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County Hall
Rhadyr
Usk
NP15 1GA

Tuesday, 19 July 2016

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 27 July 2016.

1. **WYE VALLEY AONB MANAGEMENT PLAN 2015 - 2020** 1 - 10

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor P Hobson

AUTHOR: Matthew Lewis,
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Tourism Leisure & Culture

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2. **REVIEW OF THE COUNCIL'S ALLOCATION SCHEME** 11 - 118

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor P Hobson

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3. **LANGUAGE AND PLAY/ENGAGEMENT WORKER POST DELETION PROPOSAL** 119 - 136

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor P Murphy

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4. **PROCUREMENT MEMORANDUM OF UNDERSTANDING FOR
GARDEN WASTE TREATMENT**

137 - 164

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor

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Yours sincerely,

Paul Matthews
Chief Executive

CABINET PORTFOLIOS

| County Councillor | Area of Responsibility | Partnership and External Working | Ward |
|-------------------------------------|--|---|-----------------|
| P.A. Fox (Leader) | <p>Organisational Development Whole Council Performance, Whole Council Strategy Development, Corporate Services, Democracy.</p> <p>Environment, Public Services & Housing Development Control, Building Control, Housing Service, Trading Standards, Public Protection, Environment & Countryside.</p> | <p>WLGA Council WLGA Coordinating Board Local Service Board</p> <p>SEWTA SEWSPG</p> | Portskewett |
| R.J.W. Greenland (Deputy Leader) | <p>Innovation, Enterprise & Leisure Innovation Agenda, Economic Development, Tourism, Social Enterprise, Leisure, Libraries & Culture, Information Technology, Information Systems.</p> | <p>WLGA Council Capital Region Tourism</p> | Devauden |
| P.A.D. Hobson (Deputy Leader) | <p>Community Development Community Planning/Total Place, Equalities, Area Working, Citizen Engagement, Public Relations, Sustainability, Parks & Open Spaces, Community Safety.</p> | <p>Community Safety Partnership Equalities and Diversity Group</p> | Larkfield |
| E.J. Hackett Pain | <p>Schools and Learning School Improvement, Pre-School Learning, Additional Learning Needs, Children's Disabilities, Families First, Youth Service, Adult Education.</p> | <p>Joint Education Group (EAS) WJEC</p> | Wyesham |
| G. Burrows | <p>Social Care, Safeguarding & Health Adult Social Services including Integrated services, Learning disabilities, Mental Health. Children's Services including Safeguarding, Looked after Children, Youth Offending. Health and Wellbeing.</p> | <p>Gwent Frailty Board Older Persons Strategy Partnership Group</p> | Mitchel Troy |
| P. Murphy | <p>Resources Accountancy, Internal Audit, Estates & Property Services, Procurement, Human Resources & Training, Health & Safety.</p> | <p>Prosiect Gwrydd Wales Purchasing Consortium</p> | Caerwent |
| S.B. Jones | <p>County Operations Highways, Transport, Traffic & Network Management, Waste & Recycling, Engineering, Landscapes, Flood Risk.</p> | <p>SEWTA Prosiect Gwrydd</p> | Goytre Fawr |



Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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|---------------------------------|--|
| SUBJECT: | WYE VALLEY AONB MANAGEMENT PLAN 2015 - 2020 |
| MEETING: | Individual Cabinet Member Report |
| DATE: | 27th July 2016 |
| DIVISION/WARDS AFFECTED: | All AONB Wards |

1. PURPOSE:

- 1.1 To formally adopt the revised management plan for the Wye Valley Area of Outstanding Natural Beauty (AONB), as statutorily required by the Countryside and Rights of Way Act 2000 (CROW Act).

2. RECOMMENDATIONS:

- 2.1 To adopt the finalised Wye Valley Area of Outstanding Natural Beauty (AONB) Management Plan 2015 – 2020.

3. KEY ISSUES:

- 3.1 Section 89 of CROW Act 2000 places a statutory duty on all local authorities to produce, jointly if appropriate, a management plan for any AONBs lying within their boundaries and to review them every five years.
- 3.2 The first statutory management plan for the Wye Valley AONB was produced in 2004 and covered the period 2004 to 2009. Its first review covered the period 2009 to 2014. A second review has now been undertaken managed by the Wye Valley AONB Unit and overseen by the the Wye Valley AONB Joint Advisory Committee.
- 3.3 The revised plan will cover the period 2015 - 2020. The plan has been subject to extensive public consultation, including a 10 weeks public consultation period and two seminars for key stakeholders. Screening Reports for the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) were consulted on by, in England: Natural England, the Environment Agency and Historic England and in Wales: Cadw, Natural Resources Wales and the Welsh Government.
- 3.4 A copy of the finalised plan for adoption and the consultation documents can be viewed at <http://wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/> . The Wye Valley AONB Joint Advisory Committee has considered the revised plan at each stage, including considering the consultation results and proposed amendments, and the finalised plan has been endorsed by the Committee.
- 3.5 This Management Plan, like its predecessors, is intended to provide guidance and strategic objectives, giving support and direction to help steer positive landscape change,

particularly to those bodies that make up the Wye Valley AONB Joint Advisory Committee and the wider AONB Partnership. It also provides guidance to the local communities and many landowners, residents and visitors in the area. The Management Plan is thus for all the bodies and individuals whose actions affect the AONB and who can play an important part in helping to conserve and, where appropriate, enhance the outstanding landscape of the lower Wye Valley, for the benefit of both current and future generations.

4. REASONS:

- 4.1 The preparation of a management plan for the Wye Valley AONB and its periodic review is a statutory requirement as set out on the main report. The CROW Act also requires that the County Council, as with all relevant authorities, should have regard to the purposes of the AONB in executing any of its functions which could affect the AONB.

5. RESOURCE IMPLICATIONS:

- 5.1 There are no additional resource implications. The AONB unit is funded through local authority contributions and grant aid from Natural Resources Wales, Welsh Government and Defra in England.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 The plan has been subject to formal Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) and will provide a framework within which the primary purposes of AONB designation can be maintained sustainably.
- 6.2 The significant equality impacts identified in the Future Generations evaluation (Appendix 2) are summarised below for members' consideration:
- The positive impact in identifying gaps in access and recreational provision, including for under-represented and minority groups, and work with appropriate bodies and stakeholders to support and promote access improvements.
 - The positive impact in supporting local / cultural distinctiveness.
- 6.3 The actual impacts from this report's recommendations will be reviewed annually by the Wye Valley AONB Technical Officers' Working Party and reported to the AONB Joint Advisory Committee.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

- 7.1 There are no direct safeguarding and corporate parenting implications.

8. CONSULTEES:

- Cabinet and SLT

As indicated in the main report significant consultation has been carried out in preparing the plan.

9. BACKGROUND PAPERS:

Consultation Versions, SEA, HRA, JAC reports: All available at <http://wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/>

Appendix 1: Extract from the management plan (Parts 1 and 2)

Appendix 2: Future Generations Evaluation September 2015.

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PART 1 CONTEXT

1. INTRODUCTION

1.1 Purpose of the AONB Management Plan

1.1.1 This is the third statutory 5 year Management Plan following the earlier non-statutory Plans of 1992 and 1981. Most of the issues in the 2009-2014 Plan are still relevant, and this Plan aims to build on and develop the approach of the previous one, updating and making changes where necessary, and setting out current priorities and actions. The Strategic Objectives in the last Plan have been reviewed and in some cases updated or refined (see 1.1.5 below). An Action Plan and monitoring and evaluation programme is also produced to ensure that these Strategic Objectives are implemented.

1.1.2 This Management Plan, like its predecessors, is intended to provide guidance and strategic objectives, giving support and direction to help steer positive landscape change, particularly to those bodies that make up the Wye Valley AONB Joint Advisory Committee and the wider AONB Partnership. It also provides guidance to the local communities and many landowners, residents and visitors in the area. The Management Plan is thus for all the bodies and individuals whose actions affect the AONB and who can play an important part in helping to conserve and, where appropriate, enhance the outstanding landscape of the lower Wye Valley, for the benefit of both current and future generations. However this Plan does not provide all the answers for the next five years. It addresses the implications for the conservation and enhancement of the natural beauty of the area. Meanwhile it complements a range of plans, strategies and programmes that cover other aspects in the administrative areas covering the Wye Valley AONB. In this context it articulates the value of the landscape and the added value brought by the designation and the role of the partners in the AONB in supporting society's needs through an integrated approach to land management.

1.1.3 This Management Plan, under Section 89 of the Countryside and Rights of Way Act 2000, formulates local authority policy and action in relation to the management of the Wye Valley AONB. Regard will be given to this Management Plan, which is a material consideration in the respective Core Strategies and Local Development Plans / Local Development Frameworks of the constituent local authorities.

1.1.4 Therefore this Management Plan sits in the following context:-

National: National Parks and Access to the Countryside Act 1949,
Countryside and Rights of Way (CRoW) Act 2000,
National Planning Policy Framework,
Planning Policy Wales,
Well-being of Future Generations (Wales) Act 2015

County/District: Forest of Dean Core Strategy,
Gloucestershire Minerals Local Plan,
Herefordshire Local Plan & Core Strategy,
Monmouthshire Local Development Plan.

Local: State of the AONB Report,
AONB Management Plan Action Plan,
Habitats Regulation Assessment (HRA)
Strategic Environmental Assessment (SEA)
Wye Valley AONB Partnership guidance notes and positions statements.

The SEA & HRA contain a list of policy documents relevant to the Wye Valley AONB.

1.1.5 A Consultation Draft AONB Management Plan 2014-19 was published in November 2013 with a 10 weeks public consultation period. In addition two seminars were held with key stakeholders in January

2014 to provide further opportunities for everybody to inspect and comment on the new AONB Management Plan. A total of 27 organisations and individuals submitted 318 specific comments. The consequent recommended amendments to the AONB Management Plan were made and the Wye Valley AONB Joint Advisory Committee decided to redefine the period of the five year Management Plan to 2015-2020. Screening Reports for the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) were consulted on by, in England: Natural England, the Environment Agency and Historic England and in Wales: Cadw, Natural Resources Wales and the Welsh Government, between July to September 2015. This concluded that the AONB Management Plan does not have any likely significant effects on Natura 2000 sites (SPAs and SACs) alone or in combination with other plans and projects subject to HRAs being carried out at a lower tier plan or project level as set in the HRA document. The Management Plan has also been subject to a Future Generations Evaluation, which includes Equalities and Sustainability Impact Assessments.

1.2 AONB designation

1.2.1 The rich combination of breath taking views, impressive geology, historic legacies and diverse wildlife in the valley of the River Wye between Hereford and Chepstow led to the designation, in 1971, of the valley and adjoining plateaux and hills as an Area of Outstanding Natural Beauty (AONB). The Wye Valley AONB covers 92km (58 miles) of the lower reaches of the River Wye totalling an area of 327km² (128 square miles), being 45km North to South and 11.3 km at its widest (East - West) point. It stretches from Mordiford in the north, just east of the city of Hereford, southwards to the outskirts of Chepstow (see Map 1).

1.2.2 The Wye Valley AONB is unique among the 46 Areas of Outstanding Natural Beauty and 14 National Parks in England, Wales, Northern Ireland and Scotland in being the only protected landscape to straddle a national boundary; being 64% in England and 36% in Wales. This provides a number of challenges and opportunities for the management of the Wye Valley AONB.

1.2.3 **The primary purpose of Areas of Outstanding Natural Beauty (and National Parks) is to conserve and enhance natural beauty.** This was laid out sixty five years ago in the National Parks and Access to the Countryside Act 1949, modified in the Countryside Act 1968 and confirmed for AONBs in the Countryside and Rights of Way (CRoW) Act 2000. Supplementary purposes to the AONB designation were developed by government agencies in the 1990s (the Countryside Commission and Countryside Council for Wales 'AONBs: A Policy Statement CCP 356, 1991' and reiterated by the Countryside Agency in 'CA 24, November 2001'). These further AONB purposes are as follows:-

- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local communities.
- Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of designation, but the demand for recreation should be met in an AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

1.2.4 Areas of Outstanding Natural Beauty share equal status with National Parks in terms of scenic beauty and landscape protection. This was reinforced in the National Planning Policy Framework (NPPF para 115) and Planning Policy Wales (PPW para 5.3.6).

1.2.5 Unlike National Parks, AONBs are not authoritative bodies with their own planning or development control functions and other executive powers. Instead, responsibility for the designated purposes lies chiefly with the local authorities, for the Wye Valley AONB being Forest of Dean District Council, Gloucestershire County Council, Herefordshire Council and Monmouthshire County Council. The government departments and agencies responsible for designating AONBs and advising Government and

others on how AONBs should be protected and managed are Defra, Natural England and Natural Resources Wales.

1.2.6 The CRoW Act (Section 85) also requires that relevant authorities, in addition to government and local planning authorities, 'have regard' to the purpose of AONBs. These include parish, town and community councils and the holders of public office.

1.2.7 On the grounds of good citizenship and guardianship at least, a duty of care for the AONB also lies with individuals and organisations (private or third sector), especially those who own or manage land in the AONB and also with the visitors to the area.

1.3 What is Natural Beauty?

1.3.1 Natural Beauty is defined as "flora, fauna and geological and physiographical features" in the Countryside Act 1968. These aspects of natural beauty are the components that make a landscape so scenic and distinctive; the wildlife, trees and plants, and the shape of the land with its rivers and hills and rock outcrops. However, since 1968 the recognition and understanding has developed that 'natural' landscapes of the British Isles are in fact the product of millennia of human intervention. Therefore landscape is about the relationship between people and place; the interaction between nature and culture. Public appreciation is a key component of natural beauty and considerable provision for recreation and tourism in AONBs were made in the National Parks and Access to the Countryside Act 1949. Subsequent government guidance provides a further definition: 'The natural beauty of AONBs encompasses everything – 'natural' and human – that makes an area distinctive: geology, climate, soil, plants, animals, communities, archaeology, buildings, the people who live in it, past and present, and the perceptions of those who visit it.' (Countryside Agency, 23)

Consequently the Special Qualities of the AONB encompass natural beauty, scenic beauty, amenity, heritage and landscape assets.

2. STATEMENT OF SIGNIFICANCE AND VISION

2.1 Statement of Significance for the Wye Valley AONB

2.1.1 The Wye Valley Area of Outstanding Natural Beauty (AONB) is regarded as one of **the finest lowland landscapes in Britain**, with the River Wye one the **nation's favourite rivers**. The AONB, straddling the English Welsh border, with the river as the centrepiece, is an area of striking contrasts. In the north, the river meanders through the **broad meadows** of the Herefordshire lowlands. The more dramatic scenery, including famous spots like Symonds Yat and Tintern Abbey, lie downstream from Ross-on-Wye. Here the river has cut **dramatic gorges** with sheer **cliffs and steep wooded slopes**, interspersed with broader valley reaches, with rounded hills and bluffs.

2.1.2 The Wye Valley AONB contains a **splendid variety of geological outcrops** and important examples of **active and past geomorphologic processes**. Formed over millions of years, the underlying rocks have been worked on by ice and then the river to produce the landscape of the Wye Valley we recognise today. The differing geology has given rise to a **range of distinctive settlement and farming patterns**. The oldest rocks are the Silurian limestones and sandstones that make up the grey soils of the Woolhope Dome in the north of the AONB. The Old Red Sandstone creates the fertile red and brown soils of the Herefordshire lowlands along with the rich river alluvium of the floodplain. These softer rocks allowed the river to meander more widely. From Lydbrook the river cuts in and out of the harder Carboniferous Limestone strata of the Forest of Dean plateau to form dramatic gorges. The area has a **full sequence of the Carboniferous Limestone Series** and excellent exposures and formations including limestone pavement, quartz conglomerate, caves, natural stream channels and tufa dams.

2.1.3 The Wye Valley is particularly important for its **rich wildlife habitats**. This is reflected in the remarkable juxtaposition of three separate Special Areas of Conservation (SAC), under the European Union's Habitats Directive. The river is a SAC as well as being the first major river to be designated as a Site of Special Scientific Interest (SSSI) along its entire length. Nearly a thousand hectares of valley side woodland are also designated a SAC. Nine roosting sites for Greater and Lesser Horseshoe bats make a third SAC. Underlying this are 45 Sites of Special Scientific Interest (SSSIs) including 4 National Nature Reserves (NNRs) and 204 County local/key wildlife sites. The limestone woodlands are renowned as a refuge of rare species and form part of **one of the largest remaining areas of ancient semi-natural broadleaved woodland in the country**. As a predominantly wooded and riverine environment, the Wye Valley has a greater combination of ancient and natural features than virtually all the other AONBs and National Parks in the UK. Priority Habitats cover nearly 17% of the English part of the AONB. The traditional orchards, pastures, hay meadows, hedges and copses within the farmed landscape also provide rich habitats for wildlife. The strong mosaic of these habitats makes the landscape robust and permeable for many species.

2.1.4 The AONB contains an abundance of sites of historic and cultural significance. Many activities **fundamental to the cultural identity of Britain** have an origin in the Wye Valley. This is reflected in the fact that there are 123 Scheduled Monuments (SMs) in the Wye Valley AONB, 10 registered Parks and Gardens, 17 Conservation Areas and 915 Listed Buildings. The river is both the backbone and the border of the historic environment that underlays the landscape of the Wye Valley AONB. There is a range of distinctive settlement types and patterns, field systems, and vernacular building styles and materials. The whole of the lower Wye Valley, from Goodrich to Chepstow, has been included in the **Register of Landscapes of Outstanding Historic Interest** in Wales. Features range from caves with Palaeolithic occupation, ancient forests, Roman and Celtic settlements, defensive structures such as hill forts, Offa's Dyke and Mediaeval castles, secluded early churches and monasteries. Tributaries cascade down side valleys to join the Wye, giving focus to settlements and power to **pioneering industries** including wireworks, papermaking, tanning, tin-plate and quarrying. The river was the main transport route up and down the valley, superseded by the railway and eventually the roads. The scenic qualities of the Wye Valley are important in the history of art. Landscaped parks, gardens and viewpoints inspired some of the great British poets and writers. The Reverend William Gilpin was inspired in 1770 to write his treatise on the notion and depiction of landscape and gave birth to the **'picturesque' movement**. As a result of his work the valley became very popular with visitors.

2.1.5 The lower Wye Valley remains nationally renowned as a **destination for tourism and recreation** with 2.3 million tourist days per annum. Overnight stays, while common, are outweighed by day trips with many people travelling for less than 2 hours to visit the Wye Valley. Amongst these visitors are some of the **29,300 residents** living and/or working in the market towns, villages and hamlets of the Wye Valley AONB.

2.1.6 The **high quality environment** of the lower Wye Valley makes a significant contribution to the area's economic development. The natural beauty of the area is recognised as **contributing to economic activities and well-being** such as tourism and inward investment, as well as the overall **quality of life**, making the Wye Valley a more attractive place in which to live and work. However, the general locality is renowned for limited job opportunities. Many residents work outside the AONB, often commuting to Birmingham, Bristol or Cardiff. The reality for some is an area of low incomes, limited housing, inadequate services and poor transport.

2.1.7 **Agriculture, forestry and tourism** are the main industries that operate in the landscape of the lower Wye Valley along with mineral extraction. Combined together they have to a large extent **crafted the landscape** we see today. Agriculture and forestry are the most apparent land uses with farmland covering 58% of the AONB and woodland 27%. There is a great diversity of enterprises dependant on all these industries, which tend to be characterised by low pay and seasonal employment. The viability of

some of these businesses can have significant implication for the natural beauty and social well-being of the area. Tourism, from the early days of The Wye Tour, has focused on the river corridor and the market towns. It is still predominantly based around **enjoyment of the scenic beauty** and the **palimpsest heritage** of the Wye Valley. With increasing diversification tourism is spreading throughout the AONB. Limestone extraction continues at one commercial quarry, with another abutting the AONB boundary. Neither of these quarries are operating at full capacity at the moment.

2.1.8 The majority of employment in the AONB comes from distribution, education, manufacturing, public administration and tourism. The growth of environmentally beneficial activities in these sectors is becoming an increasingly important factor in the local economy. For example the increased interest in **locally produced food** is generating renewed investment locally in environmental land management, local food processing and distribution, food tourism, education and recreation. Other influences that have the potential to benefit the local economy include changes in working practices and the development of woodfuel and other local renewable energy technologies.

2.1.9 The **Special Qualities of the Wye Valley AONB**, which contribute significantly to the ecosystem goods and services of the area, are listed below.

1. Overall Landscape

of 16 Landscape Management Zones (see Table 1 & Map 2 - at rear) with key features and links to the other Special Qualities

Biodiversity

2. Woodlands

3. The river & tributaries

4. Species-rich grassland, including small field pattern of un/semi-improved grassland, often bounded by drystone walls or old hedges

5. Boundary habitat diversity & connectivity, e.g. between grassland & woodland, farmland & heathland, tidal river & ASNW, hedges &/or drystone walls, lanes, banks, verges and fields & woods

Geological

6. Silurian Rocks

7. Devonian - Lower Old Red Sandstone

8. Quartz Conglomerate outcropping between Lower and Upper Old Red Sandstone

9. Carboniferous Limestone

10. Riverine geomorphology

Visual and Sensory

11. Picturesque, extensive & dramatic views.

12. Overall sense of tranquillity, sense of remoteness and naturalness / wildness

Historic Environment

13. Prehistoric sites from Palaeolithic to Iron Age

14. Roman and early Medieval sites including Offa's Dyke

15. Mediaeval Defensive and Ecclesiastical sites and associated landscapes

16. Post-medieval industrial sites and associated landscapes

17. Railway heritage

18. Ancient trees

19. Historic / registered parks and gardens

20. Vernacular architecture: Farmsteads, Commoners cottages, Estate houses

Language

21. Welsh language & accent; Forest of Dean & South Herefordshire dialects & accents

Access and Recreation

22. Old tracks: often in sunken ways &/or bounded by drystone walls

23. Offa's Dyke Path

24. Wye Valley Walk

25. Access land

26. Small commons; largest are Coppet Hill, Broadmoor, Staunton Meend, Whitelye, The Hudnalls
Other
27. Orchards

2.2 The Vision for the Wye Valley AONB

2.2.1 The following was developed for the 2009-14 AONB Management Plan as a 20 year vision and remains a true encapsulation of how we want the AONB to be in 15 years' time and beyond:-

The Wye Valley Area of Outstanding Natural Beauty (AONB) will be a landscape

- *that continues to evoke inspiration in a wide range of people*
- *where some degree of change is accepted and its impacts accommodated through positive management including effective adaptation to and mitigation of climate change*
- *where the distinctive mix of steep valley sides and rolling hills, covered with ancient and semi-natural woodland, mixed farmland, and scattered settlement dominate the landscape along with the meandering river*
- *where the natural and heritage assets are in good order, well-understood and accessible where appropriate, in fully compatible uses and adapted and changed in ways which respect and enhance their significance*
- *with a robust mosaic of inter-connected semi natural habitats for native wildlife, particularly around grassland, wetland and woodland*
- *providing functioning services and resources for society, including flood storage, food, timber, tourism and minerals*
- *which provides work for local people, who make good use of the varied resources the area has to offer*
- *where both visitors and residents are able to enjoy the area, particularly for sustainable tourism, recreation and informed appreciation of the historic and natural environment, with minimal conflict or disturbance from other users*
- *where association with the Wye Valley continues to benefit the surrounding villages, market towns and counties*
- *supported by the good will, pride and endeavour of local people, visitors, and the public, private and voluntary sectors*
- *worthy of its designation as an internationally important protected landscape.*

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| SUBJECT: | Review of the Council's Allocation Scheme |
| DIRECTORATE: | Enterprise |
| MEETING: | Single Member Cabinet Decision |
| DATE: | 19th July 2016 |
| DIVISION/WARDS AFFECTED: | All |

1. PURPOSE:

- 1.1 To consider the proposed amendment to the common allocation policy between the Council and Monmouthshire, Melin and Charter Housing Associations.

2. RECOMMENDATIONS:

- 2.1 To recommend that Cabinet adopt the proposed policy amendments as soon as possible
See attached appendices: 1- Allocation Policy changes, 2 – Summary of Bands, 3 – Exclusion Policy, 4 – Customer Commitment, 5 – Quotas, 6 – Information Sharing, 7 – Eligibility & Allocations, 8, Housing Band Need, 9. Future Generation Evaluation

3. KEY ISSUES:

- 3.1 Although no longer owning any housing stock, the Council still retains a statutory responsibility for the strategic identification of housing need and leading on all local actions to effectively respond to this need. In this regard, the [Monmouthshire] Housing Register is still a legal responsibility of the Council.

4. REASONS:

- 4.1 The banding based Register is used to assess housing need, determine applicant priority and provides a basis for letting social housing. Applicants are prioritised using bands which reflect need and meets the Council's obligations under the Housing Act 1996 and the Housing (Wales) Act 2014. The scheme, known as Monmouthshire Homesearch, which is administered on behalf of the Council (and Melin and Charter Housing Associations) by Monmouthshire Housing, has been jointly reviewed by the Council and partners.

- 4.2 In addition to ensuring the policy continues to meet the Council's aims, the review, which has included consultation with applicants and local support agencies, particularly aimed to bring the Policy in line with the Housing (Wales) Act 2014 and the new Welsh Government Allocations and Homelessness Code of Guidance. Improvements have also been made to incorporate best practice. Consultation has resulted in a number of comments all of which have been considered, in particular where it is proposed to move some applicants, who are not considered to be in need, from Band 4 to 5.

- 4.3 The main proposals are to:

- Update the aims and objectives to better align with the Single Integrated Plan, corporate priorities and the Housing (Wales) Act 2014. **(A1)**
- Update the Exclusion Policy **(A3)**
- Re-define Local Connection criteria from 6 out of past 12 months to 12 out of past 24 months. **(A1)**.
- Add dependent children including step children and adopted children as family association regarding local connection criteria. **(A1)**

- Homeless applicants owed a S75 duty will receive one suitable offer of accommodation via the allocation policy, rather than two, to discharge the Council's duty. Should the applicant refuse this offer, their banding would then be reassessed as per the allocations policy, dependent on their new circumstances. (A1)
- Homeowners will be given additional priority where they can evidence that they do not have the financial resources or equity in a property to purchase another suitable property (A1)
- Displaced Agricultural Workers to be added to Band 2. (A1)
- Create a Band 3B for those applicants threatened with homelessness with a likely priority need and owed a S66 or S73 duty. (A2)
- Adequately housed RSL tenants will be moved from Band 4 to Band 5, unless there is a medical or welfare priority. Tenants will be assessed accordingly (A1)
- All the above will be complimented by the introduction of an on-line Pre Assessment Model, providing bespoke advice for individual applicants.
- Continue to support sustainable communities
- Continue to support applicants to move to avoid hardship and to reduce the associated risks (for both applicants and the RSL's) of new tenants falling into arrears
- Continue to support the Council to discharge its homeless duties through facilitating the turnaround of temporary accommodation
- Continue to offer choice whilst continuing to maximise best use of the stock
- Continue to allow applicants dependent on housing benefit to bid for properties that will allow under-occupation by up to one bedroom, but the RSL may withdraw an offer if under-occupation creates an affordability issue.

5. RESOURCE IMPLICATIONS:

- 5.1** There are no financial implications with regards to the policy amendments. There is a cost implication to introducing the Pre-Assessment model of approximately £5,727. This cost has been covered by Welsh Government grant funding in 2015/16.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1** Equalities implications were identified in the assessment in relation to the proposal of reducing the Banding priority for adequately housed applicants. This will be mitigated against on a case by case basis in relation to physical bedroom size. Also, it is now **not** proposed to implement a change to reducing income thresholds as part of the assessment procedure on the basis of applicant feedback. (Appendix 10)

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

- 7.1** There are no safeguarding and corporate parenting implications.

8. CONSULTEES:

- 8.1** Cabinet Member for Environment, Cabinet Member for Public Services & Housing; Cabinet Member for Community Development, Homesearch Partners

9. BACKGROUND PAPERS:

- 9.1** Housing (Wales) Act 2014, Welsh Government Code of Guidance for the Allocation of Accommodation & Homelessness, April 2015; Allocation of Housing Register Health-Check, January 15 – Andy Gale,

- 10. AUTHOR:** Karen Durrant, Private Sector Housing Manager

- 11. CONTACT DETAILS:** Tel: 01495 742437 E-mail: karendurrant@monmouthshire.gov.uk

Appendix 9



monmouthshire
sir fynwy

Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

| | |
|---|--|
| <p>Name of the Officer Karen Durrant</p> <p>Phone no: 01495 742437 E-mail: karendurrant@monmouthshire.gov.uk</p> | <p>Please give a brief description of the aims of the proposal</p> <p>Review the Council's allocation scheme to provide a system for the letting of social housing in Monmouthshire with regard to the Housing (Wales) Act 2014</p> |
| <p>Name of Service</p> <p>Housing & Communities</p> | <p>Date Future Generations Evaluation 10.04.2016</p> |




14. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|--|---|
| <p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p> | <p>Monmouthshire Housing Association manage the waiting list on behalf of MCC providing employment to local people.</p> <p>The allocation policy seeks to make 'best use' of the social housing stock in Monmouthshire</p> | |

| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|--|
| A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change) | N/A | N/A |
| A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood | Providing social housing to those prioritized as most in housing need, including medical conditions and welfare circumstances Not all those with a housing need will be on the register | It is an on-going procedure for the Council and the Homeseach Partnership to liaise with partner agencies to encourage their clients to register on the Housing Register |
| A Wales of cohesive communities Communities are attractive, viable, safe and well connected | The policy support this | N/A |
| A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing | The policy supports this. For example, the policy will facilitate accommodating Syrian Vulnerable Households | N/A |
| A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation | | N/A |
| A more equal Wales | All of the housing associations in Monmouthshire operate schemes to engage | |

| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|---|---|
| People can fulfil their potential no matter what their background or circumstances | and involve their tenants eg Financial inclusion; employment and skills support | |

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

| Sustainable Development Principle | How does your proposal demonstrate you have met this principle? | What has been done to better to meet this principle? |
|--|---|---|
|  <p>Long-term the future</p> <p>Balancing short term need with long term and planning for</p> | <p>The housing register provides information of housing need and acts as a planning tool</p> | <p>Housing need can be assessed by breaking down into different need groups – disability, medical, welfare</p> |
|  <p>Collaboration objectives</p> <p>Working together with other partners to deliver</p> | <p>All partners and agencies have been consulted with the review of this policy</p> | <p>All partners/agencies were consulted at the beginning of the review and once the review had been completed</p> |
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | <p>Applicants that could have been affected by any change have been contacted and spoken to in person in relation to financial thresholds and the definition of adequately housed</p> | <p>Concerns noted and the proposal to reduce financial income thresholds for assessing applications were not implemented as originally planned.</p> |

| Sustainable Development Principle | How does your proposal demonstrate you have met this principle? | What has been done to better to meet this principle? |
|---|---|--|
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | <p>Pre assesement model being purchased which will give advice to those applicants that are concerned about losing their accommodation</p> | <p>Will enable Housing Solution Team to contact immediately and help prevent homelessness as per the Housing (Wales) Act 2014 and provide bespoke advice</p> |
|  <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p> | <p>The policy continually seeks to support those in housing need and vulnerable households. The housing application assessment considers a range of needs including medical and social needs and income needs</p> | <p>N/A</p> |

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|-------------------------------|---|---|--|
| Age | | For anyone assessed under the policy as adequately housed and, therefore, not in housing need | <p>The amended policy better supports those applicants assessed as in housing need and being vulnerable</p> <p>It is a priority for the Private Sector Housing team to engage with private landlords to secure additional housing stock.</p> <p>There are a number of services that will provide advice and assistance in relation to acquiring accommodation eg Housing Support Services; Housing Solutions</p> <p>The new Locata Pre-Assessment module will provide better advice and information for applicants</p> |
| Disability | | Ditto | Ditto |
| Gender reassignment | | Ditto | Ditto |
| Marriage or civil partnership | | Ditto | Ditto |
| Race | | Ditto | Ditto |
| Religion or Belief | | Ditto | Ditto |
| Sex | | Ditto | Ditto |

| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------------|--|---|---|
| Sexual Orientation | | Ditto | Ditto |
| Welsh Language | <i>Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.</i> | None | Bi-lingual information will be available |

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

| | Describe any positive impacts your proposal has on safeguarding and corporate parenting | Describe any negative impacts your proposal has on safeguarding and corporate parenting | What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------|---|---|--|
| Safeguarding | There is provision within the policy to support safeguarding | | |
| Corporate Parenting | There is provision within the policy to this | | |

5. What evidence and data has informed the development of your proposal?

Housing Register statistics
 Homeless related demand
 Affordable housing stock profile including accommodation used to prevent or respond to homelessness
 The views from applicants affected or potentially affected by the initial proposals
 Housing (Wales) Act 2014
 Welsh Government Code of Guidance for Local Authorities for the Allocation of Accommodation & Homelessness

page 19

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The changes ensure the policy is aligned with the Council's statutory duties

The policy is more targeted to all applicants considered to be in housing need including protected groups

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

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| What are you going to do | When are you going to do it? | Who is responsible | Progress |
|--|------------------------------|--------------------|---|
| Finalise the implementation of the pre-assessment module | June 2016 | Karen Durrant | Has been developed over the last 6-9 months and is nearing completion |
| Publicise changes | May 2016 | Karen Durrant | Subject to Cabinet approval |
| | | | |

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

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| The impacts of this proposal will be evaluated on: | Will be reviewed through quarterly Homeseach monitoring reports and regular Homeseach Partnership meetings. |
| | The policy will be formally reviewed in 3 years |

Appendix 1

Monmouthshire Common Allocations Policy Review of policy to incorporate the Housing Wales Act 2014

The proposed changes to the Common Allocations Policy are listed below and highlighted in **green**, amendments to the wording are highlighted in **blue**

| Section in policy original | Original text | Recommended change |
|----------------------------|---|---|
| Section 1 | <p>Introduction</p> <p>1.1 Monmouthshire County Council (MCC), Monmouthshire Housing Association (MHA), Melin Homes and Charter Housing have established a partnership called the Monmouthshire Housing Register Partnership (MHRP).</p> <p>1.2 The Register will be held on behalf of MCC and administered on behalf of all partners by Monmouthshire Housing Association. This will create a single point of access for social housing in Monmouthshire.</p> <p>1.3 To deliver greater choice for all those seeking housing and to enable people to make well informed decisions about their housing options a choice based lettings scheme called Monmouthshire Home Search is being established by the Housing Association partners, to let their empty properties.</p> <p>1.4 This Allocations Policy sets out the policy and procedures for accessing affordable housing under the Monmouthshire Housing Register and contains the policy adopted by the Housing Associations for choice based lettings.</p> <p>1.5 For the purposes of the policy covering choice based lettings the partnership of Charter Housing, MHA and Melin Homes is referred to as Monmouthshire Home Search.</p> | <p>Introduction</p> <p>1.1 Monmouthshire County Council (MCC) transferred its housing stock to MHA in January 2008. However, it remains a legislative requirement for the Council to formulate, adopt and amend an allocation scheme for social housing in Monmouthshire.</p> <p>1.2 Monmouthshire Housing Association (MHA) administers a choice based lettings scheme through Homesearch, on behalf of MCC and other RSL partners. This partnership is called the Monmouthshire Housing Register Partnership (MHRP).</p> <p>1.3 Homesearch is managed via service level agreements between MHA and MCC and other RSL partners.</p> <p>Applicants are placed in date order into bands of housing need, according to their circumstances</p> |

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| | <p>1.6 This policy meets the requirements in Part VI Housing Act 1996 (as amended by Homelessness Act 2002), giving reasonable preference to those applicants in greatest need.</p> <p>1.7 Under this Policy, applicants are placed into one of five broad bands of housing need according to their circumstances.</p> <p>1.8 For the purposes of letting vacant properties, vacancies will be advertised via Monmouthshire Home Search by a variety of means to deliver maximum accessibility.</p> <p>1.9 As MCC does not have any social housing stock, it does not have a lettings policy. However all social housing vacancies in Monmouthshire will be let via the Home Search scheme using the priority of applicants from the MHRP policy.</p> <p>1.10 Although this Scheme will provide greater choice for applicants, the scheme in itself will not increase the number of properties available. The system will, however, be more transparent and is expected to provide applicants with a more realistic view of their prospects of securing accommodation. Social housing in Monmouthshire is unlikely to satisfy all applicants by providing affordable rented accommodation, so alternative housing options such as: private rented accommodation; mutual exchanges and low cost home ownership schemes will need to be explored by applicants.</p> | |
| Section 2 | <p>Background to the Allocations Policy</p> <p>2.1 The Council transferred its housing stock to MHA in January 2008, however, the Council retains a number of statutory housing obligations. One of these is the</p> | <p>Purpose of the Policy</p> <p>2.1 This Policy sets out the governing principles for letting all social housing vacancies under the Monmouthshire Housing Register.</p> |

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| | <p>requirement for the Council to formulate, adopt and amend an allocation scheme. Whilst there is no statutory requirement to maintain a Housing Register, there are significant practical reasons to do so.</p> <p>2.2 The Council has contracted Monmouthshire Housing Association to administer the Housing Register, which will result in there being one point of access onto the Housing Register.</p> <p>2.3 The Council retains full responsibility for the Policy itself including any amendments to it and for consulting other Registered Social Landlords (RSL's) on any proposed changes to the Policy. The administrative functions that the Council has transferred out to Monmouthshire Housing Association are:</p> <ul style="list-style-type: none"> a) The receipt of housing applications; b) All assessment matters and decisions regarding eligibility under the scheme; c) Carrying out any statutory review of a decision made; d) Making arrangements to ensure that advice and information on allocations and the Council's scheme are available in the County. <p>2.4 Applications for housing will be made under the harmonised allocations policy using an application form. Resulting in MHA, Melin and Charter all filling their vacant properties following the priorities set out in this Common Allocation Policy.</p> <p>2.5 The allocation of properties in Monmouthshire by MHA, Charter Housing and Melin Homes, will be undertaken in</p> | <p>The aims of this Policy are to</p> <ul style="list-style-type: none"> a) Provide a service that is informative, easy to access and gives high customer satisfaction and responds to changing demands and meets the needs of customers b) Provide a service that is high performance and effective c) Create and maximise choice by providing information about various tenures and waiting times d) Support the whole community by retaining customers e) Allocate social housing fairly, equitably and transparently f) Develop an adaptable and transparent approach to sustaining tenancies g) Support access to affordable housing and make best use of our housing stock to meet priority need and help support families and protect vulnerable people h) Minimise rent loss, but emphasise pre-tenancy advice and support i) Ensure that the policy provides an up to date strategic direction, to support procedures that are effective for staff <p>Adhere fully to legislation</p> |
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| | <p>strict accordance with this policy, thus creating a common allocation policy.</p> <p>2.6 Any nominations to other RSLs not being part of the partnership will be undertaken in strict accordance with this policy. However these have limited stock and will be expected to partake in Home Search for the letting of their vacancies.</p> | |
| Section 3 | <p>This replaces The Legal Framework which has been moved to Section 4</p> | <p>3. Scope</p> <p>3.1 The allocation of properties through the Monmouthshire Housing Register will be undertaken in strict accordance with this policy.</p> <p>3.2 Allocations by other Registered Social landlords (RSLs), not part of the MHRP, may also be undertaken in accordance with this policy. Such RSLs have limited stock, but will have the option of using Homesearch for the letting of their vacant homes, at a cost.</p> |
| Section 4 | <p>The Legal Framework – this replace Policy Aims and Objectives which will be an Appendix</p> <p>Housing Act 1996 and the Homelessness Act 2002</p> <p>3.1 Part VI Housing Act 1996, as amended by Homelessness Act 2002, sets out the legal framework for the allocation of accommodation by local authorities and registered social landlords (RSLs).</p> <p>3.2 MHRP maintains a housing register and only qualifying persons will be registered on it. The Department of Communities and Local Government and the Welsh</p> | <p>4. Legal Framework</p> <p>4.1 This Policy is framed and governed by relevant legislation, which includes Housing Act 1996, Homelessness Act 2002 and Housing (Wales) Act 2014. In particular this means:</p> <p>a) Part VI Housing Act 1996, as amended by Homelessness Act 2002 and Housing (Wales) Act 2014, sets out the legal framework for the allocation of accommodation by local authorities and registered social landlords (RSLs).</p> <p>b) Section 167 of the Housing Act 1996 defines reasonable preference</p> |

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| | <p>Assembly Government may define who is and is not a qualifying person. Subject to the terms of the Act and related regulations MHRP may determine who may and may not be on the housing register.</p> <p>3.3 Each housing authority has a duty under the Act to ensure that in letting it's property it gives reasonable preference to certain categories of housing need defined in the Act. These are:</p> <ul style="list-style-type: none"> • people who are homeless; • people owed certain homelessness duties; • people living in unsatisfactory housing conditions (including insanitary or overcrowded housing); • people with a particular need to move on medical or welfare grounds; and • people with a particular need to move to avoid hardship to themselves or others. <p>Subject to this requirement the MHRP also reflects local priorities.</p> <p>3.4 The Act requires a published summary of the allocations scheme to be available free of charge on request. This allocations policy is available for inspection from any principle partners.</p> <p>3.5 The Allocations Policy and Home Search scheme will be reviewed annually taking into consideration any changes in the legal framework governing this scheme, or to respond to any case law that affects the operation of the scheme. However during the first year of implementation the partnership may agree changes to the policy and or</p> | <p>c) MHRP will maintain a housing register and only qualifying persons will be registered on it</p> <p>d) Each partner has a duty to ensure that in letting its property it gives reasonable preference to certain categories of housing need defined in the Housing Act 1996. Subject to this requirement partners must also reflect local priorities.</p> <p>e) A published summary of the allocations scheme must be made available free of charge on request.</p> <p>4.2 This Policy is also framed by other legislation, including but not limited to:</p> <ul style="list-style-type: none"> h) Equality Act 2010 (in particular s.149) i) The Human Right Act 1998 j) The Freedom of Information Act 2000 (in particular s.19) k) The Data Protection Act 1998 l) Crime and Disorder Act 1998 (in particular s.17) m) Social Services and Wellbeing Act 2014 (in particular part 9) n) Anti-social Behaviour, Crime and Policing Act 2014 (in particular s.97 & 98) |
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| | <p>Home Search scheme prior to the review falling due (also see Section 13).</p> <p>3.6 In framing the allocations scheme to offer a choice of accommodation to applicants, MHRP will ensure it's policies and procedures are compatible with obligations imposed on them by other existing legislation, in addition to Part VI Housing Act 1996, including but not limited to:</p> <ul style="list-style-type: none"> a) The Race Relations Act 1976 (in particular s.71) b) Disability Discrimination Act 1996 (in particular s.49a) c) The Sex Discrimination Act 1975 (in particular s.76a) d) The Equality Act (Sexual Orientation) Regulations 2007 in particular regulation 5 & 8) e) The Human Right Act 1998 f) The Freedom of Information Act 2000 (in particular s.19) g) The Data Protection Act 1998 | |
| <p>Section 5</p> | <p>Section 5 - Customer Commitments</p> <p>5.1 We will consider every application received and:</p> <ul style="list-style-type: none"> ✓ Make sure the Partnership meets its legal obligations in letting accommodation owned by all housing associations. ✓ Provide free advice and information about the right to apply for accommodation. ✓ Provide free assistance to applicants who may have difficulty when making an application. We will help an applicant complete the application for accommodation | <p>5. Roles and Responsibilities</p> <p>5.1 The Council retains full responsibility for the Policy itself including any amendments to it and for consulting other Registered Social Landlords (RSL's) on any proposed changes to the Policy. The administrative functions that the Council has transferred out to Monmouthshire Housing Association are:</p> <ul style="list-style-type: none"> a) The receipt of housing applications b) All assessment matters and decisions regarding eligibility under the scheme c) Carrying out any statutory review of a decision made d) Making arrangements to ensure that advice and information on allocations and the Council's scheme are available in the County |

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| | <p>form if they need assistance and participate in the Home Search scheme.</p> <ul style="list-style-type: none">✓ Make sure any information we provide is easy to understand and is readily accessible.✓ Provide information to all applicants on what types of accommodation are available throughout the County.✓ Supply information to the applicant to enable them to ascertain how long they are likely to have to wait before being offered accommodation.✓ Advise those applicants with low housing need that they are extremely unlikely to be offered social housing through this scheme.✓ Provide a full copy or a summary of this Allocation Scheme to all households who request one.✓ Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status.✓ To re-let all vacant housing association homes that are ready to let as quickly as possible.✓ Ensure that all information provided by applicants will be treated in strictest confidence. We will comply fully with the Data Protection Act in relation to all information we hold about applicants.✓ Provide services in Welsh, or direct applicants to where they can access the service in Welsh. | |
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| | ✓ Assess the language need of applicants and respond appropriately. | |
| Section 6 | Data Protection and Information Sharing will become an appendix | <p>6. Review and Performance Monitoring</p> <p>6.1 The Allocations Policy will be formally reviewed every 3 years, or amended and updated as is necessary in order for it to remain fit-for-purpose. Any amendments to the Policy will be agreed by all Partners before being implemented.</p> <p>6.2 Applicants will be consulted regarding a major change to the policy.</p> <p>6.3 Homesearch will utilise customer feedback, best practice, performance data, operating experience and respond to legislative changes to continually improve the procedures and where applicable the policy.</p> |
| Section 7 | <p>Registration</p> <p>7.1 Making an Application for Housing</p> <p>7.1.1 All applicants will need to register either by completing an application form online, (via the Monmouthshire Home Search website); or completing a paper application form available from one of the partners.</p> <p>7.1.2 All homeless households for whom MCC has accepted a full homeless duty will be required to complete an application form and all relevant factors will be assessed.</p> | <p>Registration</p> <p>7.1 Making a Housing Application</p> <p>7.1.1 All applicants will need to register by completing an online form (including existing tenants of MHA, Melin, Charter, United Welsh and Derwen wishing to transfer). This also includes households owed a Section 66, 73 or 75 homeless duty.</p> <p>7.1.2 All applicants will be offered advice and assistance in completing the application form including translation and interpreting facilities where required.</p> |

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| | <p>7.1.3 All other applicants, including existing tenants of MHA, Melin and Charter wishing to transfer, must apply to register under this scheme.</p> <p>7.1.4 All applicants will be offered advice and assistance in completing the application form including translation and interpreting facilities where required.</p> <p>7.1.5 Applicants may use correspondence addresses as detailed below:</p> <p>a) No Fixed Abode -If an applicant is applying as “No Fixed Abode” (NFA), then the application will not be registered until the applicant provides a correspondence address, (i.e. a care of address). If a correspondence address is not provided then the application will be treated as an incomplete application.</p> <p>b) Care of or Correspondence Address -We recognise that some applicants for personal circumstances, (e.g. domestic abuse or support needs), may wish to have all correspondence relating to their application sent to a different address than the one they are residing. The applicant will be required to provide the address and accommodation details for where they are residing as banding will be assessed on where the applicant is living.</p> | |
| | <p>7.2 Who Can and Can't Register</p> <p>7.2.1 Anyone can register who is aged 16 years and over, unless they are subject to immigration control, (see below); providing they are not already registered for housing on their own or on someone else's application.</p> | <p>7.2 Who Can and Can't Register</p> <p>7.2.1 Anyone can register who is aged 16 years and over, providing they are not already registered for housing on their own or on someone else's application. They must, however, not be subject to immigration control. The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 informs the eligibility of persons for allocation of social housing and the eligibility of</p> |

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| | <p>7.2.2 Under the Housing Act 1996, we must consider whether applicants are eligible for housing assistance. This relates to some people who are living abroad or who do not have a permanent permission (indefinite leave) to remain in the UK.</p> <p>7.2.3 By law we cannot allocate housing accommodation to anyone who is subject to immigration control within the meaning the prevailing immigration law.</p> <p>7.2.4 Section 160A of the Housing Act 1996 states that a local housing authority shall only allocate housing accommodation to people who are eligible to join the scheme. The following persons are not eligible to join the housing register:-</p> <ul style="list-style-type: none"> a) Persons from abroad who are subject to immigration control and not re-included by Regulations. People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996. Note this requirement does not apply to tenants of a RSL who hold an existing secure, assured or starter tenancy. b) People who are not deemed to be habitually resident in the Common Travel Area (CTA). This may include British Citizens. c) Any other person as prescribed by the Secretary of State. d) Where an applicant or a member of the household is considered to be guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and at the time of their application for | <p>homeless applicants for housing assistance under Parts 6 and 7 of the Housing Act 1996. By law we cannot allocate housing accommodation to anyone who is subject to immigration control within the meaning of prevailing immigration law. We reserve the right to seek independent advice to resolve the issue of eligibility.</p> |
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| | <p>housing, they are still considered unsuitable to be a tenant by reason of that behaviour (see Section 7.3).</p> <p>7.2.5 Any person making an application who is identified as falling under the Asylum and Immigration Act or any succeeding legislation will be assessed in accordance with the Act. We reserve the right to seek independent advice to resolve the issue of eligibility.</p> <p>7.2.6 Social housing tenants within the household should be registered either as the applicant or joint applicant, so that when a new tenancy is accepted their existing home will be vacated.</p> <p>7.2.7 Under Universal Credit, most 16 and 17 year olds will not qualify to receive benefits. Therefore some applicants aged 16 and 17 will need to provide proof that they have the income and/or means to pay the rent of an appropriate social tenancy before they are allocated a tenancy. This will usually constitute part of the verification visit.</p> | |
| | <p>7.3 Exclusion from the Housing Register</p> <p>7.3.1 We may exclude someone from the Housing Register if it is considered proportionate and reasonable to do so, as a result of unacceptable behaviour. We will take into account all relevant factors such as health, dependence and the individual circumstances of the applicant when making these decisions.</p> | <p>7.3.1 We may exclude someone from the Housing Register if it is considered proportionate and reasonable to do so, as a result of unacceptable behaviour. We will take into account relevant factors when making these decisions.</p> |
| | <p>7.4 Local Connection</p> | <p>7.4 Local Connection</p> |

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| | <p>7.4.1 We recognise the right for persons applying from outside of Monmouthshire, who would not normally have a recognised connection with the County to be placed on the Housing Register, subject to eligibility. However, in order to meet local housing need, we will give priority to persons who do have a local connection to Monmouthshire.</p> <p>7.4.2 Local connection for this policy is defined as:</p> <ol style="list-style-type: none"> a) The applicant or a member of their household has lived in the County in accommodation of their choice for 6 out of the past 12 months or 3 out of the past 5 years. b) The applicant holds an RSL tenancy in Monmouthshire. c) The applicant or a member of their household are employed within the County, where they work within the area and not where the employers head office is. Employment will be deemed to be work that is permanent or long term in nature and is for 15 hours a week or more. d) The applicant or a member of their household has a family association, (being mother, father, brother, sister or adult children) who reside within the County and have done so for the past 5 years continuously. e) The applicant has just been or is about to be discharged from the British Armed Forces and has previously lived in the County as defined in 7.4.2 (a) immediately prior to joining the armed forces. f) There are special circumstances, for example, the applicant needs to be near special medical or support services that are only available in the Monmouthshire | <p>7.4.1 In order to meet local housing need, we will give priority to persons who do have a local connection to Monmouthshire.</p> <p>7.4.2 Local connection for this policy is defined as:</p> <ol style="list-style-type: none"> a) The applicant or a member of their household has lived in the County in accommodation of their choice for 12 out of the past 24 months or 3 out of the past 5 years. For a local connection to apply, an applicant must have lived in Monmouthshire through their own choice. b) The applicant holds an RSL tenancy in Monmouthshire. c) The applicant or a member of their household are employed within the County, where they work within the area and not where the employers head office is. Employment will be deemed to be work that is permanent or long term in nature and is for 15 hours a week or more d) The applicant or a member of their household has a family association, (being mother, father, brother, sister or dependent children or adult children) who reside within the County and have done so for the past 5 years continuously. This includes step children and adopted children. e) The applicant has just been or is about to be discharged from the British Armed Forces and has previously lived in the County as defined in 7.4.2 (a) immediately prior to joining the armed forces. f) There are special circumstances, for example, the applicant needs to be near special medical or support services that are only available in the Monmouthshire area. A local connection established on these grounds is likely to be exceptional. g) The applicant is owed a Homeless Section 66 or Section 75 duty under the Housing (Wales) Act 2014 by MCC. |
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| | <p>area. A local connection established on these grounds is likely to be exceptional.</p> <p>g) The applicant is owed a full homeless duty under s.193 Housing Act 1996 by MCC.</p> <p>7.4.3 Applicants registering with no fixed abode will need to prove a local connection to the Monmouthshire area if they are unable to do this they will be placed into Band 5.</p> <p>7.4.4 If the applicant has no local connection to Monmouthshire as detailed above, their application will be placed into Band 5. If the applicant has a medical or welfare need which does not require them to locate to Monmouthshire they will remain in Band 5 and advised to contact their Local Housing Authority for assistance.</p> | <p>h) An applicant has been provided with accommodation (at any time) in Monmouthshire, in relation to Section 95 of the Immigration and Asylum Act 1999 or succeeding legislation.</p> <p>7.4.3 If the applicant has no local connection to Monmouthshire as detailed above, their application will be placed into Band 5. If the applicant either has a medical or welfare need which does not require them to locate to Monmouthshire, they will remain in Band 5 and advised to contact their Local Housing Authority for assistance.</p> <p>7.4.4 Applicants registering with no fixed abode will need to prove a local connection to the Monmouthshire area if they are unable to do this they will be placed into Band 5. Although those owed a Section 66 and 73 homeless duty (as confirmed by MCC) will be placed in band 3 and those owed a Section 75 homeless duty in band 2B.</p> |
| <p>Section 8</p> | <p>Assessing Applications</p> <p>8.1 How Applications are Assessed</p> <p>8.1.1 In order to assess an applicant's place on the Monmouthshire's Allocation Scheme we use a needs based banding system, as detailed in Section 17 of this policy. The bands are awarded to reflect housing need, whereby the needs reflected in the highest band indicates those applicants with the greatest need for housing.</p> | <p>Assessing Applications</p> <p>8.1 How Applications are Assessed</p> <p>8.1.1 In order to assess an applicant's priority on the Monmouthshire's Allocation Scheme the band that reflects the greatest housing need will be awarded.</p> |

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| | <p>8.1.2 The applicant will receive notification detailing whether they are eligible and the band they have been placed into according to their housing needs. The applicant will also receive a User Guide detailing how Monmouthshire Home Search works and the various ways to bid for available properties.</p> <p>8.1.3 An applicant will on request be shown, and be given a copy of his/her entry on the Housing Register. We will also, on request from the applicant, provide information that is practicable and reasonable to supply, to explain his/her position and priority on the Monmouthshire Allocation Scheme in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.</p> | <p>8.1.2 The applicant will receive notification of their eligibility and banding and a User Guide detailing how Monmouthshire Home Search works.</p> <p>8.1.3 An applicant may be bypassed for an allocation as per Homesearch's Bypassing Policy and Procedure.</p> |
| | <p>8.2 Age Limit</p> <p>8.2.1 Applicants aged between 16 and 17 years old can register for accommodation, however, they will not normally be granted a tenancy until they reach the age of 18. Consideration can, however, be given to cases where an adult or organisation acts as a tenancy trustee (also called litigation friend), to hold the tenancy in trust for the applicant until they reach the age of 18.</p> <p>8.2.2 If a trustee cannot be found then the applicant will be appointed an equitable tenancy. Should court action be required for a breach of the equitable tenancy the landlord will ask to court to appoint a litigation friend on behalf of</p> | <p>8.2 Age Limit</p> <p>8.2.1 Applicants aged between 16 and 17 years old can register for accommodation, however, they will be granted a tenancy in trust until they reach the age of 18.</p> <p>8.2.2 RSL Partners should not offer tenancies in trust where there is no trustee (as the landlord will become the trustee by default).</p> |

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| | <p>the young person. An offer will only be made if the applicant can satisfy the requirements of 7.2.7</p> <p>8.2.3 Homeless applicants aged 16 or 17 years old will be referred to Social Services for an assessment of their needs under the Child In Need legislation.</p> <p>8.2.4 Where we receive a joint application and one of the applicants is aged under 18 years old, the application will be placed into the joint names. Consideration will, however, need to be given before a tenancy is granted. See Section 10.4 on joint tenancies.</p> | <p>8.2.3 Should court action be required for a breach of the equitable tenancy the landlord will ask the court to appoint a litigation friend on behalf of the young person (if their trustee does not act in this capacity).</p> <p>8.2.4 Homeless applicants aged 16 or 17 years old will be referred to Social Services for an assessment of their needs under the Child In Need legislation. Where social services provide support, they will be expected to act as trustee.</p> <p>8.2.5 Where we receive a joint application and one of the applicants is aged under 18 years old, the application will be placed into the sole name of the applicant over 18.</p> |
| | <p>8.3 Serious Offenders</p> <p>8.3.1 It is sometimes necessary to provide housing, which will minimise the risk to the community and the applicant, where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves and/or others, although they have not been convicted of an offence.</p> <p>8.3.2 We will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA) or any</p> | <p>8.3 Serious Offenders</p> <p>8.3.1 Homesearch will seek to minimise the risk to the community and the applicant where individuals are considered to pose a risk to themselves and/or others (even where an individual has not been convicted of an offence).</p> <p>8.3.2 We will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA) or any protocol with Probation Services Officers.</p> |

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| | <p>protocol with Probation Services. Officers will attend case conferences with the Police, Probation, Adult Social Care and Health professionals. A planned and managed relocation pathway will be agreed. This should include a full discussion of a range of housing options which are most appropriate to the applicant's circumstances and supervision needs.</p> <p>8.3.3 This may result in restrictions being placed upon the applicant in their choice of property or area. This may result in a direct offer of suitable accommodation being made to an applicant whenever they have sufficient priority under the scheme to receive such an offer.</p> | <p>8.3.3 This may result in restrictions being placed upon the applicant in their choice of property or area, or a direct offer of suitable accommodation being made.</p> |
| | <p>Senior Officer Discretion (to be added)</p> | <p>Senior Officer Discretion</p> <p>8.4.1 It is recognised that there may be exceptional circumstances where the only way an applicant's urgent housing need can be resolved, is through the use of discretion. The use of this provision will be kept to a minimum, in the interests of fairness to all Homesearch applicants. Note: this does not replace direct lets – see section 11.9.</p> |
| | <p>8.4 Applicants Living Away from Monmouthshire</p> <p>8.4.1 Where the applicant has been resident in the Monmouthshire area but is staying away from their home because of domestic violence, racial harassment, etc we will seek to verify their circumstances.</p> <p>8.4.2 This also applies to applicants who would normally be resident in Monmouthshire but who, due to circumstances are not able to do so e.g. prisoner who</p> | <p>8.5 Applicants Living Away from Monmouthshire</p> <p>8.5.1 Where the applicant has been resident in the Monmouthshire area but is staying away from their home because of domestic violence or racial harassment for example, we will seek to verify their circumstances. This also applies to applicants who would normally be resident in Monmouthshire but who, due to circumstances (such as serving in the armed forces) are not able to do so.</p> <p>8.5.2 In the case of 8.4.1, the definition of normally resident is having lived in the Monmouthshire area prior to the circumstance giving rise to the absence.</p> |

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| | <p>lived in Monmouthshire prior to being sent to prison or Armed Forces personnel who lived in Monmouthshire before joining.</p> <p>8.4.3 For these purposes the definition of normally resident is having lived in the Monmouthshire area prior to the circumstance giving to rise to their absence, see 8.4.2 above.</p> | |
| | <p>8.5 Rough Sleepers</p> <p>8.5.1 Rough sleepers are allowed to register if it can be verified that they are sleeping rough in the Monmouthshire area and have a proven local connection as defined in Section 7.4.</p> <p>8.5.2 Applications from rough sleepers should be referred to the MCC's Housing Options Team for verification and assessment.</p> | <p>8.6 Rough Sleepers/No fixed Abode</p> <p>8.6.1 Applicants may register where they have no fixed abode, only where they provide a correspondence address. Where an applicant uses a care of address for correspondence, they will also be required to provide the address they reside at, unless they are sleeping rough.</p> |
| | <p>8.6 Deferred Status</p> <p>8.6.1 It may be necessary to defer an application while we are verifying the applicant's circumstances. This can happen for a number of reasons including:</p> <ul style="list-style-type: none"> a) Investigation of inconsistent details on the application form. b) Awaiting proof of change of circumstances before amending application details. c) Pending an assessment under the Exclusions Policy (see Appendix 2). | <p>8.7 Deferred Status</p> <p>8.7.1 It may be necessary to defer an application while we verify an applicant's circumstances.</p> |

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| | <p>8.7 False or Withheld Information</p> <p>8.7.1 Under Section 171 of the Housing Act, it is a criminal offence for an applicant to knowingly give false information, or to withhold information relevant to their application.</p> <p>8.7.2 An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has reasonably been requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation. This would apply whether the false information was provided at the time of application, during a review of their application or in any other correspondence between the applicant and the MHRP.</p> <p>8.7.3 Where there is suspicion, or an allegation has been made that a person has either provided false information, or has withheld information, the application will be suspended pending the outcome of the investigation.</p> <p>8.7.4 If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was found to be inadvertent, then the application will be reinstated from the date of registration. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, then the application may be removed from the register and there will be no right to re-register for a period of 12 months.</p> | <p>8.8 False or Withheld Information</p> <p>8.8.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information, or to withhold information relevant to their application. Where there is suspicion, that a person has done so, the application will be suspended pending the outcome of an investigation.</p> <p>8.8.2 If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was accidental, then the application will be reinstated from the date of registration.</p> <p>8.8.3 Where the investigation shows that false information was provided on the application form, or was deliberately withheld, then the application may be removed from the register and there will be no right to re-register for a period of 12 months.</p> <p>8.8.4 A partner landlord will exercise its right to seek possession of a property where it has been granted as a result of a false statement.</p> |
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| | <p>8.7.5 Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation.</p> <p>8.7.6 If an applicant directly, or through a person acting on his or her behalf, has given false information or withheld information it could:</p> <ul style="list-style-type: none"> a) Result in an applicant being suspended from the scheme for a period of 12 months, or b) If appropriate, be taken into account in prioritising applicants who have reasonable preference; or c) If appropriate, result in the applicant not being given preference at all. | |
| | <p>8.8 Incomplete Applications</p> <p>8.8.1 If an applicant makes an application under the MHRP which is incomplete, we will not register the application.</p> <p>8.8.2 Online applications will not be made live until all information requested has been provided by the applicant.</p> <p>8.8.3 Paper application forms will be returned to the applicant with the incomplete sections highlighted. If we have to return an incomplete application form or change of circumstances or review form to the applicant, we will assess the application or changes from the date we receive the completed application, (i.e. not the original date).</p> | <p>8.9 Incomplete Applications</p> <p>8.9.1 If an applicant makes an application under the MHRP which is incomplete, we will not register the application.</p> <p>8.9.2 Applications will not be made live until all information requested has been provided by the applicant.</p> |

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| | <p>8.9 Applications from Councillors, RSL Board Members, Staff or their Close Relatives</p> <p>8.9.1 MCC Councillors, RSL Board Members and staff of MCC, MHA, Charter and Melin and their close relatives can apply to join the Housing Register. Upon application they must acknowledge their position within the Council or Housing Association or their relationship to the Council or Housing Association employee.</p> | <p>8.10 Applications from Councillors, RSL Board Members, Staff or their Close Relatives</p> <p>8.10.1 MCC Councillors, RSL Board Members and staff of MCC, MHA, Charter and Melin and their close relatives can apply to join the Housing Register. This is also applicable to RSLs that are not part of the MHRP, but allocate housing through the Homeseach scheme. Upon application, individuals must disclose this information. Applicants will be neither advantaged nor disadvantaged following disclosure.</p> |
| | <p>Change of Circumstances</p> <p>8.10.1 The applicant must notify us of any changes in their circumstances that may be relevant to their housing application as soon as is possible after that change occurs. It is the responsibility of the applicant to notify us of the changes.</p> | <p>8.11 Change of Circumstance</p> <p>8.11.1 It is the responsibility of an applicant to notify us of any changes in their circumstances (relevant to their housing application), as soon as possible.</p> |
| | <p>8.11 Deliberately Worsening Circumstances</p> <p>8.11.2 Where we believe this to be the case, the applicant will be awarded the band that they would have been entitled to had they not worsened their housing circumstances.</p> | <p>8.12 Deliberately Worsening Circumstances</p> <p>8.11.2 Where we believe this has happened, the applicant will be awarded the band that they would have been entitled to had they not worsened their housing circumstances.</p> |
| | <p>8.12 Reviews of the Register</p> <p>8.12.1 In order to maintain the data of applicants on the Housing Register and especially those with the highest</p> | <p>8.13 Reviews of the Register</p> <p>8.13.1 In order to maintain the data of applicants on the Housing Register the register will be reviewed periodically.</p> |

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| | <p>probability of being considered for an offer of accommodation the register will be reviewed periodically.</p> <p>8.12.2 After we have completed a review, we will inform the applicant of any changes to their band or status.</p> <p>8.12.4 An application can only be reinstated within a period of 3 months following removal. After this time a new application will need to be made and the applicant will lose any waiting time already accrued.</p> | <p>8.13.2 Following a review applicants will be informed about any changes to their band or status.</p> <p>8.13.4 An application can only be reinstated within a period of 3 months, following removal. After this time a new application will need to be made.</p> |
| | <p>8.13 Cancelling Applications</p> <p>8.13.1 Applications will be cancelled for one or more of the following reasons:</p> <ul style="list-style-type: none"> a) An applicant requests cancellation. b) An applicant accepts an allocation under this scheme. c) An applicant's circumstances change and they are no longer eligible. d) An applicant fails to respond to a review. e) An applicant is found following investigation to have made a false or deliberately misleading statement in connection with their application (in such cases the applicant may be removed for 12 months depending on the seriousness of the false or misleading statement). f) An applicant has been housed in a secure or assured tenancy by another Local Authority or a Housing Association in or outside of the County. g) An applicant becomes ineligible under this policy. h) An applicant who is a social housing tenant mutually exchanges to another property. | <p>8.14 Cancelling Applications</p> <p>8.14.1 Applications will be cancelled where there is a viable reason.</p> <p>8.14.2 Decisions taken to cancel an application will be reviewed if requested by the applicant.</p> |

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| <p>Section 9</p> | <p>Section 9 - Choice and Preference Options</p> <p>9.1. In accordance with Section 167(1A) of Housing Act 1996, Monmouthshire's Allocation Scheme must include a statement of the adopted policy on offering applicants a choice of housing accommodation or the opportunity to express preferences about any accommodation to be allocated to them. Applicants should note that it is only a requirement to be informed of the adopted policy on choice and expressing preferences, and should not be confused with a requirement to offer applicants choice or unlimited choice.</p> <p>9.1.2 The amount of choice that we are able to offer is limited by the acute housing pressures we face and responsibilities that the Council has to some groups in housing need. We believe that any applicant that is considered to be eligible under the Monmouthshire's Allocation Scheme should be able to express a preference over the type of property they will be considered for, (in accordance with the Monmouthshire's Allocation Scheme Property Eligibility Criteria); and the area in which they would like to live. However, applicants should be made aware that our ability to meet this expressed preference may be severely limited due to limitations of housing stock in some areas.</p> <p>9.1.3 The scheme will allow for the widest possible choice for applicants as the RSL partners will allocate their properties via a choice based lettings scheme. The majority of vacancies will be advertised and applicants will be encouraged to take an active part in the process by expressing their interest in each bidding cycle.</p> | <p>Section 9 - Choice and Preference Options</p> <p>9.1.1 In line with Section 167(1A) of Housing Act 1996, Homesearch will inform applicants about their ability to choose their housing accommodation or express preferences about accommodation to be allocated to them. Note: it is only a requirement to be informed of this, and this should not be confused with a requirement to offer applicants choice or unlimited choice.</p> <p>9.1.2 Applicants will be made aware that Homesearch's ability to meet applicant's expressed preference may be severely reduced due to limitations of housing stock in some areas and the responsibilities that the Council has to home some groups in housing need.</p> <p>9.1.3 Applicants will be given the widest possible choice via a choice based lettings scheme. The majority of vacancies will be advertised and applicants will be encouraged to take an active part in the process by expressing their interest during a bidding process.</p> <p>9.1.4 Where a household has welfare priority due to fleeing violence or harassment, their choice may be limited by a concern for safety and the suitability of a property.</p> <p>9.1.5 In conjunction with Section 8.3 (serious offenders), we may remove the applicant's choice, in order to best manage risk in relation to that applicant.</p> <p>9.1.6 MCC may bid on behalf of homeless applicants who are owed a Section 75 duty.</p> <p>9.1.7 In order to mitigate the risk to RSL's from Welfare Benefit Reforms, the partner Housing Associations have discretion to advertise, and allocate properties on the criteria of maximising occupation.</p> |
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| | <p>9.1.4 In conjunction with the Serious Offenders policy (see Section 8.3), we may remove the applicant's choice, in order to best manage risk in relation to that applicant.</p> <p>9.1.5 Applicants who are owed a full homeless duty by MCC and fail to bid appropriately within 13 weeks of the date of acceptance of the homeless duty will still be entitled to bid, however, Monmouthshire County Council's Housing Options Team will bid on properties which are considered to be suitable for that applicant's household. Any suitable offer from bids placed by MCC's Housing Options Team will be deemed to be an offer under this scheme.</p> <p>9.1.6 The Property Size and Type Criteria (15.1), reflects the profile of the stock in Monmouthshire, and as such allows under occupation by up to one bedroom in certain circumstances. Applicants who are dependant on Housing Benefit to pay their rent will still be able to express their choice and therefore bid for properties that will allow under occupation by up to one bedroom. However the RSL of the property may carry out an affordability assessment prior to letting the property and if affordability due to under occupation will create an affordability issue they may withdraw the offer. When placing bids applicants need to be mindful that their benefit entitlement may reduce due to the phased implementation of Welfare Benefit Reform. Advice should be sort, before accepting a tenancy, if they believe they will be affected.</p> <p>9.1.7 In order to mitigate the risk to RSL's from Welfare Benefit Reforms, the partner Housing Associations have discretion to advertise, and allocate properties on the criteria of maximising occupation, thus ensuring that the</p> | <p>9.1.8 Under occupation by up to one bedroom will be allowed in limited circumstances. The RSL of the property will carry out an affordability assessment prior to letting the property and if under occupation will create an affordability issue, the offer may be withdrawn.</p> |
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| | <p>property is occupied fully in line with the Housing Benefit criteria.</p> <p>9.1.8 Where a household has welfare priority due to fleeing violence or harassment, their choice will be limited by the needs to ensure that the move will resolve the issue and thus be safe and suitable. Where an applicant wishes to bid for properties in an area where Monmouthshire Homeseach is not satisfied they will be safe, then their bids for those properties will be considered on their banding without the welfare priority. There is further provision to allow these bids to be bypassed if the RSL is satisfied that the offer would not be suitable.</p> | |
| <p>Section 10</p> | <p>Section 10 - What is an Allocation under this Scheme?</p> <p>10.1 Allocations and Choice Based Lettings</p> <p>10.1.1 Although the RSL partners under this scheme will be operating choice based lettings to advertise their vacancies with the aim of maximising choice for applicants. This will only create a targeted shortlist of persons who wish to live in that specific property. A shortlist will be drawn from all those who have bid and ordered according to the priority set by this policy. Therefore the outcome will result in an allocation being made to the applicant in most need and who has waited the longest in accordance with the lettings quotas.</p> <p>10.1.2 Therefore an allocation under this scheme is defined as:</p> <p>a) The nomination of a person to be an Assured Tenant for a housing association. This includes, (where a Housing Association chooses to operate such a scheme), the nomination to be a 'Starter Tenant' of a Housing</p> | <p>10.1 Allocations and Choice Based Lettings</p> <p>10.1.1 An allocation under this scheme is defined as:</p> <p>a) A housing association allocating an assured tenancy or starter tenancy.</p> <p>b) Existing tenants of any Housing Association in Monmouthshire who wish to transfer to another Housing Association property in Monmouthshire are able to register under this scheme. To transfer outside of Monmouthshire they would need to contact their landlord housing association to make enquiries about their transfer policy.</p> |

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| | <p>Association whereby the Housing Association will provide an Assured Shorthold Tenancy for a set period. Following this period if the tenant has proved themselves to be a suitable tenant the housing association will then normally grant an Assured Tenancy.</p> <p>b) Existing tenants of any Housing Association in the County who wish to transfer to another Housing Association property are able to register under this scheme if they wish to remain in Monmouthshire. However, if they wish to transfer to a property outside of Monmouthshire they would need to contact their landlord housing association to make enquiries under their transfer policy.</p> | |
| | <p>10.2 Allocations Not Covered by this Scheme</p> <p>10.2.1 The following are examples of allocations not covered by this policy:</p> <ul style="list-style-type: none"> a) Conversion of a Starter Tenancy into an Assured Tenancy (that is a matter for the tenant’s housing association). b) Nomination to a housing association by the Council for a property which is to be used as temporary accommodation to house homeless households owed a duty under the homelessness legislation. c) Assignments and successions (these are matters for the tenant’s housing association). | <p>10.2 Allocations Not Covered by this Scheme</p> <p>10.2.1 The following are allocations not covered by this policy:</p> <ul style="list-style-type: none"> a) Conversion of a Starter Tenancy into an Assured Tenancy. b) Nomination of a property that is to be used as temporary accommodation to house households with a homeless duty c) Assignments and successions d) Mutual exchanges of housing association or local authority tenancies e) Nominations not under Part VI of the Housing Act 1996 for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, to private landlords or housing charities who are not RSLs. f) RSL tenants in Monmouthshire needing to be temporarily moved from their home for major works to be carried out g) Intermediate or market rent allocations (assured shorthold tenancy) |

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| | <ul style="list-style-type: none"> d) Mutual exchanges of housing association tenancies (again this is for the relevant housing association to decide and administer). e) Nominations not under Part VI of the Housing Act 1996 for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, to private landlords or housing charities who are not RSLs. f) RSL tenants in Monmouthshire needing to be temporarily moved from their home for major works to be carried out (see 11.13 Decanting Tenants). g) Intermediate market rent allocations, will not be covered by this allocation scheme and are let at the Housing Associations own discretion. | <p>h) Specialist housing/bespoke developments e.g. supported housing.</p> |
| | <p>10.3 Starter Tenancies</p> <p>10.3.1 An applicant who is not currently a tenant of either a Housing Association or Council will be given a starter tenancy for the first 12 months of their tenancy. This will then convert to an assured tenancy after 12 months providing there has been no breach in their conditions of tenancy. A starter tenancy can be extended for a further 6 months if there are concerns over the tenant's conduct.</p> <p>10.3.2 If the applicant is currently an introductory or starter tenant and has not been so for 12 months when they transfer, they will be a starter/introductory tenant for the remaining time up to the 12 months.</p> | <p>10.3 Starter Tenancies</p> <p>10.3.1 An applicant who is not currently a tenant of either a Housing Association or Council will be given a starter tenancy at the beginning of their tenancy.</p> <p>10.3.2 If an applicant is currently an introductory or starter tenant and has not been for 12 months when they transfer, they will be given a starter tenancy for the remaining time up to 12 months (a timeframe that could be extended for a further 6 months, if tenancy conditions are breached).</p> |

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| | <p>Joint Tenancies</p> <p>10.4.1 It is for the housing association who will be the applicant's Landlord to decide whether to allow a joint tenancy Depending on the circumstances of the case. Also Refer to Section 7.2.7 regarding registration</p> | <p>Joint Tenancies</p> <p>10.4.1 It is for the housing association who will be the applicant's landlord to decide whether to allow a joint tenancy depending on the circumstances of the case.</p> |
| | <p>10.5 Transfers</p> <p>10.6.1 A transfer is a tenant of a housing association or a local authority residing anywhere within Wales, England, Scotland or Northern Ireland. The MHRP local connection criteria will apply to all such transfers.</p> <p>10.6.2 Where joint social housing tenant, who has experienced a relationship breakdown, is seeking alternative accommodation, they can register as a Homeseeker in their own right. However, before being offered a tenancy by one of the partner RSL's they will be expected to end their interest in the existing joint tenancy before the offer of accommodation can proceed.</p> | <p>10.5 Transfers</p> <p>10.5.1 A transfer is defined as a tenant moving from a housing association or a local authority residing anywhere within Wales, England, Scotland or Northern Ireland. The MHRP local connection criteria will apply to all such transfers.</p> <p>10.5.2 For tenants transferring from one Homeseek partner to another, a repayment plan may be offered, if a tenant is unable to pay rent arrears because a notice period is required. It will be recommended that individuals seeking transfer save for this eventuality.</p> <p>10.5.3 Only RSL tenants living in Monmouthshire with a property managed by a partner RSL will have transfer status on the waiting list.</p> |
| | <p>Sheltered Housing for the Elderly</p> <p>10.6.1 Applicants aged over 60 (for MHA properties) or over 55 (for Melin or Charter properties) wishing to register for sheltered housing will be able to do so. Their application will be assessed in accordance with this policy and they will be placed into the appropriate Band based on their circumstances.</p> | <p>10.6 Older Person's Housing for the Elderly</p> <p>10.6.1 Applicants aged over 60 (for MHA properties) or over 55 (for other RSL properties) wishing to register for older person's housing will be able to do so. Their application will be assessed in accordance with this policy.</p> <p>10.6.2 Before being offered older person's housing they will be contacted and arrangements made to assess their support needs. If the applicant does not have any support needs they may not be</p> |

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| | <p>10.6.2 However, before being offered sheltered housing they will be contacted and arrangements made to assess their support needs. Following this support needs assessment, if the applicant does not have any support needs they may not be offered sheltered accommodation but will be given detailed advice on their housing options. Any support provided is likely to be charged for and the applicant will be given details of these additional charges. They will also be given details of any assistance they may be entitled to in order to meet these support charges.</p> | <p>offered this kind of accommodation but will be given detailed advice on their housing options. Note: Further assessment may be required to check suitability if the property being offered is specifically for an older person or has communal facilities.</p> |
| | <p>10.7 Insufficient Demand for a Property</p> <p>10.7.1 Where a property is advertised but does not attract any eligible bids from applicants in that property size category, consideration may (at the discretion of the RSL) be given to applicants who would under-occupy the property. However, in such circumstances, and in line with the Housing Benefit Under-Occupation Rules for Social Tenancies, an affordability assessment will be conducted and the offer of accommodation may be withdrawn.</p> <p>10.7.2 The RSL partners will make it clear on the property advert if under-occupation will be considered.</p> <p>10.7.3 For OAP designated properties the age criteria may be decreased if a suitable applicant cannot be found. The age criteria will usually be reduced in five year steps until the property is relet.</p> | <p>10.7 Insufficient Demand for a Property</p> <p>10.7.1 Where a property does not attract any eligible bids from applicants, consideration may (at the discretion of the RSL) be given to applicants who would under-occupy the property. The RSL partners will make it clear on the property advert if under-occupation will be considered, subject to an affordability assessment.</p> <p>10.7.2 For OAP designated properties the age criteria may be decreased if a suitable applicant cannot be found.</p> <p>10.7.3 Where there is insufficient demand, the partner RSL may also consider advertising the property outside of the scheme through other methods.</p> |

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| | <p>10.7.4 Where there is insufficient demand the partner RSL may also consider advertising the property outside of the scheme through other methods.</p> | |
| | <p>10.8 Letting Quotas</p> <p>10.8.1 In order to ensure that all groups of applicants are given an opportunity to move under this scheme, (based on housing need) and to further promote sustainable communities, letting quotas will be applied.</p> <p>10.8.2 We will apply quotas based on applicant type to all vacant properties advertised via this scheme.</p> <p>10.8.3 The letting quotas are detailed in Appendix 3 and will be reviewed periodically by the MHR partners.</p> <p>10.8.4 Property adverts will be used to inform applicants of the quota criteria relating to the individual letting, for example “<i>Preference will be given to Transfers</i>”.</p> <p>10.8.4 Should we be unable to meet the letting quotas the default position will go to Home Seeker applicants who represent the largest group on the Housing Register.</p> | <p>10.8 Letting Quotas</p> <p>10.8.1 To help ensure that all groups of applicants are given an opportunity to move under this scheme, (based on housing need) and to further promote sustainable communities, letting quotas may be applied if deemed necessary.</p> <p>10.8.2 If applied, quotas will be advertised based on applicant type and quotas periodically reviewed by the MHR partners.</p> <p>10.8.3 Where quotas are applied, property adverts will be used to inform applicants of the quota criteria relating to the individual letting.</p> <p>10.8.4 Where a quota is applied, all appropriate applicants will be considered on the shortlist for bands 1 to 4 (irrelevant of quota) before applicants in band 5 are considered. This criteria, may however, be circumvented where a local lettings plan is applied.</p> |
| | <p>10.9 Use of Local Lettings Plans</p> <p>10.9.1 We may, in agreement with other partners, develop local letting plans for specific areas, estates, or blocks of flats in order to develop and promote balanced and sustainable communities. Local lettings policies may include age restrictions, a desire to encourage more</p> | <p>10.9 Use of Local Lettings Plans</p> <p>10.9.1 We may, in agreement with other partners, develop local letting plans for specific areas, estates, or blocks of flats in order to develop and promote balanced and sustainable communities.</p> |

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| | <p>employed tenants to live in a certain area, to promote key workers living locally or to tackle estate based problems. The above are examples only.</p> <p>10.9.2 The decision to implement a local lettings plan will be approved by the Senior Officer responsible for housing in Monmouthshire County Council and agreed by the Chief Executive or responsible Director of the relevant housing association. Any decision to implement a local lettings policy will always take into account the implications for equal opportunities and the need for the Council to meet the allocation needs of those households owed a reasonable preference.</p> <p>10.9.3 The local lettings plan will also need to consider the financial impact on the RSL. For example reducing child density may increase under occupation, whereas a plan to reduce under occupation may increase child density. In drafting any Local Lettings Plans, full consideration must be given to the implications of Welfare Benefit Reform on tenancy sustainment.</p> | |
| | <p>New section</p> | <p>10.10 Exceptional Property Criteria (Sensitive Lettings)</p> <p>10.10.1 In exceptional circumstances it may be necessary for us to add restrictions to household types to be rehoused in a certain property.</p> <p>10.10.2 If a partner landlord wishes to carry out a sensitive re-let on a property, they must seek majority approval from the Homeseach Partners.</p> |

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| | <p>10.10 New Developments</p> <p>10.10.1 When developing affordable housing in rural areas/villages the Council will, insist on enforcing a Rural Allocations Policy for the new properties being built. See Appendix 1 for a copy of Monmouthshire County Council's Affordable Housing Rural Allocations Policy. This policy sets out the additional local connection criteria to be applied to these new homes.</p> <p>10.10.2 When developing in non-rural areas the RSL's will use the letting quotas to determine the distribution of allocations by application type i.e. transfers, homeless and waiting list. The property adverts will show how preference will be determined. See Appendix 3 for details of the letting quotas.</p> <p>10.10.3 All new-build properties built with the aid of Social Housing Grant from the Welsh Government will be neutral tenure. This means that the tenure of the housing is not predetermined but can vary according to needs, means and preferences of households.</p> | <p>10.11 New Developments</p> <p>10.11.1 When developing affordable housing in rural areas/villages the Council has discretion to initiate a Rural Allocations Policy for the new properties being built.</p> <p>10.11.2 When developing in non-rural areas the RSL's may use lettings quotas to determine the distribution of allocations by application type, to help create sustainable communities.</p> <p>10.11.3 All new-build properties built with the aid of Social Housing Grant from the Welsh Government will be neutral tenure. This means that the tenure of the housing is not predetermined but can vary.</p> |
| | <p>10.11 Decanting Tenants</p> <p>10.11.1 Housing associations tenants in Monmouthshire, may in certain circumstances be required to vacate their home in order for either major works or re-development to take place.</p> | <p>10.12 Decanting Tenants</p> <p>10.12.1 If the home is undergoing major refurbishment and the tenant is required to move out, a 'decant' will be temporary and it is not necessary for a tenant to register under this scheme.</p> |

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| | <p>10.11.2 If the original home will no longer exist (i.e. as a result of redevelopment) the decant will be counted as an allocation and the tenant will be placed into Band 1. This will only apply to tenants of MHA, Charter or Melin and whose property is in Monmouthshire.</p> <p>10.11.3 If the home is undergoing major refurbishment and the tenant is required to move out to allow these works to be carried out, the decant will be temporary and as such will not be counted as an allocation under this scheme. Therefore, it is not necessary for the tenant to register under this scheme.</p> | <p>10.12.2 If the original home will no longer exist (i.e. as a result of redevelopment) the 'decant' will be counted as an allocation and the tenant will be placed into Band 1. This will only apply to tenants of MHA, Charter or Melin and whose property is in Monmouthshire.</p> |
| | <p>10.12 Nominations to Other Housing Associations</p> <p>10.12.1 The Council has various nomination rights to vacancies in other housing association properties.</p> <p>10.12.2 When MCC receives a request for a nomination from an RSL not part of this Partnership, MCC will direct the RSL in question to advertise their property via the Monmouthshire Home Search scheme. The RSL will be facilitated in this by MCC's Housing Options Team.</p> <p>10.12.3 The refusal policy applies to housing associations who let via this policy but are not part of the Partnership.</p> | <p>10.13 Nominations to Other Housing Associations</p> <p>10.13.1 When MCC receives a request for a nomination from an RSL not part of the Homesearch Partnership, MCC will direct the RSL in question to advertise their property via the Monmouthshire Home Search scheme. The RSL will be helped with this by MCC's Housing Solutions Team.</p> |

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| <p>Section 11 (was Section 18)</p> | <p>18 - Choice Based Lettings Allocation Model</p> <p>18.2 Advertising Properties</p> <p>18.2.1 Properties will be advertised every 2 weeks on the Monmouthshire Home Search website, www.monmouthshirehomesearch.co.uk. We will also ensure that the property adverts are widely distributed and available to view at a variety of locations across the County to ensure that they are accessible to applicants.</p> <p>18.2.2 The website will have up to date information as to where adverts are available to view, alternatively applicants can contact the Home Search team at MHA.</p> <p>18.2.3 Vulnerable applicants will be provided with assistance to safeguard their participation in this scheme.</p> <p>18.3 Property Adverts</p> <p>18.3.1 Property adverts will give information about each available property to enable applicants to decide if it is suitable to meet their needs.</p> <p>18.3.2 The property adverts will include:</p> <ul style="list-style-type: none"> a) A photograph (where available) b) The property reference number c) Symbols providing information on the property | <p>11 – Choice Based Lettings Allocation Model</p> <p>11.1 Advertising Properties</p> <p>11.1.1 Vacant properties will be advertised via the Homesearch website, possibly outside of the housing register (only when two advertising cycles have taken place first though).</p> <p>11.1.2 Adapted properties will be advertised as suitable for applicants with matching mobility needs and adaptations.</p> <p>11.1.3 Properties will be advertised daily on the Monmouthshire Home Search website. Homesearch will ensure that property adverts are available online and can be viewed at a variety of locations across the County. Applicants will also be able to contact the Home Search team.</p> <p>11.1.4 Properties would be advertised for a minimum of 8 days and a maximum of 16 days and after this time would be advertised on a first come first served basis.</p> <p>11.1.5 Vulnerable applicants will be provided with assistance to safeguard their participation in this scheme.</p> <p>11.2 Property Adverts</p> <p>11.2.1 Property adverts will give information about each available property and include a photograph.</p> <p>11.2.2 Applicants will be able to view all properties that they are eligible for.</p> <p>11.2.3 Property adverts may also include details of how preference will be awarded in accordance with the lettings quotas, if applied i.e. Homeseekers, Transfers or Homeless Households.</p> |
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| | <p>d) Symbols to show which applicants are eligible</p> <p>e) The location of the property, (The full address of the property will not be shown)</p> <p>f) The landlord</p> <p>g) The weekly rent and service charges</p> <p>h) Other relevant information about the property.</p> <p>i) Letting quota preference if applicable</p> <p>18.3.3 Property adverts will be colour coded so each size of property has a different colour background.</p> <p>18.3.4 The properties will be grouped on the advert by property size and type.</p> <p>18.3.5 The photograph may not be of the property but a similar property. The advertising RSL shall take all reasonable steps to protect identity and personal data in adverts, such as car registration numbers.</p> <p>18.3.6 Property adverts may also include details of how preference will be awarded in accordance with the lettings quotas, i.e. Homeseekers, Transfers or Homeless Households.</p> <p>18.4 How Applicants Bid for Properties</p> <p>18.4.1 The aim is to make access to bidding as open as possible and therefore a wide variety of bidding methods is being offered. Bids will be accepted via:-</p> <p>a) The internet</p> <p>b) Telephone</p> <p>c) Text message</p> <p>d) Postal Coupons</p> <p>e) Staff and assisted bidding</p> | <p>11.3 How Applicants Bid for Properties</p> <p>11.3.1 Any live applicant on the Monmouthshire Housing Register will be eligible to bid under the Monmouthshire Home Search Scheme.</p> <p>11.3.2 A variety of bidding methods is being offered. For example, bids will be accepted via:</p> <p>a) The internet</p> <p>b) Text message</p> <p>c) Homesearch Staff and assisted bidding</p> <p>11.3.3 Bids will need to be received during the period where the advert is available and bids can be made, before the closing date on the advert.</p> <p>11.3.4 The onus is on the applicant to ensure that their bid is received in time.</p> <p>11.3.5 Any bids received after the cycle is closed will not be considered.</p> <p>11.3.6 The process for bidding will be clearly advertised in the Scheme User Guide, which all applicants will receive when they register with the Monmouthshire Housing Register.</p> <p>11.3.7 Applicants unable to bid via the methods stated above could be placed on the assisted bidding service.</p> <p>11.4 The Selection Process – Short-listing</p> <p>11.4.1 The choice based lettings scheme will create a shortlist from all those who have bid for a property and be ordered according to the priority set by this policy. All eligible bids for each property are placed in priority order in accordance with banding. An allocation will be made to the applicant in most need, who has waited the</p> |
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| | <p>18.4.2 Bids will need to be received during the open phase of the bidding cycle. The open phase is the period where the advert is available and bids can be made.</p> <p>18.4.3 The onus is on the applicant to ensure that their bid is received during the open bidding cycle.</p> <p>18.4.4 Any bids received after the cycle is closed will not be considered.</p> <p>18.4.5 The bidding cycle will be clearly advertised in the Scheme User Guide, which all applicants will receive when they register with the Monmouthshire Housing Register.</p> <p>18.4.6 Any active applicant on the Monmouthshire Housing Register will be eligible to bid under the Monmouthshire Home Search Scheme.</p> <p>18.5 The Selection Process – Short-listing</p> <p>18.5.1 All eligible bids for each property are placed in priority order in accordance with Monmouthshire Housing Register banding allocations policy.</p> <p>18.5.2 Should more than one applicant in the same Band with the same effective date bid for a property, the RSL will use the following selection process to determine the successful applicant:-</p> <p>1st choice – The applicant who can demonstrate cumulative (multiple) need; 2nd choice - The applicant who can best use the property (i.e. size); 3rd choice - The applicant who applied to the Register first (this may be earlier than their effective date)</p> | <p>longest in accordance with lettings quotas (where quotas are applied).</p> <p>11.4.2 Should more than one applicant in the same band with the same effective date bid for a property, the RSL will use the following selection process to determine the successful applicant:</p> <p>1st choice – The applicant who can demonstrate cumulative (multiple) need 2nd choice - The applicant who can best use the property (i.e. size) 3rd choice - The applicant who applied to the register first 4th choice – The applicant who submitted their bid first</p> <p>11.4.3 If there are no eligible bidders for the property the relevant Housing Association may decide to re-advertise the property or offer the property to a person below the required age limit.</p> <p>11.4.4 Applicants may be bypassed in line with the Bypassing Policy and Procedure. Applicants have the right to review this decision.</p> <p>11.5 Pre-Tenancy</p> <p>11.5.1 Due to welfare reform each partner RSL will ensure that sufficient affordability advice is given to an applicant during the verification process. To inform advice, a risk assessment may be carried out in order to determine the applicant's ability to maintain their tenancy.</p> <p>11.5.2 A consistent approach to pre-tenancy advice and training services will be operated by Homesearch partners.</p> <p>11.6 Verification Visits</p> <p>11.6.1 Before making a full offer of accommodation to the applicant, we may arrange to undertake a home visit to verify an applicant's</p> |
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| | <p>4th choice – The applicant who submitted their bid first.</p> <p>18.5.2 If there are no eligible bidders for the property the relevant Housing Association may decide to re-advertise the property. In cases of OAP properties the Housing Association may offer the property to a person below the required age limit who has bid for the property.</p> <p>18.5.3 Applicants who have been bypassed for any reason will be contacted with the reason why they have not been considered for the property. Applicants have the right to review this decision.</p> <p>18.6 Verification Visits (also see Section 11.4)</p> <p>18.6.1 Checks will be made at the time of the offer to ensure that the applicant’s details are correct and that the property is suitable for the household size.</p> <p>18.6.2 If the applicant’s current housing situation is different from their housing application details then the Housing Association may withdraw the offer of accommodation.</p> <p>18.6.3 The application will then be deferred until the applicant provides proof of their change of circumstances.</p> <p>18.6.4 Where the offer is withdrawn the Housing Association will make the offer to the next eligible applicant who has been short-listed for that property.</p> <p>18.7 Offers of Accommodation</p> <p>18.7.1 Offers of accommodation will be made in writing by the respective Housing Association.</p> | <p>circumstances and that the property is suitable for the household size.</p> <p>11.6.2 In response to changes in welfare benefits and legislation, all new tenants will be required to complete an affordability assessment to ensure a property is affordable. Where the property is considered to not be affordable, an applicant will be bypassed for an allocation.</p> <p>11.6.3 If this visit identifies new information, their application will be re-assessed, which could affect an application. This may result in an offer being withdrawn, the applicant changing bands, being removed from the housing register or being excluded from the register.</p> <p>11.6.4 An application will be deferred until the applicant provides proof of their change of circumstances. If there is a delay, this may result in an offer being withdrawn.</p> <p>11.7 Viewing a Property</p> <p>11.7.1 Viewing takes place after the bidding process has finished and the short-listing has been completed.</p> <p>11.7.2 The relevant Housing Association will contact the successful applicant as soon as the property is available for viewing.</p> <p>11.8 Applicants Who Fail to Bid</p> <p>11.8.1 Homesearch will review non-bidder applications periodically.</p> <p>11.8.2 For applicants in higher bands, partners may instigate assisted bidding.</p> <p>11.8.3 Homesearch reserves the right to reduce priority –see Section 14.</p> <p>11.9 Direct Lets</p> |
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| | <p>18.7.2 The applicant who has bid for the property, with the highest priority and the earliest date, who has not been bypassed, will be offered the property (in accordance with lettings quotas).</p> <p>18.7.3 Once an offer has been made and accepted, the new tenancy must be the sole residency of all members of the household and any existing tenancy must be relinquished.</p> <p>18.7.4 Due to welfare reform and changes to the eligibility of welfare benefits such as housing and council tax benefit, as well as the planned introduction of Universal Credit, each partner RSL will ensure that sufficient affordability advice is given to an applicant during the verification process. This advice will ensure that an applicant can make an informed choice before accepting an offer of accommodation and that the landlord can determine if the applicant has the financial ability to pay the rent. The advice may include a financial risk assessment in order to determine the applicant's ability to maintain the tenancy, to include payment of rent and other household bills. This risk assessment may include completion of an income and expenditure budgeting form. The financial assessment will be particularly relevant if the applicant will be deemed as 'under occupying' the property for housing benefit purposes.</p> <p>On agreement, an applicant may also be referred to financial inclusion services within the relevant RSL's, local Credit Unions or other specialist debt advice agencies if applicable.</p> | <p>11.9.1 Most properties will be advertised through the Home Search scheme, however, in certain circumstances we may let some properties directly to applicants.</p> <p>11.9.2 Where an applicant is identified as requiring a direct let the case will be referred to the MHR Operational Sub Group for approval.</p> <p>11.10 Feedback on Let Properties</p> <p>11.10.1 In order to promote openness and transparency in the allocations system we will provide feedback in relation to the banding priority of applicants who were successful for previous lets.</p> <p>11.10.2 This should help applicants on the register estimate their potential time to be rehoused.</p> <p>11.10.3 The feedback will not provide any details relating to the actual successful applicant.</p> |
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| | <p>18.8 Refusal Follow a Bid</p> <p>18.8.1 Home Search will offer assistance and guidance to applicants, including vulnerable applicants to help them through the application, bidding, viewing and sign up processes.</p> <p>18.8.2 Where an applicant does not keep an appointment to view a property or otherwise indicates their intention not to accept the offer, this will normally be treated as a refusal.</p> <p>18.8.3 This will not generally prevent applicants from bidding for or offered other accommodation, however applicants who refuse 2 properties may be demoted to a lower band (also see Sections 16.4.4 and 16.5.6 regarding refusals).</p> <p>18.8.4 If an applicant is unable to keep a viewing appointment but was also unable to notify the relevant RSL of this, the offer may at the discretion of the relevant RSL be reinstated, provided it has not already been re-offered to another applicant. This will also apply to vulnerable applicants who, by reason of their vulnerability, were unable to attend a viewing appointment.</p> <p>18.8.5 Where an applicant does not keep an appointment to view a property, or refuses the next highest ranking bidder for that property will normally be offered the property.</p> <p>18.9 Viewing a Property</p> <p>18.9.1 Viewing takes place after the bidding process has finished and the short-listing process has been completed.</p> | |
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| <p>18.9.2 The relevant Housing Association will contact the successful applicant and make arrangements for them to view the property, as soon as the property is available for viewing.</p> <p>18.10 Applicants Who Fail to Bid</p> <p>18.10.1 Monmouthshire Home Search may from time to time review applicants in bands who have not taken part in the bidding process and ascertain the reason for them not bidding.</p> <p>18.10.2 For applicants in higher bands partners may instigate assisted bidding.</p> <p>18.11 Homeless Applicants Owed a Full S.193 Duty by MCC</p> <p>18.11.1 Homeless applicants will generally be expected to bid for advertised properties in the same way as other applicants. However, if the applicant fails to bid for suitable properties within the first 3 months, MCC's Housing Options Team may submit bids on their behalf.</p> <p>18.11.2 Bids made on behalf of homeless applicants will be placed on accommodation that best suits the homeless households situation on the properties available and the general housing circumstances in the area.</p> <p>18.11.3 Bids placed by MCC may be deemed to be suitable offers of accommodation in discharge of the councils homeless duty, should the bid be successful.</p> <p>18.11.4 Where MCC's Housing Options Team bid on behalf of a homeless applicant they will write to the homeless applicant informing them of the property where a bid has been placed on their behalf.</p> | |
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18.12 Assisted Bidding for Vulnerable Applicants

18.12.1 The aim of the scheme is for all applicants to take an active and informed role in expressing their choices in regards to their housing. However we recognise that some applicants will require varying degrees of assistance to give them the opportunity to participate in the scheme fully.

18.12.2 The starting premise is that all applicants will be responsible for expressing their own choices via the various bidding methods. However we are conscious that a hierarchy of independence in bidding is required as follows:

- a) Self Bidding (Fully Independent)
- b) Proxy Bid (Family, Friend, Support Worker etc bids or assists the applicant to bid)
- c) Staff Bids for vulnerable applicants

18.12.3 Proxy bidders will not need to gain permission from Home Search but the applicant may find it useful to inform Home Search that another person is assisting them or bidding on their behalf. We will seek permission from the applicant to discuss the application and bids with the proxy bidder.

18.12.4 Where a proxy bid is placed on behalf of the applicant it will be deemed to be a binding bid under this scheme as if the applicant had placed the bid themselves.

18.12.5 Staff Bidding is a bespoke enhanced engagement for the most vulnerable applicants, who are unable to fully participate in the scheme and bid for properties

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| | <p>themselves. They will also not have anyone who is willing to bid on their behalf via proxy bidding. Staff Bids will allow the most vulnerable to be safe-guarded in respect of fully participating and making informed choices about where they want to live.</p> <p>18.12.6 Staff bids are seen as a really good opportunity to further engage with applicants who have higher support needs and will ensure that relevant referral to other agencies such as Social Services and Supporting People, can be made with the aim of ensuring that a future tenancy will be sustainable.</p> <p>18.12.7 Staff bids will only be available to those applicants who are considered to be vulnerable and do not have a proxy bidder.</p> <p>18.12.8 A vulnerable applicant for the purpose of staff bids is any person aged 16 or over who is receiving support or may be in need of support services because they have a health or other disability related to age or illness. These are people who may need additional services to be able to engage with the Home Search process or require future services to enable them to sustain a tenancy.</p> <p>18.13 Direct Lets</p> <p>18.13.1 Most properties will be advertised through the Home Search scheme, however, in certain circumstances we may let some properties directly to applicants.</p> <p>18.13.2 Where an applicant is identified as requiring a direct let the case will be referred to the MHR Operational Sub Group for approval.</p> | |
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| | <p>18.13.3 The list below gives examples as to where we may do this, but this list is not exhaustive:</p> <ul style="list-style-type: none">a) Where an identified specially adapted property that would meet an individual households need is becoming vacant.b) Where an allocation is required to ensure protection of the public, for example following a decision made by a Multi Agency Public Protection Arrangements panel.c) Where an applicant has been referred as part of the witness protection scheme.d) Where an applicant wishes to move within the same older persons' scheme for medical / access reasons. For example a move from an upstairs flat to a ground floor flat, within the same scheme. <p>18.14 Feedback on Let Properties</p> <p>18.14.1 In order to promote openness and transparency in the allocations system we will provide feedback in relation to the banding priority of applicants who were successful for previous lets.</p> <p>18.14.2 This will enable applicants on the register to assess their changes of and potential time to be rehoused.</p> <p>18.14.3 The feedback will not provide any details relating to the actual successful applicant but will contain:-</p> <ul style="list-style-type: none">a) Advert Referenceb) Property Typec) Locationd) Number of bids received | |
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| | e) Band & Effective date of the successful applicant. | |
| Section 12 | <p>Section 11 - Offers and Refusals (now Section 12)</p> <p>11.1 Refusals or Non Response to Offers</p> <p>11.1.1 We will offer assistance and guidance to applicants, including vulnerable applicants, to help them through the application, bidding, viewing and sign up processes.</p> <p>11.1.2 Where an applicant does not keep an appointment to view a property or we are unable to contact them this will normally be treated as a refusal.</p> <p>11.1.3 If an applicant was unable to keep a viewing appointment or attend a sign-up the offer may at the discretion of the allocations team be reinstated as long as the property has not already been offered to another applicant. This will also apply to vulnerable applicants who by reason of their vulnerability were unable to attend a viewing appointment.</p> <p>11.1.4 Where an applicant has refused 2 suitable offers of accommodation within a 12 month period, of accommodation, their priority for re-housing may, depending on the circumstances, be demoted to Band 4 for those owed reasonable preference and downgraded to Band 5 for those not owed reasonable preference.</p> <p>11.1.5 Any applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time warrant it, they will be returned to their original band. In line with the Policy, their effective date for the higher band will be the date that they returned to that band i.e. 12 months later.</p> | <p>Section 12 – Offers and Refusals</p> <p>12.1.1 The applicant who has bid for the property, with the highest priority and the earliest date, who has not been bypassed, will be offered the property (in accordance with lettings quotas, if they are applied).</p> <p>12.1.2 Offers will be made in writing by the respective Housing Association.</p> <p>12.1.3 If an applicant is unable to keep a viewing appointment but was also unable to notify the relevant RSL of this, the offer may at the discretion of the relevant RSL be re-instated, provided the property has not already been re-offered. This will also apply to vulnerable applicants who, by reason of their vulnerability, were unable to attend a viewing appointment.</p> <p>12.1.4 Where an applicant does not keep an appointment to view a property or we are unable to contact them this will normally be treated as a refusal, within 3 working days of making an offer.</p> <p>12.1.5 If an applicant does not respond to an offer of accommodation we will normally cancel their application, within 3 working days of making an offer.</p> <p>12.1.6 Where an applicant has refused 2 suitable offers of accommodation within a 12 month period, their priority for re-housing may, depending on the circumstances, be demoted.</p> <p>12.1.7 Any applicant will remain in this lower band for a 12 month period after which, they may be returned to their original band. Their effective date for the higher band will be the date that they returned to that band i.e. 12 months later.</p> |

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| | <p>11.1.6 If the application of a demoted applicant is cancelled within the 12 month period (of their demotion in banding), and the applicant subsequently re-applies within that time their application will remain demoted for the remainder of the 12 month, unless there has been a significant change in circumstances.</p> <p>11.1.7 Where an applicant does not respond to an offer of accommodation within 5 working days, we will assume that they no longer require rehousing and we will cancel their application. We will advise them of our decision in writing, within 10 working days of the date of cancellation.</p> <p>11.1.8 Where an applicant refuses a property or we are unable to contact them the next highest ranking applicant on the shortlist will be offered the property.</p> <p>11.2 Offers of Accommodation to Homeless Applicants</p> <p>11.2.1 Homeless applicants will be dealt with in accordance with the relevant Code of Guidance and within the procedures of MCC. This will include appeals and reviews and information on these will be provided to the applicant by MCC.</p> <p>11.2.2 Homeless applicants will generally be expected to bid for advertised properties in the same way as other applicants, but bids may also be submitted for suitable properties on behalf of homeless applicants at the discretion of MCC's Housing Options Team. This will be applied if in the opinion of Monmouthshire County Council's Housing Options Team, the applicant has not maximised their bidding for a period of 13 weeks following</p> | <p>12.1.8 If an applicant is demoted and they cancel their application and reapply, they will remain demoted for the remainder of the 12 months, depending on circumstances.</p> <p>12.1.9 If an applicant refuses a property or cannot be contacted the next highest ranking applicant on the shortlist will be offered the property, as per 12.1.1.</p> <p>12.2 Offers of Accommodation to Homeless Applicants</p> <p>12.2.1 Homeless applicants will be supported in accordance with the relevant Code of Guidance and within the procedures of MCC.</p> <p>12.2.2 Homeless applicants owed a Section 75 duty will generally be expected to bid for advertised properties in the same way as other applicants, although bids may be submitted for suitable properties on their behalf. If within 13 weeks of the date of acceptance of the homeless duty, no suitable offer has been made, MCC may place a bid. If Successful this would discharge the Council's final offer under Section 75 of the Housing (Wales) Act 2014. An applicant's banding would then be re-assessed as per the allocations policy, dependent on their new circumstances.</p> <p>12.3 Withdrawing Offers of Accommodation</p> <p>12.3.1 Homesearch reserves the right to withdraw offers in the following circumstances:</p> <ul style="list-style-type: none"> i) Where we have evidence that the applicant has given false information. j) Where the applicant's circumstances have changed, or new information comes to light and this changes their priority or makes them ineligible for the property or makes them ineligible to appear on the Housing Register. k) Where we require the property for another emergency reason. |
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| | <p>acceptance of duty or at any period after the initial 13 weeks. Accepted homeless applicants will therefore be expected to bid on all properties that are suitable for the needs of their household.</p> <p>11.2.3 A local authority can only discharge it's homeless duty to an applicant by either securing an offer of permanent accommodation or securing one final offer of suitable permanent accommodation. The aim being to solve the applicant's homelessness as quickly as possible.</p> <p>11.2.4 Assisted bidding may be used for homeless applicants to secure accommodation. Assisted bidding is making bids on the homeless applicant's behalf when they fail to express interest in advertised properties deemed by MCC to be suitable for their needs.</p> <p>11.2.5 Assisted bids may be placed on accommodation that best suit an applicant's situation based on available properties and the general housing circumstances for the area.</p> <p>11.2.6 If following a bid placed by a homeless applicant or on a homeless applicant's behalf (i.e. assisted bidding), they fail to take up accommodation, MCC can under Part VII Housing Act 1996, (as amended by Homelessness Act 2002), cease any homeless duty to assist them.</p> <p>11.2.7 When assisted bidding takes place MCC's Housing Options Team will write to the homeless applicant informing them of properties where a bid has been placed on their behalf.</p> <p>11.2.8 If a homeless applicant refuses to accept two suitable offers of accommodation, MCC may decide to cease it's</p> | <p>l) Where we have made the offer in error. m) Where the applicant has been asked to provide supporting documentation and fails to do so. n) Where the property fails to become vacant e.g. withdrawal of notice.</p> |
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| | <p>homeless duty to them. The homeless applicant has a right of review of this decision.</p> <p>11.3 Withdrawing Offers of Accommodation</p> <p>11.3.1 We reserve the right to withdraw offers in the following circumstances:</p> <ul style="list-style-type: none">a) Where we have evidence that the applicant has given false information.b) Where the applicant's circumstances have changed, or new information comes to light and this changes their priority or makes them ineligible for the property or makes them ineligible to appear on the Housing Register.c) Where we require the property for another emergency reason.d) Where we have made the offer in error.e) Where the applicant has been asked to provide supporting documentation and fails to do so.f) Where the property fails to become vacant.g) Where the applicant is going to under occupy under the Housing Benefit Regulations, and can not satisfy the prospective RSL that they can afford the rent. N.B. Where an applicant has had an offer withdrawn under this clause, they will be restricted for bidding on property sizes which will not create under-occupation, unless there has been a change in their circumstances which would remove the affordability issue. | |
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| | <p>h) Any applicant that cannot satisfy the RSL that they can afford the accommodation will have the offer withdrawn, and be given advice on alternative housing options</p> <p>11.4 Pre-allocation or Verification Visits (also see Section 18.6)</p> <p>11.4.1 Before making a full offer of accommodation to the applicant, we will arrange to undertake a home visit to verify their circumstances and obtain further information (if necessary).</p> <p>11.4.2 If this visit identifies new information, their application will be re-assessed based on their current circumstances. This may result in the applicant changing bands, being removed from the Housing Register if they are no longer eligible or being suspended if they have given false information. Any provisional offer of accommodation will be withdrawn.</p> <p>11.4.3 If the applicant lives out of County we will usually ask the applicant's local housing authority to undertake the home visit on our behalf. Alternatively, we may ask the applicant to attend one of our offices to provide verification documentation and a tenancy reference.</p> | |
| <p>Section 13 (was Section 12)</p> | <p>Section 12 - Decision Reviews and Complaints</p> <p>12.1 Reviews of Decisions Made</p> <p>12.1.1 If there is any decision that the applicant does not agree with the applicant is encouraged to speak to the person or organisation who has notified them of the decision. It</p> | <p>Section 13 - Decision Reviews and Complaints</p> <p>13.1 Reviews of Decisions Made</p> <p>13.1.1 An applicant is encouraged to speak to the person or organisation who has notified them of the decision, if they disagree.</p> |

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| | <p>may be there is information that has not been taken into account or the applicants circumstances has changed.</p> <p>12.1.2 After speaking to the relevant partner if the applicant feels that the decision is wrong they have the right under the Housing Act 1996 to ask for the review of certain decisions. The following decisions are subject to the right to request a review:</p> <ul style="list-style-type: none"> a) The applicant's housing application has been refused on the grounds they are not eligible. b) The applicant is removed from the housing register on the grounds they are no longer eligible. c) The applicant has been given reduced priority or no priority on the grounds of serious unacceptable behaviour. d) Any decision about the facts of a particular application which have been taken into account to assess whether an allocation should be made. e) The applicant has refused two offers of accommodation and has been demoted to a lower band. f) A medical or social assessment decision. <p>12.1.3 The review must be requested in writing within 21 days of the date of the decision.</p> <p>12.1.4 All reviews will be carried out by a senior member of staff at MHA or MCC, who was not involved in the original decision. All reviews will be carried out in accordance with "<i>The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999</i>".</p> | <p>13.1.2 After speaking to the relevant partner if the applicant feels that the decision is wrong they have the right to request a review if:</p> <ul style="list-style-type: none"> g) The applicant's housing application has been refused or an applicant has been removed from the housing register, on the grounds of eligibility. h) The applicant has been excluded from the register on the grounds of serious unacceptable behaviour. i) Applicants can ask for a review if they feel all details haven't been considered. j) The applicant has refused two offers of accommodation and has been demoted to a lower band. k) A medical or welfare assessment decision. <p>13.1.3 All reviews will be carried out by a senior member of staff at MHA or MCC, who was not involved in the original decision, in accordance with The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999".</p> <p>13.1.4 For applicants that have been bypassed for an offer, reviews will be dealt with by the RSL who bypassed them.</p> <p>13.2 Complaints</p> <p>13.2.1 A complaint will be referred to the partner organisation to whom the issue relates. The matter will be investigated in accordance with the organisation's internal complaints procedure.</p> <p>13.2.2 If the complaint relates to the waiting list, it will be dealt with by MCC.</p> |
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| | <p>12.1.5 In line with legislation we will aim to complete the review within 56 working days, unless an extension is agreed with the applicant.</p> <p>12.2 Complaints</p> <p>12.2.1 If an applicant has a complaint about the service they have received, or any other matter, the complaint will be referred to the partner organisation to whom the issue relates. The matter will be investigated in accordance with the organisation's internal complaints procedure. A copy of the Complaints Procedure is available directly from the partner organisations that the complaint relates to.</p> | |
| <p>Section 14</p> | <p>Section 14 - Medical and Welfare Cases</p> <p>14.1 Medical Priority</p> <p>14.1.1 Applicants who have a medical need will be asked to complete a Medical Assessment Form.</p> <p>14.1.2 Applicants will only be offered additional priority if their medical condition or that of a member of their household, is significantly affected by remaining in the accommodation that they occupy, and there is a need to move elsewhere. This will normally relate to the physical conditions of the property but can occasionally be caused by the location of the property itself. The assessment will consider whether the applicant's needs, or that of a member of their household, could be better served by providing aids and adaptations to their current accommodation thereby allowing them to remain.</p> | <p>Section 14 - Medical and Welfare Cases</p> <p>14.1 Medical Priority</p> <p>14.1.1 Applicants who have a medical need will be required to complete a Medical Assessment Form and to provide evidence to support the medical application.</p> <p>14.1.2 Applicants will only be offered additional priority if their medical condition or that of a member of their household, necessitates a move. The medical assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing or in exceptional circumstances the location.</p> <p>14.1.3 Additional priority will only be given to homeowners for a social housing allocation, where they can prove that they do not have financial resources or equity in a property, to purchase another suitable property.</p> |

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| | <p>14.1.3 The criteria to be considered relates to the extent that the health of an applicant, or household member, will significantly improve, or not deteriorate further by a move to alternative accommodation. The medical assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing (or in exceptional circumstances the location of their accommodation), on their condition and whether this would improve significantly, or not deteriorate further through a move to alternative housing.</p> <p>14.1.4 When considering medical cases, will use the following criteria as a guideline for awarding priority:-</p> <ul style="list-style-type: none"> a) A mental illness or disorder; b) A physical or learning disability; c) Chronic or progressive medical conditions e.g. MS, HIV/Aids; d) People with behavioural difficulties; e) Need for adapted housing and/or extra facilities e.g. extra bedroom or bathroom; f) Need improved heating on medical grounds; g) Need sheltered housing on medical grounds; h) Need ground floor accommodation on medical grounds; i) Need to be near friends, relatives or medical facility on medical grounds; j) Recovery from alcohol or drug problem. <p>14.1.5 We will decide whether to award priority or not, on the basis of an assessment of the information provided in the Medical Assessment Form and any additional information provided by the GP, hospital or consultant. Any applicant who feels that they are entitled to medical priority must complete a medical assessment form and</p> | <p>14.1.4 Priority given due to unsatisfactory or unfit housing will be considered on a case by case basis in conjunction with Environmental Health. Some discretion will be needed, it will depend on how urgent the matter is before banding is decided.</p> <p>14.1.5 Homesearch will decide whether to award priority or not, on the basis of an assessment of the information provided in the Medical Assessment Form and any additional information provided by the GP, hospital or consultant or via suitable supporting evidence.</p> <p>14.1.6 Applicants may be placed into one of the following bands following an assessment of their medical need:</p> <ul style="list-style-type: none"> f) Band 1 – Exceptional Medical Need, where applicants are unable to continue to occupy their current accommodation. Or the applicant is unable to leave hospital due to their current permanent housing being unsuitable. An applicant's circumstances will be reviewed after 3 months. g) Band 2 – High Medical Need, where the medical condition and or disability, is having a significant detrimental effect on the ability to live independently. h) Band 3 – Medium Medical Need, where a move to suitable alternative accommodation would significantly improve their health, or upon the recommendation of Monmouthshire County Council's Social Services, to enable them to live independently. i) Band 4 – Low Medical Need, where there is a low medical condition or disability and a move would improve their health. j) No Medical Need – where there is no medical need or moving accommodation would not address the medical need. Or there is no evidence to suggest a move would produce a significant impact. <p>14.1.7 The medical assessment decision will not result in an applicant losing priority if they would otherwise have been placed in a higher band due to other circumstances.</p> |
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| | <p>return this with suitable supporting evidence to Monmouthshire Home Search.</p> <p>14.1.6 Applicants may be placed into one of the following bands following an assessment of their medical need:</p> <ul style="list-style-type: none"> a) Band 1 – Exceptional Medical Need, where applicants are unable to continue to occupy their current accommodation due to extreme medical need. Or the applicant is unable to leave hospital due to their current permanent housing being unsuitable to return to, will be determined as exceptional medical need. The applicant’s circumstances will be reviewed after 3 months if they have not been offered accommodation. b) Band 2 – High Medical Need, applicants assessed as requiring suitable alternative accommodation because their medical condition and or disability, is having a significant detrimental effect on their ability to live independently at home. c) Band 3 – Medium Medical Need, applicants assessed as having a medium medical condition or disability where a move to suitable alternative accommodation would significantly improve their health, or upon the recommendation of Monmouthshire County Council’s Social Services, to enable them to live independently. d) Band 4 – Low Medical Need, applicants assessed as having a low medical condition or disability where a move to suitable alternative accommodation would improve their health. e) No Medical Need – This is where the applicant is assessed as having no medical need or moving accommodation would not address the medical need. | <p>14.1.8 Applicants can only re-apply for medical assessment or request that any medical priority already awarded is re-assessed, if there has been a change in their circumstances.</p> |
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| | <p>14.1.7 The medical assessment decision will not result in an applicant losing priority if they would otherwise have been placed in a higher band due to other circumstances.</p> <p>14.1.8 Applicants can only re-apply for medical assessment if there has been a change in their circumstances or their condition has deteriorated.</p> <p>14.2 Welfare (Social) Priority</p> <p>14.2.1 Applicants who demonstrate that they need to move for welfare or social reasons will be asked to complete a Welfare Assessment Form.</p> <p>14.2.2 Applicants will only be offered additional priority if their social well being or that of a member of their household, is significantly affected by remaining in the accommodation that they occupy, and there is a need to move elsewhere. This will normally relate to the location of the property but can occasionally be caused by the physical condition of the property.</p> <p>14.2.3 The criteria to be considered relates to the extent that the social well being of the applicant, or a member of their household, will significantly improve or cease to deteriorate by a move to alternative accommodation. The assessment is based solely on the impact of their current housing, on their social well-being and whether a move to alternative housing would improve their welfare.</p> <p>14.2.4 We will decide whether to award priority or not, on the basis of an assessment of the information provided in the Welfare Assessment Form and the additional information provided. Any applicant who feels that they</p> | <p>14.2 Welfare (Social) Priority</p> <p>14.2.1 Applicants who demonstrate that they need to move for welfare or social reasons will be asked to complete a Welfare Assessment Form, to provide evidence to support.</p> <p>14.2.2 Applicants will only be offered additional priority if their social wellbeing or that of a member of their household, is significantly affected by remaining in their current accommodation. This will normally relate to the location of the property but can occasionally be caused by the physical condition of the property.</p> <p>14.2.3 Additional priority will only be given to homeowners, where they can prove that they do not have financial resources, or equity in a property, to purchase another suitable property.</p> <p>14.2.4 The assessment is based solely on the impact of their current housing, on social well-being and whether a move to alternative housing would improve their welfare.</p> <p>14.2.5 Applicants may be placed into one of the following bands:</p> <p>f) Band 1 – Exceptional Welfare Need, where applicants are unable to continue to occupy their current accommodation. Where failure to address this would cause exceptional hardship to themselves or others. The applicant's circumstances will be reviewed after 3 months.</p> |
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| | <p>are entitled to welfare priority must complete a Welfare Assessment Form and return this with supporting evidence to Monmouthshire Home Search.</p> <p>14.2.5 We will consider housing need, having regard to the needs of an applicant and the members of his/her household. We will consider the following types of cases listed below, however, this list is not exhaustive. Representations can be received from an applicant, their representative or a professional body. Examples of types of welfare cases for consideration:-</p> <ul style="list-style-type: none"> a) Applicants with medical problems that are not sufficient on their own to confer priority, but where there are other relevant social or welfare factors that need to be considered. b) Infirmary due to old age. c) Young person (aged 16-24) who is at risk. d) Needing to move in order to deal with child protection issues. e) The household seeking accommodation has welfare needs so severe that the protection of vulnerable adults or children is only possible if the household were to move to a new home. f) Families with a child with behavioural difficulties, which may require an additional bedroom or particular type of accommodation. g) Applicants requiring additional space for a carer to stay overnight due to an enduring condition. | <ul style="list-style-type: none"> g) Band 2 – High Welfare Need, applicants needing to move urgently on welfare grounds or who need to move to a particular locality. Where failure to meet that need would cause serious hardship to themselves or others. This band will be reviewed after six months. h) Band 3 – Medium Welfare Need, where applicants are identified as having a medium need to move on welfare grounds. Where failure to meet that need would result in significant hardship to their social well-being. i) Band 4 – Low Welfare Need, applicants assessed as having a low welfare need and moving to alternative accommodation would improve their well-being. k) No Welfare Need – This is where the applicant is assessed as having no welfare need or moving accommodation would not address the need. Or there is no evidence to suggest a move would produce a significant impact. <p>14.2.6 The outcome of a welfare assessment will not result in the applicant losing priority if they would otherwise be placed in a higher band due to other circumstances.</p> <p>14.3 Effective Date for Applicants with a Medical/Welfare Need</p> <p>14.3.1 Where an application indicates a medical or welfare need, following assessment, the effective date will be the date of their housing application. This will only apply to those applicants who have made us aware of this need at the time of their application.</p> <p>14.4 Change of Circumstances for Medical and Welfare Cases</p> <p>14.4.1 Applicants who have been awarded medical or welfare priority who subsequently submit a change in circumstances will have their medical or welfare priority removed. They will need to re-apply for medical or welfare priority.</p> |
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| | <ul style="list-style-type: none">h) Persons approved to become foster or adoptive parents but are being prevented from doing so because an additional bedroom is required.i) Needing to move in order to deal with the protection of a vulnerable adult.j) Persons needing to move to a specific part of the County in order to receive support from family or friends. In this circumstance bidding will be limited to the area surrounding the persons providing support.k) Persons needing to move to a specific part of the County in order to give support to a family member. In this circumstance bidding will be limited to the area surrounding the family member requiring support.l) Requests to move following harassment, threats of violence or actual violence that would continue if they remained in their current home.m) Requests to move due to a bereavement or personal tragedy in the property or area and where remaining in the property / area would cause continuing emotional trauma. <p>14.2.7 Applicants may be placed into one of the following bands:</p> <ul style="list-style-type: none">a) Band 1 – Exceptional Welfare Need, where applicants are unable to continue to occupy their current accommodation due to extreme welfare need or a need to move to a particular locality within the County. Where failure to meet that need would cause exceptional hardship to themselves or others. The applicant's circumstances will be reviewed after 3 months if they have not received an offer of accommodation. | |
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| | <p>b) Band 2 – High Welfare Need, applicants needing to move urgently on welfare grounds or who need to move to a particular locality with in the County and where failure to meet that need would cause serious hardship to themselves or others.</p> <p>c) Band 3 – Medium Welfare Need, where applicants are identified as having a medium need to move on welfare grounds. Where failure to meet that need would result in significant hardship to their social well-being.</p> <p>d) Band 4 – Low Welfare Need, applicants assessed as having a low welfare need and moving to alternative accommodation would improve their well-being.</p> <p>e) No Welfare Need – This is where the applicant is assessed as having no welfare need or moving accommodation would not address the need.</p> <p>14.2.8 The outcome of a welfare assessment will not result in the applicant losing priority if they would otherwise be placed in a higher band due to other circumstances.</p> <p>14.3 Effective Date for Applicants with a Medical/Welfare Need</p> <p>14.3.1 Where we receive an application and the applicant has indicated that they (or a member of their household) has a medical or welfare need, we will on completion of their assessment of that need make their effective date should they increase in Bands, the date of application. Therefore, applicants will not loose time while they are waiting for their medical or welfare assessment to be undertaken. This will only apply to</p> | |
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| | <p>those applicants who have made us aware of this need at the time of their application.</p> <p>14.4 Change of Circumstances for Medical and Welfare Cases</p> <p>14.3.1 Applicants who have been awarded medical or welfare priority who subsequently submit a change in circumstances will have their medical or welfare priority removed. They will need to re-apply for medical or welfare priority if one or more of the following circumstances are met:</p> <ul style="list-style-type: none">a) The applicant has changed address.b) The household member who the priority relates to has left the household.c) The household members who the priority relates to apply in their own right, or as part of another application.d) The property has been adapted to meet the needs of the person who was awarded medical or welfare priority.e) There has been an improvement in the applicant's condition or circumstances.f) The applicant submits another medical or welfare application and is deemed to have no priority. <p>14.3.2 In such circumstances the applicant will be informed of the decision in writing within 14 days of the date of the decision.</p> | |
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| <p>Section 15</p> | <p>Section 15 – Property Size and Type</p> <p>15.1 Property Size Eligibility Criteria</p> <p>15.1.1 The following matching policy will be used to assess the applicants bedroom requirements.</p> <p>15.1.2 The following table shows the size and type of property that applicants may be considered for based on their household composition either when expressing interest for an advertised property or for a direct let.</p> <p>15.1.3 These are general guidelines and all properties that are advertised through Monmouthshire Homesearch will be clearly labelled to identify the household type and size eligible to bid for each property.</p> <p>15.1.4 Monmouthshire Homesearch partners will label their properties to make best use of their available stock.</p> <p>15.1.5 Applicants will be expected to only bid for properties which suits their household size.</p> <p>15.1.6 Sheltered accommodation is for applicants aged 60+ years (for MHA schemes) or 55+ years (for Melin and Charter schemes).</p> <p>15.1.7 OAP designated accommodation is for applicants aged 60+ years (for MHA properties) or 55+ years (for Melin and Charter properties). However the OAP property will be offered to applicants aged over 50 years if there is insufficient interest from applicants meeting the age criteria. If there is no interest from applicants aged over 50 years, then the property may be offered to applicants</p> | <p>Section 15 - Property Size & Type</p> <p>15.1 Property Size Eligibility Criteria</p> <p>15.1.1 The table in 15.7 shows the size and type of property that applicants may be considered for based on their household composition.</p> <p>15.1.2 These are general guidelines and all properties that are advertised through Monmouthshire Homesearch will be clearly labelled to identify the household type and size eligible to bid for each property.</p> <p>15.1.3 Applicants will be expected to only bid for properties which suits their household size.</p> <p>15.1.4 Older Person's accommodation is for applicants aged 60+ years (for MHA schemes) or 55+ years (for Melin and Charter schemes). However, an OAP property may be offered to younger applicants if there is insufficient demand.</p> |
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| | <p>aged over 40 years in accordance with the principles of banding priority.</p> <p>15.2 Pregnant Women</p> <p>15.2.1 The expected child will only be added to the application from week 20 of the pregnancy, once MATB1 has been received. It is the responsibility of the applicant to contact Monmouthshire Homeseach to update their application with this information.</p> <p>15.2.2 The applicant is required to provide proof of pregnancy before the expected child can be added to the application.</p> <p>15.3 Access to Children</p> <p>15.3.1 Single applicants or couples, who do not have children residing with them on a full time basis, but who have access to their children will qualify for two bedroom accommodation providing they can supply written evidence that their child/children have an overnight stay at least twice a week, or averages to the same.</p> <p>15.3.2 The written evidence to corroborate these access arrangements must be provided and can include a letter from the partner who the children is normally resident with, a solicitor, a social worker or court order outlining access arrangements.</p> <p>15.3.4 Childless applicants who have access to their children as above will only be eligible for 2 bedroom flats or maisonettes.</p> | <p>15.2 Pregnant Women</p> <p>15.2.1 It is the responsibility of the applicant to contact Monmouthshire Homeseach to update their application with this information. The expected child will only be added to the application from week 20 of the pregnancy.</p> <p>15.2.2 The applicant is required to provide proof of pregnancy before the expected child can be added to the application.</p> <p>15.3 Access to Children</p> <p>15.3.1 Single applicants or couples, who do not have children residing with them on a full time basis, will only qualify for two bedroom accommodation providing they can supply written evidence that their child/children have an overnight stay on average at least two nights a week.</p> <p>15.3.2 An affordability assessment will be carried out prior to an offer of accommodation being made to ensure that the applicant can afford the rent.</p> |
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| | <p>15.3.5 Applicants will have an affordability assessment carried out at the point of registration by Monmouthshire Homesearch, to ascertain that they can afford to under occupy the property in line with Welfare Benefit Reform. This process may be repeated prior to a formal offer of accommodation.</p> <p>15.3.6 If an applicant is unable to demonstrate that they can afford the property, they will only be eligible to bid for one bedroom accommodation, unless there is a change in their financial circumstances. It is the responsibility of the applicant to contact Monmouthshire Homesearch to update their application with this information.</p> <p>15.4 Purpose Built or Adapted Disabled Accommodation</p> <p>15.4.1 We are committed to addressing the housing needs of disabled applicants, and to help further address this need we have a limited stock of purpose built and adapted accommodation designed to meet the needs of physically disabled persons.</p> <p>15.4.2 An applicant's (or a member of their household) disability must match the specification/adaptation's of the property, in order that the stock can be best used.</p> <p>15.4.3 In order to be considered for purpose built or adapted disabled accommodation the applicant (or the member of their household with the disability) will be expected to provide an assessment from an Occupation Therapist or other similar professional person, which outlines the requirements of the disabled person. Generally to qualify for this type of accommodation the applicant will be expected to be severely physically disabled. Applications</p> | <p>15.4 Purpose Built or Adapted Disabled Accommodation</p> <p>15.4.1 We are committed to addressing the housing needs of disabled applicants, and to help further address this need we have a limited stock of purpose built and adapted accommodation.</p> <p>15.4.2 An applicant's (or a member of their household) disability must match the specification/adaptations of the property.</p> <p>15.4.3 In order to be considered for purpose built or adapted disabled accommodation the applicant (or the member of their household with the disability) will be expected to provide an assessment from an Occupation Therapist or other similar professional person.</p> |
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| | <p>for this type of accommodation will be banded in accordance with this policy.</p> <p>15.4.4 Under-occupation may be considered for disabled accommodation, to ensure the best use of this scarce resource.</p> <p>15.5 Exceptional Property Criteria (Sensitive Lettings)</p> <p>15.5.1 In exceptional circumstances it may be necessary for a us to add restrictions to household types to be rehoused in a certain property. The aim of this is to assist in resolving particular management issues relating to a particular property and the immediate adjoining properties.</p> | <p>15.5 Three to Four Bed Transfers</p> <p>15.5.1 Where an applicant currently occupies a 3 bedroom non parlour type property and is transferring on the grounds of overcrowding, they will only be eligible to bid on 3 bedroom parlour or four bedroom properties, i.e. Not bid on a like for like transfer, unless the bedroom sizes are significantly larger.</p> <p>15.6 Monmouthshire RSL tenants transferring to OAP or Sheltered accommodation</p> <p>15.6.1 RSL tenants of the partnership, who reside in Monmouthshire, who are over pension credit age and under-occupying their current property by two or more bedrooms, will be eligible to under-occupy by one bedroom.</p> |
| | <p>15.8 Property size and type eligibility - General Need</p> <p>Single person with overnight access to one child+, the applicant will be classed as having a spare room under housing benefit criteria</p> <p>Single/couple who are pregnant, housing benefit will only pay for 2nd bedroom once baby is born</p> | <p>15.7 Property size and type eligibility - General Need</p> <p>Added</p> <p>Single Adult/Couple & 2 children (Different sex over 16) eligible for 3 bed flat/maisonette or 3 bed house non parlour</p> |

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| | <p>An adult couple (under 61) are expected to share a bedroom under housing benefit criteria</p> <p>Under housing benefit criteria the applicant will be allocated one bedroom for two children of the same sex under the age of 16, or two children under the age of 10 regardless of their sex</p> <p>If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit this will result in a 14% housing benefit reduction towards the rent</p> | <p>Single/couple who are pregnant, housing benefit will only pay for 2nd bedroom once baby is born (this should be the same under universal credit, although this is not currently known). NB: If claiming housing benefit/universal credit an individual will be required to apply for a DHP to cover the shortfall in their benefit until the baby is born.</p> <p>An adult couple (under pension credit age) are expected to share a bedroom under housing benefit criteria.</p> <p>Under housing benefit criteria the applicant will be allocated one bedroom for two children of the same sex under the age of 16, or two children under the age of 10 regardless of their sex</p> <p>If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit/universal credit housing element this will result in a 14% reduction towards the rent</p> <p>For applicants requiring an extra room for a full-time carer, a spare bedroom will be allowed, where overnight care is needed. In addition, an applicant would need to be in receipt of the higher rate of Disability Living Allowance, Personal Independence Payment or in receipt of Attendance Allowance. Homeseach reserves the right to allow an extra bedroom, in exceptional cases, outside of this criteria.</p> |
| | <p>15.09 Property size and type eligibility OAP/Sheletered</p> <p>are a bedroom under the Housing Benefit criteria #If no bedroom OAP/sheltered accommodation may be offered to transfers covered in 15.7.1)</p> | <p>15.8 Property size and type eligibility OAP/Sheletered</p> <p>An adult couple (under pension credit age) are expected to share a bedroom under the Housing Benefit criteria #If no interest has been expressed by a couple, two bedroom OAP/sheltered accommodation may be offered to single applicants (with the exception of RSL transfers)</p> |

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| | | If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit/ universal credit housing element this will result in a 14% reduction towards the rent |
| | <p>15.10 Property size and type eligibility – tenants wishing to downsize</p> <p>An adult couple (under 62) are expected to share a bedroom under the Housing Benefit criteria</p> <p>If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit, this will result in a 14% housing benefit reduction towards the rent</p> | <p>15.9 Property size and type eligibility – tenants wishing to downsize</p> <p>An adult couple (under pension credit age) are expected to share a bedroom under the Housing Benefit criteria</p> <p>If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit/universal credit housing element, this will result in a 14% housing benefit reduction towards the rent</p> |
| Section 16 | Summary of Bands - See Appendix 2 | |
| Appendices | Exclusion Policy – See Appendix 3 | |
| | Customer Commitment – See Appendix 4 | |
| | Quotas – See Appendix 5 | |
| | Information Sharing – See Appendix 6 | |
| | Eligibility and Allocations – See Appendix 7 | |
| | Housing Need Band – See Appendix 8 | |
| | Future Generation Evaluation | |

Appendix 2

Section 16 -Summary of the Bands

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| Band 1 | Urgent Housing Need |
| Priority within this Band will be by date of entry into Band 1 not original date | <ul style="list-style-type: none"> ➤ Special Management Lettings ➤ People Occupying Unsanitary or Unfit Housing ➤ Exceptional Medical Need ➤ Exceptional Welfare Need ➤ RSL Tenants Requiring Decanting ➤ National Witness Mobility Scheme Referrals |
| Band 2A | High Housing Need |
| Priority within this Band will be by date of entry into Band 2 not original date | <ul style="list-style-type: none"> ➤ Lacking 2 or More Bedrooms ➤ Lacking Basic Amenities ➤ Care Leavers / Child in Need ➤ Vacating Adapted or Disabled Property ➤ Transfers Under-Occupying by One or More Bedrooms ➤ Successors who are Under-occupying ➤ Move on from Supported Housing ➤ High Medical Need ➤ High Welfare Need ➤ Major Disrepair ➤ Foster Carers, Adoptive Parents, Adult Placement and Supported Lodging Providers ➤ Social Services Referral 1 ➤ Displaced Agricultural Workers |
| BAND 2B | Homeless Households |
| | <ul style="list-style-type: none"> ➤ Owed Section 75 Duty |

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| BAND 3A | Medium Housing Need |
| Priority within this Band will be by date of entry into Band 3 not original date | <ul style="list-style-type: none"> ➤ Lacking One Bedroom ➤ Intentionally Homeless ➤ Medium Medical Need ➤ Medium Welfare Need ➤ Leaving Armed Forces ➤ Foster Carers or Adoptive Parents ➤ Split Families ➤ Children in Flats ➤ Occupying one bedroom/bedsit accommodation with resident child(ren) ➤ Social Services Referral 2 ➤ Caravan Dwellers ➤ Private renting & claiming Discretionary Housing Payment ➤ Families sharing facilities |
| BAND 3B | Homeless Households |
| | <ul style="list-style-type: none"> ➤ Owed Section 66 or 73 Duties |
| BAND 4 | Low Housing Need |
| Priority within this Band will be arranged in order of date of application | <ul style="list-style-type: none"> ➤ Low Medical Need ➤ Low Welfare Need ➤ Sharing facilities ➤ Reduced Preference Due to Refusals ➤ Adequately Housed Private Tenants with a local connection ➤ Minor Disrepair |
| BAND 5 | No Housing Need |

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| Priority within this Band will be arranged in order of date of application | <ul style="list-style-type: none">➤ Home Owners➤ Serving Armed Forces Personnel➤ Serving Prisoners➤ Sufficient Financial Resources➤ Reduced Preference Due to Refusals➤ No Local Connection➤ Adequately housed RSL tenants |
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Appendix 3 (this policy has been rewritten)

Exclusions Policy and Procedure

The partners of the Monmouthshire Housing Register (MHR) are listed below. These organisations will be referred to as 'we' throughout this policy document. The Monmouthshire Housing Register will be referred to as the MHR.

- Monmouthshire County Council
- Monmouthshire Housing Association
- Melin Homes
- Charter Housing Association
- United Welsh Housing Association
- Derwen

1. Introduction

- 1.1 This document is a sub-policy and procedure of the Monmouthshire County Council Housing Allocation Policy and Procedures. It describes the circumstances in which an applicant can be excluded from the register and also describes how long we will exclude and what an applicant needs to do to have the exclusion removed. We are committed to minimising the number of exclusions we make, however, there will be certain circumstances when it will be necessary. The policy applies to all applications on the MHR including existing tenants who wish to transfer and other applicants who are not currently our tenants.

2. What is an Exclusion?

2.1. Exclusions

- 2.1.1 Occurs when an applicant has been assessed and but for their behaviour would have been accepted onto the housing register. They will remain excluded until certain conditions have been met, for example, a certain period has elapsed, their conduct has changed; or there has been a change in circumstances. Generally the applicant will be expected to take prescribed action to

address their untenable behaviour, such as making payments to reduce rent arrears. Partners will seek to avoid using prescribed actions that are likely to be unreasonable for an applicant to meet.

2.1.2 In addition, a joint allocation will not be made where one applicant is excluded from the register.

2.2 Inclusion

2.2.1 When an applicant has satisfied the prescribed measures to address the behaviour which has resulted in them being excluded or they will then be assessed on their housing need. The onus will be on the applicant to prove that his/her behaviour has improved sufficiently and been sustained, before consideration will be given to accepting the applicant onto the Housing Register.

3. Legal Framework

3.1 The legislation setting out the legal requirements for access to Waiting Lists is contained in the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015.

3.2 Under S.160A (7) of the 1996 Act a local authority may, where it is satisfied that an applicant (or household member) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant at the time their application is considered, decide to treat the applicant as ineligible for an allocation.

3.3 S160A (8) provides that the only behaviour which can be regarded as unacceptable for the above purposes is behaviour by the applicant (or household member) that would, if the applicant had been a secure tenant of the local authority at the time, have entitled the authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the discretionary grounds in Part 1 of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance, and the use of property for immoral or illegal purposes. Under s.84 of the Housing Act 1985, the court can only make a possession order if satisfied in all the circumstances that it is reasonable to do so.

- 3.4 S160A (3) provides that a person subject to immigration control, within the meaning of the Asylum and Immigration Act 1996, is ineligible for accommodation unless prescribed in the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014.
- 3.5 S167 (4A)(d) provides that an applicant has the right to request a review in relation to eligibility or loss of preference and the right to be informed of this right. They must also be informed of the ground(s) for any decision affecting eligibility or resulting in reduced preference.
- 3.6 If an applicant's conduct entitles possession (under the Anti-social Behaviour, Crime and Policing Act 2014), a landlord is entitled to decide that the applicants is ineligible for an allocation.

4. Policy Aim

4.1 The aim of the policy is

- To ensure that all the partnership landlords have a common approach to dealing with exclusions.
- To ensure fair and equal treatment for all applicants.
- To enable the partnership landlords to efficiently manage access to housing where applicants have breached the terms of their tenancy agreement.
- To minimise exclusions.

- To recognise individual circumstances and acute housing need.
- To ensure that the applicants excluded are formally monitored.
- To reinstate applicants to the Housing Register at the earliest opportunity once they have addressed the reason that has led to their exclusion.
- To be accountable through an open and transparent appeals process.
- To ensure that applicants for housing are given fair and equal treatment regardless of disability, gender, age, race, culture, sexual orientation, marital status or religion in line with the partner landlord's equalities policies.
- To be sensitive to applicants' individual needs and tailor our services and approach, where practical to do so.

- To ensure that all applications are processed within the legal framework as detailed in the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015.
- To ensure that vulnerable applicants are not disproportionately affected by this Policy.

5. Policy Content

5.1 Implementation of the Policy

- 5.1.1 Applicants subject to MAPPAs Level 3 are exempt from this policy due to the need to manage these applicants and the statutory duty placed on the Authority as a partner to MAPPAs and the RSL's as a duty to co-operate body.
- 5.1.2 Each application will be assessed on an individual basis, with relevant and available information taken into account.
- 5.1.3 We will work collaboratively with the police and probation services and other agencies to share information as appropriate.

5.2 Reasons for Exclusion

5.2.1 Applicants can be excluded for the following reasons (not exhaustive);

- Outstanding current and /or former tenancy debt (social or private)
- Anti-social behaviour/ASB Injunction
- Tenants who have had their tenancy demoted due to ASB.
- Other breach of tenancy conditions (social or private)
- Refusals (after 3rd refusal) [Automatic and therefore not referred to panel]
- Use of property for immoral or illegal purposes
- Immigration status/ineligible person from abroad
- Criminal convictions
- Being violent towards a partner or members of the family (potentially without conviction).
- Obtaining a tenancy by deception, for example, by giving untrue information or by withholding information.

- Paying money to illegally obtain a tenancy.
- Allowing the condition of a property to deteriorate beyond a level deemed reasonable by the Partnership.
- Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

5.2.2 It is not necessary for the applicant to have actually been a tenant of the local authority or RSL when the unacceptable behaviour occurred.

5.2.3 Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle MCC to possession under Grounds 1-7 in, Schedule 2 of the Housing Act 1985. To be reasonably classed as unacceptable behaviour there must be a belief that the court would be prepared to grant a possession order based on the behaviour (normally an outright order should be expected). The circumstances at the time of the application must also still mean the applicant is unsuitable. Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved.

5.2.4 When considering cases of rent arrears for exclusion, the Exclusion Panel should consider whether the rent arrears are caused by Welfare Benefit Reform or directly attributable to the actions of an applicant. Consideration should also be given to arrears prior to Welfare Benefit Reform. Also, any pre-tenancy advice given to tenants concerning financial capability.

5.3 Applying and Removing an Exclusion

5.3.1 Property Related Debt:

For the purpose of this policy the Monmouthshire Homesearch Team, when carrying out an assessment, will take into consideration all property related debts, associated with either a current or former tenancy with any private or social housing provider in the UK. Only debts that are both recoverable and not statute barred will be taken into consideration. These include (but are not limited to) any:

- Current or former tenancy rent arrears;

- Outstanding re-chargeable repairs;
- Current and former housing related service charge arrears;
- Bed and breakfast charge arrears
- Housing benefit or universal credit housing element over-payments;
- Associated court costs.

5.3.2 Property related debts apply to both the applicant, spouse, joint applicant and partner of their prospective household.

5.3.3 Where the property related debt is over £500 or the equivalent of 19 weeks net rent (whichever is lower), the application for housing would be automatically excluded. The applicant would not be actively considered for housing until such time as they have:

- Entered into a repayment plan with the former and current landlord;
- Made a minimum of 13 consecutive weekly payments, at an agreed level; and
- Repaid a minimum of 25% of the debt.

5.3.4 This process can only be circumvented where the debt is repaid in full. Or where the Monmouthshire Homeseach partners believes that highly exceptional and significant circumstances exist, and the need to move is considered urgent. Although, this does not mean recovery of the debt will not be pursued by the relevant landlord. In such circumstances, a report will be submitted to the Exclusion Panel for consideration.

5.3.5 Applicants with a housing related debt of below £500 or up to and including 18 weeks net rent, could be considered for housing immediately providing that they had agreed and were actively following a repayment plan. Adherence with the plan would be checked prior to an offer of accommodation being made by the landlord concerned and would be at their discretion.

5.3.6 Where the applicant or a member of their prospective household has entered into a repayment plan to clear a property related debt before the application for housing was made, the criteria set out in paragraphs 5.3.5 would still apply.

- 5.3.7 Once accepted on the Housing Register, regular agreed payments should be maintained up to the point of an offer of accommodation. If this is not the case, the applicant will be given 48 hours to make up the missed payments otherwise the offer will be withdrawn.
- 5.3.8 The review process and the circumstances when the exclusion will be removed are to be decided on a case by case basis. All anti-social behaviour cases will be referred to the Exclusion Panel.
- 5.3.9 If the decision is not unanimous among the Exclusions Panel then the exclusion can only be activated after ratification by the MHR Operational Sub-Group. The application would be placed into pending whilst Homesearch waits for the Operational Sub Group to make a decision.
- 5.3.10 Sanctions under this policy will be implemented at the point the application is registered save for those cases where information has come to light during the course of the 'live' application. This is to ensure that the applicant is made aware at the earliest stage of the application and is able to address their behaviour.
- 5.3.11 For applicants who are referred under this policy during their live application or at the 'offer' stage, because information has come to light, it will be for the RSL to show that this information was not available at the time of registration or would not have come to light under normal investigative procedures. Failure to show this may result in the applicant not being excluded.
- 5.3.12 An exclusion can be removed at an applicant's request. In most cases a review will be reconsidered when there is clear evidence that:
- The applicant (or a member of their prospective household) has addressed their behaviour to the satisfaction of the Exclusion Panel.
 - There has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of 12 months (depending on the severity of the behaviour) from the point where action has been agreed with the applicant to address their behaviour or other identified problems. The onus is on the applicant to inform the Homesearch Partners that any condition has been met to resolve exclusion. Applicants that are considered

vulnerable, will, however, still be contacted by Homesearch periodically to discuss their prescribed actions and enquire if they are able be restored to the housing register.

5.3.13 Excluded applicants will be eligible to join or re-join the Housing Register once their unacceptable behaviour has been addressed. Their effective date on the Housing Register will be the date that their exclusion was lifted.

5.3.14 The Homesearch Partnership will apply the Test of Unacceptable Behaviour suggested procedure as set out in sections 2.32 to 2.44 of the 2015 Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness.

5.4 Notifying Applicants of the Exclusion

5.4.1 Applicants will be notified in writing if their application for housing is subject to the sanction. Applicants will be told why they have been excluded, how long it is for, what they need to do to address the behaviour, and how to inform the Monmouthshire Homesearch Team that their behaviour has been addressed. They will also be advised of the appeals procedure. If considered necessary this information will also be given verbally and/or translated.

5.5 Appealing an Exclusion

5.5.1 Applicants can exercise this right to review verbally or in writing. In the first instance any additional information should be sent to Monmouthshire Homesearch to enable them to informally reassess their decision. Known circumstances at the time of the review will be taken into consideration. Applicants will be given at least 5 working days to provide further information. If Monmouthshire Homesearch are satisfied that the decision to exclude is correct they will forward the case to Monmouthshire County Council. They will undertake the formal review of the decision. The Council will request any additional information within 28 days of the papers being received from Monmouthshire Homesearch and will make a decision after 28 days.

5.5.2 Applicants will be notified of the outcome of the appeal within 21 days from the date of receipt of the appeal letter.

The Panel will consider:

- Whether the application would result in the applicant being awarded reasonable preference under the Council's allocation scheme. If so, whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the exclusion decision should be overturned.
- The Exclusions Panel will assess the case using guidance criteria and will record all decisions reached with full reasons on that decision. The applicant will receive a written decision with the full reasons set out.
- Please note that the council cannot waive the eligibility exclusion rules for applicant's who are legally not allowed to access social housing under the eligibility rules set by Welsh Government and such cases will not be referred to the panel

6. Implementation

6.1 Responsibilities

- 6.1.1 The overall responsibility for this policy lies with the Housing & Communities Manager of Monmouthshire County Council, and the Chief Executive of the respective partner Housing Associations. However the decision to invoke any of the sanctions under this policy will be made in the first instance by the Monmouthshire Homesearch Team. Decisions will be ratified by the Manager of the Monmouthshire Homesearch Team
- 6.1.2 All partners of Monmouthshire Homesearch are responsible for submitting information relating to their tenants unacceptable behaviour and also to provide evidence of extenuating circumstances.
- 6.1.3 The Panel will conduct its business by way of email, circulating completed pro-forma for each case to be considered under this policy. However in exceptional cases the Panel can meet in person.
- 6.1.4 Each member of the panel will have a nominated deputy to cover periods of absence.
- 6.1.5 Responsibility for co-ordinating the Panel will lie with the Monmouthshire Home Search team as they are the only point of access onto the Housing Register.

6.1.6 The same will apply if the Panel meets in person.

6.1.7 Emails from the panel members should be used as evidence of a decision being made and maintained on files to provide an appropriate audit trail.

6.2 Scrutiny Panel

6.2.1 The Panel will consist of members from the MHR Operational Sub Group.

6.2.2 The role of the Panel is to scrutinise, and change adverse decisions.

6.2.3 The Panel will meet on a quarterly basis (or more frequently if agreed).

6.2.4 Decisions will be made on the information available to the Panel. Insufficient information will result in the case being deferred and reconsidered via email when information is available.

7. Staff Training and Development

7.1 The Council will provide detailed training for staff of the MHR landlords who implement this policy and procedures. This ensures that we meet our legal duties and follow good practice guidance.

8. Monitoring and Reporting

8.1 Monitoring is essential to evaluate how effectively we meet our legal requirements and the policy and procedural guidance.

8.2 Monitoring will be performed by the Operational Subgroup of the MHR.

8.3 The following indicators will be monitored by the Council (which MCC will collect):

- No. of exclusions and a breakdown of the reasons;

- The average length of time applicants are excluded by reason;
- The number of excluded applicants as a percentage of the total number of applicants on the MHR;
- The number of appeals of exclusion;
- The number of appeals upheld and decisions over-turned by reason;
- The length of time between receipt of the appeal letter and notification of the appeal outcome.

9. Review

9.1 The Council will review this policy 3 years, or earlier if required in light of changes in the law or good practice guidance.

Appendix 4

Customer Commitments

- ✓ consider every application received
- ✓ Make sure the Partnership meets its legal obligations.
- ✓ Provide free advice and information about the right to apply for accommodation.
- ✓ Provide free assistance to applicants who may have difficulty when making an application, for example help completing the application for accommodation form.
- ✓ Make sure any information we provide is easy to understand and is readily accessible.
- ✓ Provide information to all applicants on what types of accommodation are available throughout the County.
- ✓ Supply information to the applicant to enable them to ascertain how long they are likely to have to wait before being offered accommodation.
- ✓ Advise those applicants with low housing need that they are extremely unlikely to be offered social housing through this scheme.
- ✓ Provide a full copy or a summary of this Allocation Scheme to all households who request one.
- ✓ We will be sensitive to tenants' individual needs and tailor our services and approach accordingly.
- ✓ To re-let all vacant housing association homes that are ready to let as quickly as possible.
- ✓ Ensure that all information provided by applicants will be treated in strictest confidence, adhering to the Data Protection Act.

- ✓ Provide services in Welsh, or direct applicants to where they can access the service in Welsh.
- ✓ Assess the language need of applicants and respond appropriately.
- ✓ Homesearch will respond to all emails and letters sent by applicants within 10 working days; assess and register all housing applications within 10 days of receiving all necessary information.
- ✓ Senior Officers at either the Council or the partner organisation will undertake statutory reviews of decisions made in accordance with regulations and aim to complete the review within 56 working days.
- ✓ Homesearch will undertake an initial assessment of medical and welfare cases within 20 working days of receiving all necessary information, including any supporting information from third parties.

Appendix 5

Lettings Quotas

Percentage of lettings made to Home Seeker applicants (Excluding Band 2B) = 60%

Percentage of lettings made to homeless applicants owed a full duty by MCC under s193 or s195 (2) of the Housing Act 1996 Part VII or Section 75 of the Housing (Wales) Act 2014 (Band 2B) = 20%

Percentage of lettings made to Social Housing Tenant transfers = 20%

See policy for guidance on applying the lettings quotas

The lettings quotas should be set by the SLO after every fortnightly cycle and a record should be kept of each allocation type and report sent to partners quarterly.

Appendix 6

Information Sharing

1. Data Protection

- 1.1 All information held is subject to the Data Protection Act 1998. We seek the express consent of applicants joining the Housing Register to share personal information.
- 1.2 Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:
- a) In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
 - b) For the purposes of the prevention or detection of crime and fraud.
 - c) Where there is a serious threat to the applicant or a third party including staff or contractors.
 - d) Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.
 - e) To safe-guard children and address child protection issues or vulnerable adults.

2. Information Sharing within the Partnership

- 2.1 Partners will adhere to an Information Sharing Protocol (ISP), in line with the Welsh Accord on the Sharing of Personal Information. The ISP has been prepared to support the regular sharing of personal information for the provision of social housing across Monmouthshire.
- 2.2 Information with regards to applications made under Monmouthshire's Allocation Scheme will be shared with and available to all members of the Partnership. Information may also be shared with other housing providers for the purpose of allocating housing, assessing applications or identifying current or former tenant arrears.

Appendix 7

Eligibility and Allocations Guidance

A Local Authority can't allocate housing to a person from abroad who is not eligible.

This is covered in [The Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) Regulations](#) (note legislation on immigration and related case law is subject to frequent change).

Also refer to pages **22 to 30** of the [Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness](#) and Annex 4 and 6.

Home Office contact for further information

Welch Sarah Sarah.Welch8@homeoffice.gsi.gov.uk

Home Office
General Buildings, 31-33 Newport Road, Cardiff
02920924587
07919057302

Or EvidenceandEnquiry@homeoffice.gsi.gov.uk

Appendix 8

Housing Need Band

1. Band 1 – Urgent Housing Need

This band is for people who have an urgent housing need, who need immediate rehousing and who are unable to resolve their own housing need. We arrange priority within Band 1 in the first instance in date order of entry into Band 1 and not by the original application date.

Applicants placed into Band 1 will have their circumstances and bidding history reviewed after 3 months to ensure that they are actively bidding for suitable available properties and their situation remains unchanged. Applicants may be downgraded as an outcome of the review

1.1 Special Management Lettings

There may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion.

There is ability in very urgent cases for MHR Operational Sub Group to exercise discretion. In the interests of fairness to all applicants these circumstances are kept to an absolute minimum. Such cases will include the following circumstances:

- a) Residents of Monmouthshire who are RSL tenants whose homes are damaged by flood, fire or other disaster may be provided with another tenancy immediately if it is not possible to repair their existing accommodation.
- b) Households who on Police advice must be moved as a matter of urgency, e.g. continued harassment, racial harassment, hate crimes, and domestic abuse.

c) An applicant has an exceptional need that is not covered by the allocation scheme. For example, where Child or Public Protection issues require urgent rehousing.

d) To support humanitarian protection/vulnerable persons and resettlement schemes.

1.2 People Occupying Unsanitary or Unfit Housing

A private sector property either owned or rented where a statutory notice has been issued by the Environmental Health Department that an unfit property is to be demolished under the Housing Act 2004.

A private sector tenant where the Council's Public Health Team have served a Prohibition of Use Notice on the property or part of the property and the tenant cannot continue to occupy.

1.3 Exceptional Medical Need

Where an applicant or a member of their household is unable to continue to occupy their current accommodation due to extreme medical need. Or the applicant is unable to leave hospital due to their current permanent housing being unsuitable to return to will be determined as exceptional medical need. This will be reviewed after 3 months if the applicant has not been offered accommodation.

1.4 Exceptional Welfare Need

Where an applicant or a member of their household is unable to continue to occupy their current accommodation due to extreme welfare need. This will be reviewed after 3 months if the applicant has not been offered accommodation.

1.5 Monmouthshire RSL Tenants Requiring Permanent Decanting

RSL tenants of the partnership, residing in Monmouthshire, who are required to move due to the Housing Association carrying out major works resulting in their property being demolished or disposed of.

1.6 National Witness Mobility Service (NWMS) Referrals

Where we have agreed to accept a referral from the NWMS the household will be placed into Band 1.

2. BAND 2A – High Housing Need

This band will be for applicants whose housing need is very urgent and who are unable to resolve their own housing circumstances. We arrange priority in the first instance in date order of entry into Band 2A&B and not by the original application date.

For administrative purposes this Band is split between Homeseekers Band 2A and Homeless Households Band 2B(**Section 75 duty**), therefore, both Band 2A and 2B have equal priority.

2.1 Lacking 2 or more Bedrooms

Applicants who are lacking 2 or more bedrooms in accordance with the “Size of Property” eligibility criteria. Applicants who are eligible for 2 different property sizes (i.e. 2 and 3 bedrooms) will be assessed on their minimum entitlement. However, where the children are of different sexes and aged over 10 years or over an additional bedroom over the minimum entitlement will be allowed when making the lacking assessment.

2.2 Lacking Basic Amenities

Applicants without access to any of the following facilities:-

- a) Neither bath nor shower;
- b) Toilet;
- c) Cooking facilities;
- d) Running hot water supply; or
- e) Neither electric and gas needed for essential activities.

2.3 Care Leavers and Child in Need

A care leaver is defined as a young person between the age of 16 and 21 who was in the care of MCC at the time of their 16th birthday. It is further extended to include care leavers aged 21 to 25 who have re-engaged with education or when duty ends when leaving education. It is the responsibility of Social Services to advise Monmouthshire Homeseach when a care leaver is eligible for the care leaver's status. However the care leaver status will only apply until the applicant has achieved a social tenancy and any subsequent applications after this will be determined under the remainder of this policy.

We will liaise with Social Services to ensure that Care Leavers do not receive an offer of accommodation until they are ready for independent living.

A young person who has been assessed by MCC Social Services as being a Child In Need under Sections 17 or 20 Children Act 1989 following a presentation as a homeless young person and has been assessed as being ready for independent living will be placed into Band 2A from their application date.

A care leaver will only be entitled to Band 2 priority when they are registering for housing, and will not therefore have held a previous social tenancy. Therefore a Care Leaver who is looking for a transfer will be assessed on their current housing need and will not be deemed as a care leaver. However the care leaver does not need to be applying straight from their placement. This is in recognition that care leavers may make choices on their accommodation that are not sustainable.

Any tenancy offered to a care leaver will generally be a sole tenancy in the name of the care leaver.

2.4 Tenants Vacating Adapted or Disabled Accommodation

A tenant/applicant who is releasing a RSL disabled adapted property in Monmouthshire, with no other housing need will be placed in Band 2 if the adaptations are no longer required by the tenant/applicant. This would not apply to those tenants who have had minor adaptations to their property e.g. level access showers, stair-lifts, ramps, grab rails, etc.

2.5 Transfers who are Under-Occupying by one or More Bedrooms

To make best use of the housing stock within Monmouthshire we will offer accommodation to Monmouthshire RSL tenants who are **currently** under-occupying general needs accommodation by one or more bedrooms.

To be considered as a tenant under-occupying you must be a current tenant of one of the housing partners i.e. MHA; Melin; Charter; **United Welsh Housing Association or Derwen**.

The property size eligibility criteria will be used to determine the level of under-occupation. However, applicants who are eligible for two property sizes will be assessed on their minimum entitlement, therefore maximising the under-occupation. When an applicant wishes to downsize to smaller accommodation, due to Welfare Benefit Reform, any offer of accommodation will only be made if the accommodation is smaller.

2.6 Successors who are Under-Occupying

When a Monmouthshire RSL tenant dies and another member of that household has a right to succeed to that tenancy but the property is deemed too large for that person's needs, the applicant will then be placed in Band **2A** in order to facilitate move on. This again makes best use of stock and releases family sized accommodation.

2.7 Move on from Supported Housing Projects

In order to be placed into Band **2A**, applicants must occupy one of the supported housing projects in Monmouthshire that receive funding from MCC's Supporting People Team or MCC's Social Services.

This includes applicants who need to leave supported housing within the next 12 months or in a planned time and who are ready for independent living with or without support.

Where there are support needs, we will work with support providers to establish a suitable care package.

We expect the applicant to accept the support services made available to them in order to ensure the necessary standard of independence is achieved and the tenancy is sustainable.

2.8 High Medical Need

Applicants assessed as having a high medical priority because their medical condition and/or disability is having a significant detrimental effect on their ability to live independently at home will be placed in Band 2A.

2.9 High Welfare Need

Applicants assessed as having a high welfare need and need to move urgently and where failure to move will cause serious hardship to themselves or others will be placed into Band 2A.

2.10 Major Disrepair

The applicant is a private tenant and the Council's Environmental Health Department has identified a Category 1 hazard under the Housing, Health and Safety Rating System. The applicant will be required to provide written confirmation from the Environmental Health Officer of the disrepair and the action to be taken to rectify the hazard(s). Once the relevant actions have been carried out to address the disrepair issue(s) the application will be reassessed.

2.11 Foster Carers, Adoptive Parents, Adult Placement and Supported Lodging Providers

An applicant who has been accepted by Monmouthshire County Council Social Services to be a provider of foster care, an adult placement or supported lodgings or to be an adoptive parent and who require a larger property in order to provide this service/placement. Applicants will only be eligible for one extra bedroom.

2.12 Social Services Referral 1

The above band reason will be used for clients of Social Services who require specialist or supported housing urgently in order for them to resettle into the community or make the transition to independent living. This priority will not be awarded to Social Service clients who currently live independently.

2.13 Displaced Agricultural Workers

The Rent (Agriculture) Act 1976 (the 1976 Act) requires MCC to use its best endeavours to provide accommodation for displaced agricultural workers. In order to be placed into Band 2A:

- a) The dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker
- b) The farmer cannot provide suitable alternative accommodation for the displaced worker and
- c) They need to re-house the displaced worker in the interests of efficient agriculture
- d) It is important, therefore, for Local Authorities to include in their allocation schemes a policy statement in respect of cases arising under the 1976 Act.

3. BAND 2B – Homeless Applicants

3.1 Homeless Households Owed a Section 75 Duty by MCC

Applicants accepted as being owed a duty under Section 75 of Part 2 of the Housing (Wales) Act 2014 by MCC. To be owed the duty the applicant would need to be considered by MCC to be in priority need and unintentionally homeless. They would also not have suitable accommodation available for occupation, which is likely to last for at least 6 months. Applications for homelessness assistance made to MCC made before 27 April 2015, would be considered under the Housing Act 1996, Part 7.

4. BAND 3A – Medium Housing Need

This band is for applicants who have a housing need and are unable to resolve this need themselves. We arrange priority within Band 3A in the first instance in date order of entry into Band 3A and not by the original application date.

4.1 Lacking One Bedroom

Applicants who are lacking one bedroom in accordance with the “Size of Property” eligibility criteria. Applicants who are eligible for 2 different property sizes (i.e. 2 and 3 bedrooms) will be assessed on their minimum entitlement. However, where the children are of different sexes and aged 10 years or over, an additional bedroom over the minimum entitlement will be allowed when making the lacking assessment.

Applicants occupying bedsit accommodation are not considered to be lacking a bedroom and therefore will be assessed as adequately housed.

Couples who are occupying one bedroom accommodation which cannot accommodate a double bed (as determined by environmental health) will be eligible for lacking one bedroom. The room will only be required to be capable of containing a double bed, a bed side table of reasonable dimension and adequate floor space to walk around the bed and reasonable sized storage for clothing.

4.2 Medium Medical Need

Applicants assessed as having a medium medical condition or disability whereby a move to alternative suitable accommodation would significantly improve their health.

4.3 Medium Welfare Need

Applicants assessed as having a medium welfare need and moving to alternative accommodation would significantly improve their well-being.

4.4 Applicants Leaving the Armed Forces

Applicants will meet this category when leaving the Armed Forces and are in receipt of their “Cessation of Duty” notice or their “Testimonial of Military Service” notice and they have a local connection to Monmouthshire.

If the applicant has left the armed forces and secured alternative accommodation, they will be assessed on the accommodation they currently occupy.

4.5 Foster Carers or Adoptive Parents

Applicants who are foster carers, prospective foster carers or adoptive parents, whose current accommodation is unsuitable and prevents them from either fostering or adopting a child. In order to qualify for this category references will be needed from Social Services.

4.6 Split Families

This category is for families that are reasonably expected to live together but are unable to live together because of their housing situation.

To qualify for this category a family must be living separately from each other having previously lived together as a family unit.

Applicants will need to demonstrate why they have to live apart e.g. living together would create severe over-crowding.

4.7 Children in Flats

Applicants with a child or children under the age of 12 living in a first floor flat or above, will be placed into Band **3A**.

If the child turns 12 years of age before an offer of accommodation is made, the application will need to be reassessed and determined on the current circumstances.

4.8 Applicants with Children Occupying One Bedroom or Bedsit Accommodation

Applicants with a child (who is normally resident with them) who occupy one bedroom or bedsit accommodation will be placed into Band 3A.

4.9 Social Services Referral 2

The above band reason will be used for clients of Social Services who require specialist or supported housing (not urgently) in order for them to resettle into the community or make the transition to independent living. This priority will not be awarded to Social Service clients who currently live independently.

4.10 Caravan Dwellers

Applicants living in a caravan (as their main home) will be placed into Band 3A.

If there are any amenities lacked in the caravan accommodation then the applicant will be assessed based on the amenities lacked. See Lacking Basic Amenities in Band 2A.

4.11 Private Rented & Claiming Discretionary Housing Payment (DHP)

To differentiate between private rented tenants that can and can't afford their private rented accommodation, applicants receiving DHP will be placed in band 3A.

4.12 Families Sharing facilities

Applicants with dependent children who are sharing with friends or relatives and who are not included in their application. This award should not be made where the applicant is the householder and has invited other people to live in the accommodation. This is because the applicant has chosen to share facilities. Home-owners who are sharing facilities following a relationship breakdown will be banded based on their circumstances.

5. BAND 3B – Non-priority Homeless Households

5.1 Homeless Households - Owed a Section 66 and 73 Duty by MCC

Applicants owed a Section 66 duty, would be threatened with homelessness within 56 days and their priority need and/or intentional homelessness remains under investigation by MCC. Applicants owed a Section 73 duty, under the Housing (Wales) Act 2014, would be considered homeless and eligible for assistance.

6. BAND 4 – Low Housing Need

This Band will be for applicants with a low housing need. Priority within this Band will be arranged in order of date of application. The following groups of applicants will be placed into Band 4:

6.1 Low Medical Need

Applicants assessed as having a low medical condition or disability where a move to suitable alternative accommodation would improve their health.

6.2 Low Welfare Need

Applicants assessed by as having a low welfare need and moving to alternative accommodation would improve their well-being.

16.3 Sharing Facilities

Applicants who are sharing with friends or relatives and who are not included in their application. This award should not be made where the applicant is the householder and has invited other people to live in the accommodation. This is because the applicant has chosen to share facilities. Home-owners who are sharing facilities following a relationship breakdown **will be banded based on their circumstances.**

16.4 Reduced Preference Due to Refusals

Where an applicant has refused 2 suitable offers of accommodation, their priority for re-housing may, depending on the circumstances, be downgraded.

Applicants who are in Bands 1, 2 or 3 who are owed a reasonable preference will be downgraded to Band 4.

Applicants who are in Band 4 will be downgraded to Band 5.

An applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time warrant it, they will be returned to their original band with the effective date being the date they returned into that band and not their original registration date.

If an applicant who has had their priority reduced to Band 4, and subsequently refuses a 3rd offer of accommodation (whilst under demotion), they will be excluded from the register for a period of 12 months, from the date of refusal, unless they experience a significant change in circumstances.

Any refusals under the previous “Points Based” allocation system will not count.

16.5 Adequately Housed Private Tenants with a local connection

Adequately housed private tenants with a local connection to Monmouthshire. **Would include all privately renting applicants not claiming DHP.**

16.6 Minor Disrepair

Where the applicant is a private tenant and is living in accommodation which the Council’s Environmental Health Department have confirmed that it is a Category 2 Hazard under the Health & Safety Rating System.

The applicant will be required to provide written confirmation from Environmental Health of the disrepair and the action to be taken.

7 BAND 5 – No Housing Need

This Band is for applicants with no recognised housing need and these applicants are extremely unlikely to receive an offer of accommodation under this scheme. Priority within this band will be arranged in order of date of application.

7.1 Home Owners

All home owners will be placed into Band 5. However, owner-occupiers who are experiencing affordability problems will be advised to contact MCC's Housing Options Team for advice and assistance.

Owner Occupiers who need to move due to medical or welfare reasons will be assessed under the relevant procedure, however, they will be expected to demonstrate why they are unable to adapt their property to meet their needs.

Applicants who have a financial interest in a property they don't occupy will be required to demonstrate why they do not reside in their property. If there are justifiable reasons as to why they do not occupy the property they own, they will be assessed on where they currently reside.

7.2 Serving Armed Forces Personnel

Applicants who are serving in the British Armed Forces can apply to join the Housing Register and will initially be placed into Band 5.

Those applicants who have a local connection to Monmouthshire will be moved into Band 3 on receipt of their Cessation of Duty Notice.

Applicants who are Reservists (Territorial Army, Royal Navy / Royal Marine Reserve, Royal Airforce Reserve), will not be considered under this priority.

7.3 Serving Prisoners

Applications from serving prisoners will be placed into Band 5 until they are released from prison.

They will then be required to complete a change of circumstances form on release and their application will re-assessed based on the accommodation that they occupy.

Any prisoner who is going to be homeless on release from prison should be referred to the relevant Council's homelessness team i.e. the Local Authority where they have a local connection.

7.4 Sufficient Financial Resources

We will take into account an applicant's financial resources in determining whether an applicant would qualify for reasonable preference or whether their preference should be reduced. Regard will be given to any resources wherever in the world they are situated. This category applies to households whose gross income from all sources exceeds the threshold for the higher rate of income tax (currently calculated at £34,371 for single applicants or £50,000 for joint applicants) or whose household's capital assets or savings exceeds £50,000. Such applications will be placed into Band 5 and are unlikely to receive an offer of accommodation.

7.5 Reduced Preference Due to Refusals

Where an applicant has refused 2 suitable offers of accommodation, their priority for re-housing may, depending on the circumstances, be downgraded.

Applicants who are in Band 4 will be downgraded to Band 5.

An applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time warrant it, they will be returned to their original band with the effective date being the date they returned into that band and not their original registration date.

If an applicant who has had their priority reduced to Band 5, and subsequently refuses a 3rd offer of accommodation (whilst under demotion), they will be excluded from the register for a period of 12 months, from the date of refusal, unless they experience a significant change in circumstances

7.6 No Local Connection

All applicants who have no local connection to Monmouthshire will be placed into Band 5 unless they can demonstrate an over-riding medical or welfare need to locate to Monmouthshire (see Allocations Policy to define Local Connection).

7.7 Adequately Housed RSL Tenants

Will be placed into Band 5 unless they can demonstrate another over-riding housing need that places them above band 5.

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| | |
|---------------------------------|---|
| SUBJECT: | Language and Play/Engagement Worker Post Deletion Proposal |
| DIRECTORATE: | Children and Young People |
| MEETING: | Cabinet |
| DATE: | 7 th September 2016 |
| DIVISION/WARDS AFFECTED: | Abergavenny, Monmouth, Caldicot and Chepstow Flying Start areas |

1. PURPOSE:

The purpose of this report is to provide information on the current staffing levels, to highlight the need to delete one post and request approval for redundancy costs as the result of the discontinuation of the Welsh Government Language and Play grant and therefore the cessation of this area of work.

2. RECOMMENDATIONS:

- 2.1 To approve the proposed restructure where a 1.0 FTE Language and Play/Engagement Worker post will be deleted from the structure
- 2.2 To approve up to £18,000 of associated redundancy payments from the Redundancy and Pensions Reserve should staff not be re-deployed and the service budgets be unable to cover these costs.

3. KEY ISSUES:

- 3.1 Monmouthshire has been in receipt of the Language and Play Grant since 2003. In 2006, this became supplementary to the Flying Start grant to enable Language and Play to be delivered in areas not covered by Flying Start.
- 3.2 The Language and Play grant has been discontinued with effect from March 31st 2016.
- 3.3 There has been no increase to the Flying Start grant to allow the absorption of existing staff into the Flying Start budget.

4. REASONS:

- 4.1 The Language and Play Grant (£33,399) has been discontinued resulting in the need to reduce the staff who are partially funded through the grant.
- 4.2 The Flying Start grant £1,167,600, is able to absorb 1 FTE staff currently funded through the Language and Play Grant.

- 4.3 The deletion of one post will have an effect on the delivery of Language and Play/Engagement work within non-Flying Start areas but one specific programme of work will continue to be delivered by Aneurin Bevan University Health Board's Speech and Language Service who will continue the service on our behalf.
- 4.4 Due to the cessation of work in non-Flying Start areas, we will be able to continue to provide Language and Play support and engagement groups to eligible families in Flying Start by retaining one staff member.
- 4.5 To avoid un-necessary staffing costs and therefore wasted resources.

5. RESOURCE IMPLICATIONS:

- 5.1 A staff restructure will enable the authority to continue with the existing early language/engagement work in Flying Start areas.
- 5.2 By offering a voluntary redundancy within the current Language and Play/Engagement staff structure, there will be anticipated redundancy costs of up to £18,000. These costs must be met by the local authority in accordance with the Welsh Government Terms and Conditions of the Flying Start revenue grant.
- 5.3 Due to a secondment within the Flying Start Health team structure, we will be able to fund the full costs on a temporary short term basis only.

5.4

| | 2015-16 |
|--|--------------------|
| Language and Play Staff Costs (Band D) | £ 45,585.01 |
| Travel & Expenses | £ 2,969.41 |
| TOTAL STAFF COST | £ 48,554.42 |
| Language and Play grant | £ 33,399.00 |
| Flying Start Revenue Contribution | £ 15,155.42 |

- 5.5 The authority would be liable for any potential redundancy costs of the new structure is approved. The service would comply in full with the Protection of Employment Policy to secure alternative employment for affected staff. However, if this were not possible, there would be potential redundancy costs of up to £18,000. These costs would need to met centrally because the terms of the Flying Start Revenue Grant states that the grant cannot be used to fund redundancy costs.

6 SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

- 6.1 The Welsh Government reviews the sustainability of the programme including delivery planning and allocation of funding to the core offers of the Flying Start programme. The Future Generations Evaluation for this report is attached.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS

N/A

8. CONSULTEES:

People Services
Finance
DMT
Staff
Single Member Decision
Trade Unions

9. BACKGROUND PAPERS:

Appendix A - Flying Start Budget Allocation Letter
Appendix B - Future Generations Evaluation
Appendix C – Current Staff Structure
Appendix D – Proposed Staff Structure

10. AUTHOR:

Beth Watkins

11. CONTACT DETAILS:

Tel: 01873 856162

E-mail: bethwatkins@monmouthshire.gov.uk

Existing Support Worker Structure

Pre School Support Team

Parenting Coordinator

SCP 29-33

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Early Language/Engagement Team

Early Language Lead Practitioner (Flying Start)

SCP 26-29

Early Language (LAP & Flying Start)

Engagement Worker

SCP 17-21

Early Language (LAP & Flying Start) Engagement Worker

SCP 17-21

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Proposed Support Worker Structure

Pre School Support Team

Parenting Coordinator

SCP 29-33

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Pre School Support Worker

SCP 21-25

Early Language/Engagement Team

Early Language Lead Practitioner (Flying Start)

SCP 26-29

Early Language (Flying Start)

Engagement Worker

SCP 17-21

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Yr Is-adran Teuluoedd Families Division



Llywodraeth Cymru
Welsh Government

Chief Executive
Monmouthshire County Council
County Hall
The Rhadyr
Usk, NP15 1GA.

December 2015

Our Ref: Budgets 2016-17

Dear Sir / Madam,

Flying Start Revenue Grant Allocation 2016-17

Following the publication of the Welsh Government's Draft Budget on 8th December 2015, I am pleased to confirm provisional grant funding has been approved for this programme, to continue the good work already achieved by the Local Authorities across Wales.

Your indicative 2016-2017 Flying Start grant allocation is for up to a maximum of £1,167,600 (one million, one hundred and sixty seven thousand, six hundred pounds). We are pleased to be able to maintain the level of the 2015-16 revenue grant. However, the budget constraints mean your ring-fenced Language and Play grant of £33,399 in 2015-16 will be discontinued with effect from 31st March 2016.

Children in Flying Start areas will continue to receive Speech, Language and Communication support through the core programme. Where appropriate, you may wish to use the Flying Start outreach provision to support children living outside Flying Start areas in need of additional Speech, Language and Communication support.

If you have any questions relating to the allocation please contact Robert Edwards in the Families Division Resource Team on 029 2082 1641 or send an e-mail to robert.edwards@wales.gsi.gov.uk

Yours faithfully,

Alyson Francis,
Deputy Director, Families Division

CC: FS Co-ordinator
FS Finance Manager



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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Ebost • Email: Robert.edwards@wales.gsi.gov.uk

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| | |
|---|---|
| Name of the Officer Beth Watkins Phone no: 01873 856162 E-mail: bethwatkins@monmouthshire.gov.uk | Please give a brief description of the aims of the proposal Deletion of 1 post due to cessation of Welsh Government grant |
| Name of Service Monmouthshire Language and Play/Flying Start | Date Future Generations Evaluation form completed 10/04/2016 |





NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc


- Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|--|---|
| A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs | The proposal ensures that resources are streamlined and aligned with the needs of eligible families whilst developing sustainability of the programme within Aneurin Bevan Health Board. | The continuation of the programme in Flying Start by absorbing one post and allowing the programme to be delivered by a partner agency to meet the needs of non-eligible communities. |

| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|--|
| A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change) | N/A | N/A |
| A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood | Flying Start will continue to deliver services to the highest need families in eligible areas. | Partner agency to continue the delivery of some elements of the service in non-target communities |
| A Wales of cohesive communities Communities are attractive, viable, safe and well connected | N/A | N/A |
| A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing | N/A | N/A |
| A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation | Flying Start continues to support Welsh medium early years childcare and language development | Flying Start will continue to provide the partner agency continuing with the programme with bilingual resources when required. |
| A more equal Wales People can fulfil their potential no matter what their background or circumstances | Flying Start continues to embrace diversity and equality both in the work place and the communities in which we work | Partner agency to continue to deliver programme in an inclusive, equal and diverse way. |

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why. | Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|--|
|  <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p> | <p>The proposal ensures that Flying Start continues to deliver in line with its annual delivery plan whilst allowing partner agencies to utilize Flying Start resources ensuring sustainability.</p> | <p>N/A</p> |
|  <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p> | <p>Collaboration and partnership working is key to the success of Flying Start and also ensures that no-one is left behind. Partnerships with Aneurin Bevan University Health Board are strong and will continue to be so ensuring sustainability.</p> | <p>Providing programme resources (non-financial) to our ABUHB to enable the delivery of the programme will better contribute to the positive impact on the communication skills of young children who do not live in Flying Start areas.</p> |
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | <p>Stakeholders include: Staff, ABUHB (Speech and Language Dept), Flying Start Health Programme Team.</p> | <p>Continue to be open and transparent throughout the process.</p> |
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | <p>The proposal will ensure that there are sufficient funds to continue to provide targeted preventative speech and language support to the highest need, eligible children.</p> | <p>Increase the staffing level of Flying Start by 1 FTE to ensure continuation of engagement/speech and language groups in the highest need areas.</p> |

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why. | Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|---|
|  <p>Considering impact on all wellbeing goals together and on other bodies</p> | <p>People – The proposal ensures that a higher level of support is available to those most in need within Monmouthshire.</p> <p>Economy- The proposals ensures that resources are targeted in the highest need areas with an intervention being made available to children in non-target areas through a partner organization.</p> | <p>Sharing of resources with our partner agency (non-financial).</p> |

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

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| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|-------------------------------|---|---|---|
| Age | N/A | | |
| Disability | N/A | | |
| Gender reassignment | N/A | | |
| Marriage or civil partnership | N/A | | |

| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------------|---|---|---|
| Pregnancy or maternity | N/A | | |
| Race | N/A | | |
| Religion or Belief | N/A | | |
| Sex | N/A | | |
| Sexual Orientation | N/A | | |
| Welsh Language | N/A | | |

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4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

| | Describe any positive impacts your proposal has on safeguarding and corporate parenting | Describe any negative impacts your proposal has on safeguarding and corporate parenting | What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------|---|---|--|
| Safeguarding | N/A | | |
| Corporate Parenting | N/A | | |

5. What evidence and data has informed the development of your proposal?

This will include your baseline position, measures and studies that have informed your thinking and the recommendation you are making. It should allow you to identify whether any changes resulting from the implementation of the recommendation have had a positive or negative effect. Data sources include for example:

- *Quantitative data - data that provides numerical information, e.g. population figures, number of users/non-users*
- *Qualitative data – data that furnishes evidence of people’s perception/views of the service/policy, e.g. analysis of complaints, outcomes of focus groups, surveys*
- *Local population data including the census figures*
- *Household survey data*
- *Service User Data e.g. from HEAT, FLO, PLANT, Mayrise, ONE etc*
- *Recommendations from Scrutiny or following consultation*
- *Comparisons with similar policies in other authorities*
- *Academic publications, research reports, consultants’ reports, and reports on any consultation with e.g. trade unions or the voluntary and community sectors.*

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The proposal will result in one post deletion and therefore if re-deployment is unavailable, redundancy of one individual will occur..

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7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

| What are you going to do | When are you going to do it? | Who is responsible | Progress |
|--------------------------|------------------------------|--------------------|----------|
| | | | |
| | | | |
| | | | |

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

| | |
|--|-------------|
| The impacts of this proposal will be evaluated on: | 10//05/2017 |
|--|-------------|

9. **VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

| Version No. | Decision making stage | Date considered | Brief description of any amendments made following consideration |
|-------------|-----------------------|-----------------|--|
| V1 | CYP - DMT | 24/05/2016 | |
| | | | |
| | | | |

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| | |
|---------------------------------|--|
| SUBJECT | Procurement Memorandum of Understanding for garden waste treatment |
| DIRECTORATE: | Operations / Waste & Street Services |
| MEETING: | Individual Cabinet |
| DATE: | 27 th July 2016 |
| DIVISION/WARDS AFFECTED: | All |

PURPOSE:

1. To seek Cabinet approval to allow the Head of Legal Services to sign the Procurement Memorandum of Understanding for a regional contract with the Heads of Valley hub including Blaenau Gwent (BGCBC) as Lead Procurement, Newport (NCC) and Torfaen (TCBC) Councils for the haulage and treatment of garden waste. (Appendix 1)

RECOMMENDATIONS:

2. To sign Memorandum of Understanding and allow procurement process to commence to seek the most economically advantageous tender for the treatment of garden waste.

BACKGROUND:

3. As part of the recycling review a decision was taken to separate the garden and food waste collected at the kerbside in Monmouthshire to allow for Anaerobic Digestion (AD) of the food waste element. Approximately and 3000 tonnes of garden waste is co-collected with an additional 4500 tonnes of food waste.
 - 3.1 Garden and food waste is currently co-collected at the kerbside and treated through in-vessel composting in Gloucester. Because the garden waste and food is a mixed stream the treatment is more expensive than treating food through AD and garden waste through open windrow as separate waste streams.
 - 3.2 The majority of the 4000 tonnes of garden waste collected through the HWRCs is sent for treatment to Viridor's open windrow composting facility in Walpole, Somerset. Since April 2016 some of the material from Troy and Llanfoist has been diverted for treatment at the PAS 100 composting facility at Maindiff Court Farm, Abergavenny.
 - 3.3 Cabinet have previously agreed to procure food waste treatment with the regional Heads of Valley partnership and the commencement date for this is April 2018. This gives MCC an opportunity to secure a lower cost solution for the treatment of garden waste through open windrow.
 - 3.4 The existing garden and food waste contract is linked to the payment mechanism of the wider contract for the management, haulage treatment and disposal of recycling with Viridor and Dragon Waste.

KEY ISSUES

4. The Memorandum of Understanding formalises the working project arrangements between BG CBC, NCC and TCBC and Monmouthshire County Council. The project will facilitate the procurement of a green waste facility to treat the garden waste collected across the four authorities.
- 4.1 The MOU sets out the project objectives, decision making process, partnering principles and the obligations and responsibilities of each of the partners through the procurement process. There are no financial penalties included within the MOU and the process relies on each partner working within Good Faith as set out in 7.1 of the MOU Appendix 1.
- 4.2 The proposed contract length is 4 years with yearly extensions up to 3 year. The tender process would be open procedure with specific pass /fail criteria to facilitate a 80/20 price/quality assessment.
- 4.3 The procurement process will allow for the total collected waste to be treated as one lot and/or as individual lots for each authority. The single lot may secure a more competitive tender with the benefit of economies of scale on the larger tonnages. The individual lots allow smaller, local reprocessor's to tender for each individual authorities waste as separate lots. By introducing this process it is hoped that MCC can secure the most economically advantageous tender and broaden the contract appeal for the market.
- 4.4 BG CBC, NCC and TCBC existing green waste treatment contracts end on March 31st 2017. The proposed contract will be phased with those councils commencing on 1st April 2017 and MCC commencing 1st April 2018.

FINANCIAL IMPLICATIONS:

5. Blaenau Gwent CBC is the lead for the procurement with support of Waste Officers from the four Authorities. The procurement exercise is being carried out within existing resources and it is not envisaged at this stage that the MCC will incur costs associated with the MOU or procurement process.
- 5.1 The procurement exercise' main objective is to minimise the costs of waste disposal but it also recognises and respects the limits and availability of existing resources within each of the partner LAs in terms of legal, financial and managerial support.
- 5.2 Whilst it is the primary purpose of the tendering process to reduce the costs of delivering the treatment of garden waste it is not yet clear if there will be actual cashable savings as the existing garden waste and food waste treatment costs are tied into the HWRC and transfer station contract.

Sustainable Development & Equalities Implications

6. Covered through Well-being and Future Generations Assessment

Author



Carl Touhig, Recycling Strategy & Business Manager

Contact Details

cartouhig@monmouthshire.gov.uk

07580 362121

Well-being and Future Generations Assessment

| | |
|--|--|
| <p>Name of the Officer Carl Touhig</p> <p>Phone no: 07580 362 121</p> <p>E-mail: cartouhig@monmouthshire.gov.uk</p> | <p>Please give a brief description of the aims of the proposal</p> <p>To sign MOU for procurement of regional contract to treat garden waste.</p> |
| <p>Name of Service</p> <p>Waste & Street Services</p> | <p>Date Future Generations Evaluation July 2016</p> |



1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.




| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|---|---|
| <p>A prosperous Wales</p> <p>Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p> | <p>The procurement exercise is a collaborative regional contract for garden waste and has the potential to stimulate market growth in the area creating wealth, jobs and revenue.</p> | <p>The process will be split into individual lots to allow local businesses to tender for the service and there will be a single lot offer to hopefully stimulate the market and maximise the economies of scale opportunities. .</p> |
| <p>A resilient Wales</p> <p>Maintain and enhance biodiversity and ecosystems that support resilience and</p> | <p>Composting of garden waste has a positive contribution to climate change with the return of nutrients to soil.</p> | <p>Ensure all material is treated to the highest standards to minimise any negative impacts and to ensure end markets for the waste are identified as part of the tender process.</p> |

| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|---|---|
| can adapt to change (e.g. climate change) | | |
| A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood | Composting material in a safe and well managed facility reduces any negative impacts on health. | |
| A Wales of cohesive communities Communities are attractive, viable, safe and well connected | Collection and treatment of garden waste at the kerbside and through the HWRCs have a positive impact by reducing flytipping of garden waste. | Continuing to advise residents and businesses on their legislative duties and their responsibilities towards their communities in dealing with waste and recycling. |
| A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing | Cleaner, greener, safer environments not only benefit local people directly but can benefit local people through inward investment, increased tourism and green infrastructure. | |
| A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People | neutral | neutral |

| Well Being Goal | How does the proposal contribute to this goal? (positive and negative) | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|---|
| are encouraged to do sport, art and recreation | | |
| A more equal Wales People can fulfil their potential no matter what their background or circumstances | neutral | neutral |

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

| Sustainable Development Principle | How does your proposal demonstrate you have met this principle? | What has been done to better to meet this principle? |
|--|--|--|
|  <p>Balancing short term need with long term and planning for the future</p> | This proposal looks to build capacity for the future in treating garden waste in South East Wales in the short term and hopefully stimulate the market to set up facilities in the area creating long term market stability and green growth investment opportunities. | Providing a variety of different tendering opportunities for individual and single lots. |
|  <p>Working together with other partners to deliver objectives</p> | Regional contract based on collaborative working to deliver wider opportunities for green growth investment into SE Wales region. | |

| Sustainable Development Principle | How does your proposal demonstrate you have met this principle? | What has been done to better to meet this principle? |
|---|--|---|
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | Tender will be advertised through E-tender Wales. | Working collaboratively with neighbouring authorities and soft market testing has been completed. |
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | neutral | neutral |
|  <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p> | Garden waste composting has a positive environmental benefit, there is also the opportunity for local providers to develop existing facilities and create green infrastructure jobs. | Encouraging local providers to come forward and tender. |

3. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|-------------------------------|---|---|---|
| Age | The proposal does not have an impact on protected characteristics of individuals. | | |
| Disability | | | |
| Gender reassignment | | | |
| Marriage or civil partnership | | | |
| Race | | | |
| Religion or Belief | | | |
| Sex | | | |
| Sexual Orientation | | | |
| Welsh Language | | | |

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

| | Describe any positive impacts your proposal has on safeguarding and corporate parenting | Describe any negative impacts your proposal has on safeguarding and corporate parenting | What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------|---|---|--|
| Safeguarding | Like 4 above, the proposals do not affect individuals and thereby do not affect or impact on the Council's corporate parenting and safeguarding duties. | | |
| Corporate Parenting | | | |

5. **What evidence and data has informed the development of your proposal?**

Monmouthshire County Council collects approximately 7000 tonnes of garden waste through the kerbside and HWRCs. This waste will need to be treated at the end of the existing contract with Viridor from April 2018. Working with partners and maximising the tonnage offered to the market may stimulate development in existing or new facilities locally, helping create jobs and reducing the carbon footprint associated with transporting waste.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

In completing the form it has enabled a better understanding of the wider benefits the contract could bring in terms of green growth opportunities for local reprocessors.

7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

| What are you going to do | When are you going to do it? | Who is responsible | Progress |
|--------------------------|------------------------------|--------------------|-----------|
| | | | |
| Draft Report | June 2016 | Waste team | Completed |
| Cabinet Approval | July 2016 | Waste team | Ongoing |
| Sign MOU | August 2016 | Head of Waste | |
| | | | |

8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on: December 2016

Signed **Carl Touhig** Designation **Recycling Strategy & Business Manager**

Dated _____ 2016

(1) Blaenau Gwent
County Borough Council

(2) Newport County
Borough Council

(3) Monmouthshire
County Council

(4) Torfaen County
Borough Council

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING
As to partnering arrangements for the joint procurement
Of a Green Waste Treatment Services Contract

| | | |
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Parties

- (1) **BLAENAU GWENT COUNTY BOROUGH COUNCIL** whose principal offices are situated at of Municipal Offices, Civic Centre, Ebbw Vale, NP23 6SX (“BGCBC”)
- (2) **NEWPORT COUNTY BOROUGH COUNCIL** whose principal offices are situated at Newport City Council, Civic Centre, Newport, South Wales, NP20 4UR
- (3) **MONMOUTHSHIRE COUNTY COUNCIL** whose principal offices are situated at County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA (“MCC”)
- (4) **TORFAEN COUNTY BOROUGH COUNCIL** whose principal offices are situated at Civic Centre, Pontypool NP4 6YB (“TCBC”)

each **party** and together the **parties**.

Background

- A. BGCBC, NCC, MCC and TCBC wish to enter into a joint working arrangement to facilitate the procurement of a green waste treatment facility to treat green waste collected in their regions and possibly in other neighbouring authorities (the **Project**).
- B. The parties have agreed to enter into this memorandum of understanding (the **Memorandum**) to confirm the scope and operation, and their respective contributions towards the delivery of the Project and their intention to progress the Project in accordance with the arrangements set out herein.
- C. BGCBC, NCC, MCC and TCBC enter into the Memorandum in pursuance of their respective powers conferred by Section 111 Local Government Act 1972, the Local Authorities (Goods and Services) Act 1970 and Section 2 of the Local Government Act 2000 and all other enabling powers now vested in them.

Agreed terms

1. Definitions and Interpretation

1.1 In the Memorandum the defined terms set out below shall have the following meanings:

- “Approved Costs” : means costs which are properly and reasonably incurred in respect of the Project and which have been approved by the Parties as evidenced by being identified in the Procurement Budget; Any costs will be identified and agreed prior to incurring.
- “Commencement Date” : the date hereof;
- “Decision Period” : the period of ten (10) Business Days from the date of the Liability Report or such other time as is unanimously agreed by all the Councils;
- “Dispute” : difference or dispute arising under the Memorandum;
- “Green Waste Services Contract” : the contract to be entered into with a third party service provider for the provision of green waste treatment services;
- “Liability Report” : a report preparation by the Lead Council (or such other Council nominated under Clause 4.3) acting reasonably setting out the financial and resource commitments of the relevant Council under Clause 14.5 including the items set out in Schedule 6 (Liability Report);

| | | |
|-------------------------|---|---|
| “Partnering Principles” | : | the principles set out in Schedule 2 (Partnering Principles); |
| “Project” | : | as defined in Recital A above; |
| “Project Board” | : | a board comprising representatives from the parties in the form prescribed in Schedule 4 (Project Board) to facilitate the development of the Project; |
| “Project Documentation” | : | the OJEU notice, Supplier Suitability Questionnaire invitation to tender, evaluation criteria and all other tender documentation associated with or required to procure the Project; |
| “Project Objectives” | : | objectives and aims set out in Schedule 1 (Project Objectives); |
| “Project Team” | : | a team comprising of representatives from each of the parties in the form prescribed in Schedule 3 (Project Team) to manage the development of the Project; |
| “Respective Inputs” | : | the support, assistance, funding, actions or other input required to be given from time to time by any of the parties to implement and/or deliver the Project as determined by the Project Team and/or Project Board from time to time; |
| “Withdrawal Notice” | : | the written notice confirming a Council’s intention to withdraw from the Memorandum |

In the Memorandum:

- 1.2 any references to a specific statute include any statutory extension or modification, amendment or re-enactment of such statute and any regulations or orders made under such statute or statutes;
- 1.3 references to any clause, sub-clause, schedule or paragraph without further designation shall be construed as a reference to the clause, sub-clause, schedule or paragraph to the Memorandum so numbered;
- 1.4 the clause, paragraph and schedule headings do not form part of the Memorandum and shall not be taken into account in its construction or interpretation.
2. **Project Objectives and Collaboration**
 - 2.1 Each of the parties hereby confirms and agrees to implement the Project in accordance with:
 - the Project Objectives; and
 - the Partnering Principles.
 - 2.2 The parties acknowledge the importance of establishing sustainable waste management solutions in partnership, wherever practicable, between themselves and with other regional Authorities and of supporting the Welsh Government’s initiatives for joint working in this area.
 - 2.3 The parties shall participate in regional initiatives, which contribute, to sharing best procurement practice and know how so that as far as possible the parties preferred solution delivers synergy with other regional waste management activity.

2.4 The parties shall endeavour to enter into appropriate agreements (including memorandums of understanding) where practicable with other regional Authorities to give effect to their commitments in clauses 2.2 and 2.3 above.

3. Project Team and its Functions

3.1 The parties shall set up and participate in a Project Team.

3.2 The Project Team shall work together to manage the delivery of the Project in accordance with the Memorandum and shall have the responsibilities and operate in accordance with Schedule 3 (Project Team).

3.3 The Project Team shall have the right at all times to require any party to deliver up information and documentation relevant to the Respective Input of that party for the purpose of monitoring the progress of the Project and the delivery of the Project Objectives.

4. Project Board and its Functions

4.1 The parties shall set up and participate in a Project Board to be operational no later than 1 month from the Commencement Date.

4.2 The Project Board shall work together to oversee delivery of the Project in accordance with the Memorandum and shall have the responsibilities and operate in accordance with Schedule 4 (Project Board).

4.3 The parties agree that BGCBC shall lead the Project Board as the host Authority.

4.4 The Project Board shall have the right at all times to require any party to deliver up information and documentation relevant to the Respective Input of that party for the purpose of monitoring the progress of the Project and the delivery of the Project Objectives.

5. Key Decisions

5.1 The key decisions set out in Schedule 5 (Key Decisions) shall be implemented upon each party approving action following a report to each party from the Project Board in accordance with that party's respective standing orders and other constitutional documentation.

6. Obligations and Responsibilities

6.1 Each of the parties agree that they shall:

- comply with the terms of this memorandum;
- use their reasonable endeavours to provide their Respective Inputs;
- make such financial or equivalent provision as may be provided under the terms of the Memorandum;
- co-operate with and give reasonable assistance to each other and the Project Board to ensure that the Project is developed in accordance with the Project Objectives and that the Respective Inputs into the Project are properly co-ordinated and delivered efficiently and economically with the intention of achieving the Project Targets;
- deliver such information to the Project Manager, Project Team and/or Project Board as it shall reasonably require in order to fulfil their respective obligations under the Memorandum including any audit or inspection carried out in respect of the Project; and

- keep records of actions taken and such other information relevant to their Respective Inputs and shall make such records available to the Project Manager, Project Team and/or Project Board and in any event as soon as reasonably practicable following a request from the Project Board to do so.
7. **Good Faith**
- 7.1 The parties will use all reasonable endeavours to comply with the terms and spirit of the Memorandum. The parties will at all times in relation to the performance of the Memorandum act reasonably and in good faith.
8. **Financial Contributions**
- 8.1 The parties acknowledge that there will be a level of financial contributions (including professional fees) and work involved in complying with the spirit of the Memorandum and achieving the Project Objectives. All costs will be approved by the Project Board prior to incurring them
- 8.2 Not used.
- 8.3 Costs shall be shared equally.
- 8.4 The Party incurring Approved Costs shall invoice the other Parties for the appropriate share of the Approved Costs (in accordance with clause 8.3) and shall provide the Parties being invoiced with:
- a description of the Approved Costs being invoiced;
 - a breakdown of the total costs incurred; and
 - a calculation of the apportionment of such costs in accordance with Clause 8.3 above.
- 8.5 The Parties being invoiced shall pay their respective share of the Approved Costs within ninety days of the date of such invoice. Any disputes in relation to an invoice shall first be referred to the Project Manager for resolution. Failing resolution by the Project Manager the dispute shall be dealt with in accordance with clause 15 (Dispute/Resolution)
- 8.6 Each party shall be liable for all its other costs incurred in respect of achieving the Project Objectives unless otherwise agreed.
9. **Duration of the Memorandum**
- 9.1 The Memorandum shall commence on the Commencement Date and remain in force and bind the parties until terminated in accordance with clause 14 (Withdrawal/Termination).
10. **Communications**
- 10.1 Any communication required to be in writing under the terms of the Memorandum shall be sent to each party at the addresses indicated herein. Each party shall use reasonable endeavours to communicate in accordance with the Partnering Principles.
11. **Third Parties Rights**
- 11.1 To the extent that any provision of the Memorandum is capable of being legally enforced, the parties to the Memorandum confirm and agree that they do not intend any provision of it to be enforceable by any other person pursuant to the Contract (Rights of Third Parties) Act 1999.

12. No Partnership or Agency

- 12.1 Except where expressly indicated, no provision of the Memorandum shall be construed as a delegation by any of the parties of any of their respective functions or authority to the Project Team and/or Project Board or to any other party.
- 12.2 Except where expressly indicated, no party shall be or be deemed to be an agent of any other and no party shall have any right or authority to act on behalf of the other nor to bind the other by contract or otherwise or hold itself out as having authority or power to bind any other in any way by virtue of the Memorandum.
- 12.3 Each party is independent from the other and nothing contained in the Memorandum shall be construed as implying that there is any relationship between the parties of partnership or of principal/agent or of employer/employee.
- 12.4 Nothing contained or implied in the Memorandum shall prejudice or affect the rights, powers, duties and obligations of each of the parties in the exercise of their respective functions as may be amended, supplemented or increased from time to time.

13. Legal Effect

- 13.1 Save for clause 7 (Good Faith), clause 8 (Financial Contributions), clause 14 (Withdrawal/Termination), clause 15 (Dispute Resolution), clause 16 (Confidentiality and Freedom of Information); clause 17 (Amendments) and clause 18 (Law and Jurisdiction) the Memorandum is not intended to nor shall it create any legally binding or enforceable obligations on any of the parties.

14. Withdrawal/Termination

- 14.1 If any party (including the host authority) determines to withdraw from this Memorandum for any reason then clauses 14.2 to 14.7 shall apply.
- 14.2 If any party wishes to withdraw from the Project, it shall provide written notice to all the other parties as soon as reasonably practicable ("Withdrawal Notice"). The host authority (or such other party as nominated by the Project Board in the event that the host authority issues the Withdrawal Notice) shall within ten (10) days of receipt of the Withdrawal Notice provide to all the parties a ("Liability Report") which shall be discussed by the Project Board at its next meeting or a specially convened meeting if the next meeting falls more than two (2) weeks after the issue of the Liability Report.
- 14.3 Within the Decision Period each party shall indicate either:-
 - 14.3.1 that it withdraws from the Project and this Memorandum; or
 - 14.3.2 that it wishes to continue with the Project and this Memorandum.
- 14.4 Where a party does not indicate its intentions as required by Clause 14.3 then it shall at the expiry of the Decision Period be taken to have indicated that they wish to continue with the Project and this Memorandum.
- 14.5 Where a party indicated that it wishes to withdraw from the Project in accordance with Clause 14.3.1 then:-
 - 14.5.1 the party who shall have indicated its wish to withdraw shall pay all amounts due to be paid by it in accordance with the Liability Report (or in the event that there are two withdrawing parties each party shall pay a fifty percent share of the amount due in accordance with the Liability Report) within twenty (20) Business Days of the date of its notification under Clause 14.3.1 and comply with its obligation to contribute to the Project up to the date of its withdrawal; and

14.5.2 if in the event of such a withdrawal the Project is delayed in terms of the Project Milestones then any party who shall have indicated its wish to withdraw shall be responsible for any increased costs associated with such delay (as agreed with the remaining parties and substantiated by the Project Board) or in the event that there are two (2) withdrawing parties each party shall be responsible for a fifty percent share of any increased costs associated with such delay.

14.6 On the withdrawal of a party in accordance with clause 14.1:

- The other parties shall be entitled to make use of, for whatever purpose and in whatever way is considered necessary, such advice, documentation, and knowledge as was provided to, or gained by, the parties whilst the Memorandum was in force; and
- each party shall be liable to the other to contribute equally to such committed costs or incurred costs prior to the giving of the notice of withdrawal.

14.7 Unless agreed otherwise by the remaining parties, the party who shall have indicated its wish to withdraw from the Project shall not remove its appointees to the Project Board for a period of three (3) months commencing on the date of such parties withdrawal, provided that the costs associated with those appointees to the Project Board shall be borne by the remaining parties to the Project and this Memorandum in equal shares.

14.8 Termination in accordance with this clause 14 shall be without prejudice to any accrued rights and obligations under the Memorandum as at the date of termination and shall be without prejudice to the rights specifically conferred in the Memorandum.

14A TERMINATION

Without prejudice to any other rights or remedies, this Memorandum may be terminated in relation to any party ("**Defaulter**") by the other parties ("**Non-Defaulting Councils**") acting unanimously in giving written notice to the Defaulter effective on receipt where the Defaulter breaches any of the provisions of this Memorandum and in the case of a breach capable of remedy fails to remedy the same within fifteen (15) Business Days (or such other period as agreed by the parties) of being notified of each breach in writing by the Non-Defaulting parties and being required to remedy the same.

15. Dispute Resolution

15.1 Any Dispute shall, in the first instance, be referred to the Project Board who shall use all reasonable skill, care and diligence to ensure they receive the views of all parties and consider all solutions proposed when attempting to resolve the Dispute.

15.2 Where the Project Board do not achieve within 7 days of being notified of the Dispute a solution acceptable to all parties involved, and provided no right of termination has been exercised, then the Dispute shall be referred to the respective Chief Executives of the parties who shall use all reasonable skill, care and diligence to ensure they receive the views of all parties and consider all solutions proposed when attempting to resolve the Dispute.

15.3 Where the Chief Executives of the parties do not achieve, within 28 days of being notified of the Dispute, a solution acceptable to all parties involved the Dispute shall be deemed to be incapable of resolution. In such a situation each party will consider whether it is able to continue to work with the other under the Memorandum. If, in its sole discretion, either party is unable to proceed to work with the other under the Memorandum it is entitled to terminate the Memorandum in accordance with clause 14 (Withdrawal/Termination).

16. Confidentiality and Freedom of Information

16.1 Each party undertakes that it shall not at any time during the term of the Memorandum, nor for a period of 5 years after its termination, disclose to any person any confidential information concerning the business or affairs of the other party, save that each party may disclose the other party's confidential information:

- to its employees, officers, representatives or advisers who need to know such information for the purposes of carrying out the party's obligations under the Memorandum. Each party shall ensure that its employees, officers, representatives or advisers to whom it discloses the other party's confidential information complies with this clause 16; and
- as may be required by law (including pursuant to the Freedom of Information Act 2000 if no available exemption can be claimed, or pursuant to the Environmental Information Regulations 2004), court order or any governmental or regulatory authority.

16.2 No party shall use any other party's confidential information for any purpose other than to perform its obligations under the Memorandum.

17. Amendments

17.1 The parties may amend the Memorandum in writing signed by authorised representatives of each of the parties.

18. Law and Jurisdiction

18.1 The Memorandum shall be governed by and construed in accordance with the laws of England and Wales and each party agrees to submit to the exclusive jurisdiction of the courts of England and Wales.

IN WITNESS whereof the parties have signed the Memorandum the day and year first before written

Signed on behalf of
BLAENAU GWENT COUNTY BOROUGH COUNCIL

Name: Name:

Signature: Signature:

Date: Date:

Signed on behalf of
NEWPORT CITY COUNCIL

Name: *P. SYMONDS* Name:

Signature: *[Signature]* Signature:

Date: *01/06/16* Date:

Signed on behalf of
TORFAEN COUNTY BOROUGH COUNCIL

14347

Name: *A. T. James*
Authorized officer Name:

Signature: *[Signature]* Signature:

Date: *24/5/2016* Date:

Signed on behalf of
MONMOUTHSHIRE COUNTY COUNCIL

Name: Name:

Signature: Signature:

Date: Date:

SCHEDULE 1 – PROJECT OBJECTIVES

The Project Objectives are:

1. To develop and implement a strategy for the procurement, award and management of a green waste treatment contract capable of assisting each party to achieve its recycling, composting, recovery and landfill diversion targets.
2. To carry out the Project in accordance with Procurement Timetable.
3. To carry out the Project in a way which maximises value for money and efficiency, is in the best interests of each of the parties and generates credible competitive bids capable of delivering the Project Objectives.
4. To seek to adopt arrangements, structures and procedures (including in respect of the procurement process and procurement decisions) which:
 - a) minimise the cost of waste disposal to each individual party;
 - b) shares risk and reward between the parties in an equitable and fair way having regard to the Respective Inputs of each party;
 - c) are transparent, accountable and are capable of being verified and justified;
 - d) recognise and respect limits on availability of resources and the legal, managerial, financial and political constraints affecting each party.
5. To seek to ensure that the Project and any subsequent contract that is entered into thereafter is synergistic with the needs of South East Wales as a region (as defined in the South East Wales Regional Plan) and each of the parties individual Waste Strategies.
6. To identify available assets in an open and transparent way and agree basis for committal of assets to the Project (including sites, plant and machinery).
7. To ensure that at all times each party has appropriate information and advice to make fully informed decisions.

SCHEDULE 2 – PARTNERING PRINCIPLES

1. **Co-operation**

The parties will co-operate with each other in a partnering relationship to achieve the Project Objectives with the intention of maximising the benefit received by and minimising any prejudice to each other in respect of the Project. This obligation shall not require any party to incur any expenditure or forego any benefit or entitlement on behalf of another.

2. **Effectiveness**

The parties will co-ordinate, manage, develop, initiate and complete their Respective Inputs with the intention of delivering the Project in the most efficient and effective way.

3. **Responses**

The parties will endeavour to respond, meet to discuss and where necessary reach agreement on any matter requiring response in a timely fashion and as soon as reasonably practicable so as not to unduly delay the Project.

4. **Recognition**

The parties recognise the legal, managerial, financial and political constraints affecting each party and shall have full regard to such constraints in the development of the Project and the delivery of the Project Objectives.

5. **Equality, Fairness and Absence of Prejudice**

The parties will at all times act fairly and equitably as between themselves in respect of the Project with the intention that neither should unduly benefit nor be disadvantaged compared with the other and that the most appropriate approach applicable in the relevant circumstances should be adopted whenever possible.

SCHEDULE 3 – PROJECT TEAM

Members

1. The Project Team will comprise the following members from each party as the same may be replaced from time to time throughout the term of the Memorandum together with the Project Manager, Project Support Officer and Advisors:
 - 1.1 BGCBC Representatives:
 - Team Manager, Strategic Projects;
 - Team Leader, Strategic Projects;
 - and
 - Corporate Procurement Manager
 - 1.2 NCC Representatives:
 - Waste & Recycling Strategy Manager
 - Category Manager
 - 1.3 TCBC Representatives:
 - Waste Strategy Manager
 - 1.4 MCC Representatives:
 - Waste Strategy Manager

Responsibilities

2. The Project Team shall regularly consider and identify the following issues:
 - 2.1 The steps undertaken and progress made towards achievement of the Project Objectives;
 - 2.2 Any action or decision to be taken by either of the parties to enable the Project Documentation;
 - 2.3 The programme of any proposed actions to be taken to rectify any failure to meet the Project Objectives;
 - 2.4 Any Respective Inputs which the Project Team considers are required and which are to be agreed and/or allocated to (and accepted by) any party;
 - 2.5 Any failure by any party to provide its Respective Inputs; and
 - 2.6 Any dispute or differences that have arisen between the parties.

3. The Project Team shall report to the Project Board in respect of matters relating to the key decisions mentioned in Schedule 5 (Key Decisions) and regularly in respect of general progress.

Convening of Meetings

4. The Project Team shall hold regular meetings at such intervals and times as they shall find necessary or convenient. The Project Manager shall nominate the relevant chairperson for such meetings.
5. No less than 7 calendar days notice must be given to each member of a Project Team meeting, save in the case of an emergency where a meeting may be called at any time as may be reasonable in the circumstances.

Quorum of Meetings

6. Unless otherwise agreed in writing, to constitute a meeting of the Project Team each of the parties shall be represented by at least one team member.

Attendance by Others

7. Provided each of the parties agrees, a person invited by any party may attend any meeting of the Project Team to speak at that meeting or otherwise advise or provide information (as appropriate) in relation to the Project, but such person's attendance and participation shall be limited to that which is agreed by each of the parties in respect of the meeting to which that person has been invited to attend.

Minutes of Meetings

8. The minutes of every meeting of Project Team shall be:
 - 8.1 drawn up by the nominated support officer and distributed to nominated representatives of each of the parties; and
 - 8.2 retained for the term of the Memorandum.

SCHEDULE 4 – PROJECT BOARD

Members

1. The Project Board will comprise the following members from each party as the same may be replaced from time to time throughout the term of the Memorandum.
 - 1.1 BGCBC Representatives:
 - Corporate Director, Environment and Regeneration; and
 - Head of Public Services.
 - 1.2 NCC Representatives:

Waste and Recycling Strategy Manager
 - 1.3 TCBC Representatives:
 - Chief Officer Neighbourhood Services; and
 - Head of Streetscene and Waste
 - 1.4 MCC Representatives:
 - Head of Waste and Street Services; and
 - Waste Strategy Manager

Responsibilities

2. The Project Board shall be responsible for the following:
 - 2.1 Considering and, where possible, giving effect to the strategy proposed by the Project Manager and/or Project Team or strategy considered necessary by the Project Board for the procurement of the Green Waste Services Contract;
 - 2.2 Making or facilitating decision making in respect of all issues referred to the Project Board by the Project Manager and/or Project Team in respect of, inter alia, steps undertaken and progress made towards achievement of the Project Objectives; any action or decision to be taken by either of the parties to enable the Project Documentation; and agreeing and/or allocating Respective Inputs to any party proposed by the Project Manager and/or Project Team or deemed necessary by the Project Board;
 - 2.3 Liaising with relevant decision makers within the parties where the Project Board does not have the authority to make and give effect to a decision in respect of any of the matters referred to the Project Board throughout the term of the Memorandum;
 - 2.4 Considering and, where appropriate, resolving any dispute or difference that has arisen between the parties and referred to the Project Board.

3. The Project Board shall report to each party's Cabinet in respect of matters relating to the key decisions mentioned in Schedule 5 (Key Decisions) and regularly in respect of general progress.

Convening of Meetings

4. The Project Board shall hold regular meetings at such intervals and times as they and/or the Project Manager and/or Project Team shall find necessary or convenient, but in any event at least once a month. The Project Director shall nominate the chairperson for such meetings.
5. No less than 14 calendar days notice must be given to each member of a Project Board meeting, save in the case of an emergency where a meeting may be called at any time as may be reasonable in the circumstances.

Quorum of Meetings

6. Unless otherwise agreed in writing, to constitute a meeting of the Project Board each of the parties shall be represented by at least one board member.

Attendance by Others

7. Provided each of the parties agrees, a person invited by any party may attend any meeting of the Project Board to speak at that meeting or otherwise advise or provide information (as appropriate) in relation to the Project, but such person's attendance and participation shall be limited to that which is agreed by each of the parties in respect of the meeting to which that person has been invited to attend.

Minutes of Meetings

8. The minutes of every meeting of the Project Board shall be:
 - 8.1 Drawn up by the nominated support officer and distributed to nominated representatives of each of the parties; and
 - 8.2 Retained for the term of the Memorandum.

SCHEDULE 5 – KEY DECISIONS

The following are the key milestones and decisions, which must be implemented in accordance with the procedures, set out in clause 5:

- a) Appointment and/or removal of legal, technical and financial and other advisors to advise on the Project.
- b) Approval of the content of all Project Documentation;
- c) Approval of technology identified as suitable to meet the parties' requirements.
- d) Approval of site identified for location of procured technology.

Schedule 6 - LIABILITY REPORT

The Liability Report shall include (but shall not be limited to):-

| | <u>Amount</u> (all figures in round pounds) |
|---|--|
| Procurement Costs | |
| Costs associated with delays to the Procurement Milestones to include (without limitation): a) Landfill costs associated with the alternative disposal of green waste; and b) LAS fines c) the costs of providing alternative green waste treatment capacity | |
| Staff costs (and associated overheads) in progressing the scheme:- a) Consultancy / Advisors fees b) Internal Project Management and monitoring c) Project management will be given as time in kind from the project team identified in Schedule 3 d) | |
| Loss of funding support from:- a) the Welsh Assembly Government; b) the Strategic Capital Investment Fund; c) the Sustainable Waste Management Grant; d) the Regional Capital Access Fund; e) the Partner Authorities' revenue budgets. | |
| Abortive bidders costs (where upheld) | |

Certified As Correct _____ (Signed) _____ (Date)