation when, on completion of the work, the other dwelling-house was again available for occupation by him under a secure tenancy and*
- c) The works have been completed and the other dwelling-house is so available*

I acknowledge that this is an offer of temporary accommodation and confirm that I will move back to my permanent address at

when works have been completed.

Agreement has been reached with the Housing Management Officer in respect of financial and physical assistance to enable the decant to proceed.

Signed:.....Dated:.....

Tenant/Licensee Name:.....

Signed:.....Dated:.....

WBC Housing Management Officer.....

Appendix Three

Home Loss and Disturbance Payment Record Sheet

Tenant/Licensee Name: _____

Address (Current): _____

Address (Former): _____

Tenancy/Licensee Date: _____

DISTURBANCE PAYMENT

Item	Amount Claimed £	Receipts Attached	Approved	If not approved, reason why?
Electricity reconnection		Yes / No		
Telephone reconnection		Yes / No		
Gas reconnection		Yes / No		
Cooker reconnection		Yes / No		
Washing machine reconnection		Yes / No		
Dishwasher reconnection		Yes / No		
Removals		Yes / No		
TV Aerial Transfer		Yes / No		
Relaying/replacement carpets/curtains		Yes / No		
Redirection of mail		Yes / No		
Other (please specify)		Yes / No		
Other (please specify)		Yes / No		
Other (please specify)		Yes / No		
Total Claimed				
Total Eligible				
Home Loss Payment				
Total Payable			Date Paid:	

Tenant/Licensee Signature: _____ Date: _____

Housing Management Signature: _____ Date: _____

Manager Signature: _____ Date: _____