

<b>Title of Report:</b>	<b>Scrutiny review into the Council's Common Housing Register</b>
<b>Report to be considered by:</b>	Stronger Communities Select Committee
<b>Date of Meeting:</b>	7 February 2011

**Purpose of Report:** To outline to the Stronger Communities Select Committee the draft recommendations arising from a task group review into the operation of the Council's Common Housing Register.

**Recommended Action:** To agree the recommendations for the consideration of the Overview and Scrutiny Management Commission.

**Key background documentation:** Common Housing Register report to the Stronger Communities Select Committee on 8 July 2010 and the minutes from that meeting.

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# Executive Report

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## 1. Introduction

- 1.1 At the Overview and Scrutiny Management Commission (OSMC) held on 26 January 2010 an item was added to the work programme of the Stronger Communities Select Committee (SCSC) to review the operation of the Common Housing Register (CHR).
- 1.2 At that time an audit of the CHR was already scheduled and therefore the scrutiny work was delayed until the completion of the audit. The audit was conducted in March 2010 and the terms of reference for the audit, the audit report and the resultant action plan were presented to the Stronger Communities Select Committee at its meeting on 8 July 2010.
- 1.3 It was noted at that meeting that the audit found the controls within the systems and procedures reviewed were satisfactory. Areas of concern were being addressed through the action plan.
- 1.4 However, Members of the SCSC resolved to arrange a time limited task group to investigate the communication undertaken with residents on the CHR, particularly the more vulnerable.
- 1.5 This report provides the rationale for the review, sets out how it was conducted, outlines the review's findings and the resultant recommendations.

## 2. Rationale for the review

- 2.1 The task group agreed that Members should develop a greater understanding of the review process, particularly:
  - (1) Communication undertaken with residents on the CHR, especially the more vulnerable, as part of annual reviews and on an ongoing basis.
  - (2) Data protection restrictions on whether Ward Members could access data to offer assistance in the review process and, if possible, the mechanisms for doing so.
- 2.2 It was agreed that the task group would report to the OSMC with draft recommendations for onward submission to the Executive.

## 3. Membership

- 3.1 The Members of the cross-party task group were Councillors Mollie Lock, Irene Neill and Ieuan Tuck. Councillor Neill, as Chairman of the SCSC, was elected as Chairman of the task group.
- 3.2 Councillors David Rendel (who requested this item be reviewed) and Tony Vickers (Shadow Portfolio Holder for Housing) also participated in the review meetings.

#### **4. Review methodology**

- 4.1 The task group worked with officers from the Housing and Performance, Policy and Communication, and ICT service areas. Meetings were held as outlined in the table below:

<b>Srl</b>	<b>Meeting date</b>	<b>Meeting focus</b>
01	Monday 27 September 2010	<ul style="list-style-type: none"><li>• Review of activity in response to the Internal Audit Action Plan</li><li>• Clarification of the review rationale</li><li>• Workings of the CHR</li></ul>
02	Friday 5 November 2010	<ul style="list-style-type: none"><li>• Information sharing, including Data Protection restrictions and IT capability</li></ul>
03	Tuesday 14 December 2010	<ul style="list-style-type: none"><li>• Confirmation of findings</li><li>• Formulation of draft recommendations</li></ul>

- 4.2 The minutes from the meetings of 27 September 2010 and 5 November 2010 are shown at Appendices A and B.

#### **5. Acknowledgements and thanks**

- 5.1 The Chairman and Members of the task group would like to acknowledge and thank all those who supported and gave evidence to the review.

#### **6. Background**

- 6.1 Prior to 2006, West Berkshire Council (WBC) and Sovereign Housing operated their own housing lists. These were brought together under one list into a CHR in 2006.
- 6.2 The CHR lists people who want a home from one of the housing associations in West Berkshire. It is managed by the Housing Operations Team at WBC. In order to access social housing and shared ownership properties, residents need to be on the CHR.
- 6.3 WBC does not own any properties available through the CHR. The properties available belong to housing associations, who are partner organisations of WBC.
- 6.4 In West Berkshire, a Choice Based Lettings system is used, for the processing of applications, called Homechoice West Berkshire. This was introduced in June 2007 and is managed by WBC. This system allows residents on the CHR to see all the properties that are available each week and submit bids for properties that they wish to be considered for.
- 6.5 Annual reviews are required to ensure that applications are up to date and correct details are held.

#### **7. Findings of the review**

- 7.1 The Task Group's findings are outlined below:

- (1) A comprehensive review of the CHR was undertaken in April 2009. This was the first time a review had been conducted since 2006 and

led to approximately 1300 people being removed from the CHR. Reviews involve sending people on the CHR a letter asking if they wish to remain on the CHR. The letter does advise that failure to respond will result in removal from the CHR. The only follow up with non respondents is via one further letter informing them of their removal and that they have the right to ask for a review.

- (2) Since April 2009 cases are now able to be reviewed as part of a monthly rolling programme which is based on the annual date of a resident's registration. The approximate number removed on an annual basis is 800 per year (approximately 20% of those on the CHR).
- (3) Those removed from the CHR can be reinstated if they request to do so and if they are eligible, with their point allocation re-established. No complaints have been received from residents as a result of their removal from the CHR.
- (4) An action identified as part of the audit was to upgrade Locata, the CHR database. This will enable review activity to be undertaken more efficiently, an up to date record of contact details to be kept and letters to be automatically generated.
- (5) People are advised of their point allocation but the onus is on them to monitor their progress and submit bids for housing. However, bidding is encouraged and individuals do not need to be at the top of the CHR in order to bid.
- (6) The circumstances of applicants identified as vulnerable but not bidding regularly were reviewed in January 2010. This included identifying those who had sufficient priority to be successful if they were bidding. These applicants, and new applicants who state they require assistance in bidding and who have sufficient priority to bid successfully, are contacted and offered support. However, approximately 50% of those identified as vulnerable are not submitting bids, but many of these are not considered high priority cases.
- (7) Resource limitations mean it is difficult for the activities described above to be extended. For example, making additional contact to assess whether a person, who did not respond to a review letter, wished to remain on the CHR.
- (8) Data protection does restrict the use of personal information collected for one purpose being used for another within WBC. However, data can be legally shared between Housing and elected Members, but certain conditions need to be met. Included in this is a need for Members to be registered with the Information Commissioner in order to process data as WBC's registration does not cover Members in their constituency role. If data is shared then an audit trail is required to evidence that it has been lawfully done.
- (9) Investigations are needed to assess whether the current version of Locata allows data to be filtered by Ward and shared with Ward

Members. If this is found to be not possible then an upgrade of the Locata system may allow this. This would enable Ward Members to assist with the review process by establishing if the individual was still at the recorded address and if they still required housing. If this proves to be possible, the task group feel that all Members should participate as part of their role in assisting and acting on behalf of their constituents. An upgrade is likely to have a cost implication.

- (10) The Local Land and Property Gazetteer (LLPG) not only holds the postal address of all properties in West Berkshire, but also has ward and parish information for each. This information is not restricted by data protection. If Locata does not hold or is unable to extract ward information, a manual data matching exercise with the LLPG will allow the relevant ward information to be added to the extract and the data to then be utilised by Ward Members in assisting with the review process described in finding 9.
- (11) There was felt to be potential to explore the wider issue that some databases are not compliant with the LLPG. As this was out of the scope of the review it was agreed that this subject would be forwarded to the Resource Management Select Committee for consideration.

## **8. Conclusion**

- 8.1 In developing a greater understanding of the review process undertaken with those on the CHR, it was understood that the level of resource limits the amount of additional activity that can be undertaken. However, Members of the task group feel that there is room for some fine tuning and this is outlined in recommendations 1 and 2.
- 8.2 Members were eager to establish if they could assist with this work and, as data protection does allow data to be shared subject to conditions, it is hoped that arrangements can be made to allow this to happen to enable Ward Members to participate. This is captured in recommendations 5 and 6.

## **9. Suggested actions for the Executive**

- 9.1 The suggested actions (recommendations) for the Executive are outlined below.
  - (1) To ensure that people are not wrongly removed from the CHR, the Housing Strategy and Operations Manager should consider amendments to the review process including changes to the letter/follow up letters, an improved form and provision of a pre paid envelope. An amendment to the letters should include notification that data will be shared with their Ward Member(s) (in line with recommendation 5).
  - (2) The Housing Strategy and Operations Manager should examine whether the support offered to vulnerable people on the CHR is adequate and effective.
  - (3) The Head of Policy and Communication should recommended to elected Members, post the May 2011 local elections, that they register

with the Information Commissioner in order to process data as WBC's registration does not cover Members in their constituency role.

- (4) The Scrutiny and Partnerships Manager should arrange for data protection training/a briefing to be held for Members, post the May 2011 local elections, to help raise awareness.
- (5) The Housing Strategy and Operations Manager should arrange for Ward data to be included on Locata which can then be shared with Ward Members to allow them to assist in the review process, possibly through a pilot project in the first instance. As part of this, Ward Members will need to be briefed on the process for this activity.
- (6) The Housing Strategy and Operations Manager should arrange for Locata to be upgraded to allow data to be filtered by Ward, if investigations find that the current version of Locata does not allow for this.

Or, if Locata does not hold or is unable to extract ward information:

The Housing Strategy and Operations Manager, in conjunction with the GIS Projects Analyst, should conduct a manual data matching exercise between an extracted version of Locata and the LLPG which will allow relevant ward information to be added to the extract for use by Ward Members.

## **10. Recommendation for the Stronger Communities Select Committee**

- 10.1 It is recommended that the Members of the Committee agree the suggestions outlined in section 9 for the consideration of the Overview and Scrutiny Management Commission. Once endorsed these will be forwarded for the Executive's consideration.

## **Appendices**

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Appendix A – Minutes of the task group meeting of 27 September 2010

Appendix B – Minutes of the task group meeting of 5 November 2010

# **STRONGER COMMUNITIES SELECT COMMITTEE TASK GROUP**

## **COMMON HOUSING REGISTER**

### **MINUTES**

**27 September 2010**

**Present:** Councillor Irene Neill (Chairman), Councillor Mollie Lock, Councillor Ieuan Tuck, Councillor David Rendel, Councillor Tony Vickers, Mel Brain (Housing Strategy and Operations Manager), Elizabeth Wallington (Housing Register Officer), Stephen Chard (Policy Officer)

**Apologies:** None

#### **1. Review of SCSC minutes of 8 July**

The minutes of the meeting held on 8 July 2010 were approved as a true and correct record.

#### **2. Review of activity in response to the Internal Audit Action Plan**

It was noted that the actions recommended in the Internal Audit Action Plan had been agreed by Housing Officers.

#### **3. Workings of the Common Housing Register (CHR)**

Councillor David Rendel outlined the reasons behind his request that the item be scrutinised:

- He was made aware at a meeting of the Executive that the number of residents on the CHR had fallen following a comprehensive review. The review involved an exercise whereby people on the CHR were sent a letter asking if they wished to remain on the CHR.
- Approximately 1300 people had been removed from the CHR as a result, but there was a concern that some people who did not respond might not have realised the importance of the letter and be removed against their wishes or without their knowledge. Specific examples of this could not be identified due to data protection.
- The methods for following up these letters, when resources allowed, included a reminder sent to those already identified as vulnerable and those who had been in contact within the last six months. A single telephone call could be made to non respondents, but following these up in the event of no response was a resource pressure. These methods were not felt to be fully satisfactory, but it was understood that this was all the existing resource allowed for.

Members shared concerns regarding the communication sent to residents as part of this review. This could mean that the letters were not responded to and it was felt that this activity should be reviewed to ensure that people were not wrongly

removed and amendments considered to the letter as part of this to encourage more responses, as well as provision of a pre paid envelope and an improved form. There were particular concerns for the more vulnerable people on the CHR and those who could be away from home for a period of time, i.e. in hospital.

In response to the concerns raised, Mel Brain made the following points:

- The concerns were accepted, but it was difficult to find an alternative method to ensure contact was made. Resource implications meant it was not possible for Housing Officers to attend peoples' homes.
- However, cases were now reviewed on an annual basis as the backlog of applications had been removed. Phone calls were made in advance of letters being sent as part of this process.

At this stage Elizabeth Wallington provided the following points by way of an operational overview:

- Her first role, when commencing her post in June 2008, was to reduce the backlog of applications received. This was brought to a manageable level within three months and applications were turned around within a 10 day period.
- The comprehensive review referred to was undertaken in April 2009. This was a large task for the team of three Officers as the CHR had not previously been reviewed since 2006. This resource limitation contributed to the decision to remove non respondents to the letter if there was no evidence to suggest they were vulnerable. Follow up was undertaken for those individuals believed to be vulnerable if resources allowed. She would be willing to consider amendments to the letter.
- Letters were also sent to residents if the decision was taken to remove them from the CHR.
- Since the workload had been brought up to date, it was possible to increase the level of engagement with vulnerable people on the CHR when resources allowed. This could include the allowance of time to follow up review letters with telephone calls etc, as was agreed following the Audit. Those removed from the CHR could be reinstated if they requested to do so and if they were eligible.
- Reviews were no longer conducted as a one off annual task, rather this was conducted on a monthly programme based on the date of a resident's registration. This kept the workload more manageable.
- There was agreement following the Audit to upgrade the Locata system which enabled review activity to be carried out more efficiently. This included keeping an up to date record of contact details and gave the ability for letters to be automatically generated.
- Very few complaints were received in relation to the workings of the CHR.

A suggestion to help with the review process was to establish if a resident had



moved by accessing the electoral register. Mel Brain pointed out that it was often the case that letters were returned in such an instance and it was the responsibility of the individual themselves to provide up to date information to Housing to help manage their application.

The sharing of information between services and organisations was another avenue which could be explored to improve on the data held, particularly on vulnerable residents. There was a view given that different databases would not link well to one another, but it was agreed that this issue would be covered at the next meeting. **Action: Stephen Chard to invite the relevant IT Officer for this discussion.**

The potential for Ward Members to assist with the review process was discussed. However, it was believed that data protection issues meant this was not possible, although Members felt they had a need to know in order to assist residents. It was agreed that the Information Management Officer would be invited to the next meeting to aid clarity on this matter and to understand whether it could be resolved. **Action: Stephen Chard.**

Discussion then turned to the support offered to vulnerable people. Clarity was sought on the information provided in paragraph 1.4 of Appendix C which related to the priority given/support offered to, and the lists held on, vulnerable people. **Action: Elizabeth Wallington to provide clarity on this point.**

Mel Brain advised that new people on the register were assessed to identify whether they required support and additional points could be awarded as part of this. They could then be added to the list of people identified as vulnerable who were offered support when making bids for housing. This list was reviewed on an ongoing basis.

Each Housing Officer held a small caseload of vulnerable people who they contacted on a weekly basis to discuss their situation, offer support etc.

Members acknowledged the assistance that was offered to vulnerable residents, but there were some views that this was limited and more should be done in ensuring that contact was made when necessary. An issue raised was the fact that it was difficult to be aware of all residents on the CHR who were vulnerable in some way.

A concern was raised that an individual could lose their right to bid if they were removed from the CHR. This was particularly concerning if they were not aware of their removal. Another issue raised was where an individual remained on the CHR, but was not aware when they reached the top of the list and therefore lost a housing opportunity or at the very least a delay was caused. Mel Brain confirmed that people were not contacted when they reached the top of the CHR and the onus was on them to bid for housing, but it was felt that those with an urgent need would monitor their progress and submit bids.

Elizabeth Wallington added that bidding was encouraged and individuals were not required to be at the top of the list to bid for housing as point requirements varied, although those with the highest number of points bidding for a suitable property would be successful. A number of bids could potentially be submitted for one available home, but overall a number on the CHR were not submitting bids.

There was a view among some Members that consideration should be given to informing an individual in the instance where they were top of the CHR and were not submitting bids.

Some specific scenarios were then raised by Members and in response Elizabeth Wallington made the following points:

- If two individuals held two separate properties and wished to live together then assistance would be offered to help them do so, they could then form a joint tenancy if they wished.
- Action could be taken in an instance where two properties were held, but only one regularly occupied by both parties. Both this and the above activity could potentially make a home available.
- If a couple separated and the tenancy was in one person's name, they would keep the tenancy. If it was jointly held then the tenancy would remain with, for example, the parent with the main responsibility for childcare, if applicable. Work would be undertaken with appropriate agencies to assist someone without a home as a result of such an occurrence.
- There was only one right of succession per social tenancy. I.e. a parent signing the property over to their child.
- Applications for sheltered housing for non West Berkshire residents would be considered on a case by case basis and would be dependent on vulnerability/need against West Berkshire residents.

#### **4. Future meeting dates and activity**

Stephen Chard agreed to arrange a further meeting, ideally prior to the next full meeting of the Select Committee on 21 October 2010.

This meeting would include giving attention to data protection issues and the potential to share information/access to databases.

# **STRONGER COMMUNITIES SELECT COMMITTEE TASK GROUP**

## **COMMON HOUSING REGISTER**

### **MINUTES**

**5 November 2010**

**Present:** Councillor Irene Neill (Chairman), Councillor Mollie Lock, Councillor Ieuan Tuck, Councillor David Rendel, Councillor Tony Vickers, Mel Brain (Housing Strategy and Operations Manager), Elizabeth Wallington (Housing Register Officer), David Lowe (Scrutiny and Partnerships Manager), Sue Broughton (Information Management Officer), Phil Parker (GIS Projects Analyst), Stephen Chard (Policy Officer)

**Apologies:** None

#### **5. Minutes of 27 September**

The minutes of the meeting held on 27 September 2010 were approved as a true and correct record.

#### **6. Information Sharing**

At the last meeting, the task group was informed of the review process which involved individuals on the CHR being sent a letter asking if they wished to continue and removed if they did not reply. This was only followed up with non respondents by sending 1 further letter informing them of their removal. Elizabeth Wallington advised that additional contact would be made with people identified as vulnerable if capacity allowed. Members were concerned that some vulnerable people could be removed without their knowledge and therefore be disadvantaged.

Members acknowledged that it was difficult to be aware of the changing movements of single people on the CHR, but of more concern for Members was monitoring the whereabouts of families to ensure children were safeguarded and appropriately housed. Sue Broughton advised that the Children's Act did permit data to be shared in such circumstances. Elizabeth Wallington added that updates regarding housing could be provided by Children's Services, who had primary responsibility for safeguarding children. From a Housing perspective, checks were undertaken on those living within a home. A way of identifying if children were living within a home was, for example, receipt of child benefit.

The potential for data on the CHR to be filtered by Ward and shared with Ward Members to offer assistance to Housing Officers and local residents was also discussed last time, but it was felt that data protection restrictions meant this was not possible and there was agreement to explore this further.

The ability for different IT systems to link together to improve information sharing was also discussed last time.

These issues were then discussed in further detail at today's meeting.

Data protection did restrict the use of personal information collected for one purpose being used for another within West Berkshire Council (WBC), but this did not include address data contained on the Electoral Register (ER). However, those on the ER had the choice to opt out of having their information shared with the Council or sold to credit rating agencies. Approximately 60% opted out. The full list could only be accessed for particular enquiries, i.e. proof of life.

David Lowe advised that the ER, and the information contained within it, was covered by electoral legislation and not data protection. The ER was in fact not legally owned by the Council, this aspect of the ER Officer's role was technically outside of their duties as a Council employee.

For the specific purpose discussed, i.e. sharing of data between Housing and Elected Members, data could be legally shared but the legislation was very complex.

A list of the data protection principles, an extract of the notification from the Information Commissioner (IC) relating to property management, including for social housing, and conditions for the lawful processing of personal data were circulated to the group. The points raised within these papers needed consideration and David Lowe highlighted the following points in particular:

- Personal data should be obtained only for one or more specified and lawful purpose, and should not be further processed in any manner incompatible with that purpose. This was intended to help safeguard privacy.
- Personal data should be processed fairly and lawfully and should not be processed unless at least one of the conditions in Schedule two was met, and in the case of sensitive personal data, at least one of the conditions in Scheduled three was also met. This meant that the data subject did not necessarily need to give their consent to the processing of their data as this was only one condition.
- If a complaint were to be received as a result of data being shared, then it would need to be proved that the Council had acted fairly and lawfully.
- The data processed for any purpose should not be kept for longer than was necessary for that purpose. The Council's 'Retention Schedule' advised that if the data was inactive, it should be destroyed after a set period. Precise timings were available within the Schedule.
- If data was shared then an audit trail was required to ensure that it was done in a lawful way.
- Both David Lowe and Sue Broughton offered to provide advice to Members in case of any doubt.
- In the instance where a Ward Member was to register a complaint on behalf of a constituent, confidential information could be shared in relation to that complaint as the Ward Member's contact made it clear that consent had been

given by the data subject.

- It was recommended that Members be registered with the IC to process data. The current cost was £35 per individual per year. The Council's registration did not cover Ward Members in their constituency role. Guidance had been sent to Members in this regard.

Officers advised and Members agreed that the conditions in Schedule two allowed data to be shared, even if consent had not been given by the data subject. Most particularly:

- The processing was necessary in order to protect the vital interests of the data subject.
- The processing was necessary for the exercise of any functions conferred on any person by or under any enactment.
- The processing was necessary for the exercise of any other functions of a public nature exercised in the public interest by any person.
- The processing was necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data was disclosed, except where the processing was unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

The task group felt that it would be useful for data protection training/a briefing to be held post the May 2011 local elections to help raise awareness among Members.

The ways in which data could be shared in practice were then discussed, i.e. at what stage and at what level of data.

Elizabeth Wallington gave the view that assistance from Ward Members would be beneficial, but raised a concern that different approaches in different Wards could lead to challenge/complaints.

Members felt this would not be an issue as the only assistance that would be offered was to establish if the individual was at the recorded address, understand whether they wished to remain on the CHR, if their needs had changed etc. The information obtained would be forwarded to Housing. If implemented, Ward Members would need to be informed of this approach and they would need to decide the level at which they participated in this work. The task group felt that all Members should participate in assisting and acting on behalf of residents.

Elizabeth Wallington pointed out that the process for enabling this to happen could be an additional burden to the small team of staff who worked on the CHR. The team was already working at capacity. Copying final letters sent to those removed from the CHR to Members was not straightforward. Although it was suggested that a sentence could be added to this letter to advise that the data would be shared with their Ward Member, if this proved to be possible. Locata (the CHR database) would need to be revised to include Ward information and to allow it to be filtered and then shared with Ward Members. This would have a cost implication. If

Members were to contact the Housing Service directly, then help would be offered where possible with assisting a resident.

Phil Parker then advised that the Local Land and Property Gazetteer (LLPG) held the information contained within the ER, which included road names and Wards, and allowed properties to be matched to their Ward without knowing an individual's name. Unfortunately, Locata was not linked to the LLPG and this was the case for all non Council maintained systems. However, the potential to add a tag to identify the Ward a person lived in could be investigated and, if so, the cost of doing so and the work required to populate it could be explored. **Action: Phil Parker/Elizabeth Wallington.**

If investigations proved it would be possible for Ward information to be included, then Councillor David Rendel offered to act as a pilot for his Ward (Thatcham North).

The number removed from the CHR was approximately 800 per year (20% of those on the CHR). The high number experienced in April 2009 was due to a full review not being conducted previously since 2006. However, Elizabeth Wallington pointed out that these removals had not caused a major issue and no complaints had been received. Any requests to rejoin the CHR after removal had been met and the individual's number of points re-established as this was kept on record.

Housing Officers did contact individuals on the CHR to make them aware of their point allocation when their application was initially accepted and each time the application was updated for some reason, but not to advise them to bid for properties as the requirement varied when bidding for alternative housing. If someone had been removed they would be unable to access their details and would make contact in that instance, this was not a frequent occurrence. The concern remained among some Members that a lack of awareness could still lead to a missed opportunity for housing and a loss of contact with the individual.

## 7. AOB

There was felt to be potential to explore the wider issue that some databases were not compliant with the LLPG. It was accepted that there would be upfront costs, but benefits and savings would be found at a later date. Phil Parker added that replacement systems would have to be procured for this to be achieved, incurring a further cost. **Action: Councillor David Rendel to suggest this be added to the work programme of the Resource Management Select Committee.**

Elizabeth Wallington circulated the information requested at the previous meeting. This covered:

- further information on annual reviews;
- support offered to those individuals identified as vulnerable;
- data on those individuals identified as vulnerable for a variety of reasons and the proportion of those who were bidding for housing. This showed that approximately 50% were not submitting bids, but many were not high priority cases. If capacity allowed then work could be undertaken to assess why these individuals were not submitting bids.

## **8. Future meeting dates and activity**

It was agreed that the task group would meet once more to finalise the report, before presenting it to the Stronger Communities Select Committee for approval.