



TO THE CHAIRMAN AND MEMBERS OF THE **EXECUTIVE**

You are hereby summoned to attend a meeting of the Executive to be held on Thursday, 22 March 2018 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. The broadcast will be stopped when the confidential/Part II item on the agenda is reached. Generally, the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed.

The Chairman of the meeting has the discretion to terminate or suspend filming, if in his/her opinion continuing to do so would prejudice the proceedings of the meeting or, on advice, considers that continued filming might infringe the rights of any individual.

As cameras are linked to the microphones, could Members ensure they switch their microphones on before they start to speak and off when finished and do not remove the cards which are in the microphones.

The agenda for the meeting is set out below.

RAY MORGAN
Chief Executive

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes

To approve the minutes of the meeting of the Executive held on 1 February 2018 as published.

2. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

3. Declarations of Interest

To receive declarations of disclosable pecuniary and other interest from Members in respect of any item to be considered at the meeting.

In accordance with the Members' Code of Conduct, the Leader of the Council, Councillor D J Bittleston, Councillor Mrs B A Hunwicks and Councillor C S Kemp have declared a non-pecuniary interest in Agenda Items 8, 11, 12 and 15 arising from their positions as Directors of the Thamesway Group of Companies.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, the Deputy Chief Executive, Douglas Spinks, Strategic Director, Sue Barham and Head of Democratic and Legal Services, Peter Bryant, have declared an interest in Agenda Items 8, 11, 12 and 15 arising from their positions as Directors of the Thamesway Group of Companies.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, has declared an interest in Agenda Items 5, 8, 11 and 15 arising from his position as a Director of Victoria Square Woking Limited.

In accordance with Officer Procedure Rules, the Deputy Chief Executive, Douglas Spinks, and Head of Democratic and Legal Services, Peter Bryant, have declared an interest in Agenda Items 8, 11, 15 and 17 arising from their positions as Directors of Woking Necropolis and Mausoleum Limited, Brookwood Park Limited and Brookwood Cemetery Limited.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, and the Deputy Chief Executive, Douglas Spinks, have declared an interest in Agenda Items 8, 11 and 15 arising from their positions as Directors of Export House Limited.

In accordance with Officer Procedure Rules, the Chief Executive, Ray Morgan, and the Head of Democratic and Legal Services, Peter Bryant, have declared an interest in Agenda Items 8, 11 and 15 arising from their positions as Directors of Dukes Court Owner T S a r l.

Questions

4. To deal with any written questions submitted under Section 3 of the Executive Procedure Rules. Copies of the questions and draft replies will be laid upon the table.

Notices of Motion

At its meeting on 8 February 2018, the Council referred the following Notice of Motion to the Executive for consideration.

5. Notice of Motion - Cllr I Johnson - Changing Places campaign (Pages 5 - 6)
Reporting Person – Corporate Management Group

Matters for Recommendation

6. Parking Standards Supplementary Planning Document (SPD) (Pages 7 - 66)
Reporting Person – Douglas Spinks
7. Self-build and Custom Housebuilding Guidance Note (Pages 67 - 88)
Reporting Person – Douglas Spinks

8. Medium Term Financial Strategy (Pages 89 - 110)
Reporting Person – Leigh Clarke
9. The Clean Neighbourhoods and Environment Act 2005 (Pages 111 - 120)
Reporting Person – Douglas Spinks
10. Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences (Pages 121 - 132)
Reporting Person – Douglas Spinks
11. General Data Protection Regulation (GDPR) (Pages 133 - 152)
Reporting Person – Peter Bryant
12. Housing Allocations Policy 2018 (Pages 153 - 228)
Reporting Person – Sue Barham

Matters for Determination

13. Regulation of Investigatory Powers Act 2000 - Annual Monitoring Report (Pages 229 - 234)
Reporting Person – Peter Bryant
14. Write off of Irrecoverable Debt (Pages 235 - 242)
Reporting Person – Leigh Clarke

Performance Management

15. Performance and Financial Monitoring Information
Please bring to the meeting your copy of the Performance and Financial Monitoring Information (Green Book) January 2018.

Exclusion of the Press and Public

16. The Chairman will move and the Vice-Chair will second:-
“That the press and public be excluded from the meeting during consideration of items 17 and 18 in view of the nature of the proceedings that, if members of the press and public were present during these items, there would be disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A, to the Local Government Act 1972.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

PART II – PRESS AND PUBLIC EXCLUDED

Matters for Determination

17. Brookwood Cemetery (Pages 243 - 286)
Reporting Person – Ray Morgan
18. Land Management - Westfield Avenue (Pages 287 - 336)
Reporting Person – Ray Morgan

AGENDA ENDS

Date Published - 14 March 2018

For further information regarding this agenda and arrangements for the meeting, please contact Julie Northcote on 01483 743053 or email julie.northcote@woking.gov.uk



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EXECUTIVE - 22 MARCH 2018

NOTICES OF MOTION

Executive Summary

At its meeting on 8 February 2018, the Council referred the following Notice of Motion to the Executive.

Councillor I Johnson

“The Council

- a) notes the national campaign ‘Changing Places’ which encourages the provision of public toilets which are accessible for people with such profound disabilities that they need additional facilities not met by the standard accessible toilets; and
- b) agrees to incorporate into the Victoria Square development the provision of a toilet which conforms to the standards requested by the Changing Places campaign.”

Officer Comment

“The Council has already recognised this campaign and explored installing a Changing Places toilet in the new toilets in Wolsey Place; however there was not enough space to do so. The specification for the Victoria Square development however has already incorporated a Changing Places toilet in its public toilets as part of the New Court area which is central to all the shopping areas in Wolsey Place, Peacocks and the new Victoria Square.

The Executive is therefore requested to note that the proposals sought by this Motion have already been actioned some three years prior to its submission.”

Background Papers:

None.

Sustainability Impact Assessment
Equalities Impact Assessment

Reporting Person:

Ray Morgan, Chief Executive
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Contact Person:

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Portfolio Holder:

Cllr Beryl Hunwicks
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Shadow Portfolio Holder:

Cllr Ken Howard
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Date Published:

16 March 2018

EXECUTIVE - 22 MARCH 2018

PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Executive Summary

The report outlines the various responses to the consultation on the Parking Standards Supplementary Planning Document (SPD) and requests the Executive to recommend to Council to adopt the SPD for the purposes of managing development across the Borough. The Parking Standards SPD defines the appropriate number of parking spaces to serve various types of development across the Borough. The existing Parking Standards SPD was adopted by the Council on 27 July 2006. It has become necessary to review it to reflect changes in national planning policy as set out in the National Planning Policy Framework (NPPF), the Woking Core Strategy, in particular, Policy CS18: *Transport and Accessibility* and the lessons learnt throughout the application of the existing standards.

The Executive, at its meeting on 23 March 2017, approved the draft SPD for a six weeks public consultation between 7 April 2017 and 22 May 2017. A total of 26 individuals and organisations made representations covering a wide range of issues. A schedule of the individuals who made representations, a summary of their representations with Officers' response is included in Appendix 1. Officers are recommending some minor modifications as a result of the representations. The modifications have already been incorporated into the SPD and are also summarised in section 2 of the report. A copy of the revised Parking Standards SPD is in Appendix 2.

The report was considered by the Local Development Framework (LDF) Working Group at its meeting on 6 March 2018. The Working Group proposed some minor amendments to visitor parking in Table 3. The amendments are incorporated into the SPD. The Minute of the meeting is attached to the report as Appendix 3. It is intended that the report will go to the 5 April 2018 meeting of Council for adoption. Once adopted, the SPD will be material consideration in planning decisions and is expected to take effect on and after the date of adoption, in this case 5 April 2018.

Reasons for Decision

To make sure that the Council has an up to date Parking Standards that complies with national and local planning policy.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- (i) **the various representations to the Parking Standards Supplementary Planning Document consultation together with the Officers' response and recommendations, as set out in Appendix 1 to the report, be noted;**
- (ii) **subject to the proposed modifications, the Parking Standards Supplementary Planning Document in Appendix 2 to the report be adopted for the purposes of managing development across the Borough;**

Parking Standards Supplementary Planning Document (SPD)

- (iii) the requirements of the Parking Standards Supplementary Planning Document should apply to all relevant planning decisions on and after the date of adoption, in this case 5 April 2018; and
- (iv) authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, to approve any changes to reflect new information before the SPD is adopted.

The item will need to be dealt with by way of a recommendation to the Council.

Background Papers:

None.

Reporting Person:

Douglas Spinks, Deputy Chief Executive
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Contact Person:

Ernest Amoako, Planning Policy Manager
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Portfolio Holder:

Cllr Ashley Bowes
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Shadow Portfolio Holder:

Cllr Louise Morales
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Date Published:

16 March 2018

1.0 Introduction

- 1.1 The current Parking Standards Supplementary Planning Document (SPD) was adopted in July 2006. It has become necessary to review the existing standards to reflect changes in national policy and to respond to the diverse needs of local residents, different geographical areas of the Borough and the needs of local businesses. The Executive, at its meeting on 23 March 2017, approved the draft revised SPD for a six weeks public consultation between 7 April 2017 and 22 May 2017. Overall, 26 individuals and organisations made representations. One respondent submitted two separate representations. Another representation requests Officers and Members to read an article about parking policy called 'Aparkalypser' on page 14 of 8 – 14 April edition of the Economist. A copy of the article can be provided on request. A summary of the representations with Officers' response and recommendations is in Appendix 1. Minor modifications have been proposed by Officers, which have already been incorporated into the revised SPD. A summary of the proposed modifications is in Section 2 of the report. If the Council is minded to adopt the SPD, it will be material consideration in planning decisions.
- 1.2 There is no doubt that parking can have significant impacts on the economic vitality of our main centres, help manage congestion, influence patterns of development and the liveability of our various communities and the way people access key services and facilities across the Borough. Because of the competing and often conflicting objectives to parking policy, a delicate balance should always be struck between the objectives that the parking standards seeks to achieve when applying the parking standards. The application of the parking standards should therefore be objective-led driven by the following key objectives:
- the need to provide adequate parking spaces to serve the various types of development;
 - the need to influence a shift to sustainable modes of travel such as walking and cycling, in particular, in urban centres with high accessibility to key services and facilities;
 - the need to reduce congestion, in particular, in the main centres;
 - the need to make sure that parking provision does not adversely impact on highway safety;
 - the need to manage air quality to improve the well-being of the community; and
 - the need to maximise the use of land to meet the development needs of the area.
- 1.3 Members should note the change in national policy since the existing Parking Standards SPD was adopted. The existing car parking standards are set as maximum standards in accordance with national policy at the time. This effectively established the principle that it would be acceptable to provide fewer parking spaces than the maximum standards if a satisfactory case could be made. This national policy approach to parking has changed with the publication of the National Planning Policy Framework (NPPF) and a subsequent ministerial statement.
- 1.4 The NPPF removed the requirement to set maximum parking standards. It acknowledges the need to adopt standards that are reflective of unique local circumstances. In setting parking standards, it requires local planning authorities to take into account:
- the accessibility of the development;
 - the type, mix and use of development, the availability of and opportunities for public transport;
 - local car ownership levels; and
 - the overall need to reduce the use of high-emission vehicles.

- 1.5 The Core Strategy, and in particular, Policy CS18: *Transport and Accessibility* sets out the overarching policy framework for parking standards in the Borough. The Core Strategy takes the new direction in national policy on board and requires the Council to implement minimum parking standards for residential development and maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing it does not create or exacerbate existing on-street car parking problems. In applying the standards, the Core Strategy requires the Council to make sure that it does not undermine the overall sustainability objectives of the Core Strategy including the effects on highway safety and the need to control congestion and encourage the use of sustainable transport.
- 1.6 It is important to note the significant shift in direction of both national and local policy for the provision of parking to serve new residential development. By introducing minimum standards for residential development there is no longer a presumption that fewer standards would be acceptable. Provision of fewer spaces than the required minimum will only be justified by very special circumstances unless it is specified otherwise. The application of the minimum standards will also ensure that the specific number of spaces that would be granted to serve a particular type of development is adequate, taking into account the objectives set out in paragraph 1.2, the factors set out in paragraph 1.4 and the individual merits of the proposal. The minimum standards provide common thresholds below which provision will be unacceptable unless clearly justified. It allows the flexibility for parking provision to be set above the minimum standards, and to be tailored to specific site conditions and other locational and sustainability requirements. Careful judgment will have to be exercised at all times in order not to undermine the objectives of the Core Strategy. For example, in deciding whether more spaces than the required standards should apply to a particular development, account should be taken of whether there is unacceptable lack of public transport in the area, proximity of the site to key services and facilities and the potential for walking and cycling. Details of the specific proposed standards takes in account all the above. Non-residential parking provision continues to be set as maximum standards. Similarly, cycle parking standards continues to be set as minimum standards.
- 1.7 The parking standards will apply to all relevant new development proposals. Where two or more land uses apply to the same site the maximum parking provision for each of the land uses should be assessed separately.
- 1.8 The SPD will be used by:
- Planning Officers to judge the appropriate level of parking provision to serve proposed development when determining applications and/or offering pre-application advice;
 - Council Members when assessing development proposals at Planning Committee meetings; and
 - Applicants and developers when preparing their development schemes.
- 1.9 Officers are satisfied that the proposed approach to the Parking Standards SPD will enable an appropriate level of parking provision to be tailored to specific development proposals, taken into account the individual merits of the proposal and should be supported for adoption.
- 1.10 It is not anticipated that the SPD will give rise to any significant environment effects that will require a strategic environmental assessment. The Sustainability Impact Assessment indicates the environmental benefits for introducing the SPD. No significant negative effects are identified.

2.0 Summary of proposed modifications

2.1 The following modifications are proposed to enhance the quality of the SPD or to provide up to date information:

- Section 3 under road network – the B382 Old Woking Road is added to the list. Knaphill/St Johns and Maybury should be deleted from the list of problem area.
- Section 3 – the sentence beginning ‘the traffic impacts are considered..’ should be deleted and be replaced by ‘Recent studies carried out by the Council have demonstrated that there will be a need for appropriate measures of mitigation to address future development impacts on these traffic hotspots. The Council is working in partnership with Surrey County Council to identify deliverable transport schemes to address the transport impacts at these hotspots’.
- Section 3 under future growth – the following sentence should be added to the paragraph ‘The Council also plans to safeguard land to meet future development needs between 2027 and 2040.’
- Section 3 under Woking Town Centre – the statement about the future growth for social, community and transport infrastructure is incomplete. The following should be added to the box/row beginning - set out in the infrastructure ‘community facilities and transport and accessibility improvement measures such as rail, road and bus improvement measures as well as on-going improvements to walking and cycling infrastructure’.
- Table 3 – bullet point 5 – the word ‘guide’ should be deleted and replaced by ‘minimum’. The following sentence should be added to the bullet point ‘This is necessary to accommodate the nature and size of modern cars’.
- Table 3 – the following additional bullet point should be added –There will be a planning condition on planning approvals to restrict the conversion of garages to habitable rooms.
- Section 4.4 – the title Disabled parking is proposed to change to Accessible parking. This is the current terminology often used.
- Section 4.6 third bullet point – the following sentence should be added ‘Development should not be using styles of cycle stand that hold a wheel.’
- Section 4.6 the following should be added to the box titled Please note – The floor areas specified apply to the built development.
- Table 3 – a sentence has been included to encourage the provision of spaces for motor-bike in major developments.

3.0 Key topics covered in the draft SPD

3.1 The Parking Standards SPD covers the following:

- introduction and application of the standards;
- policy context;
- relationship with Surrey County Council and Surrey Transport Plan;
- Borough profile;
- proposed parking standards;
- electric vehicle charging points; and
- monitoring and review.

3.2 Members should note that the provision of adequate parking does not sit in isolation within the context of the Council’s overall objective of ensuring the sustainable management of development and patterns of movement across the Borough. The pricing of parking, travel planning, the management of resident’s parking zones and on-street parking and the spatial distribution of development are all important contributory factors to ensuring sustainable management of parking in the area. Parking provision should also be seen as an integral part of good quality design of development.

4.0 Next stages of the process

- 4.1 It is proposed that the report will be considered by Council for adoption at its meeting on 5 April 2018. The adopted SPD should take effect on and after the date of adoption, in this case 5 April 2018.
- 4.2 Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012 deals with public participation of SPDs. It requires the Council before adopting the SPD to prepare a statement setting out the persons the local planning authority consulted when preparing the SPD, a summary of the main issues raised by those persons and how those issues have been addressed in the SPD. This statement has been prepared for the LDF Working Group to note and for it to be published accordingly. A copy of the Statement can be provided on request.

5.0 Conclusion

- 5.1 The existing Parking Standards SPD was adopted in July 2006. It is being reviewed to bring it up to date to be pursuant to the requirements of the NPPF and the Woking Core Strategy. The proposed new approach to parking will enable the provision of parking spaces to be responsive to the specific requirements of individual proposals taken into account their individual merits. The application of the standards should be objective-led and Officers and Members will always be required to strike a delicate balance between the need to provide adequate parking to service development and the need to protect the sustainability objectives of the Core Strategy.
- 5.2 The Parking Standards SPD will have the status of Supplementary Planning Document. When adopted, it will be a material consideration in determining day to day planning applications. Officers are satisfied that the SPD has been prepared in accordance with statutory procedures set out in the Town and Country Planning (Local Planning) (England) Regulations 2010 and subject to the proposed modifications should be adopted.

6.0 Implications

Financial

- 6.1 The cost of preparing the SPD has been met from existing Planning Policy Service Plan budget and approved Investment Programme.

Human Resource/Training and Development

- 6.2 The introduction of the SPD might require an initial training of both Council Officers and Members. The cost of this will be met from existing budget.

Community Safety

- 6.3 Addressed as part of the Sustainability Impact Assessment.

Risk Management

- 6.4 The Core Strategy was adopted in October 2012. Planning applications continue to be submitted to deliver its requirements. It is important that there is appropriate parking provision to serve the development. Paragraph 5.171 of the Core Strategy requires the Council to review the SPD and at regular intervals to make sure that the parking standards that are set are the most appropriate. The timing is therefore right for this review to bring the existing standards to date. Adopting the standards is a significant step forward

towards achieving this aim. National policy has changed since the Parking Standards SPD was adopted. The adoption of the proposed standards will ensure that the SPD is in accordance with the overarching objectives of the NPPF and the Core Strategy.

Sustainability

- 6.5 Addressed as part of the Sustainability Impact Assessment.

Equalities

- 6.6 Addressed as part of the Equalities Impact Assessment.

7.0 Consultations

- 7.1 The Portfolio Holder for Planning has been consulted.

REPORT ENDS

EXE17-019

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment							
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Disability	Physical	x					The SPD make provision for disable parking.
	Sensory	x					The SPD make provision for disable parking.
	Learning Difficulties	x					The SPD make provision for disable parking.
	Mental Health	x					The SPD make provision for disable parking.
Sexual Orientation	Lesbian, gay men, bisexual					x	
Age	Older people (50+)					x	
	Younger people (16 - 25)					x	
Religion or Belief	Faith Groups					x	
Pregnancy & maternity						x	
Marriage & Civil Partnership						x	
Socio-economic Background						x	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an

important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			x	
Waste generation / sustainable waste management			x	
Pollution to air, land and water	x			
Factors that contribute to Climate Change	x			
Protection of and access to the natural environment			x	
Travel choices that do not rely on the car	X			
A strong, diverse and sustainable local economy	X			
Meet local needs locally	x			
Opportunities for education and information			x	
Provision of appropriate and sustainable housing	x			
Personal safety and reduced fear of crime			X	
Equality in health and good health			x	
Access to cultural and leisure facilities	x			
Social inclusion / engage and consult communities			x	
Equal opportunities for the whole community			x	
Contribute to Woking's pride of place	x			

	Name of respondent	Summary of representation	Officer's response
1	Mrs L. Sandford	Agree with the standards and hope they are going to be applied to development in West Byfleet centre.	Once the Parking Standards SPD is adopted, it will be a material consideration in planning decisions. In this regard, Officers and Councillors will have to take it into account in determining planning applications. Officers and Members will be briefed on the standards and their application.
2	Amec Foster Wheeler on behalf of National Grid	National Grid has no comments to make.	Noted.
3	Nick Alston (GVA) on behalf of Titanosaur Properties Limited	Welcomes the policy provision that states that on-site provision below the minimum standards will be considered within Woking Town Centre. However, in line with the Council's sustainable transport objectives and to account for the build to rent products the standards should go further by stating that provision below the minimum standards is expected for residential schemes in Woking Town Centre and that car-free residential development in Woking Town Centre is acceptable in principle, particularly in respect to build to rent schemes, where fully justified and evidenced with an application.	The Parking Standards SPD already allows scope for zero parking provision at the Town centre if that can be justified, and this is a reasonable approach for the Council to adopt. The Parking Standards are objective led, and its application will require balancing a set of objectives including control of congestion, highway safety and the efficient use of land. The minimum standards set out in the SPD strike a good balance between these competing objectives. The Council accepts that the Town Centre offers the best access to a range of services and facilities and is in close proximity to public transport nodes. The minimum parking standards takes that into consideration. The SPD recognises that there are instances that lesser parking provision would be acceptable if that can be justified by the specific locational characteristics of the development and the specific measures proposed to manage the travel needs of occupants of the development. Each proposal will therefore have to be considered on a case by case basis depending on the specific measures proposed to minimise car use to justify a lesser provision. Making the provision of lesser parking provision a requirement and an expectation as a policy principle will be unreasonable in this regard.
4	Alan Byrne on behalf of	No comments to make.	Noted.

	Historic England		
5	Mark Craven on behalf of Brookwood and Bridley Neighbourhood Forum	Broadly supports the Parking standards. Concern that often two bedroom houses/flats will have more than one adult and consequently more than one car. Having one space for two bedroom dwellings may be sufficient in one-off developments, but unlikely to be sufficient for many two bedroom dwellings in close proximity. It should be made harder for properties with garages to convert to living accommodation. When garages are built, they should be of sufficient size to allow for modern SUV.	The Parking Standards broadly reflects car ownership across various sizes of bedrooms and house types. It is acknowledged that there will be instances where two bedroom houses/flats will have more than one adult and consequently more than one car. The parking standards are objective led to help amongst other things to influence a shift to sustainable modes, ensure highway safety and maximise the efficient use of land. The standards are set as minimum standards, so if a case can be made for more provision to be made than what is specified in the SPD, the Council will consider that. The SPD gives a minimum size for garages, which is adequate to accommodate modern cars.
6	Terry Dale on behalf of ASDA Stores Ltd	ASDA has undertaken an exercise to demonstrate that the application of a locational reduction factor to maximum retail car parking standards could lead to the under provision of car parking spaces; this in turn, could lead to road safety issues. Details of the exercise are in the representations and can be inspected.	The principle of having a locational reduction factor is reasonable. The reduction factor applies to the main centres which relatively offer the best access to a range of services and facilities. Whilst the Council notes the analysis carried out by ASDA and finds it helpful, it does not fully take into account the significant scope at the main centres to encourage walking, cycling and public transport to access day to day needs. The Parking Standards SPD does not sit in isolation. There are other measures the Council is undertaking to improve walking and cycling infrastructure across the borough. If a specific company or a specific proposal requires a different parking provision to the ones set out in the SPD, then a case will have to be made for the Council to consider. It will be unreasonable for the Council to set out its parking standards on the basis of the specific needs of a particular company.
7	Prime Finance	West Byfleet Centre is a District Centre and the second largest centre in Woking. It has a	The Council is aware of Prime Finance's proposal to redevelop part of the West Byfleet Centre. The

		<p>primary role to serve the needs of Byfleet, Pyrford, West Byfleet and its rural hinterland. The centre is identified to deliver high density mixed-use development that is well designed and integrated to enhance the local character. The West Byfleet Neighbourhood Plan sets out a vision for enhancing the areas character and supporting sustainable development through improved facilities and opportunities for local employment. Prime Finance's redevelopment proposals at West Byfleet centre will play a key role in delivering this vision.</p> <p>The West Byfleet centre is in sustainable location and benefits from high frequency bus routes and a rail station in close proximity. The client has submitted a planning application for a significant redevelopment at the centre which will deliver several economic, social and environmental benefits.</p> <p>Paragraph 30 of the NPPF provides guidance on the matters to take into account when setting parking standards. It is implicit from national policy that less car parking will be necessary to deliver this.</p> <p>Prime Finance welcomes the general approach of the Parking Standards, which establishes standards below average car ownership levels. However, in its current form, the parking standards specific to West Byfleet District Centre are considered to provide a burden to the redevelopment of the centre. Prime Finance application is predicated on the capacity of the basement, this being integral to ensure the development delivers the significant amount of new public amenity space to meet</p>	<p>planning application is being determined on its own merits by the Local Planning Authority separate from consideration of the Parking Standards SPD by the Council. In any case, it will be unreasonable to expect the Council to set its parking standards based on the specific needs of a single development proposal. West Byfleet centre is a District Centre with a relatively good range of services and facilities that are accessible by public transport and easy reach by walking and cycling. However, it will be unreasonable to compare West Byfleet District Centre with Woking Town Centre in the way that the representation does. Section 4.1 of the Parking Standards SPD makes this particular point very clear by clarifying that zero parking would only be applicable in Woking Town Centre. Because of the locational characteristics of the District Centre it is important that the parking standards and its application do not compromise highway safety. The provision of adequate parking to serve development is a key concern of residents in West Byfleet, and this is expressed in the West Byfleet Neighbourhood Plan. Policy BE6 of the West Byfleet Neighbourhood Plan sets out parking standards for residential development which is broadly similar to the SPD. The Neighbourhood Plan has been through Examination and the Examiner has recommended that subject to its proposed modifications, the Plan should proceed to referendum. Once adopted the Neighbourhood Plan will form part of the Development Plan for the area and will be fully taken into account in planning decisions. It should be noted the Neighbourhood Plan proposes the provision of 2 car parking spaces for 2-3 bedroom property. The Neighbourhood Plan also specifies that the current level of off-road car parking available to shoppers and visitors in the Sheer House Complex</p>
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		<p>community aspirations. If the Parking Standards is to accord with national policy, West Byfleet District Centre should be accorded a similar level of flexibility to that proposed to be permitted in Woking Town centre, i.e. on line provision below the minimum standards.</p> <p>Chapter 9 of the Council's Transport and Accessibility Topic Paper establishes that parking management is one tool that can be used to influence a shift in behaviour towards other forms of transport modes, particularly in areas with high public transport choice and accessibility. Prime Finance proposal includes measure to encourage sustainable travel and to encourage people not to use cars. In allowing flexibility for parking standards the SPD should recognise the mitigation measures in order to encourage a shift in travel behaviour.</p>	<p>redevelopment should not be reduced (Policy CE6). It is highlighted that 50% reduction of the standards is proposed for other uses other than residential. If a particular application or proposal requires a specific parking provision to be made based on specific locational characteristics and proposed measures to manage the travel needs of occupants, then a case has to be done for the Council to consider. This will have to be done on a case by case basis subject to the individual merits of the proposal.</p> <p>The reference to paragraph 30 of the NPPF is noted. However, this should not be seen in isolation from the Government's overall policy on parking which is set out in paragraph 39. Paragraph 30 requires a balance of considerations that could justify reduced parking provision. It should not be read as meaning reduced parking provision is expected without the necessary measures to manage travel needs. The Government's direction of travel regarding parking provision is encapsulated in the following ministerial statement issued in March 2015 and post dates the NPPF: <i>This government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets. The imposition of maximum parking standards under the last administration leads to blocked and congested streets and pavement parking. Arbitrary restricting new off-street parking spaces do not reduce car use. It just leads to parking misery. It is for this reason that the government abolished national maximum standards in 2011. The market is best placed to decide if additional parking spaces should be provided</i></p>
8	Paula Carney	Broadly supports the principles underpinning the Parking Standards in relation to the Town	Having minimum standards at the Town Centre is a reasonable principle to enable a balance to be struck

		<p>Centre but request that it should go much further by removing altogether minimum standards for the Town Centre because of its close proximity to key services and facilities and sustainable transport modes. This will provide certainty to developers. The SPD should promote car clubs and use of public car parks and entering into agreements to not allow residential parking permits to be issued in the town centre other than for the disabled. The cycle parking standards should allow less cycle parking with smaller units. For example, studios and one bed flats should have a requirement of 1 space per unit.</p>	<p>between the competing parking objectives such as the need to maximise the efficient use of land and the protection of highway safety. The Parking Standards SPD allows flexibility and scope for zero parking provision at the Town Centre if it can be justified. In particular, any such proposal will have to demonstrate how the travel needs of occupiers of the development will be managed. A key essence of the parking standards is to provide certainty to developers about the level of parking provision to service development. It does so by recognising that there could be instances where lower or higher provision could be justified, and that flexibility is helpful. The policy context to the parking standards seeks to promote travel plans and sign posts to initiatives such as car clubs. Consideration of access to and the use of public transport is one of the key objectives of the Parking Standards and national policy.</p>
9	Phil Stubbs on behalf of Knaphill Residents Association	<p>The revised Parking Standards is overdue and makes sense. The key is whether Planning Officers in evaluating a planning application will apply them. The record of the County's highways planning is poor. It is crucial that the local Planning Officers and Members of the planning committee challenge the county's advice where it is felt appropriate. Section 3 makes reference to congestion and highlights a number of areas such as Knaphill and follows it with the statement '<i>the traffic impacts are considered unlikely to be sufficient enough to cause major disruption or require highway infrastructure improvement measures</i>'. This section should be redrafted and the reference in italics deleted. The parking standard for one bedroom flat</p>	<p>If the Council is minded to adopt the Parking Standards SPD, it will have the status of a Supplementary Planning Document (SPD), and will be a material consideration in all relevant planning applications. The County Council is the highway authority for the area and are consulted on planning applications when necessary. The Council has not had any significant concerns about the advice provided by the County Council, and will not hesitate to challenge any advice if it felt the advice needed clarification and/or further explanation. This will apply to any other advice sought by the Council. The reference to the traffic impacts not likely to be sufficient to require highway infrastructure improvement measures will be amended to reflect current evidence. The up to date transport assessment identifies a number of traffic hotspots across the</p>

		<p>(0.5) is inadequate. Because of house prices and lack of one bedroom houses many first time buyers, including couples are purchasing flats. The wording on visitor parking needs strengthening. 'If you have a block of flats or apartment comprising 6 or more units there should be a minimum requirement of 1 visitor parking space for every 3 units'.</p> <p>If the Council is to continue with its policy of permitting the conversion of garages to habitable space then garages should be removed from the calculation for off-street parking provision. Any dwelling where garage conversion is requested the off street parking provision should meet the requirements of the standards in Table 3.</p>	<p>borough which will need appropriate measure of mitigation.</p> <p>The parking standards reflect the number of cars available in a household per various sizes and types of homes. The 0.5 provision to support 1 bedroom flats strikes an appropriate average provision based on the available evidence. Nevertheless, the standards are minimum standards, and if a case can be made for higher provision for specific proposals because of their specific needs, the Council will consider. It is important to emphasise that the parking standards are objective led and Officers and Members will take the objectives into account when applying the standards to specific proposals to make sure that they are not undermined. It is necessary for the Council to have the flexibility to negotiate visitor parking taking into account the merits of each proposal than to be prescriptive on a threshold as suggested. Where it is justified, the approach to the parking standards allow scope for an appropriate visitor parking to be considered. This has been strengthened to provide further clarity.</p> <p>The Council will normally put a condition on a planning approval to prevent the conversion of a garage to a habitable room. It is acknowledged that there are some buildings pre 1960s without such conditions which could be converted under permitted development. Much more control can be exercised for future applications to convert garages to habitable rooms. The parking standards will be amended to highlight the need to impose a condition to prevent the conversion of garages to habitable rooms.</p>
10	Peter Jones	The Altitude proposal for West Byfleet centre does not provide sufficient parking to serve the proposed development.	This is a matter that can best be dealt with as part of the consideration of the planning application.
11	Beata Ginn on behalf of	Have no comments.	Comment noted.

	Highways England		
12	Councillor Kevin Davis	<p>Consideration should be given to converting some grass verges to proper paved allocated parking.</p> <p>Where there are large developments of circa 25+ dwellings, the ratio could cause some problems if many of the dwellings are starter homes and have one to two bedrooms. There is a need for small dwellings across the borough, which will suit young growing families. For example, an estate of 100 houses of which 80 of them are a combination of flats and one/two bedrooms will have insufficient spaces to allow those estates to grow satisfactorily. In instances such as this the ratio a ratio of visitor parking should be defined to ensure there is sufficient room to take the slack.</p> <p>In developments of large site of circa 25+ dwellings, consideration should be given to providing some motorcycle parking provision with ground locks to assist security.</p> <p>Where a place of worship has congregation, which is not local to the building, insufficient parking can cause significant problems to the surrounding road as many worshipers frequently park with little regard for local residents. Where new or replacement places of worship come forward, consideration should be given to the location that worshipers travel from. All places of worship should have a travel plan in a similar way as schools.</p>	<p>The purpose of the Parking Standards SPD is to set appropriate parking provision to serve development. The Core Strategy and the Parking Standards SPD highlights the need for parking provision to be seen as an integral part of the overall design of development. The conversion of grass verges to provide off-site parking spaces is beyond the scope of the parking standards unless it is within the development site. Nevertheless, the suggestion will be passed on to the Parking Services Section of the Council to consider. The concern about the likelihood of a significant number of one/two bedrooms in major developments and the implications for insufficient level of parking provision is acknowledged. It will be difficult to be prescriptive about the appropriate level of parking for such instances. Nevertheless, the parking standards are set as minimum, and allow flexibility for such proposals to be considered on a case by case basis if it can be demonstrated that more parking is needed and its provision will not undermine the overall objectives of the parking standards.</p> <p>The Council has a clear policy to request a travel plan for any development that generates significant amount of traffic, and this would apply to places of worship if the transport assessment to support the development demonstrates that it will generate significant traffic. The need to apply the requirements of the policy will be communicated to relevant Officers. The parking standards for places of worship relate parking provision to number of seats rather than where the people who will occupy the seats travel from. This approach is reasonable because it is realistic to expect that the catchment area of worshipers to any place of worship will be wider than the immediate vicinity.</p>

			<p>The principle of making parking provision for motorbikes in major flatted developments in particular is reasonable. Motorbikes are owned by a significant minority of the population and as such setting a minimum threshold that is enforceable and defensible is often difficult. Nevertheless, it is important that the Parking Standards SPD should recognise the need and encourage provision on a case by case basis. The SPD has been amended to highlight that. Officers will also begin to gather empirical data to assess whether a minimum threshold can be justified in any future review of the SPD and/or used to support planning application decisions.</p>
13	Clark Gordon	No comments to make.	Noted
14	Marianne Meinke	<p>The Guidance Note on Travel Plans should be complete rather than signposting to various links and documents. The policy and Travel Plans should include a comprehensive summary of how neighbours will be protected. For example:</p> <ul style="list-style-type: none"> • Retails parks are lit with little thought on the impacts on neighbours; • How will pollution be monitored for the sites to which cars are sent; • In what way will plans be monitored to ensure everyone's health is considered and that coaches are modern, not diesel and that drivers turn off engines whilst waiting for passengers; • How will the Council ensure that Councillors will not at a whim protect schools with which they have a relationship and move traffic problems further along; 	<p>The representation makes a number of helpful comments. However, they relate to travel plans and other matters that are beyond the scope of the Parking Standards SPD and can best addressed by other sections of the Council and/or the County Council. Officers will liaise with the County Council and across other sections of the Council to explore these concerns could be addressed.</p>

		<ul style="list-style-type: none"> • How will WBC ensure all pedestrians are kept safe; • Will Travel Plans take into account fatalities and other accidents in the area to which traffic is redirected; • To protect neighbours, will the window for use of sites such as retail parks be limited so that neighbours are allowed some time of peace and quite. 	
15	Marianne Meinke	<p>Object to the introduction of Travel Plans in its current form because it fails to achieve the Government's objective for walking and cycling to be the natural choice for shorter journeys and for streets to be better. The local school travel plan have brought more cars to the Lion Retail Park creating greater pollution and congestion in the area, whilst freeing up roads near schools and reducing complaints from their immediate neighbours. Moving traffic problems on merely transfers the problem and not solves it.</p> <p>The number and timing of lights for pedestrians and traffic between Old Woking Road and Sixways Crossroads makes motorist frustrated and aggressive. The three roundabouts near the Lion Retail Park are often congested and the area has become dangerous for pedestrians as motorists rarely give way. Sixways is also an accident blackspot and the road in between suffers from pollution. Travel plans are being used to enable the expansion of businesses and schools.</p> <p>The representation makes reference to the details of the travel plan relating to planning application reference PLAN/2016/1204 and</p>	<p>The representation makes a number of helpful comments. However, they relate to travel plans and other matters that are beyond the scope of the Parking Standards SPD. Officers will liaise with the County Council and across other sections of the Council to explore these concerns could be addressed.</p>

		<p>PLAN/2015/1438. The details cover 16 separate points, and are in the representation and can be inspected.</p> <p>There seems to be the need for more parking and not less.</p> <p>There is nothing in the SPD or travel plans which set standards for the age and quality of vehicles to be used. Many are smelly. The selection of contractors is done on cost and health too should matter.</p> <p>Consultation on planning applications is not fair or reasonable.</p> <p>A number of planning enforcement matters is raised and the details are set out in the representation and can be inspected.</p>	
16	Sarah Price	<p>The Parking Standards states: <i>in Woking Town centre, where fully justified and evidenced within an application, on site parking provision below the minimum standards set out below will be considered.</i> Would the Council be able to give some indication as to what percentage decrease to the minimum standards could possibly be accepted for a development within 1 km from Woking station?</p> <p>Cycle provision has doubled since in the revised SPD. Would the new provision apply to flats or just family homes?</p>	<p>It will be unhelpful to speculate what the level of reduction of the standards would be for proposals within 1 km from the station. It would depend on a number of factors, some of which will be difficult to pre-determine. It will for the applicant to make the case taken into account the specific locational characteristics and any measures proposed to manage the travel needs of the occupiers of the development.</p> <p>The cycle parking standards do not draw a distinction between flats and houses. The standards apply to both.</p>
17	Mrs Carla Wright on behalf of Natural England	SPD does not relate to area of interest and do not wish to comment.	Comment noted.
18	Ziyad Thomas on behalf of McCarthy and Stone	Commends the SPD for the manner it acknowledges the difference in the parking needs of general housing and specialist accommodation. The requirement for 1 space per unit would constitute overprovision of	The parking standards set for the elderly has been done in the context of Policy CS13: <i>Older people and vulnerable groups of the Core Strategy</i> . In this regard, it is proposed that the title of this section of the SPD should be 'Accessible parking' to also include other

		<p>parking provision.</p> <p>Retirement Living (Category 11 sheltered housing) has been defined as '<i>grouped flatlets to meet the needs of the less active elderly people</i>' although residents are no so frail as to be wholly inactive. A significant proportion of residents give up car ownership before they enter this form of housing. Reduction in car ownership is exacerbated for residents in extra care accommodation which is specialist older persons accommodation aimed at the frail elderly of about an average age of 83 years. The parking requirement will make it difficult to deliver these products in the most sustainable locations. The approved South Gloucestershire Council Residential Parking Standards is an example to consider.</p>	<p>vulnerable groups. Broadly speaking many people would want to live in their own accommodations as long as possible. Other does so by having a live in carer. There are a variety of needs within this category of provision and on average the proposed threshold are set at a reasonable level. The SPD allow scope for a case to be made and the Council to consider if it can be demonstrated that lower standards are necessary for a particular scheme.</p>
19	Peter Badger	This representation draws attention to an incomplete sentence in the SPD.	Comment already addressed to the satisfaction of Mr. Badger.
20	Becky Wilson on behalf of Surrey County Council	<p>The SPD specifies that the design of cycle parking should allow for a cycle to be parked either side and both wheels to be easily locked to the stand such the Sheffield A frame or CaMden type stands. It should also specify 'not using styles of cycle stand that hold a wheel. Sheffield stands are the most inclusive to be suggested.</p> <p>It is not clear whether the area specified for minimum parking spaces is based on the area of the building or the area of the land. Clarification will be helpful.</p>	<p>The suggested additional wording is reasonable and the SPD will be modified to reflect that.</p> <p>The standards apply to the floor areas of the buildings for the various uses. This will be made clear in the SPD.</p>
21	Katrina Warne	The Heathrow coach connection from Woking Rail station used to be every 30 minutes. It is now every hour. It might help to go back to a frequent service. The cost of public transport is	The representation is helpful to note but is outside the scope of the Parking Standards SPD. The issues will be raised with the coach company.

		prohibitive.	
22	Mark Draisey	<p>The reference that there is no need for improvements to the A320 and Six Crossroads despite expansion of housing in the area is cavalier and deliberately false.</p> <p>The strategy is a piecemeal assortment of rules individually supporting a masterplan of reducing car use but not joined up in any meaningful way. For example, the Council wants to increase use of public transport but is making it harder to get to the Station. Small shops need short term parking for drop offs and pick ups of purchases. Potential stop off points should not all be filled with planters. Traffic lights are phased in the most bizarre ways to stop cars at every junction. The principle should be to route cars through the recognised main routes as swiftly as practicable, only allowing site roads to join the main flow at extended intervals and providing short term stopping in those areas.</p> <p>Bus stopover parking is a total abuse of scarce space. Object to any action which seeks to punish/penalise Woking citizens in order to drum them into line with the Council's thinking.</p>	<p>Concern about reference to improvements to the A320 and Six Crossroads has already been addressed as part of the Officer's response to another representation. The SPD has been modified to take into account up to date information.</p> <p>The Council notes the importance of an integrated approach to managing the transport implications of development, and strives to achieve that.</p> <p>Nevertheless, the concerns about traffic management are beyond the scope of the SPD. The Council already has robust policies to make sure that appropriate arrangements are made for servicing and deliveries for commercial development. An example of such policies is Policy DM16 of the Development Management Policies DPD.</p> <p>The objective to minimise car use and reduce congestion is a clear transport policy at both national and local levels. Parking provision plays a role in achieving this objective but is one of many strategies and projects coordinated to help achieve this goal. This includes improvements to rail, road, walking and cycling infrastructure.</p>
23	Jeannie Ley	Wish to know whether there was any Council decision about parking at Oakcroft Road on 22 March.	This is a development management matter. The information will be sought and sent to Jeannie Ley as requested.
24	Bob Tilley	Before finalising the draft SPD it is strongly recommended that Officers and Councillors read an article about parking policy, Aparkalypser now on page 14 of the Economist dated April 8 – 14 2017.	Officers have read the article as requested and Members attention is drawn to it. The article is about how parking is managed in various cities and states across the world, including places such as Chicago, Boston and Minnesota. Copies of the article can be obtained on request.
25	Bill Pugh	If the Council took time to explain in plain	The comments are noted. Officers will continue to

		English what it is doing at Martyrs Lane people would be able to comment on it.	seek improvements on how it prepares and communicates its policies in consultation documents.
26	Pauline Marshall	<p>The question of next door properties and access to the rest of properties by fire engine etc. must be considered when dealing with planning applications.</p> <p>Conversion of garages to residential accommodation should be restricted as they lead to loss of secured accommodation for cycles etc. Garages should be large enough to fit a modern vehicle.</p> <p>A house with 2+ bedrooms will probably have more than two cars.</p> <p>There should be disable parking spaces outside chemist shops and similar places.</p> <p>Shops out the main town area should provide parking outside or in nearby car parl.</p> <p>If people can park at where their vehicles will not be stolen or damaged they will possibly use other modes of transport. There is the need to make pavements and crossing the road safer for all people and children using them.</p>	<p>The concern about next door properties is a development management issue, and the attention of the relevant Officers will be drawn to that. Similarly, the comment about the need to make pavements and crossings safer will be passed to the relevant Officers. In response to another representation, Officers are recommending a modification to the SPD to impose a condition to restrict the conversion of garages to habitable rooms. The SPD specifies the minimum size of a garage, which is adequate to accommodate a modern car.</p> <p>The parking standards reflect the number of cars per household for various sizes and types of dwellings. The specified average of 1 dwelling for a two bedroom house or flat is based on the available evidence on car ownership and is adequate. It is accepted that there will be instances where occupants of a two bedroom house/flat might have two cars. If the locational characteristics and the individual merits of the proposal can justify more parking provision, the SPD allow flexibility for the Council to consider, taking into account the objectives of the parking standards. Section 4.4 of the SPD deals with disabled parking. The specified standards for business premises make provision for additional parking bays to serve others other than disable employees.</p> <p>The security of off-site parking provision is beyond the scope of the SPD. The comment will be passed to the relevant Officers of the Council to consider.</p>



Woking Borough Council

Local Development Documents

DRAFT

Parking Standards Supplement Planning Document

April 2018



Produced by the Planning Policy Team

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1. Introduction

The Council is committed to developing a well integrated community with a sustainable transport system which connects people to jobs, services and community facilities whilst minimising impacts on biodiversity. Parking is a key component of this; it has the potential of influencing the way people travel, the efficient use of land, highway safety, as well as the quality of the built environment.

The purpose of this Supplementary Planning Document (SPD) is to set appropriate car and cycle parking standards for all forms of development to balance a wide set of aims including:

- influence a shift in behaviour towards sustainable modes of transport
- efficient use of land
- ensure a high quality built environment and development sites
- control congestion
- ensure highway safety
- minimise pollution

The Council's previous parking standards implemented maximum standards for residential parking to try and influence a reduction in car use and to follow national policy on parking. National policy has since changed and maximum standards are no longer required to be set for residential parking. National policy and current research acknowledges that maximum standards for residential parking can lead to poor quality development, congested streets and has been found to have little influence in reducing car use. Other factors, such as the availability of alternative modes of transport and dwelling type have been found to have a greater impact on reducing car use.

These parking standards set minimum standards for residential parking to ensure appropriate levels of parking are provided. Maximum standards are set for non-residential parking and minimum cycle parking standards have been set to promote sustainable transport choices to influence a shift to non-car modes. In implementing the minimum standards for residential parking, care should be taken to ensure that the above aims are not compromised.

In addition, this SPD also covers:

- disabled parking provision
- garages

Application of these standards

The standards will apply to:

- All new development proposals and those affecting parking provision within existing developments will be considered against these standards
- Where two or more land uses apply to the same site the maximum parking provision for each land use should be assessed separately. Overlapping demand may be taken into account where it can be demonstrated that this will occur.

2. Policy context

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

One of the overall themes of the NPPF is to promote sustainable transport to facilitate sustainable development, wider sustainable objectives as well as health objectives. A key tool to achieve these objectives is providing people with a choice of travel options, prioritising sustainable transport modes over car based travel. By increasing sustainable travel choices and their use this can support reductions in greenhouse gas emissions and reduce congestion.

When setting local parking standards, the NPPF states local planning authorities should take the following into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

Parking standards should be appropriate to the needs of the development and not reduced below a level that could be considered reasonable to avoid poor quality development and congested streets.

Many approaches can be adopted to deliver successful parking outcomes in developments. Natural surveillance of parked cars and the relationship between parking and service areas are important considerations.

In town centres local authorities should seek to improve the quality of parking so that parking is convenient, safe and secure.

Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development. Wider benefits from these tools can also promote the efficient use of land by assisting the release of land for development that would otherwise be taken up by required related parking. Ideally Travel Plans should be considered in parallel to development proposals and integrated into the design and occupation of sites.

Core Strategy

Policy CS18: Transport and accessibility

In line with the NPPF, Policy CS18 lends support to proposals delivering improvements and increased accessibility to sustainable modes of transport.

The policy outlines the implementation of maximum car parking standards for all types of non-residential development, including consideration of zero parking in Woking Town Centre, providing on-street car parking problems are not created or exacerbated. Through restricting parking the Council looks to influence a shift in travel behaviour towards more sustainable modes of transport, particularly in high accessibility areas.

Residential parking standards are to be set to minimum levels. However, the application of these standards needs to be balanced with the overall sustainability objectives of the Core strategy, including the effects on highway safety.

Policy CS21: Design

Good design is key in ensuring parking is effective within developments and must be considered from the outset. The accessibility of a development by its users and various transport modes influences the user's quality of life, the attractiveness of the development and the character of the area.

Policy CS21 set outs criteria for new development proposals, including the following relevant to parking:

- Be designed in an inclusive way to be accessible to all members of the community, regardless of disability and to encourage sustainable means of travel.
- Create a safe and secure environment, where the opportunities for crime are minimised.

The design and function of an environment can help to discourage crime and encourage positive use of public spaces. Quieter areas such as car parks should be overlooked, open spaces and pedestrian routes visible from roads and buildings.

Policy CS21 is supported by a Design SPD which provides detailed guidance on the application of the policy. The SPD includes design guidance and best practice examples for parking provision within new developments.

Relationship to Surrey County Council

Surrey County Council is the Local Highway Authority (LHA) for Surrey boroughs and districts, including Woking. As the Local Highway Authority, Surrey County Council has produced the Surrey Transport Plan (STP) – the third Local Transport Plan (LTP) for the county. This plan contains a number of strategies which look forward to 2026 and will be reviewed every three to five years as necessary.

In relation to parking the County Council is responsible for street parking provision, civil parking enforcement and parking demand management. The Council also consults Surrey County Council on highway and transportation issues relating to development proposals.

Woking Borough Council provides off street parking in 19 public car parks across the borough (9 of which have charges applied), acts as agent for Surrey County Council for the day-to-day management of on-street parking in the borough, produces Local Development Documents such as the Core Strategy and Parking Standards SPD and determines planning applications in the borough. Following adoption of the Community Infrastructure Levy (CIL) the Council will collect a levy from new developments for infrastructure projects, including transport schemes.

Partnership working with Surrey County Council is important due to the split responsibilities regarding parking. The County Council will be actively consulted in the development of these standards through officer engagement and via other channels such as the Joint Committee.

Surrey Transport Plan

Included in the STP are the Parking strategy and the Travel Planning strategy. The County Council has also produced a Vehicular and Cycle Parking Guidance.

Parking Strategy

The overall aim for this strategy is to “provide parking where appropriate, control parking where necessary”. Surrey County Council parking responsibilities include street parking provision, civil parking enforcement, residential parking and parking demand management. The four objectives of the strategy include:

- Reduce congestion caused by parked vehicles
- Manage on street parking space to make best use of the space available
- Enforce parking regulations fairly and efficiently
- Provide appropriate parking where needed

Some of the measures included in the strategy, such as considering the implementation of sustainable travel measures to reduce demand for on street parking – particularly in busy town centres, will work in tandem with the objectives and intended outcomes of these parking standards.

Vehicular and cycle parking guidance

Although the borough and district councils have responsibility for determining planning applications Surrey County Council have produced guidance for how much parking should be provided within new developments. The guidance document also provides a steer on disabled parking, school parking, car clubs and electric vehicle charging points. As the guidance covers the 12 Local Authorities in Surrey it is not able to fully reflect the individual circumstances and the transport aims of the borough. Consideration has been given to the guidance and the evidence base used in producing these standards.

Following the adoption of the Council's Parking Standards SPD the guidance produced by Surrey County Council will no longer be applicable for the borough. Planning applications received will be determined against the standards set in the SPD, as outlined in the Core Strategy.

Travel Planning

The Travel Planning Strategy aims to provide travel-planning measures, interventions and self-help support to schools and workplaces in Surrey to make informed choices about their travel.

3. Borough profile

Situated in north-west Surrey, Woking lies 25 miles to the South West of London. The borough comprises of a compact built up urban area which is surrounded by green belt. In the centre of the urban area is Woking Town Centre and in the north east lies West Byfleet the district centre. There are also seven local centres and six neighbourhood centres.

Road network

The road network mainly comprises of A-roads, B-roads and local roads which are managed by Surrey County Council, the Highway Authority. The M25 passes through the borough in the east, although there is no junction and the A3 is situated just to the south of the borough. Both of these roads have significant impact on congestion on the borough's road network, particularly in the roads to the north east.

Congestion in the borough can be a problem, particularly in certain areas. There are a number of constraints on the road network which include a limited number of crossing points of the railway and the Basingstoke Canal that can have significant impact on congestion, particularly at peak times. Surrey County Council have identified congestion problem areas on the borough's highway network using 'Cost of Congestion' mapping using Congestion Journey Time Acquisition Monitoring System (CJAMS DfT 07/08) (Surrey County Council, 2011) and transport studies carried out to support the Core Strategy and the Site Allocations DPD. The identified problem areas include:

- Woking town centre
- B382 Old Woking Road
- A324 / A322 Brookwood Crossroads
- West Byfleet & A245 corridor
- Six Crossroads Roundabout & A320 corridor

Recent studies carried out by the Council have demonstrated there will be a need for appropriate measures of mitigation to address future development impacts on these hotspots.

Road improvement schemes and improvements to cycle and pedestrian infrastructure have been identified in the CIL Regulation 123 list to mitigate against the impact of future development and to provide a real choice for sustainable modes of travel.

The mismanagement of parking can contribute to congestion problems both directly through creating on-street obstacles and also through vehicles cruising for available parking spaces. However parking can also offer solutions for congestion by directing traffic away from congested areas and by encourage users to take up sustainable forms of transport.

Rail connections

Rail connectivity is very good in the borough. Five rail stations serve the borough, including one just outside the borough boundary, and are situated on the Waterloo national rail route.

Woking rail station is the second busiest rail station in Surrey and provides a fast and frequent service to London and the South Coast. It is also an interchange for the Railair coach service to London Heathrow Airport. Over the past four years the station usage has

grown, and the estimated total number of people entering and exiting at the station increasing¹. Between 2011-2012 and 2012-2013 the estimated number of people entering Woking rail station grew to circa 3.73m an increase of around 52,000 people from the previous year.

Surrey County Council and partners (including Woking Borough Council) have developed the Surrey Rail Strategy to identify proposals for strategic investment to meet four rail development objectives – maintain global competitiveness; drive economic growth; reduce impacts on the environment; and accommodate sustainable population growth. The report identifies three priority action areas including: capacity on the South West Main Line; Local Orbital Rail Services; and Access to Airports. Due to Woking's location on the network action on any of these areas are likely to have significant impact on demand for rail services in the area.

Both the incremental increase in patronage and potential future developments to Surrey's rail network will increase the pressure on the local road network and car parks.

Future growth

As set out in the Woking Core Strategy the main direction for growth of both residential and commercial development is within the urban area, with the primary focus on Woking town centre for sustainable growth. Development will also be encouraged in the district, local and neighbourhood centres and 550 dwellings are planned to be located in the green belt. The Council also plans to safeguard land to meet future development needs between 2027 and 2040.

Woking town centre

The town centre is the economic hub of the borough. There are a wide range of different uses, each with different parking needs, including: retail; business; residential; leisure; arts; culture; tourist; and community facilities. As outlined in the Core Strategy the majority of growth has been focussed on the town centre and includes the following:

Housing	2,180 dwellings (between 2010-2027)
Employment	27,000 sq.m additional office floorspace to be provided as part of mix-used developments
Retail	75,300 sq.m A class floorspace including 67,600 of A1(59,300 sq.m of comparison and 8,300 sq.m of convenience floorspace)
Social, community and transport infrastructure	Set out in the Infrastructure Delivery Plan (IDP), includes community facilities and transport and accessibility improvement measures such as road, rail and bus improvement measures as well as on-going improvements to walking and cycling infrastructure.

Parking provision in the town centre for new developments will have to be carefully managed to ensure an efficient allocation of land and control congestion from these developments; whilst still ensuring highway safety.

¹ Source: Office of Rail Regulation, Estimates of station usage, 2014

The town centre is mostly surrounded by a combination of the railway and the A324 and accessibility is therefore limited across these constraints. In particular there are only two road routes in the town centre which cross the railway line thereby creating significant congestion points, particularly at peak times.

The town centre is served by a wide range of public transport and sustainable transport modes. Woking rail station provides fast and frequent services to both local and regional destinations and is located next to Woking bus station. The bus station links the town centre to the district, local and neighbourhood centres across the borough, local services such as supermarkets and schools and also to key services such as St Peter's hospital and Heathrow Airport.

Through the Cycle Woking cycling town initiative and the current Travel SMART scheme the provision of cycling and walking provision for the town centre has improved. There is a number of cycle parking available across the town centre and at the rail station, four new or improved signalised cycle crossings were added to improve access across busy roads and to join up the network and finally an order has been put in place to allow cycling through the town centre outside the hours of 10am to 4pm. Linkages to and from the town centre have improved through the Basingstoke Canal towpath upgrade, connecting the town centre to both the east and west of the borough, whilst links to the south are continued to be improved through improvements to the cycle 'planets' network.

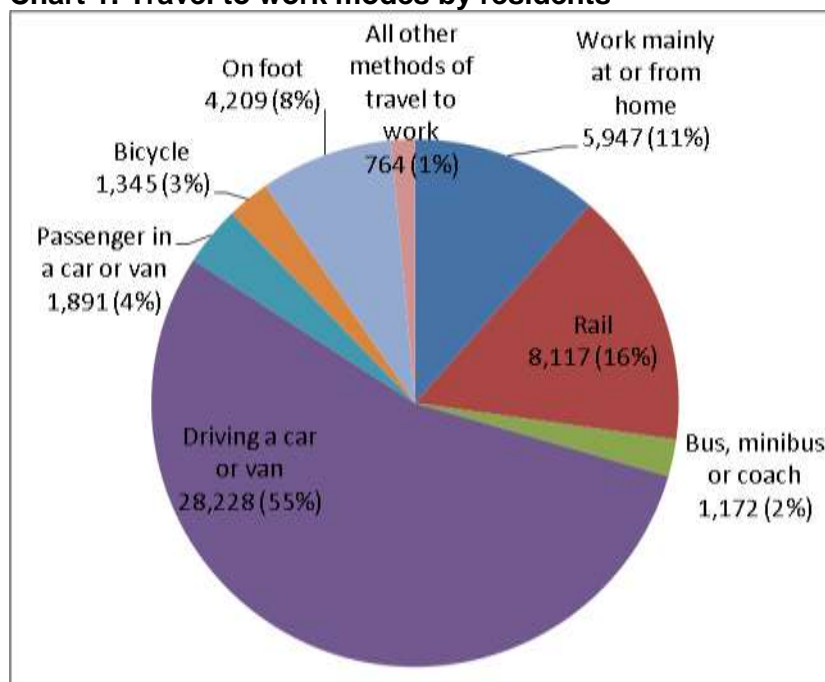
The town centre and its wider area are covered by a number of Controlled Parking Zones (CPZ). These cover all the kerbsides in the town centre, making them subject to a waiting restriction and parking charges.

There are six car parks owned and operated by Woking Borough Council in the town centre providing 4,543 spaces. Use of the car parks is shared across the different user groups for the town centre, including residents. For some residential developments the Council entered into agreements with developers to provide residential parking through use of permits in public car parks. Public car parking is also available at Woking rail station.

Travel to work

The majority of Woking residents travel to work by driving a car or van. The modal share is then reasonably split, with 12% working from home and 16% catching a train to work, as shown in Chart 1 below. The same modal split can be observed across Surrey, although Woking has a slightly higher percentage of residents who travel to work via train compared to the Surrey average. This can be attributed to the quick and frequent rail connections from Woking station.

Chart 1: Travel to work modes by residents



Source: 2011 Census

Of the journeys that are undertaken by car, 72% of these are for journeys between 0-20km and half are for less than 10km. This is in direct contrast to rail journeys which the majority are for journeys over 30km. As expected the majority of journeys undertaken by foot or by cycle are for distances less than 5km.

The use of the train to travel to work has grown in past 10 years. Comparing data from the 2011 and 2001 census, the percentage of people who travel to work via train has increased from 7% to 16%, whilst the percentage of commuters travelling by car has fallen from 61% to 55% (although the actual number of car journeys have increased). One factor in this change could originate from the rise in flatted developments close to the station in Woking Town Centre attracting London commuters to the town.

The distance travelled to work for borough residents is reasonably evenly split. When compared to household car availability, the households with no cars or vans; 44% travelled less than 5km to work and 36% travelled to work via walking or cycling. Also 25% of borough households with no cars or vans travelled via rail, which when compared to the rest of Surrey is the second highest proportion after Epsom and Ewell and comparable to other Surrey rail boroughs such as Elmbridge and Reigate and Banstead. This could be a reflection of the recent residential developments in Woking Town Centre with very little parking.

When examining the commuting patterns of the borough, Woking net out-commutes of 4,783 workers, as shown in Table 1 below. Commuting patterns have remained fairly stable compared to 10 years ago, although a slightly higher proportion of residents work and live in the borough (47% to 53%), whilst a lower proportion of residents commute into London (from 33% to 28%).

Table 1: Commuting patterns for Woking borough

	Residents out-commuting to	Workers commuting in
Woking (live and work in the borough)	25430	
Surrey districts	11,530	11,670
London boroughs	6,283	1,495
Rest of the south east	3,414	4,471
Rest of the UK	1,192	-
Total	22,419	17,636

Source: Annual population survey 2011, ONS

Car ownership

The majority of journeys in the borough for distance travelled to work are between 0-20km; therefore these are the journeys that are typically undertaken by the car and sustainable modes of travel of walking and cycling.

According to RAC Foundation census research (car ownership rates per local authority in England and Wales, 2012) there has been a slight decrease in the number of cars/vans per 1000 people since 2001, down by 1.3% to 570. The number of households with a car/van has only marginally decreased by 0.1% therefore the drop in cars/vans has fallen as an average overall, rather than an increase of households with no cars. Compared to other Local Authorities across the country, Woking is the only Surrey borough to experience an increase in the percentage of households with no car/vans and a fall in overall percentage change (since 2001) of car ownership per 1,000 people. Woking does appear to be part of a south east regional trend of authorities with good travel connections, such as Elmbridge and the vast majority of the London Boroughs, and this could be the start of a long term trend of lower car ownership rates in Woking. This is also anticipated to be reinforced by the spatial strategy of the Core Strategy which directs new development to previously developed land, in particular Woking town centre, which offers the best access to a range of services and facilities.

The fall in average number of cars has occurred in households with two or fewer cars, as shown in Table 2 below. In contrast, the percentage of households with three cars has remained the same and the number of households with four or more cars has increased.

Table 2: Household car ownership levels

Number of cars or vans in household (%)	2001	2011
No cars or vans	30.6	31.7
One	54.3	53.3
Two	13.7	13.5
Three	1.1	1.1
Four or more	0.3	0.4

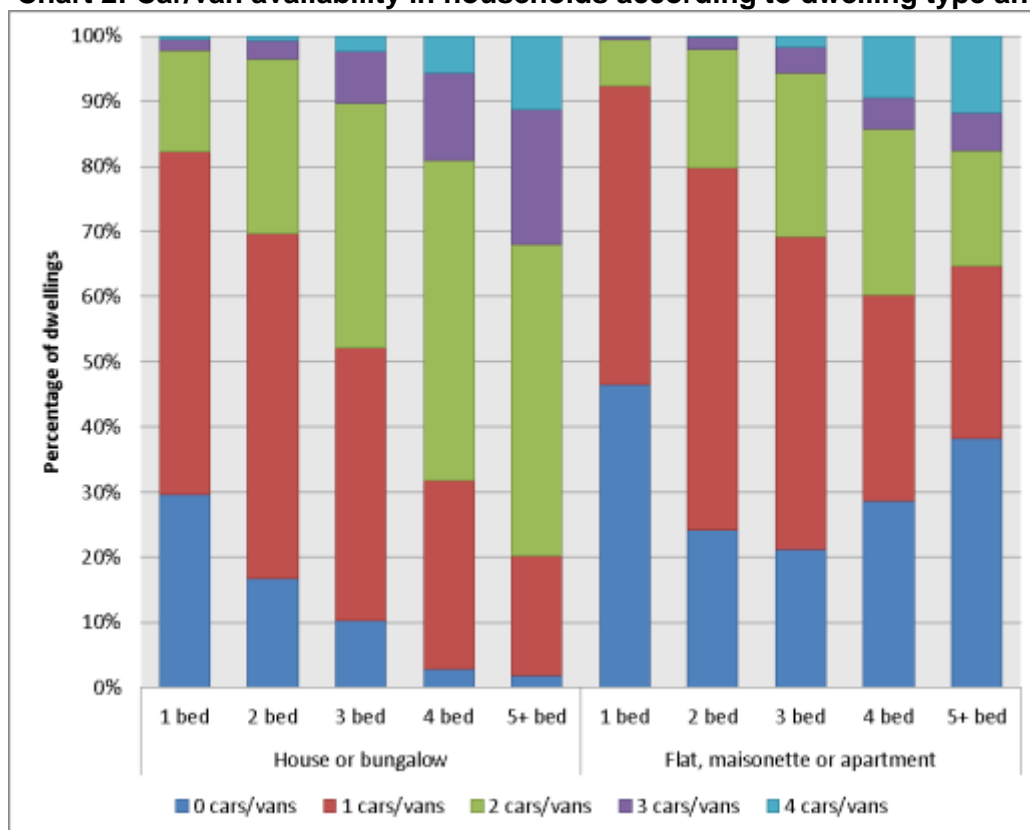
Source: 2011 Census

Dwelling type

Cars or van availability per household varies according to household size and type, as shown in Chart 2 below. The average level of car ownership for households increases with number of bedrooms. Furthermore it can be seen that for all flat sizes, when compared against the corresponding number of bedroom houses/bungalows, have a lower average

level of car ownership, whilst the difference between type of dwelling is lower the fewer bedrooms a dwelling has.

Chart 2: Car/van availability in households according to dwelling type and size



		Number of cars or vans available in household						Average
		Total	0	1	2	3	4	
House or bungalow	Total	29,917	2,753	11,454	11,691	2,870	1,149	
	1 bedroom	984	292	518	153	16	5	0.91
	2 bedrooms	4,798	801	2,538	1,290	137	32	1.18
	3 bedrooms	13,562	1,389	5,683	5,087	1,076	327	1.50
	4 bedrooms	7,357	211	2,123	3,625	979	419	1.90
	5+ bedrooms	3,216	60	592	1,536	662	366	2.21
Flat, maisonette or apartment	Total	9,429	3,220	4,750	1,297	126	36	
	1 bedroom	4,251	1,980	1,947	303	15	6	0.62
	2 bedrooms	4,421	1,069	2,457	806	80	9	0.98
	3 bedrooms	660	140	317	166	26	11	1.17
	4 bedrooms	63	18	20	16	3	6	1.35
	5+ bedrooms	34	13	9	6	2	4	1.26

Source: Census 2011

Previous parking standards

The previous Woking Parking Standards SPD was published in July 2006. In line with national guidance at the time the document specified maximum standards for all forms of development. One of the overall aims of the SPD was to achieve an average of no more

than 1.5 spaces per new dwelling across the borough. This target was met, with the average number of parking spaces for new developments not exceeding 1.4 spaces per dwelling. In 2013 completed developments on average, had just under 1 space per dwelling.

The NPPF removed the national policy stipulation of requiring maximum parking standards for residential and non-residential developments. Subsequently Policy CS18: Transport and accessibility of the Core Strategy sets maximum standards for all types of non-residential development and minimum standards for residential development.

This SPD brings the parking standards up-to-date, reflecting both national policy and the requirements of the Core Strategy.

Residential parking

Research has shown that residential car ownership rates are affected by ability of residents to reach important destinations by other modes and also dwelling size, type and tenure (Transport, 2007). Therefore when setting parking rates both the location and type of dwelling will be taken into consideration.

There is a high level of residents in the borough requesting dropped kerbs to enable them to create off street parking (91 dwellings in 2013). This has led to a number of front gardens being converted, increasing the amount of hard-standing and therefore rainwater run-off and also potential having a negative aesthetic and character impact on the street scene.

These factors demonstrate the negative implications of under-provision of residential parking and highlight the need to address the design and layout of parking within developments at the design stage. This also shows, in conformity with research undertaken by CABE, that residents feel attempts to restrict parking spaces to curb car ownership are unrealistic and unlikely to have an impact (CABE, 2005). This however needs to be balanced with the identified trend of decreasing car ownership in the borough and the spatial strategy of the Core Strategy which focusses development towards Woking town centre.

One option to increase the efficient use of land, whilst still maintaining sufficient parking levels is through unallocated communal parking. Unallocated communal parking can provide many benefits, including:

- only have to provide for average levels of car ownership
- allows for changes in car ownership between individual dwellings over time
- provides for both residential and visitor needs
- caters for the differences in parking demand from mixed uses, which usually peak at different times of the day to residential demand.

Woking town centre is a good example of this type of unallocated shared parking. Several of the public car parks in the town centre share demand from a variety of users, including residential, as some of the new town centre flatted developments have entered into an agreement with the Council to provide residents with parking permits at a reduced rate.

Garages

The provision of parking through garages cannot be guaranteed as many occupiers will use the garage for uses other than car parking, such as storage or conversion into living space. Numerous studies have found that less than half of garages were used for parking. This however also needs to be balanced against the increase in the size of the average car

which has rendered many garages built in the past unable to accommodate large modern cars. For garages to be effective at providing and being utilised as parking spaces, they will need to be of sufficient size to accommodate a modern car and the associated dwelling will need to provide sufficient levels of storage. Car ports differ to garages because they are not enclosed and therefore they are unlikely to be used for storage.

4. Proposed parking standards

The following section sets out the parking standards for all forms of development.

4.1 Residential parking

Residential parking standards are given in Table 3 below. Clear minimum standards have been set to ensure that sufficient parking is provided within developments and allows parking to be incorporated in the design stage.

The requirements have been developed through analysis of the household vehicle ownership levels in the borough and wider trends for the borough, examined in section 3.

Requirements in the main have been set below average car ownership levels to ensure efficient use of land and in anticipation of the continuation of trends which that has seen reducing car ownership levels in the borough; the development of Woking town centre as an economic centre – allowing more people to live and work in the borough; and the increasing use of public transport, in particular the train, to travel to work. However in some instances this has been balanced against the type of dwelling provided, such as houses and bungalows – these are less likely to share parking facilities and be located in high accessibility areas and therefore have been rounded up to the nearest whole parking space.

Differential standards based on location, due to the influence of availability of public transport and services was considered. The majority of new development is being directed to Woking town centre and this has been factored into the setting of the standards below the average car ownership levels. Furthermore dwellings are likely to be flatted in the town centre and therefore are subject to lower minimum requirements, whereas development in the rest of the borough will see a higher proportion of houses being built.

However, within flat type developments there is evidence, irrespective of the number of bedrooms/size, a significant proportion of households are without a car or van. These will be in locations that can easily access a wide variety of other transport means or employment opportunities, or make other parking arrangements. When examining the borough, Woking town centre is the only area that meets this requirement. Therefore in Woking town centre, where fully justified and evidenced within an application, on-site parking provision below the minimum standards set out below will be considered.

Table 3: Minimum on-site vehicle parking spaces required per dwelling:

Please note:

- Developments should ensure efficient use of land and provide appropriate levels of parking.
- On site provision below minimum standards will be considered for developments within Woking town centre.
- Allocated or unallocated parking is acceptable.
- Visitor parking is encouraged where appropriate. However, such spaces do not contribute towards the minimum parking standards set out in the table, which provide spaces per dwelling. At the discretion of the Council and based on the merits of the proposal, extra car parking spaces for visitors parking will be provided at a minimum rate of 10% of the total number of car parking spaces provided for the development.
- As a minimum it is expected that parking spaces will measure 2.4m by 4.8m. Parallel parking should be 6.0m by 2.0m. This is necessary to accommodate the nature and size of modern cars.
- Garages only contribute 50% of parking provision, providing they meet minimum size standards outlined in section 4.2 below, due to evidence indicating many are not used for parking purposes.
- There will be a condition on planning approvals to restrict the conversion of garages to habitable rooms.
- For major flatted developments and major volume residential developments provision of spaces for motor bikes is encouraged. When spaces are provided, they should have ground locks to assist security. As a guide development of 25 dwellings or more should give consideration to parking provision for motor bikes.

Number of bedrooms	Flat, apartment or maisonette	House or bungalow
1 bedroom	0.5	1
2 bedroom	1	1
3 bedroom	1	2
4 bedroom	1.5	3
5+ bedroom	2	3

4.2 Garages

Due to the predominance of garages being used for storage or converted into living space garages do not fully contribute towards parking provision. Where garages are being counted as parking provision minimum sizes have been implemented to ensure there is sufficient space to accommodate parking for a typical family car, and where necessary the space required for accessing and storing cycles.

Garages

- Garages only contribute 50% towards overall parking provision.
- The minimum size of a garage, when contributing towards parking provision, should be 6m x 3m.
- Where the garage is also being used as cycle storage the minimum size should be increased to either 6m x 4m or 7m x 3.3m.
- Sizes are net internal floorspace.

- Carports are unlikely to be used for storage and therefore can fully count towards parking provision.

4.3 Non-residential parking

As set out in the Core Strategy, maximum parking standards will be implemented for all types of non residential parking standards, including consideration of zero parking in Woking town centre. The Surrey County Council parking standards guidance has been examined and in most areas is very similar to the previous Woking parking standards SPD. Therefore the Surrey County Council guidance has been used as a basis for these standards. In a few areas the standards have been amended to be more suitable for local circumstances in Woking – in particular Woking town centre.

Woking town centre is highly accessible via many transport modes, suffers from congestion and has a huge demand for land. Therefore more stringent standards – 50% reduction – applies for Woking town centre (as defined on the Proposals Map), to balance all of these needs. This approach was undertaken in the previous Woking parking standards SPD and has been successful in increasing the use of sustainable transport modes of travel and in directing parking into public car parks, thereby gaining the benefits derived from unallocated shared parking.

Guidance has also been provided on disabled parking and school parking.

Notes for non-residential parking standards:

- All parking levels relate to gross floor area and are recommended as a maximum unless otherwise stated.
- Provision for uses marked “individual assessment/justification” will require their own justification and the inclusion of parking management plans, travel plans and cycle strategies where appropriate. It should be demonstrated that demand for parking is either met on site or mitigated and managed as appropriate.
- Levels of parking per member of staff (full time equivalent) should be calculated using the average of those employed on site at any one time.

Part A Use Classes

The following maximum parking standards for Part A Use Classes have locational reductions applied, stated in the notes below the table.

Woking town centre is a highly sustainable and accessible location with huge pressure on the demand for land. To ensure the efficient use of land in this area zero parking has been applied, in line with Core Strategy Policy CS18: Transport and accessibility.

Please note: <ul style="list-style-type: none"> - Zero parking in Woking town centre (as defined on the Proposals Map). - 50% reduction recommended for District, Local and Neighbourhood Centres and shopping parades. 	
Use Class	MAXIMUM per m ² GFA
A1 Retail	
Food or non-food retail eg: small parades of shops serving the local community (up to 500m ²)	1 car space per 30m ²
Food retail (500 m ² to 1000m ²)	1 car space per 25m ²
Food retail (above 1000m ²)	1 car space per 14m ²
Non-food retail (500m ² or more)	1 car space per 25m ²
A2 Financial and professional services	
Banks, building societies, estate agents and other agencies, betting shops	1 car space per 30m ²
A3 Food and drink	
Restaurants, snack bars and café's. For sale & consumption on the premises	1 car space per 6m ²
A4 Drinking establishments	
Public houses, wine bars or other drinking establishments but not nightclubs	Individual assessment/justification
A5 Hot Food Takeaways	
For sale & consumption of hot food off the premises	1 car space per 6m ²

Part B Use Classes

The following maximum parking standards for Part B1 Use Class has locational reductions applied, stated in the notes below the table.

Woking town centre is a highly sustainable and accessible location with huge pressure on the demand for land. To ensure the efficient use of land in this area reduced parking levels have been applied. Where appropriate zero parking is encouraged for Woking town centre.

Please note:	
- Woking town centre and West Byfleet district centre boundaries – as defined on the Proposals Map.	
Use Class	MAXIMUM per m² GFA
B1 Business	
Offices, research & development, light industry appropriate in a residential area – threshold of 2500m ²	1 car space per 30m ² 1 car space per 100m ² in Woking town centre 1 car space per 50m ² in West Byfleet district centre
B2 General Industrial	
General industrial use	1 car space per 30m ² 50% reduction in Woking town centre
B8 Storage/distribution (including open air storage)	
Warehouse – storage	1 car space per 100m ² 1 lorry space per 200m ² 50% reduction in Woking town centre
Warehouse – distribution	1 car space per 70m ² 1 lorry space per 200m ² 50% reduction in Woking town centre
Cash and carry	1 car space per 70m ² 1 lorry space per 200m ² 50% reduction in Woking town centre

Part C Use Classes

Please note: <ul style="list-style-type: none"> - 50% reduction applies for Woking town centre (as defined on the Proposals Map) for all C use classes outlined in this table (excluding C3 dwelling houses). - Zero or shared parking, where appropriate, is encouraged in Woking town centre. 	
Use Class	MAXIMUM
C1 Hotels	
Hotels, boarding and guest houses where no significant care is provided	1.5 car spaces per bedroom plus 1 coach space per 100 bedrooms OR Individual assessment/justification 50% reduction in Woking town centre
C2 Residential Institutions	
Care home Nursing home	1 car space per 2 residents OR Individual assessment/justification 50% reduction in Woking town centre
Hospitals	1 car space per 4 staff plus 1 car space per 3 daily visitors OR Individual assessment/justification 50% reduction in Woking town centre
Residential colleges	Individual assessment/justification 50% reduction in Woking town centre
Training centres	1 car space per 2 staff OR Individual assessment/justification 50% reduction in Woking town centre
C3 Dwelling houses	
Family houses, up to 6 residents living as a single household, including households where care is provided	See section 4.1, Table 3 on page 16
Sheltered	1 car space per 1 or 2 bed self contained unit OR 0.5 per communal unit OR Individual Assessment 50% reduction in Woking town centre

Part D Use Classes

Please note:	
- 50% reduction applies for Woking town centre (as defined on the Proposals Map) for all Part D use classes.	
- Zero or shared parking, where appropriate, is encouraged in Woking town centre.	
Use Class	MAXIMUM
D1 Non-residential institutions	
Day Nurseries/Crèche	0.75 car spaces per member of staff plus 0.2 spaces per child
Doctor's practices	1 car space per consulting room remaining spaces on individual assessment
Dentist's practices	1 car space per consulting room remaining spaces on individual assessment
Veterinary practices	1 car space per consulting room remaining spaces on individual assessment
Libraries, museums and art galleries	1 car space per 30m ² OR Individual assessment/justification
Public halls licensed for entertainment, unlicensed youth and community centres and Scout huts etc	1 car space per 3 persons OR per 3 seats OR per 20 m ² OR Individual assessment/justification
Places of worship	1 car space per 10 seats OR Individual assessment/justification
Schools/colleges/children's centres	Individual assessment/justification – see additional notes in section 4.5 on page 22
D2 Assembly and leisure	
Theatres, cinemas, bingo clubs, dance halls and clubs	1 car space per 5 licensed persons OR Individual assessment/justification
Conference Centres	1 car space per 5 seats OR Individual assessment/justification
Exhibition Halls	1 car space per 6 m ² OR Individual assessment/justification
Stadia	1 car space per 15 seats OR individual assessment/justification
Health clubs/leisure centres	Individual assessment/justification
Tennis and Badminton Clubs	4 car spaces per court OR Individual assessment/justification
Squash Clubs	2 car spaces per court OR Individual assessment/justification
Marinas and water sports	3 car spaces per hectare of water OR Individual assessment/justification
Field Sports Clubs	1 car space per 2 playing participants OR Individual assessment/justification
Golf Clubs and driving ranges	1 car space per 0.3 holes OR per driving bay OR Individual assessment/justification
Equestrian centres	1 car space per stable OR Individual assessment/justification

Other uses and Sui Generis

Please note: - 50% reduction applies for Woking town centre (as defined on the Proposals Map) for all other use classes listed below.	
Use Class	MAXIMUM
Other uses	
Pick your own fruit farms	9 car spaces per hectare of farmland OR Individual assessment/justification
Vehicle repair, garage and spares stores	1 car space per 20m ² OR Individual assessment/justification
Car sales establishments	1 car space per 50m ² car display area OR Individual assessment/justification
Exhaust and tyre centres	1 car space per 0.3-0.5 bays OR Individual assessment/justification
Sui Generis and all other uses not mentioned above	Individual assessment/justification

4.4 Accessible parking

For non-residential development it is the responsibility of site occupiers to ensure adequate exclusive provision is made for the needs of people with disabilities to provide access in a socially inclusive way, under the Equalities Act 2010.

Accessible parking <ul style="list-style-type: none"> - Parking for disabled drivers should be designed and provided in accordance with the latest appropriate guidance. - Accessible parking provision is to be included in addition to the overall vehicle parking provision. Provision (according to current government guidance)		
Car park used for:	Car park size	
	Up to 200 bays	Over 200 bays
Employees and visitors to business premises	Individual bays for each disabled employee plus 2 bays, or 5% of total capacity, whichever is greater	6 bays plus 2% of total capacity
Shopping, recreation and leisure	3 bays or 6% of total capacity, whichever is greater	4 bays plus 4% of total capacity
Sizing <p>Spaces should have minimum dimensions of 4.8m x 2.4m with additional space:</p> <ol style="list-style-type: none"> Where bays are parallel to access aisle and access is available from the side and extra length of at least 1.8m, or, Where bays are perpendicular to the access aisle, an additional width of at least 1.2m along each side to provide an access zone, where bays are adjacent this space can serve both sides. There should also be a 1.2m wide safety zone to the rear for boot and rear hoist access. <p>Accessible spaces should be located no further than 50m from an accessible entrance (ideally the main entrance), free from steps, bollards and steep slopes, clearly signed and under cover.</p>		

Further guidance can be obtained from the Department for Transport's Traffic Advisory Leaflet 05/95 Parking for Disabled People and Inclusive Mobility, both available from www.dft.gov.uk and British Standard (BS) 8300 'Design of buildings and their approaches to meet the needs of disabled people Code of practice'.

4.5 School Parking

New schools, or those where expansion is proposed, are expected to develop, update and monitor School Travel Plans.

Cars

Operational requirements (broadly defined as staff and visitors) should be provided for only, together with overflow parking areas for community uses. Parent parking and pupil parking should not be provided as this is a disincentive to travelling by sustainable modes. Existing sites may be an exception if further on-street parking reduces highway safety or emergency access.

Measures to discourage parking should be considered first and could include car sharing, staggered school days, parking restrictions, parking permits issued on the basis of need and other measures as appropriate.

A parking management plan should be prepared and submitted as an integral part of any planning application where parking is an acknowledged problem.

Coach/bus

On all new school sites where it is likely that pupils will travel to and from school in coaches, sufficient space should be reserved to allow coaches to enter the site, drop off and pick up pupils. Where appropriate, bus stops, bays, raised kerbs, seating and shelters shall be provided on the highway by the applicant.

Cycle and non-motorised scooters

Provision of cycle and non-motorised scooter (for pre-school and primary schools) parking will be a condition of any new or expanded school. Whenever possible, improvements to cycle routes and other appropriate safety measures should be provided by the applicant.

4.6 Cycle parking

The provision of good quality cycle parking supports cycling as a means of transport and is therefore critical to increasing the use of cycles.

Please note: <ul style="list-style-type: none"> - Cycle parking should be designed and provided in accordance with the appropriate government guidance. - Parking should be provided on-site, however where it is demonstrated it is not practical to locate cycle parking within the development site developers should liaise with neighbouring premises and the Council to identify potential for, and fund appropriate off-site cycle parking. - The design should allow for a cycle to be parked either side and both wheels to be easily locked to the stand, such as the Sheffield, 'A' frame or CaMden type stands. Development should not be using styles of cycle stand that hold a wheel. - Current guidance suggests that cycle parking should be sheltered from the weather, lit, secure, adequately signed, where there is natural surveillance and as close to the destination as possible (within 25m for short stay, 50m for longer stay). - Staff should be taken as the full time equivalent. - The floor areas specified apply to the built development. 	
Use Class	MINIMUM cycle parking
A1 Retail	
Food retail	1 space per 125m ² (town/local centre) 1 space per 350m ² (out of centre)
Non-food retail	1 space per 300m ² (town/local centre)
Garden Centre (can also be classed under sui generis)	1 space per 300m ² (min 2 spaces)
All other retail uses	Individual assessment
A2 Financial/professional services	1 space per 125m ²
A3 Food and drink	
Restaurants, snack bars and café's. For sale & consumption on the premises (if located beyond Town Centre locations).	1 space per 20 seats (min 2 spaces), town centre parking not necessarily required
A4 Drinking establishments	
Public houses, wine bars or other drinking establishments but not nightclubs (if located beyond Town Centre locations).	1 space per 100m ² (min 2 spaces), town centre parking not necessarily required
A5 Hot Food Takeaways	
For sale & consumption of hot food off the premises (if located beyond Town Centre locations).	1 space per 50 m ² (min 2 spaces), town centre parking not necessarily required

B1 Business	
Offices	1 space per 125m ² (min 2 spaces)
Research & development / light industry	1 space per 250m ² (min 2 spaces)
B2 General Industrial	1 space per 500m ² (min 2 spaces)
B8 Storage or distribution (inc. open air storage)	1 space per 500m ² (min 2 spaces)
C1 Hotels/Guest houses	Individual assessment
C2 Residential Institutions	
Care homes/Nursing homes	Individual assessment
Hospitals	Individual assessment
Residential colleges	1 space per 2 students
	1 space per 2 staff
Training centres	Individual assessment
C3 Dwelling houses (family houses, up to 6 residents living as a single household, including households where care is provided)	2 spaces per dwelling
D1 Non-residential institutions	
Day Nurseries/Crèche	1 space per 5 staff plus (min 2 spaces)
Doctor's practices	1 space per 2 consulting rooms (min 2 spaces)
Dentist's practices	1 space per 2 consulting rooms (min 2 spaces)
Veterinary practices	1 space per 2 consulting rooms (min 2 spaces)
Libraries, museums and art galleries	Individual assessment
Public halls licensed for entertainment, unlicensed youth and community centres and Scout huts etc	Individual assessment
Places of worship	Individual assessment
Schools/colleges	School Travel Plan required, to incorporate a site specific cycle strategy (see additional notes in section 4.5 on page 22)
D2 Assembly and leisure	Individual assessment
Sui Generis and all other uses not mentioned above	Individual assessment

5. Electric vehicle (EV) charging points

As part of the Council's commitment to achieving an energy efficient transport system and to cut carbon emissions the Council has produced a Climate Change SPD which sets out the requirement for new developments to provide EV charging points, in line with Core Strategy Policy CS22: Sustainable construction.

Full details and explanation of the requirements are set out in Section 6 of the Climate Change SPD. Applicants are advised to acquaint themselves with the requirements of the Climate Change SPD when developing their schemes.

The Climate Change SPD can be accessed by this link:
<http://www.woking2027.info/supplementary/climatechangespd>.

6. Monitoring and review

The application and review of these standards, in particular the minimum residential standards, should always be seen in the context of the overall objectives and aims of this SPD.

The standards form part of the Council's Local Development Framework (LDF) and seek to deliver the vision of the adopted Core Strategy. The effectiveness of these parking standards will depend on both the application of the requirements, but also on how well other measures such as cycle and pedestrian improvements that have been identified in the Core Strategy and other LDF documents are achieved.

The Parking Standards SPD will be measured against the following indicators annually through the Annual Monitoring Review (AMR):

- Number of vehicle parking provided per residential development (according to dwelling type and number of bedrooms).
- Number of vehicle parking provided per non-residential parking (according to development type).
- Number of cycle parking spaces provided per development.

A review of the parking standards will be undertaken every five years to ensure their continued applicability and effectiveness.

WOKING BOROUGH COUNCIL

DRAFT MINUTE EXTRACT FROM NOTES OF A MEETING OF THE LDF WORKING GROUP

HELD ON 6 MARCH 2018 IN BOARDROOM

Present: Councillor David Bittleston
Councillor Ashley Bowes
Councillor Mary Bridgeman
Councillor Kevin Davis
Councillor Louise Morales
Councillor Melanie Whitehand

Ernest Amoako
Stephanie Broadley
Terry De Sousa
Douglas Spinks
James Stanfield

Actions

5. **Parking Standards Supplementary Planning Document (SPD)**

Ernest Amoako provided a brief summary of the report which outlined the various responses to the consultation on the Parking Standards Supplementary Planning Document (SDP). The current Parking Standards Supplementary Planning Document allowed for a maximum provision of parking spaces in developments, which presumed that lower numbers of parking places could be provided in highly sustainable locations. The proposed Parking Standards Supplementary Planning Document recommended that a minimum provision should be set to allow the Planning Authority a higher degree of flexibility and would allow them to argue for a higher provision in places where they thought this was required. It would also allow the Planning Authority to refuse applications that did not meet this minimum requirement.

The Parking Standards Supplementary Planning Document (SDP) that had gone out to Consultation was previously approved by the LDF Working Group in January 2017. The Working Group was requested to recommend that the Parking Standards Supplementary Planning Document (SPD) be approved by Council at the meeting on 5 April 2018.

The Group were invited to make comments on the report and discussion ensued.

Councillor K Davis commented that he was appreciative of the additional note on page 47 of the report which referred to the consideration to be given to the parking provision of motor bikes. This had been one of Councillor K Davis' concerns but he was happy this addressed the point.

Councillor K Davis commented that he had grave concerns regarding the proposed provision of 0.5 parking spaces for one bedroom flats, apartments or maisonettes. Councillor M Whitehand and Councillor L

Morales also agreed with this view and it was thought that by not providing sufficient spaces this would push resident parking onto unsuitable roads and onto pavements. There was concern that the data used from the 2011 Census to inform these proposals was out of date and that car ownership trends had changed; specifically that there had been an increase.

Councillor D Bittleston disagreed with these comments and suggested that car ownership was likely to decline over the next 10-15 years when technology such as automatic cars was introduced. Councillor D Bittleston was keen that the Parking Standards Supplementary Planning Document should not hamper development by forcing car parking spaces that were not needed.

Councillor K Davis clarified that his comments regarding the provision of 0.5 parking spaces for one bedroom flats, apartments or maisonettes did not relate to the town centre and that he agreed there was no need for additional parking spaces in the town centre as season tickets for off-street car parks could be used. Councillor K Davis also commented that Councillor D Bittleston may be right regarding future technologies and the reduction of car ownership, however he was not happy to create a policy based on what 'might' happen in the future.

Following a query from Councillor L Morales regarding the conversion of garages, it was clarified by Officers that these Parking Standards would be applied to any new application regarding a new build house or an existing house that wanted to convert the garage. Any new planning applications would be considered on their own merit on a case by case basis.

The Chairman queried whether the evidence set out on page 43 justified the conclusion for only 0.5 parking spaces for one bedroom flats, apartments or maisonettes, as it was noted that over half of the dwellings (0.62) owned one car or more. Ernest Amoako advised the Group that an average had been applied to achieve these conclusions and that the methodology applied had rounded up the figure for houses/bungalows and rounded down the figure for flats, apartments and maisonettes.

Ernest Amoako commented that an increase in the provision of parking conflicted with the Councils objectives to maximise use of land and to minimise congestion and that this must be balanced.

Concerned by the data used, Councillor L Morales commented that the Parking Standards SPD should not impose the car ownership statistics of the town centre on the rest of the Borough. Ernest Amoako advised the Group that this point was discussed by the Group at their last meeting where it was concluded that setting a separate standard for every single area would be difficult to do. This is why an average had been applied and a minimum standard was proposed to allow flexibility. Douglas Spinks commented that there was a note in the Parking Standards SPD that allowed for this provision to be reduced in the town centre.

In his original comments, Councillor K Davis had suggested an amendment to the visitor parking guidance may address his concerns as this would allow some flexibility for parking where there was a high concentration on one-bedroom apartments. Following discussion it was proposed and duly seconded that this paragraph be changed to read 'Visitor parking is encouraged where appropriate. However, such spaces do not contribute towards the minimum parking standards set out in the table, which provide spaces per dwelling. At the discretion of the Council and based on the merits of the proposal, extra car parking spaces for visitors parking ~~may~~ **will** be provided up to a ~~maximum~~ **minimum** rate of 10% of the total number of car parking spaces provided for the development.'

The Group agreed the amendments details above.

Recommendation

Subject to the agreed amendment detailed in these minutes, the Working Group requests the Executive to recommend to Council that:

- (i) The various representations to the Parking Standards Supplementary Planning Document consultation together with the Officer's responses and recommendations as set out in Appendix 1 be noted;**
- (ii) Subject to the proposed modifications, the Parking Standards Supplementary Planning Document in Appendix 2 be adopted for the purposes of managing development across the Borough;**
- (iii) The requirements of the Parking Standards Supplementary Planning Document should apply to all relevant planning decisions on and after the date of adoption, in this case 5 April 2018; and**
- (iv) Authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to approve amendments to the revised SPD to reflect new information before it is adopted.**

EXECUTIVE - 22 MARCH 2018

SELF-BUILD AND CUSTOM HOUSEBUILDING GUIDANCE NOTE

Executive Summary

The purpose of the report is to outline the various responses to the consultation on the Self-build and Custom Housebuilding Guidance Note and requests the Executive to recommend to Council to approve it as Guidance Note for individuals and organisations who wish to acquire serviced plots for self build or custom housebuilding. The Executive, at its meeting on 23 March 2017, approved the Guidance Note for a six weeks consultation between 7 April 2017 and 22 May 2017. A total of four individuals and organisations made representations. The representations were either in support of the Guidance Note or had no further comments to make. In this regard, Officers are not proposing any further modifications to the draft Guidance Note that was approved by the Executive for consultation. A copy of the Guidance Note is attached as Appendix 1.

Subject to the recommendations of the Executive, it is intended that the report will go to the 5 April 2018 meeting of Council for adoption. The Guidance Note will provide useful advice to individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding.

The report will be considered by the LDF Working Group at its meeting on 6 March 2018. The Minute of the meeting will be attached as Appendix 2.

Reasons for Decision

To enable the Council to comply with the Self-build and Custom Housebuilding Act (2015) and the Self-build and Custom Housebuilding (Register) Regulations 2016.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- (i) the draft Self-build and Custom Housebuilding Guidance Note, as set out in Appendix 1 to the report, be adopted as Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding; and
- (ii) authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, to approve any amendments to the draft Guidance Note to reflect new information before it is approved, and thereafter to make sure that the Guidance Note is regularly reviewed to bring it up to date.

The item will have to be dealt with by way of a recommendation to Council.

Background Papers:

None.

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Date Published:

16 March 2018

1.0 Introduction

- 1.1 A key priority of the Government is to boost the supply of housing by a variety of means to meet the varied housing needs of people across the country. Self-build and Custom Housebuilding has been identified by the Government as a significant source of housing supply. To facilitate its delivery, the Self-build and Custom Housebuilding Act (2015) was published in March 2015. The Self-build and Custom Housebuilding (Register) Regulations 2016 was published in February 2016 to define in detail the relevant requirements of the Act. The Housing and Planning Act 2016 makes a number of amendments to the Self-build and Custom Housebuilding Act (2015) to remove further barriers to the delivery of self-build and custom housebuilding.
- 1.2 The Self-build and Custom Housebuilding Act (2015) and the accompanying Regulations places a duty on the Council to keep a register of individuals or associations of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and to have regard to the register in carrying out its planning, housing, regeneration and disposal of land functions.
- 1.3 Anyone who wishes to be registered will be eligible if they are:
 - Aged 18 or over;
 - A British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; and
 - Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area to build a house to occupy as the sole or main residence.
- 1.4 The Council has put in place a procedure to ensure that the above eligibility criteria are met. The Regulations allow scope for the Council to introduce additional local eligibility criteria such as local connections and/or financial viability assessment. The Regulations also allows the Council to charge applicants a specified fee for administering the register.
- 1.5 An application to be registered must be made in writing stating the name and address, date of birth, nationality and confirmation that the applicant is seeking (either alone or with others) to acquire a serviced plot. If the applicant is an association, the name of the association must also be stated in addition to the details of each individual of the association. The number of serviced plots that the members of the association are seeking must be stated.
- 1.6 The Council has established a self-build and custom housebuilding register in compliance with the Act and Regulations.
- 1.7 The Housing and Planning Act 2016 requires the Council to give suitable development permission in respect of enough serviced plots of land to meet the demand for self build and custom housebuilding arising in the Borough in each base period. The Housing and Planning Act defines the period covered by the base year. The Council must notify qualified applicants on the register of any available serviced plots within the base year. Planning applications for self-build and custom housebuilding must be determined within 28 days of the date that the application was received.
- 1.8 Given the operational nature of managing the register, informing applicants of the availability of serviced plots and the requirement to determine planning applications within a specified tight timetable and the frequency they occur, the Executive has given the Deputy Chief Executive delegated authority to make sure that the requirements of the Act and the Regulations are met.

- 1.9 The Deputy Chief Executive deemed it necessary to prepare the Self-build and Custom Housebuilding Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding. This is in line with the requirements of Policy DM12: *Self-build and Custom Build Houses* of the Development Management Policies Development Plan Document (DPD). The draft Guidance Note was considered and supported by the Working Group on 30 January 2017 and approved for targeted consultation by the Executive at its meeting on 23 March 2017. The draft Guidance Note is included in Appendix 1. The consultation was for a period of six weeks between 7 April 2017 and 22 May 2017. Only four individuals and organisations submitted representations and they are all either in broad support or have nothing further to add to the Guidance Note. In this regard, no further modifications are being proposed to the draft Guidance Note and the Executive is requested to recommend its adoption to Council.

2.0 Next steps

- 2.1 Subject to the recommendations of the Executive, it is intended that the report will be considered by Council on 5 April 2018 with a request to adopt the Guidance Note. The Guidance Note will take effect from the date of adoption. When it is adopted, the Guidance Note will provide useful guidance for everyone who wishes to acquire serviced plots for self build and custom housebuilding.
- 2.2 The national emphasis on self build and custom housebuilding is relatively new. There is no doubt that lessons will continue to be learnt on self-build and custom housebuilding across the country. Officers will continue to explore opportunities for the provision of serviced plots and provide the necessary advice on how the requirements of the Act and Policy DM12 of the DM Policies DPD would apply. The Guidance Note is a positive start but will be a living document that will regularly be updated when new lessons are learnt and there is a change in national policy. Delegated authority is being sought for the Deputy Chief Executive to make sure that the Guidance Note is regularly brought up to date.

3.0 Conclusion

- 3.1 The Council has a statutory duty to set up a register of individuals and associations of individuals who are seeking to acquire serviced plots and to take it into account in a number of its nationally prescribed functions. A register has been established. The Council also has an adopted Development Plan policy on self-build and custom housebuilding. This offers a sound policy framework to justify planning decisions. National and local policies on self building and custom housebuilding are relatively new. In this regard, the Guidance Note is expected to serve as a significant positive step forward in providing useful guidance to everyone interested in self build and custom housebuilding. It is therefore requested that the Executive recommends its adoption to Council.

4.0 Implications

Financial

- 4.1 The cost of preparing the Guidance Note and meeting the requirements of the Act will be met from existing Planning Policy Service Plan budget and approved Investment Programme. In future, if the Council decides to charge a fee for administering the register, it could generate some income to offset any administrative costs. At this stage it will be difficult to estimate how much income could be secured. An estimate will be given when a pattern of demand is established over time. It is worth noting that self-build is exempt from

Community Infrastructure Levy (CIL) payment. This could have potential implications on CIL income.

Human Resource/Training and Development

- 4.2 The duties under the Act might require an initial training of both Council Officers and Members. This could be covered as part of the usual Members training. Officers are required to determine applications for self-build and custom housebuilding within 28 days of receiving the application. This could have potential implications on staff resources and could undermine current performance on determining planning applications. In particular, Officers might have to prioritise work to meet this deadline. Whilst the initial assessment is that the cost of this will be met from existing budget, it will have to be regularly monitored to see if any additional resources will be needed in future in order not to compromise current performance.

Community Safety

- 4.3 Addressed as part of the Sustainability Impact Assessment.

Risk Management

- 4.4 The Council has a statutory duty to carry out the requirements of the Self-build and Custom Housebuilding Act and its accompanying Regulations. The actions taken so far by Officers, including the advice provided in the draft Guidance Note, is a positive way forward in meeting the duties imposed by the Act.

Sustainability

- 4.5 Addressed as part of the Sustainability Impact Assessment.

Equalities

- 4.6 Addressed as part of the Equalities Impact Assessment. No specific impacts are identified.

5.0 Consultations

- 5.1 The Portfolio Holder for Planning has been consulted.

REPORT ENDS

EXE17-057

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy	X			
Meet local needs locally	X			
Opportunities for education and information			X	
Provision of appropriate and sustainable housing	X			
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place	X			



Woking Borough Council

Local Development Documents

**Self-build and Custom Housebuilding
Guidance Note**

April 2018



Produced by the Planning Policy Team

**For further information please contact:
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1.0 Introduction

1.1 The government is committed to increasing the supply of housing. The Self-build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016 place a duty on local planning authorities to keep a register of individuals and associations of individuals, who are seeking to acquire serviced plots of land for self-build and custom housebuilding in their area as well as have regard to the register when they are carrying out their planning, housing, regeneration and disposal of land functions.

1.2 The Development Management Policies Development Plan Document (DPD) (2016) states that the Council will support in principle the development of self-build and custom housebuilding (Policy DM12). The DPD commits the Council to prepare a guidance note to set out the detail and delivery mechanisms behind the policy. The Council believes that self-build and custom housebuilding, if managed properly, can make a meaningful contribution to the overall supply of housing in the area and consequently to the delivery of the Core Strategy. This guidance note provides the detail and further clarification on the self-build and custom housebuilding process, how the Council will support the delivery of serviced plots and sources of further information and advice. This guidance note is a living document that will be regularly reviewed.

2.0 What is self-build and custom build?

2.1 Self-Build and Custom build housing is housing built by individuals or groups for their own use, either by building the home on their own or by working with builders. Self-build and custom housing could provide homes to meet individual requirements that aren't available in the current market. There are various types of self-build and custom build projects including:

- Individual self/custom build - an individual purchases a plot of land and builds a house to live in. They may do some or all of the build themselves (self-build), or employ a builder, architect and in some cases, a project manager to oversee the build (custom housebuilding).
- Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project.
- Developer-led custom build - a developer divides a larger site into individual plots and provides a design and build service to purchasers. This gives people a chance to tailor existing house designs to suit their own preference and needs.

2.2 To clarify, self-build and custom housebuilding do not include speculative housing delivered by a developer. This also includes when a developer delivers speculative units and the purchaser chooses the final specification of for example the kitchen or bathroom, as this is outside the definition¹.

2.3 Self-build and custom housebuilding require practical experience in a number of construction trades. Individuals and associations will need to consider how they could get training or make sure that they can afford to pay for tradesmen to do the work. There are books, courses, and self-build companies and organisations that provide access to a range of publications, courses and resources.

¹ The Housing and Planning Act defines self-build and custom housebuilding as 'the building or completion by (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals.

3.0 What is the purpose of self-build and custom housebuilding registers?

3.1 The Self-build and Custom Housebuilding Act 2015 places a duty on Woking Borough Council to keep a register of individuals, and associations of individuals, who are seeking to acquire serviced plots of land in the Woking Borough area for their own self-build and custom housebuilding. The registers provide valuable information on need for self-build and custom housebuilding in Woking Borough and should form a key part of the Council's evidence base of demand for this type of housing. The Council must have regard to each self-build and custom house building register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. It is also a material consideration in the determination of planning applications.

4.0 How to register for self-build and custom build?

4.1 Government Regulations state that to be eligible for entry on to the Register, an individual must be:

- Aged 18 or over;
- A British citizen, a national of an EEA State other than the United Kingdom, or a national of Switzerland; and
- Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authorities area to build a house to occupy as that individual's sole or main residence.

4.2 If the applicant is a group or an association, then each member must fulfil the eligibility criteria. The Council will verify to make sure that applicants meet the eligibility requirements.

4.3 The Council has already opened a Register in accordance with the Act. In order to better understand the need for serviced plots, information relating to locational preferences within the Borough, the size of the plot required and the type of house they would like to build are required.

4.4 If any persons or associations would like to be added to the register please complete the Registration Form on the Council's website (<https://www.woking.gov.uk/planning/selfbuild>). The Council will determine any application within 28 days from when the application was received. Entry onto the Register however does not guarantee that a suitable plot will be identified or become available.

4.5 In order to keep the register up to date and accurately reflect local demand, the Council will contact registered individuals and associations at least once a year to reconfirm their interest. Similarly, if the interests expressed by individuals or their registered information also changes, they should inform the Council.

4.6 Due to the administration costs of maintaining the register, the Council will undertake regular reviews of whether to set a fee and at what level to join and or remain on the register.

5.0 Delivering serviced plots

5.1 Policy DM12 of the Development Management Policies DPD has an in principle support for self and custom housebuilding where they comply with all other relevant policies of the Development Plan. Nevertheless it is recognised by the Council that land is a finite resource in the borough and land values are high making it difficult for self and custom builders to acquire suitable plots of land for development.

5.2 Whilst it is recognised that not all sites and locations will meet the specific requirements of local demand, the Council will encourage where feasible the provision of serviced plots² within residential schemes that are in accordance with the Development Plan. This includes considering self-build opportunities as part of the regeneration or redevelopment of Council owned land and encouraging developers to set aside land within development sites as serviced plots for self-build and custom housebuilding.

5.3 A significant proportion of residential development in the borough's town, district, local and neighbourhood centres are likely to be flatted schemes, where serviced plots may not be possible. In this instance, the Council will encourage the provision of 'complete shell' or 'self-finish' units where the purchaser can then define internal layouts, finishes and fixings as well as any exterior landscaping for flats with private gardens.

5.4 The Localism Act 2011 empowers communities to create Neighbourhood Plans for their areas. Through Neighbourhood Planning, communities have the opportunity to encourage self-build and custom housebuilding by creating new planning policies or allocating new development sites in their neighbourhood areas to meet local needs. More information on Neighbourhood Planning is available on the Woking Borough Council website.

5.5 Plot providers should seek to provide a mix of serviced plot sizes to meet the range of demand and affordability. This may include plots for lower cost market housing, family accommodation and for older people looking to downsize from large family houses.

5.6 The range of plots provided on development schemes should be informed by evidence including the Strategic Housing Market Assessment, the self-build and custom housebuilding register as well as information from the Council's Planning and Housing teams.

5.7 The Council will liaise with landowners with planning permission on stalled sites to consider self-build or custom housebuilding as a way of bringing forward these sites. Subject to agreement with developers the Council will consider publishing details of unimplemented sites/plots for applicants on the Register to consider.

5.8 The Council will publish on its website sites that are available for disposal and can be considered for self-build and custom housebuilding. It will agree with prospective applicants about the means of disposal.

5.9 The Council will publish SHLAA (Strategic Housing Land Availability Assessment) sites as a source of potential serviced plots. The Council will facilitate bringing together applicants and landowners to highlight the potential benefits of self-build and custom housebuilding. This will be done through support and advice given to those on the Register, including arranging workshops and meetings with stakeholders interested in self-build and custom housebuilding.

5.10 The Council will encourage developers to consider self-build and custom housebuilding through the Site Allocations DPD process as a potential means of developing their land.

5.11 Proposals for self-build and custom housebuilding should be in accordance with the Development Plan for the area, including the Woking Core Strategy, the Development Management Policies DPD and adopted Neighbourhood Plans. The Council's Supplementary

² A serviced plot is defined as a parcel of land with legal access to a public highway, and at least waste foul drainage and electricity supply available at the plot boundary, or can be provided with those things in specified circumstances or within a specified period.

Planning Documents are also a material consideration in the determination of self-build and custom housebuilding proposals.

6.0 CIL Exemption

6.1 The CIL Regulations 2010 (as amended 2014) defines self-build housing for CIL exemption purposes as follows:

6.2 Housing built or commissioned by a person and occupied by that person as their sole or main residence for the duration of the clawback period (3 years).

6.3 Qualifying self-build developments will still be required to accept liability for the CIL and declare that their development is intended to be self-build, prior to the commencement of development. The self builder must remain as the occupant of the dwelling for a minimum of 3 years after completion. If the dwelling is sold or let within 3 years of completion, the Council will claw back the CIL liability, meaning the owner will have to pay the full CIL charge for the dwelling. Since the CIL is a land charge, this will appear on any 'search' a potential buyer carries out regarding the property. Occupancy will be monitored through Council tax and electoral roll records.

6.4 Exemption for self-build dwellings will only be permitted where there is a convincing case that the development is genuinely self-build development and in the spirit of the CIL self-build exemption regulations. The Council will not consider development to be self-build where there is insufficient evidence provided, including the information provided on the form referred to in Regulation 54B. Where a speculative developer is considered to be seeking to avoid CIL, for example by selling off-plan dwellings with customised features via a full or reserved matters planning application, the Council will not consider this to be true self-build for the purposes of gaining exemption from CIL.

6.5 It is also important to note that for developers reverting self-build plots back to speculative or regular open market plots, the CIL exemption will no longer apply and the dwellings will be liable for the full CIL levy.

7.0 Securing self-build and custom housebuilding

7.1 In order to ensure that serviced plots identified for self-build and custom housebuilding are delivered, the Council will require appropriate conditions to be put in place on any outline planning permission. On schemes providing a range of housing types and tenures, development proposals should be divided into separate phases for site infrastructure, speculative development and each serviced plot. This should ensure that the delivery of self-build and custom housebuilding is not stalled and that CIL and any Section 106 obligations are triggered correctly.

7.3 A Section 106 Agreement can restrict the availability of finance from banks or building societies and this should be considered at an early stage by any persons or associations interested in self-build and custom housebuilding.

8.0 Affordable housing and self-build and custom housebuilding

8.1 The Council will continue to explore how self-build and custom housebuilding can qualify as an affordable housing product and this will be covered in future reviews of this guidance.

9.0 Design Requirements

9.1 To ensure that self-build and custom housebuilding is of high quality design, sites with multiple serviced plots will be required to be supported by a Design Code³. A Design Code should be prepared by the plot provider at the outline planning stage and should provide the Council as well as potential self and custom housebuilders with a clear set of design rules and parameters that future development will have to comply with. Design Codes vary depending on the amount of development proposed and the context of the site.

9.2 Nevertheless a Design Code may include some or all of the following:

- Building height, massing and bulk
- Plot size and width
- Plot ratios, site coverage and density
- Urban grain – street and building pattern and connectivity
- Building lines and boundary treatments
- Building orientation
- Landscaping and the public realm
- Building frontage and townscape features
- Car parking and cycle provision and access
- Provision of waste and recycling storage

9.3 A Plot Passport can provide potential plot purchasers with a simple and concise summary of the design parameters for a specific plot. It should clearly show the plot location, permissible building lines, heights and footprints as well as separation distances to adjacent plots. A Plot Passport should also be clear about the number of dwellings that can be built on a single plot as well as specify car parking provision and access arrangements. The Council will support the use of Plot Passports for self-build and custom housebuilding development where they are supported by a Design Code.

9.4 The Council recognises that modular housing, which is built off-site, can help deliver custom housebuilding that is more cost effective than traditional housing building methods. In order to promote design innovation and originality, the Council will support modular housing where it promotes or reinforces local character.

9.5 All residential development, including self-build and custom housebuilding, should comply with Core Strategy Policy CS21: Design, the design policies of the Development Management Policies DPD as well as the Design SPD (2015).

9.6 One of the benefits of self-build and custom housebuilding is the ability to design-in energy efficiency measures that can reduce the energy use and carbon emissions of the building. The Council will encourage self and custom housebuilders to exceed the minimum requirements of Core Strategy Policy CS22: Sustainable construction when designing self and custom build proposals. In particular [Passivhaus](#) and the underlying principles of Level 5 or 6 of Code for Sustainable Homes will be supported (or any future equivalents).

9.7 Proposals for renewable energy installations, such as ground source heat pumps or photovoltaic cells, will be supported provided the policy requirements of Core Strategy (Policy

³ PPG: Design Codes

http://planningguidance.communities.gov.uk/blog/guidance/design/which-planning-processes-and-tools-can-we-use-to-help-achieve-good-design/#paragraph_036

CS23: Renewable and low carbon energy generation) and the other policies of the Development Plan have been addressed. In these cases, the Council will consider each proposal on their individual merits with regards to scale, location, technology type and cumulative impact on the surrounding area.

10.0 Monitoring

10.1 The Council will publish in the Annual Monitoring Report (AMR) the number of individuals and associations on its self-build and custom housebuilding register as well as the number of plots secured through planning permissions. The number of serviced plots delivered during the reporting year will be monitored through CIL exemption certificates.

10.2 The Council will also publish information relating to the type of plots required by those on its register and any location preferences. It is expected that this information will help inform the delivery of serviced plots across the Borough.

11.0 Further advice and information

11.1 The Self Build Portal (www.selfbuildportal.org.uk/) provides a wide range of information on self-build and custom housebuilding. It is produced by the National Custom and Self Build Association (NaCSBA).

11.2 NaCSBA has also assembled an online toolkit to provide further information on and highlight examples of self build and custom housebuilding from the UK and Europe. The toolkit can be found at www.customandselfbuildtoolkit.org.uk.

11.3 There is a range of information including self-build finance providers and insurers set out on the [Build Store](#) website (please note that this is a commercial website and the Council is not responsible for its content).

11.4 The Government has also prepared a [Planning Practice Guidance](#) on Self-build and Custom Housebuilding.

11.5 The Council offers a pre-application advice service and applicants are encouraged to use this service at an early stage of the development process. Further information on the Council's pre-application advice service can be found [here](#). This service may be particularly helpful for sites with significant development constraints such as flooding or land contamination.

11.6 Once planning permission has been secured any self-build or custom housebuilding project will be required to be designed and built in accordance with Building Regulations and associated legislation. The Council's [Building Control](#) Team can provide more information on what is required at each stage of the design and construction process.

11.7 The construction of new build dwellings is not subject to VAT, so self builders can reclaim their VAT within 3 months of completing the work. Further information should be sought from [HMRC](#).

11.8 The Development Plan for Woking includes the Woking Core Strategy, Development Management Policies DPD and various guidance documents (SPD). These can be found on the [Woking2027](#) website.

12.0 Legislation

12.1 The [Self-build and Custom Housebuilding Act 2015](#) requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes.

12.2 The [Self-build and Custom Housebuilding \(Register\) Regulations 2016](#) made under the Act provides guidance on designing and administration of the Register.

12.3 The [Housing and Planning Act 2016](#) sets out the duties local planning authorities are required to meet regarding self-build and custom housebuilding.

WOKING BOROUGH COUNCIL

DRAFT MINUTE EXTRACT FROM NOTES OF A MEETING OF THE LDF WORKING GROUP

HELD ON 6 MARCH 2018 IN BOARDROOM

Present: Councillor David Bittleston
Councillor Ashley Bowes
Councillor Mary Bridgeman
Councillor Kevin Davis
Councillor Louise Morales
Councillor Melanie Whitehand

Ernest Amoako
Stephanie Broadley
Terry De Sousa
Douglas Spinks
James Stanfield

Actions

6. Self-build and Custom Housebuilding Guidance Note

Ernest Amoako provided a brief summary of the report which outlined the various responses to the consultation on the Self-Build and Custom Housebuilding Guidance Note. It was noted that the representations received were either in support of the Guidance Note or had no further comments to make. No modifications to the Guidance note were proposed.

Recommendation

The Working Group requests the Executive to recommend to Council that:

- (i) The Self-build and Custom Housebuilding Guidance Note in Appendix 1 be approved as Guidance Note to provide useful advice for individuals and organisations who wish to acquire serviced plots for self build and custom housebuilding;**
- (ii) Authority be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Planning to approve amendments to the draft Guidance Note to reflect new information before it is approved and thereafter to make sure that the Guidance Note is regularly reviewed to bring it up to date.**

EXECUTIVE - 22 MARCH 2018

MEDIUM TERM FINANCIAL STRATEGY

Executive Summary

The current Medium Term Financial Strategy (MTFS) was approved by Council in April 2017. It outlined a strategy to mitigate against identified cost pressures over the period to 2021/22. Following the Council approval of the 2018/19 budget in February, this report provides an update on the outlook, considering future changes and actions taken over the last 12 months.

The MTFS has not been extended to cover an additional year at this review due to the funding uncertainties beyond 2019/20. It is unlikely that the position for 2020/21 and beyond will be clear until late in 2019. This will not allow much time should the results be significantly different from those assumed. Should the position become clearer during the year an update will be provided based on the new information.

Good progress has been made in securing income to offset the pressures on costs and lost sources of funding, however further savings are required. The MTFS suggests £3.5m of ongoing savings or income is required by 31 March 2022.

It is proposed that the Council continues the strategy of seeking strategic commercial opportunities, whilst encouraging the government to deliver a fair and sustainable medium term funding settlement.

Reasons for Decision

The decision is sought to set the framework for Officers to develop detailed proposals for consideration, in due course, by the Council to ensure the medium term financial stability of the Council in the context of its objective to support growth and to maintain services for local people.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

the Medium Term Financial Strategy report be approved and the Executive authorised to prepare an Investment Strategy for consideration as part of the Budget process for 2019/20 which would generate sufficient income to avoid reduction in services for local people.

This item will need to be dealt with by way of a recommendation to Council.
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Background Papers:

DCLG Consultation – Fair funding review: a review of relative needs and resources, December 2017

Sustainability Impact Assessment
Equalities Impact Assessment

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Date Published:

16 March 2018

1.0 Introduction

- 1.1 On 8 February this year the Council approved the budget and Council Tax for 2018/19, the Investment Programme, Housing Revenue Account budgets and Treasury Management Strategy including Prudential Indicators.
- 1.2 This report considers in more detail the financial forecasts for the years from 2019/20 to 2021/22. It updates the position and approach previously approved by Council in the April 2017 Medium Term Financial Strategy (MTFS).
- 1.3 The position has been updated to take into consideration decisions which have been made over the last year and the work completed to set the budget for 2018/19. It has been necessary to make assumptions to generate many of these figures due to continued uncertainties. It is not possible to calculate the impact of known changes exactly and it is even more difficult to predict changes which are yet to be determined by government or other entities. As such, the figures are indicative and detail is provided on the assumptions which can be updated over time as further information becomes available.
- 1.4 The forecast has not been updated to include an additional year due to the uncertainties in government funding from 2020/21 onwards. Current assumed reductions in support may or may not materialise beyond 2019/20, and may not continue. In 2021/22 it is assumed that there is £236,000 of Business Rates and £600,000 of New Homes Bonus remaining.
- 1.5 Sections 3-7 summarise the key budget areas and set out the assumptions made.
- 1.6 Sections 8-11 consider the impact of the Council's Investment Programme proposals.
- 1.7 Section 12 sets out the overall cost pressures and Section 13 sets out the recommended approach, based on maintaining the Council's strategy of not reducing services in the Borough.

2.0 Update since last MTFS

- 2.1 The MTFS was last approved by the Council in April 2017, and set out a strategy to secure financial stability over the period to 2020/21. Since then the Council has made progress on a series of strategic projects, some directly related to the MTFS. A partial update was provided as part of budget setting in February 2018.
- 2.2 The Thameswey group published updated business plans in the autumn of 2017 which were considered by the Executive (November) and approved by Council (December). The plans included additional investment in Thameswey Housing Ltd and reflected the new Energy Centre at Poole Road approved by the Council in July 2017. The Council's investment programme approved in February 2018 incorporates the revised funding for the group and the MTFS includes income from interest margins on lending to the group.
- 2.3 Construction work is underway on both the Town Centre Integrated Transport project, and the Victoria Square Regeneration. The Victoria Square financial modelling was updated in November 2017 and further funding was approved for improved fire safety measures, additional residential properties and car parking. The Investment Programme reflects these higher costs. The additional car parking increases the cost for the Council to acquire the asset at the end of the construction phase. The impact of this is assessed in paragraph 8.9.
- 2.4 In November 2017 the Council acquired the Dukes Court office block, through the acquisition of its holding company. This had the benefits of protecting employment space

in the town centre, enabling regeneration of the surrounding area, and providing commercial rent income for the Council. The net income from the asset has been included in the 2018/19 base budget. In pursuing economic regeneration and sustainability plans the Council has acquired a number of strategic properties. These are all within the Borough and have a strategic purpose to the Council as well as generating income.

- 2.5 The February 2018 Investment Programme includes a £8.7m budget for further investment in Strategic Properties. This is the balance remaining from the previously approved budget allocation for this objective.
- 2.6 The Council approved advances to Thamesway Housing Ltd (THL) and Thamesway Developments Ltd (TDL) for the purchase of houses within the proposed Sheerwater development area, and to work up further detail on the scheme. An update on the project was provided to the Council in February with a further paper due for the April 2018 meeting. The costs incurred to date are being reported in the monthly 'Green Book' performance and financial monitoring information. The project is being delivered through the Council's group companies with loan finance being provided during the construction phase at no margin. Provisional costs of operating the leisure facilities which will be completed in the first phase of development are included in this MTFS.

3.0 Government support

- 3.1 The 2018 final settlement figures are shown in the table below. These are consistent with those provided when the Council accepted the multi-year settlement. Estimated figures are included for 2020/21 and 2021/22.

Government Funding

	4 year settlement - Updated Feb 2018			Estimated	
	2017/18 £'000	2018/19 £'000	2019/20 £'000	2020/21 £'000	2021/22 £'000
Business Rates	1,993	2,053	2,099	2,162	2,227
RSG					
Transition Grant	112				
Tariff adjustment			- 991	- 1,491	- 1,991
Total Funding	2,105	2,053	1,108	671	236
Reductions in funding	- 1,304	- 52	- 945	- 437	- 435

- 3.2 From 2020/21 it has been assumed that the tariff adjustment will increase by £500,000 pa and be offset by inflation of 3% in the Business Rates retained. In reality the introduction of the new Business Rates system will combine these two figures. The section below sets out further detail on the new arrangements.
- 3.3 If funding reductions continue beyond 2021/22 the Council could be in a position where it no longer receives any central funding. It is possible that from 2022/23 onwards the Council becomes a net contributor to the national system.

Business Rates

- 3.4 The Government plans to introduce a new system for the allocation of Business Rates from 2020/21. The new system will require baseline income and needs to be assessed. These levels will be used to determine the redistributive model within the scheme. This is

a significant risk as it will ultimately determine the financial impact of the transition to the new system (see table in 3.16).

- 3.5 Changes to Business Rates in recent years including Small Business Rates Relief, other discount schemes following the revaluation, and the change to from RPI inflation to CPI have been funded by the government at no cost to individual Councils.
- 3.6 The local authorities in Surrey have been accepted as a pilot for 100% Business Rates retention in 2018/19. This means that a greater proportion of Business Rates growth will be retained locally. At this stage the pilot is only for one year, although it may be extended to 2019/20.
- 3.7 Only £200k of benefit above baseline levels has been built into base budgets. However, actual income collected has been above the baseline level generating surpluses which have enabled the MTFs and Business Rates equalisation reserves to be established. It is not prudent to include a greater benefit in baseline budgets given the uncertainty of this funding in future years. Any reliance would increase the potential difficulty at the reset of the system in 2020/21.
- 3.8 In recent months there have been a series of valuation adjustments from the Valuation Office to properties in Woking, in particular in the town centre, due to the current redevelopment and infrastructure works. Currently Business Rates income remains at positive levels compared to budget however this will continue to be monitored over the coming months and years until the works are completed.

New Homes Bonus

- 3.9 2018/19 is the second year since the New Homes Bonus scheme was revised to reduce the number of years the bonus is paid for (from 6 to 4) and to include a baseline growth which is required before any grant is received.
- 3.10 Once through the transitional period it is assumed that Woking would qualify for approximately £600k of grant annually. This would be the position from 2021/22 onwards by which time the baseline will affect all 4 years for which the grant is being received.
- 3.11 Actual receipts could vary significantly from this level depending on the annual growth in new homes. The baseline growth requirement may also be set at a different level each year depending on the funding made available by the government and national levels of growth.
- 3.12 The Council has £1m of New Homes Bonus income in its base budget for 2018/19. The forecast assumes this is reduced by £200,000 in 2019/20 and 2020/21 until just £600k remains in the base budget.

Council Tax income

- 3.13 The Local Government Settlement for 2018/19 set the referendum limit for borough and district councils to increase Council Tax at the higher of £5 or 3%. The 3% was an increase of 1% compared to the previous years and was also included indicatively for 2019/20. In the future spending power figures the Government assumes that councils take advantage of this flexibility to generate the maximum Council Tax income.
- 3.14 The Government also assumes increases to the taxbase based on previous taxbase trends.

- 3.15 For the forecast it is assumed that the Council will implement the maximum increase in Council Tax it may do so without needing a Referendum, and that the taxbase will increase by 0.75%, equivalent to approximately 300 Band D properties per annum, broadly in line with the Local Plan.

Council Tax Income	2018/19	2019/20	2020/21	2021/22
Taxbase	40,825	41,131	41,440	41,750
Increase (Band D equivalents)	304	306	308	311
Council Tax	£233.46	£240.46	£247.68	£255.11
Total Council Tax income (£'000)	9,531	9,891	10,264	10,651

Future developments

- 3.16 Alongside the settlement for 2018/19 the Minister said that the issue of 'negative RSG' will be looked at during the coming year to try to find a fair and affordable resolution. It is hoped that this could provide some support during 2019/20 when the Council is due to contribute £991k to the government.
- 3.17 Going forward there are 3 significant workstreams which will affect the system of government funding from 2020/21 onwards. In addition a Business Rates revaluation is expected together with transitional arrangements. Neither the detail of these nor the potential impact is available at this stage.

Review	Purpose	Latest Update
Fair Funding Review (FFR) Due to be implemented 2020/21	Determines which authorities have the greatest 'need' for government funding	Latest consultation ended 12 March 2018. This covered the high level principles of how to determine 'need' for resources. There have been suggestions that local sources of income e.g. car parking could be considered. Further consultations will be required.
'Redesign of Business Rates retention system' Due to be implemented 2020/21	Sets the mechanics for how Business Rate income collected is distributed - to meet the need determined in FFR and incentivise growth	Surrey awarded 100% pilot for 2018/19, which may be extended to 2019/20. Within the 2018/19 settlement the latest proposal is a system of 75% retention by Local Government. Could absorb additional funding sources e.g. New Homes Bonus. Further consultations awaited.

Review	Purpose	Latest Update
Business Rates Baseline Reset Due to be implemented 2020/21	Determines the expected Business Rates income collected by each authority. Amounts above this level are considered 'growth' and the amount of this growth retained is funding above baseline level.	Further details awaited. A previous consultation (2016/17) considered options for setting the baseline – the most recent years Business Rates collected, or an average of several earlier years? How frequently the Baseline should be reset, and how much growth should be retained on reset.
Business Rates Revaluation 2020/21	Determines actual amounts paid by Business Rate payers.	The Chancellor's Spring Statement announced plans for the next Business Rates revaluation to be in 2021 and every 3 years thereafter.
Transition arrangements	'Soften' the impact of significant changes in funding through implementation over a period of time.	Details and approach awaited.

- 3.18 Until some of the elements of the system are settled, it is not possible to assess the funding expected in future years with any certainty. It is also very difficult to assess the maximum potential impact, although it would seem difficult for funding to drop below zero.

4.0 2018/19 Budget setting and 2017/18 outturn

- 4.1 The Council approved the 2018/19 General Fund budget, Investment Programme, Prudential Indicators and Council Tax on 8 February 2018. The 2018/19 approved budget now becomes the starting point for the MTFS. The budget includes a £309,000 use of reserves.
- 4.2 The table below shows a summary of the final approved budget compared to the MTFS forecast in April 2017.

Comparison of April 2017 Forecast to Final base budget 2018/19

	Forecast Apr-17 £'000	Actual Feb-18 £'000	Variance £'000
<u>Pressures</u>			
Pay, contractual inflation and allocation of overheads	538	1,205	667
Collection fund income and Use of Reserves	960	315	-645
Government Settlement/New Homes Bonus	248	248	0
Service variations	280	939	659
Investment Programme	836	1,051	215
<u>Income</u>			
Increase in Fees and Charges (including Planning)	-250	-497	-247
Additional income from Council Tax	-273	-392	-119
<u>MTFS Strategies</u>			
Investment in Housing	-1,022	-789	233
New Acquisitions - Orion Gate/Dukes Court	-149	-2,080	-1,931
Savings to be identified	1,168	0	-1,168

- 4.3 The basis of allocation of overheads between the General Fund and HRA was fully reviewed as part of the detailed budget preparation. This resulted in an increase in the proportion allocated to the General Fund and an increased pressure in the 2018/19 budget.
- 4.4 Other contractual inflation and general increases are offset by the increase in Fees and Charges over forecast level.
- 4.5 Additional service costs were included in the budget in excess of those identified at the time of preparing the forecast. These included additional costs of Woking Sports Box, re-instating the elections budget which had been removed for 2017/18, and adjustment to commercial rents. A full list of budget variations can be found in Appendix 1. These are 'one-off' in nature and do not need to be included in the MTFS approach going forward.
- 4.6 The 2018/19 Investment Programme impact is higher than forecast reflecting changes in project timing, and debt repayment. The forecast assumed a £100,000 saving from the Investment Programme. In recent years there has been a saving achieved in-year due to prudent treasury management assumptions.
- 4.7 The in-year savings target has not been achieved in 2017/18, however the £100,000 target remains in the budget for 2018/19. In setting the budget the £100,000 saving achieved on the joint waste contract has been recorded against the MTFS target. It is important to keep a savings target and to continue to seek efficiencies across budgets as part of service management.
- 4.8 Overall the Green Book for 2017/18 at February 2018 suggests an underspend of £181,000.

5.0 General Service Pressures

Employee costs

- 5.1 The budget report for 2018/19 outlined the pressures on staffing costs, and set a salary control total of £13.575 million. This was an increase in the control total of £575k covering tax changes, the new selective licensing team and a base uplift of £300,000.
- 5.2 The budget continues to allocate £395,000 of employee costs to the Investment Programme to be funded annually alongside the projects to which these posts relate. An initial review of the outturn position for 2017/18 suggests that it will be possible to fund most of these costs as proposed, however it will be important to continue to assess this as project work may not continue at the same rate.
- 5.3 There is a 5% vacancy management savings target within the 2018/19 salaries budgets. The total annual cost of a full staff structure has been scaled back by this amount to the control total. A vacancy target at this level is acceptable but higher than in previous years and will require close management in year.
- 5.4 Going forward it is necessary to assume that all pay progression is funded in future years if services are to be maintained at the existing levels, and that some contribution is made to reduce the vacancy management target.
- 5.5 Allowance is made for the control total to increase by £400,000 in 2019/20 and 2020/21 with an assumed cost increase of £350,000 per annum across the period. This is equivalent to an increase in salary budget of between 2.45% (2019/20) and 2.35% (2021/22) and enables a reduction in the vacancy management target of £100,000 so that it represents 4% of the total costs by 2021/22. It may be necessary to review this in future if it is not possible to manage this level of in-year savings.

Contractual Inflation

- 5.6 As in the previous MTFS, inflation has been included for the Council's highest value contracts. This includes Waste and Recycling, Environmental Maintenance, Asset and Facilities Management as well as Energy and Business rates budgets.
- 5.7 For the purposes of this report inflation is based on the HM Treasury February publication of independent inflation forecasts. Contract increases are assumed to be in line with RPI. Between £250,000 and £275,000 is allowed in each year of the forecast.

Medium Term Forecasts February 2018 (HM Treasury)

Inflation	2018	2019	2020	2021	2022
RPI (%)	3.5	3.0	3.0	3.1	3.1
CPI (%)	2.6	2.1	2.1	2.0	2.1

Other inflation

- 5.8 No specific allowance is made for inflation on the remaining £11 million of service expenditure. It is assumed that any further cost pressures will be offset by increases in income budgets which total £25 million excluding parking which is covered separately in section 7. A significant proportion of this income (£16m) relates to rents and it is recognised that these will be subject to rent reviews and may not increase in the same way as contract inflation.

6.0 Specific Service Pressures

Reduction in Surrey County Council support

A number of the Council's service areas currently benefit from financial support from Surrey County Council (SCC). SCC has been very open about their financial funding issues as a result of reductions in government funding and increased demand (particularly for social services and services for people with learning difficulties). Where reductions in support are known, these have been built into the base budget. There remains £950k in direct support at risk. For the purposes of the MTFS it is assumed that Woking will lose this over 2019/20 and 2020/21 with the exception of £345k waste funding which has been agreed under new funding mechanisms.

New Leisure Facilities

Additional operational costs have been built into the 2018/19 budget for the Woking Sports Box, which will open during the year. These costs will be reviewed during the year and amended in the 2019/20 budget if necessary. An assumed £825,000 for operating the new Sheerwater facilities has been included in the MTFS.

HG Wells

- 6.1 The lease for HG Wells is due to end in 2021. There is a net £65k operational budget for the centre (2017/18). The impact of any revised arrangements will be evaluated and included in a future update of the MTFS.

Housing

- 6.2 The Homelessness Reduction Act places new responsibilities on the Council. In 2018/19 funding has been received to assist in the implementation of these new requirements. In future years there is a risk that there will be additional ongoing costs that have not been recognised in the MTFS. Currently properties in Sheerwater are being used as temporary housing, saving the cost of Bed and Breakfast accommodation. As the Sheerwater scheme progresses the Council will need to identify alternative housing for these tenants.

Land Charges

- 6.3 The Land Registry will take on the future provision of Land Charges information. The timing and exact proposal of what elements of the service will transfer have not yet been confirmed, however there is a risk that there are residual costs which will no longer be covered by income from charges. No new information is available since the last MTFS. The £80,000 pressure remains for any costs which cannot be recovered, although for planning purposes moved to 2020/21.

7.0 Fees and Charges

- 7.1 Of the total £11.3m income from discretionary fees and charges, £7.5 million is derived from car parking charges.
- 7.2 As in the 2017 MTFS, it is assumed that there will be an annual increase in income generated and that this trend will continue at some £250,000 per annum over the forecast period.
- 7.3 Planning fees were increased in January 2018 in line with government guidance. The government have suggested a further 20% increase would be available in the future with

details to be announced. This has not been built into the forecast since it is assumed there will need to be an equivalent increase in expenditure within the planning service.

- 7.4 The Investment Programme approved in February 2018 includes an allowance to increase capacity at Heathside car park. Income is assumed to offset the cost of investment so this forecast excludes any additional parking income and the costs of servicing the capital.

8.0 Investment Programme

- 8.1 The cost of Investment Programme projects, where project funding is through borrowing, consists of interest charges and an allowance for repayment of debt which is called the 'Minimum Revenue Provision' (MRP). The forecast is based on the Investment Programme approved by the Council in February 2018. This only provides estimates to 2020/21, with considerably less activity in the outer years. Experience suggests that projects in these years will be developed and be included nearer the time. The forecast therefore includes an allowance of £500,000 for other new projects in 2020/21 and 2021/22, financed by borrowing and repaid over 20 years. These years also include budgets for the Asset Management Plan (£1 million) and IT (£750,000), and Brookwood Cemetery (£1,000,000).
- 8.2 There remains a budget for strategic investment opportunities as well as the opportunity purchase budget within the Investment Plan. The MTFS assumes that the Strategic Investment budget achieves a 2% margin on the costs of acquisition.

Flood Schemes

- 8.3 In March 2016 the Executive approved the first stage investment in the Hoe Valley flood alleviation and enhancement scheme. It is recognised whilst we remain hopeful that grant funding will be available, it is probable that it will not completely fund the project. An estimated cost of borrowing of £4 million has been assumed for each scheme.
- 8.4 It is likely that further investment will be required in future years for the Rive Ditch, but at this stage these works have not yet been quantified.

Woking Sportsbox

- 8.5 The community facility element of the Egley Road scheme is funded by development contributions, with interim borrowing applied until the contributions are secured. These financing costs, assumed at £625,000 pa, have previously been assumed in the forecast, and are now in the 2018/19 budget as the facilities will open during the year. The athletics track is a replacement for the track in Sheerwater which is required for the regeneration scheme. It is assumed that the Sheerwater project will make a contribution of £8m for this during 2019/20.

Brookwood Cemetery

- 8.6 The Investment Programme includes capital and revenue grants to Brookwood Cemetery to fund backlog maintenance as well as capital improvements. Going forward future investment will be assessed and agreed annually and would be an additional cost to the base budget. It is expected that continued investment will be required so a revenue allowance of £300k and an annual £1m capital grant is assumed in the Investment Programme.

Gateway

- 8.7 The Woking Gateway project is a private development scheme, which includes some of the Council's property assets. Once construction is underway, there will be a loss of £350,000 commercial rents during the development. It will be important to the Council that these are reprovided and that this income stream is not permanently lost. The MTFS recognises this loss of income assumed in 2021/22.

Car Parks Extensions

- 8.8 The Investment Programme allows £10m in 2018/19 for the expansion of Heathside Car Park which was approved by the Executive in September 2017. It is assumed that additional car parking income will offset the financing costs of the increased capacity, approximately £370k based on a 50 year annuity at 2.75%. If occupation levels were to be consistent with the Council's other car parks then there would be a surplus of over £250,000. At this stage any positive benefit is not assumed in the MTFS as it requires an overall increase in the level of activity in the town while significant construction work remains ongoing.
- 8.9 The Victoria Square project also provides for additional car parking which will be acquired by the Council on completion of construction. The total cost of these additional spaces is £58m which will require approximately £2.1m from car parking charges to finance. It will take time for the new asset to be able to generate this level of income so funds will need to be set aside to offset the financing costs until activity increases. For the purposes of the MTFS no additional costs have been included to finance the car parking assets.

Technical accounting changes

- 8.10 Both the government and CIPFA have recently issued updated guidance on investment and treasury management practices which will apply in future years. In particular there are new suggested periods for the repayment of borrowing (MRP) applied to specific assets. Whilst this remains guidance and not a statutory requirement, in the future it may be more difficult in to justify an approach which is significantly different to the recommended calculations.
- 8.11 For share capital the suggested Minimum Revenue Provision (MRP) is over 20 years as the government wishes to discourage the use of share capital. It is recommended that in light of this consideration is given to restructuring future project financing to reduce the risk of this becoming an issue where share capital is supporting long term business plans.

9.0 Group Companies

- 9.1 The Council's Group companies provide a net revenue benefit in the base budget. It is assumed that the approved investments in the Thamesway Group are advanced as set out in the Investment Programme.
- 9.2 Beyond the Investment Programme years, it is assumed that there will be a continued investment in the Thamesway Group as outlined in the Thamesway Business Plans but not yet approved by the Council in its Investment Programme. The additional income generated is offset in part by the reduction in interest on older annuity loans as the principal is repaid by Thamesway group companies.

10.0 Treasury Management

10.1 The base treasury management position in the 2018/19 budget reflects the borrowing necessary to meet the requirements of the approved Investment Programme. It is based on a long term borrowing rate of 2.95%. As at 1 March 2018, 50 year PWLB rates are 2.40% (maturity), 2.68% (annuity).

10.2 For future years long term borrowing rates have been based on the Capita forecast maturity rates (13 February 2018). As below:

Link Asset Services Interest Rate View													
	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank Rate View	0.50%	0.75%	0.75%	1.00%	1.00%	1.00%	1.00%	1.25%	1.25%	1.25%	1.50%	1.50%	1.50%
3 Month LIBID	0.40%	0.70%	0.70%	0.90%	0.90%	0.90%	0.90%	1.20%	1.20%	1.20%	1.40%	1.40%	1.40%
6 Month LIBID	0.50%	0.80%	0.80%	1.00%	1.00%	1.00%	1.10%	1.30%	1.30%	1.40%	1.50%	1.50%	1.50%
12 Month LIBID	0.80%	1.10%	1.10%	1.20%	1.20%	1.20%	1.30%	1.40%	1.40%	1.50%	1.70%	1.70%	1.70%
5yr PWLB Rate	1.90%	2.00%	2.10%	2.10%	2.20%	2.30%	2.30%	2.40%	2.40%	2.50%	2.50%	2.60%	2.60%
10yr PWLB Rate	2.50%	2.50%	2.60%	2.70%	2.70%	2.80%	2.80%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%
25yr PWLB Rate	2.80%	2.90%	3.00%	3.10%	3.20%	3.20%	3.30%	3.30%	3.40%	3.50%	3.50%	3.60%	3.60%
50yr PWLB Rate	2.60%	2.70%	2.80%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.30%	3.30%	3.40%	3.40%

10.3 If rates rise above assumed levels for projects which require financing over a period of time, it is likely that a consolidated rate, mixing long and shorter term borrowing, could be achieved.

10.4 For the Victoria Square project financing was assumed at a base rate of 2.5%, with modelling of 2.75%. To date £110m of 50 year annuity borrowing has been secured for the project at a weighted average interest rate of 2.57%. There remains a risk on the timing of loan advances and interest rates which could have an effect on future plans.

10.5 Most of the Council's historic debt has been maturity loans which are repaid at the end of the term. With the levels of investment planned over the MTFS period it is likely that more annuity loans are taken for new debt which requires the principal to be repaid gradually over the term of the loan. During 2017/18 annuity loans have been taken to cover strategic property acquisitions and Victoria Square financing.

11.0 Reserves

11.1 The Council's main usable revenue reserve is the Investment Strategy Reserve which has been managed with an intention of maintaining approximately £3 million of available funds. The budget papers showed the balance on this reserve is projected to be £2.7 million at 31 March 2021. It is important to review the use of reserves alongside forecast budget plans to maintain adequate resources in reserve.

11.2 The Wolsey Place reserve is used to mitigate variations in rental income and one-off revenue costs in Wolsey Place and Export House. At 31 March 2021 the balance is forecast to be £3.1 million, and based on similar levels of use is reducing at approximately £685,000 a year. At this rate of use, the funds in this reserve will last until 2025/26

- 11.3 A new Car Park reserve will be established as part of closing of the final accounts for 2017/18. Any surplus in excess of those already forecast and allocated, will be transferred to this new reserve to begin to accrue a balance for when the financing costs discussed in paragraph 8.9 become a cost to the Council.
- 11.4 The Council has a number of other revenue reserves holding funds which are set aside for specific purposes or to address particular identified risks. These include the MTFS reserve and Business Rates Equalisation Reserve which are available to provide a buffer should income levels take time to grow or further costs/lost income be incurred while the major construction projects in the town centre continue.

Reserves available to manage the transition period to 2021 and beyond

	31-Mar-18 £'000	31-Mar-19 £'000	31-Mar-20 £'000	31-Mar-21 £'000
<u>Forecast reserve balances</u>				
Medium Term Financial Strategy Reserve	2,056	1,747	1,747	1,747
Wolsey Place Reserve	5,402	4,564	3,824	3,056
Business Rates Equalisation Reserve	1,349	1,349	1,349	1,349
Victoria Square Reserve	1,609	2,699	3,799	3,799

- 11.5 The Council's overall reserves position is considered to be sound and able to provide support in managing any transitional arrangements provided medium and long term action is set to align underlying revenue expenditure with underlying revenue income; a balanced budget.

12.0 Summary Forecast

- 12.1 The table below sets out the impact on future years of the assumptions outlined in sections 3-10 of the report, and the previously agreed mitigation strategies.

<u>In year pressures</u>	2019/20	2020/21	2021/22	TOTAL
	£'000	£'000	£'000	£'000
Remove use of reserves	309			309
Remove Business Rates pooling/CF surplus	337			337
Reduce reliance on NHB	200	200		400
General Service Pressures	653	660	608	1,921
Specific Service Variances	216	476	0	692
Investment Programme projects	979	572	373	1,924
Sportsbox funding from Sheerwater project	-370			-370
Sheerwater Leisure facilities - operational cost	125	700		825
Woking Gateway - loss of rents			350	350
TEL/TCMK interest	-62	-10	75	3
Government Funding reductions	945	437	435	1,817
	3,332	3,035	1,841	8,209
Funded by:				
Fees and Charges - Car park income	-250	-250	-250	-750
Council Tax income	-361	-375	-389	-1,125
In year savings required	2,721	2,410	1,202	6,333
MTFS Strategies				
Investment in Housing	-737	-663	-688	-2,087
Investment in MTFS Investments (@2%)	-175			-175
Limiting Investment Programme revenue cost	-100	-100	-100	-300
Productivity and Procurement	-100	-100	-100	-300
Surplus/deficit after agreed strategy	1,608	1,548	315	3,471

- 12.2 The forecast figures show that in total £3.5m of ongoing savings are required by 31 March 2022. This is £440k more than in the summary MTFS presented in the February budget papers. However, the figures now include allowance for the Sheerwater leisure facilities and lost rents due to the Gateway project.
- 12.3 Progress in achieving offsetting income has been good, and decisions already made will continue to contribute towards the pressures identified. However, additional income generated in 2018/19 was partly offset by increased allocation of overhead costs and additional service costs in the detailed budget.
- 12.4 The Council is in a transitional period with construction now underway in the town centre. There is a risk to commercial rents, car parking and business rates during this period. Once the works are complete it will take time for the assets to be fully occupied, which will potentially coincide with the Gateway development. There is also national uncertainty with the agreed date for leaving the European Union, and the proposed transition period all within the MTFS timescales.
- 12.5 As referred to in section 11, sufficient reserves are required to ensure any downside movements in the assumed MTFS figures, as a result of the local or national economic environment, can be managed.

12.6 There are a number of items in the MTFS which have potential to improve when preparing the detailed budget for 2019/20:

- Collection Fund surplus (Council Tax and Business Rates) could be retained in the base budget - £337k
- The government may provide additional funding to reduce some of the £991k negative RSG in 2019/20
- Opportunity purchase assets could generate a surplus (currently assumed neutral)
- Loans to external organisations will secure an interest margin which has not been assumed in the base figures
- The MTFS reserve could continue to be used to supplement the budget in the short term (£309k 2018/19)

12.7 And into the future years:

- The government review of funding may secure at least a cash neutral settlement for the Council saving the £872k assumed reductions in 2020/21 and 2021/22.
- Parking activity could increase following the extension of Heathside and generate a surplus for the investment
- The town centre could start to see a general increase in rentals as the impact of the improvements are established
- With the level of development underway the Council taxbase could increase at a greater rate than assumed and generate additional Council Tax income

12.8 There also remains some flexibility within the Investment Programme where projects could be deferred until resources can be identified. The schemes in the table below are funded by borrowing with no offsetting income from either loan margins or rental/other income.

	2018/19	2019/20	2020/21	2021/22
	£'000	£'000	£'000	(assumed)
Asset Management Plan	1,250	1,250	1,000	1,000
IT Programme	1,395	250		750
Civic Office works	1,450	30		
CCTV upgrade	1,782	265		
Flood Preventions schemes	4,000	4,000	4,000	
Brookwood Cemetery	1,000	1,000	1,000	1,000
Woking Gym club	3,000	3,000		
Other (less than £1m)	2,354	704	904	500
	16,231	10,499	6,904	3,250

13.0 Proposed Financial Strategy

13.1 The figures outlined in this report, and summarised in section 12, illustrate the challenge facing the Council and the likely level of cost reductions or additional income to be achieved.

13.2 The Council's policy has been to seek to achieve a balanced budget with no reductions to services; this strategy envisages that this policy objective will remain central to the Council approach to its future.

- 13.3 The MTFS has previously acknowledged that it will not be possible to meet the identified financial pressures through cost savings or efficiencies alone. Officers will continue to seek savings and those achieved will be reported during 2018/19 in the Green Book against the £100,000 in-year savings target.

Key Actions 2018/19

- 13.4 The strategy of investing in strategic commercial properties has been successful and has made an essential contribution towards the Council's saving requirement. Further strategic investment opportunities should be sought which would continue this approach whilst providing the Council with influence over key sites in the Borough.
- 13.5 It will also be important to complete further modelling of car park capacity, activity and income. A financial model has been prepared by EY to enable the Council to assess the impact of the various scenarios with flexibility over activity and charges. This should be updated with the revised plans.
- 13.6 The Council should continue to urge the government to maintain a minimum level of funding. A set level of business rates should be retained to support economic regeneration and sustainability. It is critical that funding levels do not continue to reduce following the funding review. If the current trend of reductions were to continue funding would fall below zero in 2022/23 and local council taxpayers would be contributing directly to the national funding system.

2019/20 Budget Preparation

- 13.7 The 2018/19 budget was prepared in accordance with the guidelines below. It is proposed that these principles will continue to apply as key components of the medium Term Financial Strategy throughout the period of this forecast.
- inflationary increases limited to those elements which carry a contractual/unavoidable obligation to adjust by inflation;
 - the revenue impact of new investments be limited to a sustainable increase in accordance with the provisions of the Prudential Code;
 - no increase in net revenue expenditure, unless unavoidably necessary, is likely to be approved;
 - review of the Investment Programme to continue;
 - the programme to identify further efficiency savings to continue; and
 - to propose fees and charges to optimise the income yield.

Conclusions

- 13.8 Over the period to 2021/22 it is forecast that ongoing savings of £3.4m need to be secured to establish a sustainable budget going forward. £2.2m relates to government funding reductions (Business Rates retained funding/New Homes Bonus) of which £870k is subject to fundamental reviews of the funding mechanisms.
- 13.9 There continues to be considerable uncertainty around the levels of government funding beyond 2019/20, as further information is available the MTFS will be updated and the impact evaluated.
- 13.10 Officers should continue with existing strategies of seeking further investment income and encouraging the government to deliver a fair and sustainable settlement which provides certainty for medium term planning.

14.0 Implications

Financial

14.1 The financial implications are detailed within the report.

Human Resource/Training and Development

14.2 No specific Human Resource or Training and Development implications.

Community Safety

14.3 No specific Community Safety implications.

Risk Management

14.4 There are a number of specific risks to the figures included in the forecast as set out in the report. There is an ongoing risk in the medium term of changes in government policy which could affect the General Fund as well as the Housing Revenue Account and Thamesway Group.

Sustainability

14.5 There are no sustainability implications.

Equalities

14.6 There are no equalities implications.

15.0 Consultations

15.1 There have been no formal consultations on this paper.

REPORT ENDS

EXE18-011

APPENDIX 1

Detailed Comparison of April 17 Forecast to February 2018 Budget

	2018/19 Forecast £'000	2018/19 Actual £'000	Difference £'000
<u>General Pressures</u>			
Additional increase to salary control total	300	415	115
Reallocation of overheads from HRA		469	469
Contractual/Service Inflation	238	321	83
<u>Less:</u>			
Increase in Fees and Charges	-250	-497	-247
Additional income from Council Tax	-273	-392	-119
Collection fund income and Use of Reserves	960	315	-645
Reduction in NHB	200	200	0
Government Settlement	48	48	0
<u>Service Variations</u>			
Women's Support Centre		31	31
The Junction		32	32
Woking Sportsbox	100	341	241
Community Meals extra vehicle		10	10
Additional Handyman resource		22	22
Increase in Commercial Rents		150	150
SCC funding	200	206	6
Market costs		45	45
HG Wells		30	30
Elections		117	117
Credit card surcharge		18	18
Statutory adverts		22	22
Reduction in Housing Subsidy admin grant		14	14
Peace Garden Commemorative Service		10	10
Land Charges lost income	80		-80
Savings identified	-100	-109	-9
<u>Investment Programme</u>			
Net cost of Investment Programme	936	1,051	115
Saving on Investment Programme	-100		100
Investment in Housing	-1,022	-789	234
New Acquisitions - Wolsey/Orion Gate/Dukes Court	-149	-2,080	-1,931
Savings to be identified - April 17 Forecast	1,168	0	-1,168

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	

	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy			X	
Meet local needs locally			X	
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place			X	

EXECUTIVE - 22 MARCH 2018

THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005

Executive Summary

The purpose of this report is to seek officer delegation in respect of Part 2 of the Clean Neighbourhoods and Environment Act 2005 and to agree the level of penalty to be fixed respectively to enable authorised officers to issue fixed penalty notices for nuisance parking offences relating to a business selling motor vehicles from the public highway.

It is likely that these provisions would be used by exception and at this time the remaining provisions of the Clean Neighbourhoods and Environment Act 2005 have been superseded with appropriate authority already delegated to officers for normal enforcement regimes.

Reasons for Decision

The introduction of a fixed penalty notice scheme for businesses selling motor vehicles from the public highway offences is considered a necessary and proportionate response to the current environmental issues facing the Council.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- i) **the Council issue fixed penalty notices for offences under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;**
- ii) **the level of fixed penalty notices shall be set at £100 per penalty notice where it is considered that a person has committed an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;**
- iii) **authority be delegated to the Assistant Director (Place), in consultation with the Portfolio Holder for Environmental and Well Being Services, to vary all environmental fixed penalty notice charges in accordance with the legislation; and**
- iv) **authority be delegated to the Assistant Director (Place) to authorise any persons to issue fixed penalty notices for an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005.**

This item will need to be dealt with by way of a recommendation to the Council.

Background Papers:

Sustainability Impact Assessment
Equalities Impact Assessment

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Date Published:

16 March 2018

1.0 Introduction

- 1.1 The Clean Neighbourhoods and Environment Act 2005 received Royal Assent on 7 April 2005. Secondary legislation was required for many of the measures contained within it and a full consultation process was undertaken. Secondary legislation and guidance came into effect on 6 April 2006.
- 1.2 With the exception of the authority sought within this report there is no further authority required under the provisions of the Clean Neighbourhoods and Environment Act 2005.
- 1.3 A fixed penalty notice offers the offender the opportunity to discharge their liability by accepting a fixed penalty notice instead of prosecution.
- 1.4 It is intended that fixed penalty notices will typically be used by officers to address ongoing problems of a business (and individuals e.g. directors) using the road as a showroom for the sale of vehicles.

2.0 Background and Proposal

- 2.1 The sale of vehicles by a business on highway road is not common but where this practice is observed this can be a considerable inconvenience to local residents and officers would always seek to communicate directly with such individuals in the first instance.
- 2.2 Where it is confirmed that an offence is being committed under Part 2, Section 3 of the Clean Neighbourhoods and Environment Act 2005 to park motor vehicles on a road or roads where such vehicles are parked merely for the purposes of a business of selling motor vehicles.
- 2.3 The requirement is that there are two or more motor vehicles parked within 500m of each other on a road where they are exposed or advertised for sale for the purposes of a business of selling motor vehicles if the offence is to be committed.
- 2.4 The offence is not intended to apply to an individual seeking to secure private sale so Part 2 Section 3 of the Act is critical in referring to actions otherwise than acting for the purpose of a business of selling motor vehicles.
- 2.5 A person guilty of an offence under Part 2 Section 3 of the Act, is liable on summary conviction to a fine up to level 4 on the standard scale, currently £2500.
- 2.6 'Road' is defined in the Act to have the same meaning as in the Road Traffic Regulation Act 1984 namely:-

"any length of highway or of any other road to which the public has access, and includes bridges over which a road passes".
- 2.7 'Motor vehicle' is defined in the Act to have the same meaning as in the Refuse Disposal (Amenity) Act 1978 namely:-

"a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer".

- 2.8 The Act allows any person authorised by a Local Authority who has reason to believe that a person has committed an offence under Section 3 (exposing vehicles for sale on the road) in the area of that authority to give that person a fixed penalty notice instead of prosecution. If the person served with the fixed penalty notice fails to pay it within 14 days, the only sanction is for the Local Authority to consider prosecution for the original offence. No prosecution may be instigated if the fixed penalty notice is paid.
- 2.9 Part 2, Section 7 of the Act also makes provision for an additional power available to Local Authority officers to demand names and addresses when issuing fixed penalty notices. This further offence under Section 7 attracts a fine of up to £1000 on summary conviction if a person refuses to give the information or gives false information.
- 2.10 £100 is the proposed amount of the penalty under Part 2 Section 6(8) of the Clean Neighbourhoods and Environment Act 2005 although Section 6(9) allows an amendment of that amount by order.
- 2.11 There is nothing specifically in the Act referring to a continuing or daily offence. However, where officers observe an offence on a daily basis we do not consider it unreasonable of the Council to issue a further fixed penalty notice. An offence is committed whether it be two or twenty vehicles. We would therefore only issue one fixed penalty notice for each offence, not per vehicle.
- 2.12 The fixed penalty notice should be served on the person/director of the business selling the motor vehicles.
- 2.13 As the offence is taking place in the Borough we would expect the fixed penalty notice to be personally served to avoid any potential difficulties in the event of non-payment and the person saying they did not receive it.
- 2.14 Each potential offence need to be investigated thoroughly to be certain that an offence has been committed before we issue the fixed penalty notice. It shall be a defence if the person can prove to the satisfaction of the court that he was not acting for the purposes of a business of selling motor vehicles.
- 2.15 'Local Authority' is defined at Part 2 Section 9 to mean a district or county council in England. Authorised officer is also defined at Section 9 to mean an employee of a local authority who has been authorised in writing by the authority for the purposes of giving notices under Section 6 of the Clean Neighbourhoods and Environment Act 2005.

3.0 Proposal

3.1 It is proposed that Council:

- Endorses the issuance of fixed penalty notices for offences under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;
- Sets a fixed penalty amount of £100 per penalty notice where it is considered that a person has committed an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005;
- Delegates to the Assistant Director (Place), in consultation with the Portfolio Holder for Environmental and Well Being Services, the ability to vary all environmental Fixed Penalty Notice charges in accordance with legislation; and

- Delegates to the Assistant Director (Place) the ability to authorise any persons to issue fixed penalty notices for an offence under Part 2 of Section 3 of the Clean Neighbourhoods and Environment Act 2005.

4.0 Implications

Financial

- 4.1 The use of fixed penalty notices has the potential of yielding a modest income. In accordance with the Regulations, fixed penalty notice receipts will be used for the purpose of exercising functions to improve street cleanliness and enforcement of offences; it is not being regarded as an 'income generator'.
- 4.2 It is not envisaged that the revenue generated from the fines will be significant, but it will reduce the need to pursue costly prosecution in some cases and enable a more flexible approach in dealing with specific offences under the Clean Neighbourhoods and Environment Act 2005.

Human Resource/Training and Development

- 4.3 The implementation of one additional fixed penalty option will have no significant impact on current departmental resources.

Community Safety

- 4.4 There are no adverse community safety implications. Improvements to personal accessibility and the wider public realm are likely to have a positive effect upon access and public safety.

Risk Management

- 4.5 All Authorised Officers are fully trained and competent in serving fixed penalty notices. Any new staff will be assessed to ensure that relevant training is provided in relation to enforcement and the serving of fixed penalty notices.

Sustainability

- 4.6 Implementation of the proposal will aim to reduce nuisance to local residents by inappropriate use of the public highway.

Equalities

- 4.7 The proposals set out in the report have been the subject of an Equality Impact Assessment and no adverse implications have been identified.

5.0 Consultations

- 5.1 The Portfolio Holder for Environmental and Well Being Services has been consulted in the drafting of this report.

6.0 Conclusions

- 6.1 The introduction of a fixed penalty notice for the sale of vehicles by a business on the road is considered a necessary and a proportionate response to the issues experienced by local residents and will equally save the time and expense of instigating prosecutions through the courts.

6.2 The recommended level of fine at £100 is a proportionate response in this case and appropriate use of powers available to the Council.

REPORT ENDS

EXE18-003

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	Vulnerable person's definition to be considered.
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	

Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

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Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment	X			Clean and safe environment
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy	X			Improved aesthetics
Meet local needs locally			X	
Opportunities for education and information	X			Enforcement and education
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime	X			Clean and safe environment
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place	X			Clean and safe environment

EXECUTIVE - 22 MARCH 2018

FIXED PENALTY NOTICE (FPN) POLICY FOR LITTERING FROM VEHICLE OFFENCES

Executive Summary

The purpose of this report is to seek officer delegation in respect of section 88A of the Environmental Protection Act 1990 (EPA) and to agree the level of penalty to be fixed respectively to enable authorised officers to issue Fixed Penalty Notices (FPNs) for the offence of littering from vehicles.

The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 introduces the new fixed penalties for littering from vehicles from powers conferred by inserting section 88A of the Environmental Protection Act 1990 which comes into force on 1 April 2018.

The new power is conferred on litter authorities in England (outside London) to require the registered keeper of a vehicle to pay a fixed penalty notice if there is reason to believe that a littering offence has been committed from the vehicle.

In considering this matter it is also proposed to increase the local fine level for littering (not from vehicles) from £75 to £100 as permitted under the new regulations.

Littering authority is defined in the legislation and includes a district council in England, a county council in England for an area for which there is no district council.

Reasons for Decision

The introduction of a fixed penalty notice scheme for littering from vehicles offences is considered a necessary and proportionate response to the current environmental issues facing the Council.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- i) the Council issue fixed penalty notices for the offence of littering from vehicles under section 88A of the Environmental Protection Act 1990 from 6 April 2018;
- ii) the level of fixed penalty notices shall be set at £100 per fixed penalty notice, such penalty to be reduced to £50 if paid within 14 days as provided for under section 6 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018;
- iii) authority be delegated to the Assistant Director (Place) to authorise any persons to issue fixed penalty notices from 6 April 2018 for littering from vehicles under section 88A of the Environmental Protection Act 1990; and
- iv) from 6 April 2018 the level of fixed penalty notices shall be set at £100 per penalty notice where it is considered that a person has committed an offence under section 88 of the Environmental Protection Act 1990.

This item will need to be dealt with by way of a recommendation to the Council.

Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences

Background Papers:

Sustainability Impact Assessment
Equalities Impact Assessment

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Portfolio Holder:

Cllr Beryl Hunwicks
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Shadow Portfolio Holder:

Cllr Ken Howard
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Date Published:

16 March 2018

Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences

1.0 Introduction

- 1.1 On 1st April 2018, the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 comes into force and amends section 88 of the Environmental Protection Act 1990 by inserting a new section 88A granting powers to litter authorities to issue fixed penalty notices (FPNs) for littering from vehicles.
- 1.2 These Regulations introduce powers to issue a fixed penalty notice to the owner of a vehicle when an enforcement officer of the litter authority is able to show that litter was thrown from that vehicle onto the authority's land.
- 1.3 Woking Borough Council as local authority has a duty to keep land in its authority including the highway and roads clean, so far as practicable, under section 89(1) of the EPA 1990.
- 1.4 A fixed penalty notice must not be given—
 - a. after the end of the period of 35 days beginning with the day on which the littering offence in question occurred,
 - b. if a notice under section 88(1) of the EPA 1990 (which relates to fixed penalty notices for leaving litter) has been given to a person in respect of the same offence (whether or not the person is the vehicle's keeper), or
 - c. if a prosecution has been brought against a person under section 87 of the EPA 1990 (offence of littering) in respect of the same offence (whether or not the person is the vehicle's keeper and whether or not the prosecution has concluded or was successful).

2.0 Background / Legislative context

- 2.1 Section 24 of the London Local Authorities Act 2007 (amended in 2012) confers powers to councils in London to issue a penalty charge notice on the owner of a vehicle from which litter is thrown. A penalty charge notice is a civil fine which unlike a criminal penalty, does not carry the risk of a criminal prosecution. However, these powers are not currently available in respect of the rest of England.
- 2.2 Section 88A of the Environmental Protection Act 1990 empowers the Secretary of State to confer similar powers on authorities in England. The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 is the first exercise of that power.
- 2.3 The amount of a fixed penalty notice is the amount specified by the litter authority under section 88(6A)(a) of the EPA 1990 (which relates to fixed penalty notices for leaving litter), but if no amount is specified by the litter authority under that provision, the amount of the fixed penalty is £100.
- 2.4 At present, the Council has the ability to issue FPNs for a variety of environmental offences as an alternative to prosecution including littering, dog fouling, smoke free offences and unlicensed waste carriers. The current level of FPN for the offence of leaving litter is £75.00. They are also offered an early-payment incentive reducing the penalty to £50 if paid within 10 days. It is proposed that on 1st April 2018, the amount of the penalty under section 88 of the EPA for the offence of littering shall be increased in line with regulations to the sum of £100.

Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences

- 2.5 These FPNs are issued by authorised officers of the Council including the Environmental Health and Neighbourhood teams and also Environmental Enforcement Officers contracted through Kingdom. The same authorised officers will be responsible for issuing Fixed Penalty Notices for littering from vehicles.
- 2.6 Littering is a criminal offence, and therefore enforcement action (issue of a fine or prosecution) should only be taken when the council has evidence against the offender to the criminal standard of proof (i.e. beyond reasonable doubt). When littering offences take place from a vehicle, it can be difficult for councils to identify the offender with sufficient certainty to take enforcement action.
- 2.7 Section 24 of the London Local Authorities Act 2007 (amended in 2012) gives powers to London councils to issue Penalty Charge Notices to the owner of a vehicle when an enforcement officer is able to show, to the civil standard of proof (i.e. balance of probabilities) that litter was thrown from that vehicle. A penalty charge notice is a civil fine which unlike a criminal penalty, does not carry the risk of a criminal prosecution, and therefore does not require the offence to be proven to a criminal standard of proof.
- 2.8 The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 confers powers on litter authorities (defined in Regulation) to issue civil penalty notices to the keeper of a vehicle when the council has reason to believe, to the civil standard of proof, that litter was thrown from that vehicle on the authority's land. To avoid a double jeopardy effect, this Act also provides that a council may not issue a civil penalty notice against the keeper if a fixed penalty notice (in lieu of prosecution) is or has been issued in respect of the same littering offence.
- 2.9 Public service vehicles, hackney carriages and private hire vehicles are exempt from liability for a civil penalty notice if the offence is committed by a passenger. The Regulations also provide for businesses engaged in the hiring of vehicles to appeal a civil penalty notice in connection with one of their vehicles by providing evidence that the vehicle was not being kept by the business at the time of the offence by virtue of the relevant vehicle hire agreement.
- 2.10 This instrument provides for penalties to be payable within 28 days. Councils may choose to offer an early-payment incentive, which reduces the civil penalty to an amount not less than £50 if paid within 14 days. If the penalty remains unpaid after 28 days (clock paused during any appeal proceedings), the act provides for the penalty to be increased by 100% (i.e. doubled).
- 2.11 A person who receives a fixed penalty notice may make written representations under Regulation 14 of the Act to the litter authority if one or more of grounds A to L set out below apply :-

Ground A – the littering offence did not occur.

Ground B – the person was not the keeper of the vehicle at the time of the littering offence because they became the keeper of the vehicle after the littering offence occurred. Such representation must include the name and address of the other person from whom the vehicle was acquired.

Ground C – the person was not the keeper of the vehicle at the time of the littering offence because the person had disposed of the vehicle to another person before the littering offence occurred. Such a representation must include the name and address to whom the vehicle had been disposed of, or a statement that the name and address of that person is not known.

Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences

Ground D – the person was not the keeper of the vehicle at the time of the littering offence because the vehicle was a stolen vehicle when the littering offence occurred. Such a representation must include the crime reference number, insurance claim number or other evidence of the vehicle's theft.

Ground E – the person was engaged in the hiring of vehicles in the course of a business at the time of the littering offence, and was not the keeper of the vehicle at that time by virtue of the hire agreement. Such representation must include a statement signed by or on behalf of the person to the effect that at the time of the littering offence the vehicle was hired to a named person under a vehicle hire agreement and provide a copy of the vehicle hire agreement.

Ground F – the person was not the keeper of the vehicle at the time of the littering offence for a reason not mentioned in Grounds B to E.

Ground G – the litter authority was not authorised to give the person a penalty notice.

Ground H – the person is not liable to pay the fixed penalty by virtue of Regulation 12 (public service vehicles and licensed taxis).

Ground I – the liability to pay the fixed penalty has been discharged in the circumstances set out in Regulation 13 (penalty already given to a person in respect of the same offence).

Ground J – the fixed penalty exceeds the amount payable under the Regulations.

Ground K – the litter authority has failed to observe any requirement imposed on it by the regulations in relation to the imposition or recovery of the fixed penalty.

Ground L – there are compelling reasons why, in the particular circumstances of the case, the penalty notice should be cancelled (whether or not any of grounds A to K apply).

2.12 If the Council receives representations it must:-

- (a) consider them and any supporting evidence which the person making the presentation provides and
- (b) decide whether or not it accepts that one or more of the Regulation 14 grounds applies.

2.13 If the Council accepts that one or more of the grounds in Regulation 14 applies it must cancel the fixed penalty notice and inform the person who made the representation of the cancellation in writing.

2.14 If the Council does not accept that one or more of the grounds in Regulation 14 applies it must give a notice of rejection to the person who made the representation within the period of 56 days beginning with the day on which the representations are received. The notice of rejection must state (a) the council's decision and reasons for it (b) that the person has a right of appeal to an adjudicator within the period of 28 days beginning with the day on which the notice of rejection is given (c) the form and manner in which an appeal may be made and (d) that an adjudicator has the power to award costs against a person appealing against the decision set out in the notice of rejection.

Fixed Penalty Notice (FPN) Policy for Littering from Vehicle Offences

- 2.15 If the Council fails to give a notice of rejection within the period of 56 days it is deemed to have (a) decided that one or more of the ground in regulation 14 applies, and (b) cancelled the penalty notice.
- 2.16 The fixed penalty notice for littering from vehicles will be set at £100 which is the default amount in the act with the local littering fine level raised accordingly. The reduction to £50 retained if paid within 10 days.
- 2.17 The default in the Act is £100 and the lesser amount must not be less than £50. If the penalty remains unpaid after 28 days (the clock is paused during appeal proceedings) the penalty is increased by 100% (doubled).
- 2.18 If the fixed penalty notice has not been paid in full within the payment period the Council may recover any unpaid amount (including the increased amount) any related costs awarded by an adjudicator as a civil debt or as if payable under a county court order.

3.0 Publicity and Associated Enforcement

- 3.1 It is proposed to run a communications campaign to highlight the anti social aspects of littering and to announce the new powers. Part of such a communications plan will undoubtedly be the publicising of successful enforcement actions in due course.
- 3.2 Officers will seek to concentrate upon littering hotspots in order to optimise the affect of the new powers upon the local environment.

4.0 Options

- 4.1 The Executive may accept, reject or amend the proposal.

5.0 Proposal

- 5.1 It is proposed that Council:
- Authorises the issue of fixed penalty notices for the offence of littering from vehicles under Section 88A of the Environmental Protection Act 1990 from 6 April 2018;
 - Sets a fixed penalty amount of £100 for littering from vehicles, payable within 28 days and reduced to £50 if paid within 14 days; as provided for under section 6 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 (or such level as may be provided for in any subsequent legislation;
 - Delegates to the Assistant Director (Place) authority to authorise any persons to issue fixed penalty notices from 6 April 2018 for littering from vehicles under Section 88A of the Environmental Protection Act 1990; and
 - from 6 April 2018 sets the level of fixed penalty notices at £100 per penalty notice where it is considered that a person has committed an offence under section 88 of the Environmental Protection Act 1990.

6.0 Implications

Financial

- 6.1 In accordance with the Regulations, FPN receipts will be used for the purpose of exercising functions to improve street cleanliness and enforcement of offences; it is not being regarded as an 'income generator'.
- 6.2 Income from fixed penalties for littering from vehicles can be retained by councils (in line with current practice for income from fixed penalties for littering and other related offences), and can be spent on functions under Part 4 of the Environmental Protection Act 1990, or functions relating to graffiti and fly-posting under section 43 of the Anti-social Behaviour Act 2003.

Human Resource/Training and Development

- 6.3 The implementation of one additional fixed penalty option will have no significant impact on current departmental resources.

Community Safety

- 6.4 There are no adverse community safety implications.

Risk Management

- 6.5 All Authorised Officers are fully trained and competent in serving fixed penalty notices. Any new staff will be assessed to ensure that relevant training is provided in relation to fly tipping enforcement and the serving of penalty notices.

Sustainability

- 6.6 Implementation of the proposal will aim to reduce littering through enforcement and education and this will improve the aesthetics of the Borough whilst promoting health and wellbeing.

Equalities

- 6.7 The proposals set out in the report have been the subject of an Equality Impact Assessment and no adverse implications have been identified.

7.0 Consultations

- 7.1 The Portfolio Holder for Environment has been consulted in the drafting of this report.

8.0 Conclusions

- 8.1 The introduction of a fixed penalty notice scheme for littering from vehicles is considered a necessary and proportionate response to the current environmental issues facing the Council and will equally save the time and expense of deploying resources to clean up street litter as a result of littering from vehicles where an individual cannot be identified in a particular vehicle.
- 8.2 The recommended level of fine at £100 with a reduction to £50 if paid within 14 days would provide a targeted response to existing problems of littering within the Borough, in accordance with the new Legislative Framework.

REPORT ENDS

EXE18-017

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
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	Gypsies / travellers					X	
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Disability	Physical					X	Vulnerable person's definition to be considered.
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	

Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

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Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management	X			Use of proper facilities
Pollution to air, land and water	X			Use of proper facilities / less pollution
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment	X			Clean and safe environment
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy	X			Improved aesthetics
Meet local needs locally			X	
Opportunities for education and information	X			Enforcement and education
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime	X			Clean and safe environment
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place	X			Clean and safe environment

EXECUTIVE - 22 MARCH 2018

GENERAL DATA PROTECTION REGULATION (GDPR)

Executive Summary

This report presents the progress made at the Council on compliance with the EU's General Data Protection Regulation (GDPR) and the work that must still be carried out. It also includes a draft of a new Data Protection Policy which will assist in compliance.

The GDPR comprises of three main parts: the principles on which personal data should be processed, the lawful bases on which organisations can rely on and the rights available to individuals. There are also provisions relating to accountability and good governance which should be adhered to.

A significant portion of the compliance work necessary has already been carried out by a GDPR Steering Group, including an audit of current personal data processing activities across the Council. This audit, along with the guidance from the Information Commissioner's Office, has allowed the Steering Group to recommend to the Corporate Management Group specific actions in order to achieve compliance. Those which can be carried out centrally have been assigned the responsibility of the Steering Group, while for those that concern the personal data processing activities of the Sections themselves, the Steering Group will work with CMG members to provide the tools and guidance necessary.

The two aspects of the report requiring a decision by Full Council are the adoption of a new Data Protection Policy and the appointment of Peter Bryant (Head of Democratic and Legal Services/Monitoring Officer) as Data Protection Officer.

Reasons for Decision

Consideration of these matters will enable the Council to comply with the EU's General Data Protection Regulation when it comes into force in May 2018.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- (i) the progress made on compliance with the General Data Protection Regulation, as well as the need for further work, be noted;**
- (ii) the draft new Data Protection Policy be adopted; and**
- (iii) Peter Bryant (Head of Democratic and Legal Services/Monitoring Officer) be appointed Data Protection Officer.**

This item will need to be dealt with by way of a recommendation to the Council.

Background Papers:

Sustainability Impact Assessment
Equalities Impact Assessment

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Shadow Portfolio Holder:

Cllr Ann-Marie Barker
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Date Published:

16 March 2018

1.0 Introduction

- 1.1 The impact on the Council of the EU's General Data Protection Regulation (GDPR) was first considered by the Corporate Management Group (CMG) on 24 July 2017, when a high-level briefing was presented. On 16 October 2017, a timetabled Action Plan, based on the Information Commissioner's Office compliance guidance, was presented to the CMG and approved.
- 1.2 Since that meeting, the execution of this Action Plan has been carried out by a GDPR Steering Group, formed of Robert Bishop (Graduate Trainee and Project Manager for GDPR Compliance), Adele Devon (ICT Manager), Jacqueline Hutton (Solicitor), Pino Mastromarco (Senior Policy Officer) and Sarah Reed (Principal HR Advisor).
- 1.3 Definitions used in the GDPR and in this report are as follows:
 - **'Personal data'** is any information relating to an identified or identifiable natural person, either through their name or another identifier such as an identification number.
 - **'Processing'**: any operation performed on personal data, whether or not by automated means, such as collection, use or disclosure. It should be noted that the GDPR applies to processing of personal data in hard copy form as well as by electronic means.
 - **'Data subject'** is the term used to describe any given person when identified in relation to their personal data.
 - **'Data controller'** is the label for organisations which decide how and why personal data is used, while **'data processors'** is a label for organisations responsible for processing personal data on behalf of a controller. Woking Borough Council is a data controller, while its suppliers are data processors.
 - **'Special categories'** of personal data encompasses ethnicity and data concerning health, among other categories. To process these, there are extra requirements. Similar requirements exist in the GDPR for processing data on criminal convictions or offences.

2.0 The GDPR

- 2.1 The GDPR, along with the Data Protection Bill currently going through the UK Parliament, will represent the new data protection regulatory regime after 25 May 2018. The GDPR's purpose is to bring data protection law in Europe up to date, which has not changed significantly since the late 1990s. In the UK, it will replace the Data Protection Act 1998 ('DPA'). It should be noted that the GDPR represents an evolution of the current law, and the existing compliance infrastructure whose purpose is to meet the requirements of the DPA will still be relevant, necessary and useful.
- 2.2 The purpose of the Data Protection Bill is to 'fill in the gaps' where the GDPR provides them for EU member states. These gaps allow member states to legislate to exempt some principles in the GDPR from certain kinds of personal data processing. These exemptions will be taken into account when achieving compliance at the Council.
- 2.3 The GDPR lays out six principles for personal data processing (Article 5), which are very similar to those in the DPA. They dictate that personal data shall be:

- 5(1)(a) Processed according to the law, fairly and in a transparent manner;
- 5(1)(b) Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes;
- 5(1)(c) Adequate, relevant and limited to what is necessary in relation to the purpose;
- 5(1)(d) Accurate and, where necessary, kept up to date;
- 5(1)(e) Kept for no longer than is necessary for the purpose; and
- 5(1)(f) Processed in a manner that ensures appropriate security of the personal data.

As well as these principles, there is a requirement that data controllers:

- 5(2) “shall be responsible for, and be able to demonstrate, compliance with the principles”.

2.4 In order to process any given personal data, the organisation undertaking the processing must identify a lawful basis for that processing (Article 6). There are six available lawful bases, similar to the ‘grounds for processing’ in the DPA. No single basis is ‘better’ than the others – which basis is most appropriate in each case depends on the purpose for that processing and the relationship with the data subject.

- 6(1)(a) The data subject has given clear **consent**
- 6(1)(b) The processing is necessary for a **contract** with the data subject
- 6(1)(c) The processing is necessary to comply with the **law**
- 6(1)(d) The processing is necessary to protect someone’s **life**
- 6(1)(e) The processing is necessary for you to perform a task in the **public interest** or for an organisation’s **official functions**, and the task or function has a clear basis in law.
- 6(1)(f) The processing is necessary for an organisation’s **legitimate interests** or the legitimate interests of a third party unless there is a good reason to protect the individual’s personal data which overrides those legitimate interests.

In order to process special categories of personal data, both a lawful basis must be identified from the list above, as well as an additional lawful basis from another list (Article 9). A similar mechanism is included in the GDPR concerning the processing of personal data on criminal offences or convictions (Article 10).

2.5 The aspect in which the GDPR extends furthest beyond the DPA is rights. Under the GDPR, data subjects are afforded:

- The right to be **informed**: data subjects must be told the purpose for which their personal data is being processed, any other recipients of their personal data and the existence of their rights, among other information, at the first available opportunity.
- The right of **access**: data subjects can obtain confirmation that their data is being processed, access to that personal data and other supplementary information, free of charge.

- The right to **rectification**: data subjects can have their personal data rectified if it is inaccurate or incomplete.
 - The right to **erasure**: under certain circumstances, an individual may have their personal data erased. It should be noted that this does not apply to personal data processed on the lawful bases of statutory obligation and public interest or official authority.
 - The right to **object**: data subjects can object to their personal data being processed, and depending on their personal circumstances and the lawful basis used, its processed may have to be restricted, at least temporarily.
 - The right to **data portability**: if the personal data is processed on the lawful basis of consent or a contract, data subjects have the right to receive their personal data in such a format that is structured, commonly used and machine readable.
 - In cases where personal data is used to analyse data subject's behaviour, performance or movements or to make decisions about them through **wholly-automated means**, data subjects are afforded with additional, specific rights.
- 2.6 Children have the same rights under the GDPR as adults, and the same principles from Article 5 apply to the processing of their personal data. However, it should be noted that, if consent is relied upon as the lawful basis when offering an online service directly to a child, only children aged 13 or over are able to provide consent. Privacy notices aimed at children should also be written in a way in which they understand.
- 2.7 The GDPR includes provisions that promote accountability and good governance. In order to fulfill Article 5(2) (see paragraph 2.3), the Council must:
- Implement technical and organisational measures that ensure and demonstrate compliance;
 - Maintain documentation on processing activities;
 - Appoint a Data Protection Officer;
 - Undertake and record Data Protection Impact Assessments, where appropriate;
 - Review contractual arrangements with suppliers to ensure that their use of personal data is governed by appropriate standard clauses; and
 - Review procedures for detecting, investigating and reporting personal data breaches.

3.0 Compliance activity

- 3.1 The requirements under the GDPR detailed in Section 2 above have dictated the compliance activity taking place at the Council. As identified in paragraph 1.1, a GDPR Steering Group has been guiding compliance activity according to those requirements.

3.2 The original timetable for GDPR compliance activity, included in the report on GDPR to the Corporate Management Group meeting of 25 September 2017, is included as follows:

September 2017 – March 2018	Raise awareness of GDPR within the Council; Document personal data held by the Council; Review privacy notices; Review procedures to ensure that individuals' rights are protected (this includes amending contracts and updating software systems); Updating procedures for dealing with subject access requests; Identify the lawful basis on which personal data is processed; Review procedures for detecting, investigating and report data breaches Assess situations where it will be necessary to carry out a Data Protection Impact Assessment; Designate a Data Protection Officer.
22 March 2018	Report to Executive
26 March 2018	Report to Overview and Scrutiny Committee
5 April 2018	Report to Council
9 April 2018 – 24 May 2018	Delivery of e-training for staff

3.3 The most significant task thus far has been the detailed audit of personal data processing activities at the Council and by its wholly-owned companies. This has resulted in an Information Asset Register of over 400 individual inbound and outbound 'flows' of personal data being identified.

- In short, the detail recorded in it allows CMG members and their Sections to improve the security of their data processing operations and to make sure they are GDPR-compliant by 25 May in a targeted way.
- After this date, maintenance of the Information Asset Register will allow the Council to fulfil the requirement in Article 30 to document personal data processing activities.

3.4 The Steering Group has identified a legal basis for all of the data processing in the Information Asset Register. To the Council's advantage, large amounts of personal data processing can be justified on the basis of a statutory or contractual obligation. The remaining processing must be justified on alternative legal bases. In addition, regardless of the legal basis, a Data Protection Impact Assessment might be necessary. This is a small number of cases and those cases are identified in the Information Asset Register.

3.5 Adherence to the GDPR principles will be strengthened by:

- Provision of **e-training** to officers, separate e-training to members and a guidance document for officers and volunteers who do not use a PC. An awareness campaign will also be undertaken in the Civic Offices, including posters in the offices and notices on the staff intranet.
- Enforcement of new corporate **retention periods** for both digital and hard copy content. These are being implemented as part of migration from SharePoint 2010 to SharePoint 2016, and for hard copy, CMG members have been made aware that a proportion of the personal data residing in the Council's archives may have to be disposed of.
- Enhanced **security measures** for both digital and hard copy content. First, personal data will be protected following restriction and closure of existing shared drives and migration to SharePoint 2016. Second, where large amounts of personal data or any amount of special categories of personal data are being stored in hard copy, locks will be provided.
- Use of **new privacy notices** provided upon collection of personal data from data subjects, such as at the end of paper forms or digital e-forms.
- Implementation of **updates to ICT systems**, such that they have GDPR-compliant functionality, including the ability to erase personal data without trace and to hold information on whether consent has been offered by a data subject.
- An **update to the website** page on Data Protection and the creation of a new inbox to receive information rights requests (for those rights outlined in paragraph 2.5).
- Appointment of Peter Bryant (Head of Democratic and Legal Services/Monitoring Officer) as **Data Protection Officer** ('DPO'), a statutory position required by the Regulation. Mr Bryant is currently the Council's Senior Information Risk Owner, a role with which the responsibilities of a DPO are closely associated.

3.6 Members of the Steering Group attended the Corporate Management Group on 19 February to report on the progress of the compliance activity and to gain approval for necessary compliance actions, including those outline above. Appendix 2 of the report written for that meeting delineated responsibility for those actions.

- Many could be completed centrally by the Steering Group or the Steering Group in liaison with one other Section.
- However, others cut across many sections and depend on the personal data processing activities each carries out. For these, it was decided that the tools necessary to remedy specific compliance issues would be provided by the Steering Group to those sections through their relevant CMG members. These tools include a relevant excerpt of the Information Asset Register, a self-assessment 'process map' to direct them towards compliance, a template for a Data Protection Impact Assessment and the standard letter and clauses for varying contracts.

4.0 Wholly-owned companies

4.1 Meetings have been held with representatives of wholly-owned companies – Brookwood Park Ltd and the Thamesway Group – in order to assess their readiness for the GDPR.

- No major compliance issues were identified for Brookwood Park Ltd. Regardless, they will be included in the same compliance process as WBC Sections.
- Thameswey Group's Data Manager has already started to prepare that organisation for GDPR. The Steering Group will be in frequent contact to share material and track progress in the lead up to 25 May 2018.

5.0 Policy change

- 5.1 Guidance from the Information Commissioner's Office recommends that in order to meet the accountability and good governance requirements of the GDPR, organisations review and update their internal policies.
- 5.2 In order to prepare for the GDPR, a new Data Protection Policy has been drafted (attached as Appendix 1). This deals with the 'high level' principles of data protection. Guidance notes detailing how these principles will be complied with will be drafted subsequently and appended to the policy. These guidance notes will be approved by the Data Protection Officer.
- 5.3 Paragraph 5.4 of the amended Data Protection Policy deals with members registering, on an individual basis, with the Information Commissioner's Office. Where a member processes personal information on behalf of the Council (e.g. as a Committee member), he/she does so under the Council's registration. When members process personal data whilst acting as a Ward Councillor (e.g. casework on behalf of individual residents), they do so as data controllers in their own right, and should have a separate "registration" with the Information Commissioner. As part of the changes resulting from the GDPR, any "registration" requirements for members will be dealt with by the Data Protection Officer.

6.0 Implications

Financial

- 6.1 The annual fee payable by the Council to the Information Commissioner's Office will rise from £500 to £2,900.
- 6.2 It is anticipated that the fee payable to register each member with the Information Commissioner will be £35-£40. An allowance of £1,200 should be made for this activity.
- 6.3 No further budgetary needs have been identified in order to achieve GDPR compliance, except for those that fall within existing budgets:
- Separate GDPR e-training for staff and members.
 - Updates to ICT systems, such that they have GDPR-compliant functionality.

Human Resource/Training and Development

- 6.4 The need for updated data protection e-training for all staff has been identified. This is currently being sought through Surrey Learning Pool, who are providing GDPR e-training to other Surrey district councils. It is expected that this e-training will be rolled out to staff between 9 April 2018 and 24 May 2018 and will form part of the mandatory training for new starters thereafter.

- 6.5 The LGA is in the process of producing an e-training package for members. If ready in time, this will form part of the training provided to members in the new municipal year. If the LGA training package is not ready, alternative training will be provided.

Community Safety

- 6.6 The Multi-Agency Information Sharing Protocol (MAISP) managed by Surrey County Council currently governs information sharing relating to Community Safety. It is constructed and operates within the confines of the DPA. Woking Borough Council will continue to take direction from Surrey County Council on any changes to the MAISP in light of GDPR.

Risk Management

- 6.7 The Council will be at risk of not complying with its statutory obligations if it does not take action in light of the new data protection legislation.

Sustainability

- 6.8 There are no specific sustainability impacts.

Equalities

- 6.9 There are no specific equalities impacts.

7.0 Conclusion

- 7.1 Progress on compliance with the GDPR is being made at good pace and the Council is on track to achieve compliance by the in-force date of 25 May 2018.
- 7.2 The Overview and Scrutiny Committee will be invited to comment on this report and the work at the Council surrounding GDPR compliance at its meeting on 26 March 2018. The views of the Overview and Scrutiny Committee will be reported to Council.

REPORT ENDS

EXE18-015

APPENDICES

Appendix 1:

New Data Protection Policy

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	

	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

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The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy			X	
Meet local needs locally			X	
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place			X	

Woking Borough Council

Data Protection Policy

1. Introduction

- 1.1 This document sets out Woking Borough Council's ('the Council') Data Protection Policy and how it complies with the Council's duties under the EU General Data Protection Regulations (GDPR) and the UK Data Protection Act 2018 (which in combination constitute 'the legislation').
- 1.2 The legislation regulates the way in which personal data about individuals, whether held digitally or in a manual filing system, is subjected to any processing operation, including collection, storage, use, disclosure and destruction.
- 1.3 The Council needs to process personal data and sometimes sensitive personal data about people with whom it deals in order to carry out its statutory duties, perform its functions and to comply with terms of contracts it has entered. This includes information on current, past and prospective service users, employees, suppliers, clients, customers, and others with whom it communicates. It may include all persons who live, work or visit the Borough and many others who do not.
- 1.4 The Council regards the lawful and correct treatment of personal information as critical to the success and effectiveness of its operations, and to maintaining the confidence of those it serves. It is essential that it respects the rights of all persons whose personal information it holds, that it treats personal information lawfully and correctly in accordance with the legislation and that it is able to show that this is the case.
- 1.5 Failure to comply with the legislation infringes the rights of individuals and may place them at risk of loss or harm. It also exposes the Council to challenge, legal claims and substantial financial penalty.
- 1.6 This policy applies to all staff and elected Members and the Council expects all of its staff and elected Members to comply fully with this policy and the principles laid down in the legislation (set out in Section 3 below). Elected Members should adhere to the policy so as to ensure compliance with the Members' Code of Conduct and the Council's obligations in relation to confidentiality.
- 1.7 Third parties such as partners, public and private organisations or contractors with whom the Council shares personal data or who hold data on the Council's behalf will be expected to enter into and adhere to formal agreements or contractual obligations with the Council incorporating the principles of this policy and the requirements of the legislation. Such agreements or contracts must define the purposes for which personal data is supplied to or held by the other party and require contractors to have in place appropriate organisational and technical

measures to protect the data and processes to enable the exercise of the rights of individuals.

2. Definitions

2.1 Definitions used in the GDPR and in this policy are as follows:

- 2.1.1 **'Personal data'** is any information relating to an identified or identifiable natural person, either through their name or another identifier such as an identification number.
- 2.1.2 **'Processing'** refers to any operation performed on personal data, whether or not by electronic or automated means, such as collection, use, storage, disclosure or destruction.
- 2.1.3 **'Data subject'** is the term used to describe any given person when identified in relation to their personal data.
- 2.1.4 **'Data controller'** is the label for organisations which decide how and why personal data is used, while **'data processors'** is a label for organisations responsible for processing personal data on behalf of a controller. Woking Borough Council is a data controller, while its suppliers are data processors.
- 2.1.5 **'Special categories'** of personal data encompasses ethnicity and data concerning health, among other categories. To process these, there are extra requirements. Similar requirements exist in the GDPR for processing data on criminal convictions or offences.

3. Data protection principles

3.1 The Council will comply with the principles included in the legislation, ensuring that personal data is:

- 3.1.1 Processed lawfully, fairly and in a transparent manner;
- 3.1.2 Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes;
- 3.1.3 Adequate, relevant and limited to what is necessary in relation to those purposes;
- 3.1.4 Accurate and, where necessary, kept up to date;
- 3.1.5 Kept in a form which permits identification of data subjects for no longer than is necessary to fulfil the purposes for which the personal data is processed;
- 3.1.6 Processed in a manner that ensures appropriate security of the personal data; and
- 3.1.7 Processed in accordance with the rights of data subjects.

4. General requirements

- 4.1 If follows from the principles of the legislation that, in practice:
- 4.1.1 Personal data should only be processed when an appropriate lawful basis in the legislation can be identified;
 - 4.1.2 Personal data should only be accessed by those who need to for work purposes;
 - 4.1.3 Personal data should not be divulged or discussed except when performing normal work duties;
 - 4.1.4 Personal data must be kept safe and secure at all times, including at the office, public areas, home or in transit;
 - 4.1.5 Personal data should be regularly reviewed and updated; and
 - 4.1.6 Queries about data protection, internal and external to the Council must be dealt with effectively and promptly.

5. Responsibilities of officers and elected Members

- 5.1 The Council is a Data Controller under the legislation and must comply with the principles laid down in the legislation and be able to demonstrate compliance with them.
- 5.2 The Data Protection Officer shall be accountable for the implementation and effectiveness of this policy. The Data Protection Officer shall also have specific operational responsibility for data protection matters corporately.
- 5.3 All Corporate Management Group members are responsible for implementing safe and sound data protection procedures within their areas of responsibility. Corporate Management Group members should have regard to this policy and any accompanying guidance issued by the Data Protection Officer from time to time, when formulating procedures which make use of personal data.
- 5.4 Where an elected Member has access to and processes personal information on behalf of the Council, the Member does so under the Council's 'registration' and must comply with this policy. When Members process personal data whilst acting as a Ward Councillor, they do so as Data Controllers in their own right, with a separate fee having been paid to the Information Commissioner's Office.

6. Data security

- 6.1 All staff are responsible for ensuring that personal data which they use or process is kept securely and is not disclosed to any unauthorised person or organisation. Access to personal data should only be given to those who have and can show a need for access to the data for the purpose of their duties.

- 6.2 Personal data should not be left where it can be accessed by persons not authorised to see it or have access to it by reference to this policy and the principles in the legislation.
- 6.3 Personal data which is no longer required must be destroyed appropriately, for example, by shredding or, in the case of computer records, secure deletion. When required, computers must have all personal information securely deleted using the appropriate software tools. Personal data must be destroyed in accordance with the Council's retention schedule.
- 6.4 Staff and elected Members who work from home must have particular regard to the need to ensure compliance with this policy. The security and proper processing of data outside offices and usual places of work and whilst travelling must be ensured.
- 6.5 The Data Protection Officer shall ensure that personal data breaches are investigated and, where the breach is likely pose a risk to the rights and freedoms of individuals, reported to the Information Commissioner's Office in line the requirements of the legislation.

7. Information sharing

- 7.1 Personal data may need to be shared with third parties in order to deliver services or perform our duties. The Council will only share personal data when a lawful basis from the legislation can justify that sharing, where it is necessary to achieve a clear purpose and, with that purpose in mind, it is fair and proportionate to do so.
- 7.2 Disclosure within the Council either to staff or elected Members will be on a need to know basis or to enable the most effective discharge of their responsibilities. Such disclosure may only be carried out when a lawful basis from the legislation can justify that disclosure. It will be carried out in accordance with the principles laid down in the legislation.
- 7.3 Data Sharing Agreements should be concluded when setting up on-going or routine information sharing arrangements with third parties. However, they are not needed when information is shared in one-off circumstances, but a record of the decision and the reasons for sharing information should be kept. All Data Sharing Agreements must be signed off by the Data Protection Officer, who will keep a register of all Data Sharing Agreements.

8. Data Protection Impact Assessments

- 8.1 As required by the legislation, Data Protection Impact Assessments ('DPIAs') will be completed in instances when the processing of personal data is likely to result in a high risk to the rights and freedoms of individuals.

Such instances may include, but are not limited to:

- 8.1.1 Introduction of new technologies;
- 8.1.2 Systematic and extensive processing activities;
- 8.1.3 Large scale processing of special categories of data or personal data relating to criminal convictions or offences;
- 8.1.4 Large scale, systematic monitoring of public areas, such as CCTV; and
- 8.1.5 Before entering a data sharing agreement.

9. The rights of data subjects

- 9.1 Subject to the provisions of the legislation, Members, staff and members of the public have the following 'information rights' in relation to their personal data:
 - 9.1.1 to be informed about how and why their personal data is processed;
 - 9.1.2 to access their data;
 - 9.1.3 to rectification of their data;
 - 9.1.4 to erasure of their data;
 - 9.1.5 to restrict processing of their data;
 - 9.1.6 to data portability;
 - 9.1.7 to object to processing of their data; and
 - 9.1.8 not to be subject to fully-automated decision-making including profiling.
- 9.2 The Data Protection Officer will ensure appropriate processes are in place to ensure the Council enables the exercise of these rights, according to the provisions of the legislation.
- 9.3 Any information rights requests are processed by the Data Protection Officer. Individuals will be expected to submit requests in writing and provide any necessary proof of identification as part of the request.
- 9.4 The Council aims to respond promptly to these information rights requests and, in any event, within the statutory time limit (normally 30 days). Requests will be managed and tracked by the Data Protection Officer.

10. Complaints

- 10.1 Anyone who feels that the Council has broken the law can make a complaint. Examples of this are when they think their information has not been obtained fairly, it has not been handled securely or they have asked for a copy of their information and they are not satisfied with the Council's response.
- 10.2 Complaints regarding the processing of personal data should be made to the Data Protection Officer.

11. Training

- 11.1 Data protection training is important so that all staff elected Members understand their responsibilities. Legal advice and guidance on data protection matters are available to all staff and elected Members. Core guidance, practice, procedures and policies shall be held on the Council's intranet. The Data Protection Officer shall ensure that training resources are up to date and promote and ensure the take up of training and advice by staff.

12. Guidance notes

- 12.1 The Data Protection Officer shall, where appropriate to do so, be responsible for issuing guidance notes explaining the practices necessary to ensure compliance with this policy. These guidance notes shall, when issued, be appended to the policy.

13. Policy review

- 13.1 The Data Protection Officer has responsibility for co-ordinating the maintenance and review of this policy.
- 13.2 Reviews will take into account changes in legislation and best practice. The Data Protection Officer is authorised to amend this policy following a review.

This policy will take effect from 25 May 2018.

EXECUTIVE - 22 MARCH 2018

HOUSING ALLOCATIONS POLICY 2018

Executive Summary

This report proposes the introduction of a fully revised Housing Allocations Policy.

The current Housing Allocations Policy was agreed by Council in July 2013 and followed the introduction of the Localism Act 2011 and the then Department of Communities and Local Government new guidance entitled "Allocation of Accommodation: Guidance for Local Housing Authorities in England" (updated 31 December 2013).

Over the past five years an increasing number of procedural and legislative factors, coupled with a shifting housing need landscape, has necessitated a substantial revision of the existing Policy.

The most recent and major piece of legislation to be passed, the Homelessness Reduction Act 2017, is recognised and referenced throughout the revised Housing Allocations Policy. The Act is due to come into force from the 3 April 2018, and will have a material effect on the way that the Council delivers and operates its prevention of homelessness service.

The overarching objectives of the revised Policy are:

- To meet current statutory obligations;
- To adopt a Housing Allocation Policy that realistically reflects housing options available to Woking applicants;
- In tandem with other Policies, to encourage applicants to widen their choice of tenure and consider a range of options, including private rented sector properties;
- To increase the use of the private rented sector;
- To ensure best use of social housing for those most in housing need;

The proposed revised Policy has been informed and influenced by a number of different factors, these include:

- The introduction of new legislation and guidance;
- The implementation of other Council adopted policies, e.g. Private Rented Sector Scheme Policy;
- Feedback received from legitimate and repeated challenge from our key partners;
- Consultation with a number of key partners and stakeholders on the proposed changes (see Appendix 2); and
- Our own internal critique and analysis of existing systems and procedures.

Primary consultation of the proposed changes to the Housing Allocations Policy has taken place with a group of key partners (see Appendix 2). The proposed key changes have also been discussed and endorsed by the Housing Task Group (22 February 2018).

The revised Policy ensures that the Council will meet all current legislative requirements and modernises the approach and working practices in a number of the areas through the recommended changes. Delegated authority is sought for the Strategic Director in consultation with the Portfolio Holder for Housing, to annually review and make minor changes as necessary to ensure that the Policy remains appropriate and compliant throughout its lifetime.

Reasons for Decision

The Council has a legal duty to have an Allocations Policy which states how priority will be awarded to applicants on the Housing Register and how the Choice Based Lettings Scheme (Hometrak) operates. It is good practice to review the Housing Allocations Policy from time to time to ensure it reflects local housing priorities and changes in legislation. The revised Policy reflects this and will become subject to annual review.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- i) the Housing Allocations Policy, as set out in the Appendix 3 to the report, be adopted; and
- ii) the Strategic Director, in consultation with the Portfolio Holder for Housing, be delegated authority to make minor amendments to the Policy as part of an annual review.

The recommendations above will need to be dealt with by way of a recommendation to the Council.

Background Papers:

Presentation to the Housing Task Group Meeting 22 February 2018

[Allocation of accommodation: guidance for local housing authorities in England](#)

[Homelessness Reduction Act 2017](#)

[Ministry of Housing, Communities and Local Government \(MHCLG\) - Homelessness Code of Guidance for Local Authorities](#)

Sustainability Impact Assessment

Equalities Impact Assessment

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Date Published:

16 March 2018

1.0 Introduction

- 1.1 Every local Housing Authority is required to have a Housing Allocation Policy, which is also known as the Authority's Allocations Policy. This document is Woking Borough Council's Allocations Policy in accordance with the requirements of Section 166A of the Housing Act 1996 (as amended).
- 1.2 Over the past five years and since the previous version of the Policy was adopted, there have been an increasing number of procedural and legislative factors that have impacted upon the Council's housing allocation procedure. This coupled with a shifting housing needs landscape, has necessitated the need for a revision of the existing Policy.
- 1.3 The revised Policy allows for a more flexible framework through which the Council's Housing Officers can allocate properties in an effective, increased and timely manner ensuring that the needs are met efficiently of those people with the most priority.
- 1.4 Increasingly the Council's Housing Officers need to assume an improved client centric approach with people being dealt with as individuals and on their own merits, delivering fairness at all times. This will require careful, closer and more intelligent management of the Register. The revised Policy takes into account this style of approach.
- 1.5 In developing the revised Housing Allocations Policy, the Council has had regard to both current existing policies as well as those existing policies that require change due to new legislation, and these have been linked, where appropriate, throughout the revised Housing Allocations Policy.

2.0 Proposed Key Changes

- 2.1 The proposed key changes to the existing Policy are fully detailed in Appendix 1. In summary below are the proposed changes together with the rationale for such proposals, together with an articulation of the impact that such change may have.
 - i. *Removal of Band E by condensing the existing five Bands (A-E) to four (A-D):*

There is no material effect to those people already in these Bands as the proposed changes effectively seek to amalgamate and disperse those priority groups into more appropriate and a smaller number of bands;

The impact of this change is considered low but positive. Ongoing review of the new categorisation will monitor the application, efficiency and effectiveness of this change.
 - ii. *Removal of the age limit for 'Sheltered Housing' – now 'Housing with Support':*

The recommendation is that the eligibility age limit of 60+ is removed, and Housing with Support be based on need rather than age.

The revised criteria for Housing with Support accommodation will ensure that there are appropriate properties for all of those people, regardless of their age, who are independent but need a low level of support. This also includes people who can live independently with the aid of an appropriate care package. Applicants who are disabled may also be considered for this type of accommodation.

The positive impact of this recommended change is the creation of an inter-generationally mixed housing community, where people of different ages and similar needs, can offer additional support to each other. Also the opportunity to socialise with different age groups will promote increased health and wellbeing.

The recommended change will allow the Council to utilise its housing with support accommodation more appropriately and to offer it to the most vulnerable people and those in most need irrespective of age requiring a low level of support.

The recommended change to 'housing with support' accommodation (previously sheltered accommodation) does not affect the right to buy as these properties remain compliant with the criteria set out in paragraphs 7, 9, 10 or 11 of Schedule 5 to the Housing Act 1985, and the Council will use the accommodation for those people who are exempt from right to buy due to a physical disability, mental disorder or who are over 60 with a low level of support need.

iii. *Greater emphasis on the use of the Private Rented Sector (PRS):*

Increasingly, with the introduction of the Homelessness Reduction Act 2017, enactment due 3 April 2018, the Housing Officers will have to seek options within the PRS for those we owe a Statutory Duty to. Overall, the new Policy includes a stronger thread and commentary around the use of PRS in a number of different situations.

The impact of this recommended change is to open up greater opportunity, choice and pool of properties for people based on affordability.

iv. *'Local Connection' changes:*

The recommendation is to change the current criteria for a 'local connection', from one year to two years, for both living and working in the Borough. Currently the requirement for 'Local Connection' lacks uniformity with local housing areas but by changing our criteria to reflect neighbouring authorities, this will reduce the number of applicants to our Register who are currently granted access via this route. For establishing a 'Local Connection' through a close relative, the period is set at five years in line with the new legislation, the Homelessness Reduction Act 2017.

The impact of this change is relatively low; however it does bring the Council's Policy in line with neighbouring Boroughs criteria, thus reducing the number of applicants attracted to the Council's Housing Register through this route.

v. *Applications from those with financial resources:*

The recommendation is for income, savings and asset limits to be reduced. Income limits to reduce in line with the average wage and Thamesway Housing Limited (THL) income criteria to £25,000 (prev. £30,000), and savings/assets levels to £16,000 (prev. £30,000) in line with Housing Benefit regulations.

In addition, the new Policy incorporates a timescale for applicants who have sold a property within the last 7 years. This clarifies the criteria regarding disposal of capital without making adequate housing arrangements.

The recommended change brings the Council's Policy into line with neighbouring Boroughs. The impact is relatively low.

vi. *Under Occupation:*

The recommendation is for under occupation to now include the following applicant group:

- Where the applicant is a tenant of a Housing Association (Registered Provider) and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements.

Currently in certain cases, those applicants who have downsized from a housing association property are accepted as Band B, without the housing association property being released for advertising via Hometrak. This recommended change

now stipulates that for those people wishing to downsize from a Housing Association property that we will only accept them onto the Housing Register as long as the Housing Association releases the property for re-advertising through Hometrak.

The recommended change ensures that the Council gains benefit for the downsizing process from Housing Association properties by receiving family homes onto Hometrak.

vii. *Reasonable Preference - no 'Local Connection':*

The recommendation is for the inclusion of two further qualification criteria relating to no 'Local Connection'. Both of these additions are as a result of new legislation for which the Council is required to follow.

viii. *Refusal of offers/failure to view:*

The existing policy lacks clarity in this area and is too loose on how refusals of offers/failure to view are dealt with. Currently applicants are granted two refusals (no timescale) before applications are reassessed. The recommendation is for a clearer definition of circumstances where an applicant refuses a property and clear reasoning for re-banding applicants including timescales (12 months).

This recommended change is a positive impact for Housing Officers as procedures are clearly stated and applicants who refuse/fail to view will get reassessed sooner, more consistently and re-banding where appropriate. In terms of the impact on those applicants who are actively bidding although miss out on offers, this recommended change will ensure that they have an increased chance of being successful.

3.0 Consultation

- 3.1 The proposed changes to the Housing Allocations Policy have been subject to a focus group and wider consultation of key internal teams, external partners and stakeholders (see Appendix 2).
- 3.2 On 22 February 2018, Housing Officers presented and consulted with the Housing Task Group and the Portfolio Holder for Housing on the proposed changes to the Council's Housing Allocations Policy. The Task Group Members and Portfolio Holder for Housing supported the recommended changes and the reasons for change.
- 3.3 Full details and outcomes of the focus group session, wider consultation and the Housing Task Group meeting are detailed in Appendix 2.
- 3.4 Overall, the majority of responses received from the consultees have been in support and positive for the proposed changes as detailed in 2.0 above and in the appendices.

4.0 Other Connected Changes - IT

- 4.1 As part of the revision of the Housing Allocations Policy, and due to the increasing necessity to automate processes and provide self-service options, a full review of the procedure for registering on the Housing Register (via the Choice Based lettings System – Hometrak) was carried out which established that there would be substantial benefits to having an online process.
- 4.2 Work is therefore currently underway to get the existing form online. In doing so the following objectives will be met:

- To provide an on-line form for people to apply to go on to the Housing Register, enabling self-service and reducing the time to apply. Currently paper based forms are the only method possible for registration.
 - To reduce the application process time and improve speed of service to Clients. The addition of an online form will remove the need for manual input of data. Assistance to clients will continue to be provided for those that cannot self-serve.
- 4.3 The introduction of such online functionality will not affect the bidding process through Hometrak, as this will remain unaltered for applicants.

5.0 Implications

Financial

- 5.1 The proposals in this report fall within existing budgets.

Human Resource/Training and Development

- 5.2 Staff will need training on the proposed changes before the implementation can take place and frontline staff will require training on the changes in order to advise applicants, stakeholders and the public regarding the changes to the Housing Allocations Policy. Internal IT, correspondence and leaflets to be updated as required.

Community Safety

- 5.3 In effectively assessing households' housing needs and providing suitable, affordable housing the Council will be aiming to improve the health, well-being and quality of life for the people of Woking.

Risk Management

- 5.4 Failure to correctly assess housing need in accordance with legislation would leave the Council open to legal challenge and could place some households at risk of harm.

Sustainability

- 5.5 A Sustainability Assessment has been completed.

Equalities

- 5.6 An Equalities Impact Assessment has been completed. One of the major changes recommended in the revised Policy, is the removal of the age eligibility criteria (60+) for housing with support (prev. sheltered accommodation). By removing this it will allow the Council to utilise its housing with support accommodation in the most appropriate way in order to meet the needs of the most vulnerable people regardless of age. This will have a positive effect on those people of all age groups with low level support needs.
- 5.7 The Council is committed to making all applications, whether electronic or paper, accessible to all users and have an ongoing programme of making useful updates and improvements.

REPORT ENDS

EXE18-013

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	<p>One of the major changes recommended in the revised Policy, is the removal of the age eligibility criteria (60+) for sheltered accommodation. By removing this it will allow the Council to utilise its sheltered accommodation in the most appropriate way in order to meet the needs of the most vulnerable regardless of age. This will have a positive effect on those people with particular needs and across all age groups.</p> <p>There will be both positive and negative aspects to this policy. It will be positive for local people who have strong local connections but it will be negative for people who want to move to Woking but have no specific need to do so.</p> <p>It will have a negative impact on applicants with higher incomes/assets/savings but a positive impact for people on lower incomes who need housing.</p> <p>It will have a positive impact on applicants who should stand a better chance of housing which will</p>
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)	X					

	Younger people (16 - 25)					X	<p>also impact positively on their health and well-being.</p> <p>There will be a positive impact on applicants or their families who need to move into the Borough to support or be supported and there will be a positive impact where ASB has been removed from an area/household.</p>
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

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Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy			X	
Meet local needs locally	X			
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place			X	

Housing Allocations Policy 2018

Summary of the Proposed Key Changes

Proposed Change	Detail of proposed changes	What we do now	Rationale for changes and the potential impact
i. Removal of Band E	<ul style="list-style-type: none"> We have reduced the number of priority Bands by condensing the existing five (A-E) to four (A-D). Reasons for changes; 	<p>Currently the number of bands is five (A-E) covering a number of priority areas:</p> <ul style="list-style-type: none"> Band A – Emergency and highest priority Band B – Urgent need Band C – Identified housing need Band D – Low level of need and limited local connection Band E – No need and /or no local connection 	<p>This will enable us to categorise priority need more efficiently and effectively, and to reduce confusion for applicants.</p> <p>Allows for a more flexible structure through which we can allocate properties in an increased and timely manner.</p> <p>Increasingly we need to assume an improved client centric approach with people being dealt with as individuals and on their own merits, delivering fairness at all times. This will require careful, closer and more intelligent management of the Register. The revised Policy takes into account this style of approach.</p> <p><u>Impact</u></p> <p>The impact of this change is considered low but positive. Ongoing review of the new categorisation will monitor the application, efficiency and effectiveness of this change.</p>
ii. Removal of the age limit for Sheltered Housing – now Housing with support	<ul style="list-style-type: none"> Our recommendation is that the age limit is removed, and sheltered accommodation should be based on need rather than age. 	<p>Currently applicants aged 60 and above with a low level support need are allocated Sheltered housing.</p>	<p>It is felt that the “sheltered” concept is no longer fit for purpose in modern approaches. People aged 60+ no longer feel they need “sheltered” accommodation and yet there are younger people who have housing support needs who would benefit from the bricks and mortar schemes with more support targeted at those vulnerable people (of any age) who really need it.</p> <p>Allows applicants of all ages to be considered for ‘Housing with Support’ and not restricting applicants of a certain age.</p> <p><u>Impact</u></p> <p>The revised criteria for Housing with Support accommodation will ensure that there are appropriate properties for all of those people, regardless of their age, who are independent but need a low level of support. This also includes people who can live</p>

			<p>independently with the aid of an appropriate care package. Applicants who are disabled may also be considered for this type of accommodation.</p> <p>The positive impact of this recommended change is the creation of an inter-generationally mixed housing community, where people of different ages and similar needs, can offer additional support to each other. Also the opportunity to socialise with different age groups will promote increased health and wellbeing.</p> <p>The recommended change will allow the Council to utilise its housing with support accommodation more appropriately and to offer it to the most vulnerable people and those in most need irrespective of age.</p> <p>The recommended change to 'housing with support' accommodation (previously sheltered accommodation) does not affect the right to buy as these properties remain compliant with the criteria set out in paragraphs 7, 9, 10 or 11 of Schedule 5 to the Housing Act 1985, and the Council will use the accommodation for those people who are exempt from right to buy due to a physical disability, mental disorder or who are over 60 with a low level of support need.</p>
iii. Greater emphasis on the use of the Private Rented Sector (PRS)	<ul style="list-style-type: none"> Increasingly, with the introduction of the Homelessness Reduction Act 2017, enactment due 3 April 2018, we will have to seek options within the PRS for those to whom we owe a Statutory Duty as opposed to people waiting for social housing Overall, the new Policy requires more commentary 	<p>Currently the Private Rented Sector is in part being utilised to prevent homelessness where possible.</p>	<p>As the number of Council-owned properties reduces, the need for accommodation has increased and the Council will have a legal duty to prevent and relieve homelessness from 3 April 2018.</p> <p>The Private Rented Sector is a key tool which can be used to help applicants deemed to be able to afford this option.</p> <p><u>Impact</u></p> <p>The impact of this recommended change is to open up greater opportunity, choice and pool of properties for people based on affordability.</p>

	around the use of PRS in a number of different situations – i.e. PRS Access Scheme		
<div>Page 167</div> iv. Local Connection changes	<ul style="list-style-type: none"> Applicants must live in the Borough for at least the previous 2 years before they can be included on the Housing Register Applicants who do not live in the Borough must have permanent employment in the Borough for a minimum of 35 hours per week (unless unable to do so on grounds of disability) and have done so for at least 2 years continuously before they can be included on the Housing Register Applicants who wish to establish a local connection through close relative living in the Borough for at least 5 years must provide evidence that there is a support or welfare need, either for the applicant(s) or the relative who is a local resident Social Housing tenants in England who qualify under the Right to Move criteria 	Currently the Policy states that the Local Connection criterion is set at one year for prospective applicants.	<p>The recommendation is to change the current criteria for a 'local connection', from one year to two years, for both living and working in the Borough. Currently the requirement for 'Local Connection' lacks uniformity with local housing areas but by changing our criteria to reflect neighbouring authorities, this will reduce the number of applicants to our Register who are currently granted access via this route.</p> <p>For establishing a 'Local Connection' through a close relative, the period is set at five years in line with the new legislation, the Homelessness Reduction Act 2017.</p> <p><u>Impact</u></p> <p>The impact of this change is relatively low, however it does bring the Council's Policy in line with neighbouring Boroughs criteria, thus reducing the number of applicants attracted to the Council's Housing Register through this route.</p>
v. Applications from	<ul style="list-style-type: none"> Single applicants maximum 	Current criteria is £30,000	The recommendation is for income, savings and asset limits to

<p>those with financial resources</p>	<p>gross income per year changed from £30,000 to £25,000 in line with THL income criteria</p> <ul style="list-style-type: none"> Savings and/or assets changed from £30,000 to £16,000 Applicants who have sold a property in the last 7 years will be asked to provide evidence of the sale and details of any capital gained from the sale. Applicants will be disqualified if they disposed of capital without making adequate housing arrangements, for example, by gifting the capital to relatives or friends. 	<p>for both gross income and savings/assets.</p> <p>Ownership of, or an interest in, a property, whether locally or elsewhere (within the UK or outside) is a financial resource. Currently there is no timescale considered when an applicant registers.</p>	<p>be reduced. Income limits to reduce in line with the average wage and Thamesway Housing Limited (THL) income criteria to £25,000 (prev. £30,000), and savings/assets levels to £16,000 (prev. £30,000) in line with Housing Benefit regulations.</p> <p>In addition, the new Policy incorporates a timescale for applicants who have sold a property within the last 7 years. This clarifies the criteria regarding disposal of capital without making adequate housing arrangements.</p> <p>The recommended change brings the Council's Policy into line with neighbouring Boroughs.</p> <p><u>Impact</u></p> <p>The impact is relatively low.</p>
<p>Page 168</p>			
<p>vi. Under Occupation</p>	<ul style="list-style-type: none"> Where the applicant is a tenant of a Housing Association and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements. 	<p>The current policy is silent on this point.</p>	<p>Currently in certain cases, those applicants who have downsized from a housing association property are accepted as Band B, without the housing association property being released for advertising via Hometrak. This recommended change now stipulates that for those people wishing to downsize from a Housing Association property that we will only accept them onto the Housing Register as long as the Housing Association releases the property for re-advertising through Hometrak.</p> <p><u>Impact</u></p> <p>The recommended change ensures that the Council gains benefit for the downsizing process from Housing Association properties by receiving family homes onto Hometrak.</p>
<p>vii. Reasonable</p>	<ul style="list-style-type: none"> Applicants who do not meet 	<p>The current policy is silent</p>	<p>Amended as a result of new legislation for which the Council is</p>

<div> <div>Page 169</div> <div>vi</div> </div>	<p>Preference - no Local Connection</p> <p>the qualification criteria and have no Local Connection but who have been assessed as having an exceptional or emergency need to move, as authorised by the Housing Needs Manager in consultation with the Strategic Director - Band C</p> <ul style="list-style-type: none"> Applicants assessed as falling into one of the Reasonable Preference groups, but where there is no Local Connection to the Borough of Woking as authorised by the Housing Needs Manager in consultation with the Strategic Director - Band D 	<p>on these points.</p>	<p>required to follow.</p> <p><u>Impact</u></p> <p>This recommended change will have a positive impact on those who not have previously been considered.</p>
<div> <div>Page 169</div> <div>vi</div> </div>	<p>Refusal of offers/failure to view</p> <p>Applicants will be placed into Band D (low priority) in the following circumstances;</p> <ul style="list-style-type: none"> Applicants who, having successfully bid for a property, refuse to accept it, twice within 12 months for no evidenced reason and assessed as an unreasonable refusal by an Allocations Officer. Emergency Management transfers in Band A who refuse one suitable offer of rehousing where they have an existing transfer application 	<p>The existing policy lacks clarity in this area and is too loose on how refusal of offers/failure to view are dealt with. Currently applicants are granted two refusals (no timescale) before applications are reassessed.</p>	<p>The existing policy lacks clarity in this area and is too loose on how refusals of offers/failure to view are dealt with. Currently applicants are granted two refusals (no timescale) before applications are reassessed. The recommendation is for a clearer definition of circumstances where an applicant refuses a property and clear reasoning for re-banding applicants including timescales (12 months).</p> <p><u>Impact</u></p> <p>This recommended change is a positive impact for Housing Officers as procedures are clearly stated and applicants who refuse/fail to view will get reassessed sooner, more consistently and re-banding where appropriate. In terms of the impact on those applicants who are actively bidding although miss out on offers, this recommended change will ensure that they have an increased chance of being successful.</p>

	<p>live at the time of the management transfer request.</p> <ul style="list-style-type: none"> ▪ Applicants who, having successfully bid for a property, fail to view a property without a reasonable cause and as assessed by an Allocations Officer. 		

HOUSING ALLOCATIONS POLICY 2018

February Consultation - Draft Housing Allocations Policy

1.0 Consultation

- 1.1 Following the completion of the draft version of the Housing Allocations Policy, as required the Council has consulted with key internal teams, external partners and stakeholders on proposed key changes to the Housing Allocations Policy.
- 1.2 A number of organisations were invited to attend a stakeholders and partners focus group. Those that were unable to attend were sent the draft Housing Allocations Policy to review and submit feedback by 8 March 2018.
- 1.3 Below is a list detailing the groups that attended the Focus Group and a separate list showing the organisations that were unable to attend but received the draft Housing Allocations Policy along with a summary of key changes for comment.

Focus Group Attendees Citizens Advice Woking
 Clarion Housing Group
 Mount Green
 New Vision Homes
 Transform Housing
 TVHA (Thames Valley Housing Association)
 York Road Project

Consulted Organisations Accent Group
 A2 Dominion
 Ability-Housing
 Catalyst Support
 Ethical Lettings
 Greenoak Housing Association
 Guinness Trust
 Home Support
 L&Q Group
 Life Charity
 Paragon Astra (PA) Housing
 Riverside
 Sanctuary Housing
 SLAP Coordinator
 Surrey County Council Adult Social Care
 Woking Probation Office
 Woking Borough Council Staff

- Housing Options
- Housing Needs
- Housing Standards/Licensing
- Home Independence
- Sheerwater Regeneration Visiting Officers

 Your Sanctuary

- 1.4 On 22 February 2018, Housing Officers presented and consulted with the Housing Task Group and the Portfolio Holder for Housing on the proposed changes to the Council's Housing Allocations Policy.

2.0 Proposed Key Changes

2.1 In summary below are the proposed changes together with the rationale for such proposals, together with an articulation of the impact that such change may have.

i. *Removal of Band E by condensing the existing five Bands (A-E) to four (A-D):*

There is no material effect to those people already in these Bands as the proposed changes effectively seek to amalgamate and disperse those priority groups into more appropriate and a smaller number of bands;

The impact of this change is considered low but positive. Ongoing review of the new categorisation will monitor the application, efficiency and effectiveness of this change.

ii. *Removal of the age limit for 'Sheltered Housing' – now Housing with Support:*

The recommendation is that the eligibility age limit of 60+ is removed, and Housing with Support be based on need rather than age.

The revised criteria for Housing with Support accommodation will ensure that there are appropriate properties for all of those people, regardless of their age, who are independent but need a low level of support. This also includes people who can live independently with the aid of an appropriate care package. Applicants who are disabled may also be considered for this type of accommodation.

The positive impact of this recommended change is the creation of an inter-generationally mixed housing community, where people of different ages and similar needs, can offer additional support to each other. Also the opportunity to socialise with different age groups will promote increased health and wellbeing.

The recommended change will allow the Council to utilise its housing with support accommodation more appropriately and to offer it to the most vulnerable people and those in most need irrespective of age requiring a low level of support.

The recommended change to 'housing with support' accommodation (previously sheltered accommodation) does not affect the right to buy as these properties remain compliant with the criteria set out in paragraphs 7, 9, 10 or 11 of Schedule 5 to the Housing Act 1985, and the Council will use the accommodation for those people who are exempt from right to buy due to a physical disability, mental disorder or who are over 60 with a low level of support need.

iii. *Greater emphasis on the use of the Private Rented Sector (PRS):*

Increasingly, with the introduction of the Homelessness Reduction Act 2017, enactment due 3 April 2018, the Housing Officers will have to seek options within the PRS for those we owe a Statutory Duty to. Overall, the new Policy includes a stronger thread and commentary around the use of PRS in a number of different situations.

The impact of this recommended change is to open up greater opportunity, choice and pool of properties for people based on affordability.

iv. *'Local Connection' changes:*

The recommendation is to change the current criteria for a 'local connection', from one year to two years, for both living and working in the Borough. Currently the requirement for 'Local Connection' lacks uniformity with local housing areas but by changing our criteria to reflect neighbouring authorities, this will reduce the number of applicants to our Register who are currently granted access via this route. For establishing a 'Local Connection' through a close relative, the period is set at five years in line with the new legislation, the Homelessness Reduction Act 2017.

The impact of this change is relatively low, however it does bring the Council's Policy in line with neighbouring Boroughs criteria, thus reducing the number of applicants attracted to the Council's Housing Register through this route.

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In addition, the new Policy incorporates a timescale for applicants who have sold a property within the last 7 years. This clarifies the criteria regarding disposal of capital without making adequate housing arrangements.

The recommended change brings the Council's Policy into line with neighbouring Boroughs. The impact is relatively low.

vi. *Under Occupation:*

The recommendation is for under occupation to now include the following applicant group:

- Where the applicant is a tenant of a Housing Association (Registered Provider) and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements.

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The recommended change ensures that the Council gains benefit for the downsizing process from Housing Association properties by receiving family homes onto Hometrak.

vii. *Reasonable Preference - no 'Local Connection':*

The recommendation is for the inclusion of two further qualification criteria relating to no 'Local Connection'. Both of these additions are as a result of new legislation for which the Council is required to follow.

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This recommended change is a positive impact for Housing Officers as procedures are clearly stated and applicants who refuse/fail to view will get reassessed sooner, more consistently and re-banding where appropriate. In terms of the impact on those applicants who are actively bidding although miss out on offers, this recommended change will ensure that they have an increased chance of being successful.

3.0 Responses to key changes

3.1 A few consultees raised concern that the period of consultation was short and did not allow reasonable time for stakeholders to comment. A positive number of responses had been received during the timeframe specified. The comments have been analysed and reviewed with no challenge or amendment to the key changes in the policy offered. A number of minor changes were accepted and implemented within the revised policy.

3.2 Following the presentation and discussion by the Council's Housing Officers, the Task Group was in clear support of the changes presented on Thursday, 22 February 2018. The changes were then sent out for consultation to all the Council's Stakeholders and Partners.

- 3.3 At the focus group a number of questions had been raised and responses given by the Housing Needs Manager. The focus group raised concerns for registered applicants in Band E following the proposed changes to remove the Band. There is no effect to those people already in this Band as the proposed changes effectively seek to amalgamate and disperse priority groups into more appropriate and a smaller number of bands.
- 3.4 The focus group were in agreement that the removal of the age limit for 'Sheltered Housing' was highly positive as it would ensure properties be available for applicants who are independent but need a level of support regardless of age. This also includes individuals who can live independently with the aid of an appropriate care package, Implementing this change would allow Housing Officers greater flexibility when placing applicants in more suitable and appropriate accommodation once support needs have been assessed.
- 3.5 Email responses had shown support for the key changes detailed in Appendix 1. Minor amendments had been received such as ensuring consistency of phrases used, for example, the use of 'Housing Associations' instead of 'Register Providers' throughout the policy. Comments also noted the policy being large and difficult to digest for some parties, where possible the Policy has been condensed. However it was felt that the Policy incorporates all legislative changes required and procedures necessary to be transparent with the public.
- 3.6 The majority of feedback from the Focus Group and email responses were positive and agreed with the proposed key changes.
- 3.7 The changes to the Council's Housing Allocations Policy have been subject to comprehensive consultation. A number of Minor amendments had been reviewed and where appropriate, added/amended in the Housing Allocations Policy.

4.0 Conclusion

- 4.1 Reviewing the current Policy offers an opportunity for the Council to make changes to our Housing Allocation Policy and exercise greater flexibility in determining those we might house. Following consultation key partners and staff we are proposing to make a number of changes, which will make the scheme fairer and firmer, in line with neighbouring authorities which would exclude some applicants that currently qualify to join the housing register. Most of those affected currently have little chance of being housed.
- 4.2 Once the Council has endorsed the new Housing Allocations Policy, it will be necessary to ensure that staff are fully trained and that IT, correspondence and leaflets are updated. We would aim to implement the new Policy with effect from 3 April 2018

Housing Allocations Policy

February 2018

Woking Borough Council

Version Control

Version	Date	Author	Changes
1.0	February 2018	H Craig Waller	<p>Removal of Band E</p> <p>Removal of the age limit for Sheltered Housing – now Housing with Support</p> <p>Greater emphasis on the use of the Private Rented Sector (PRS)</p> <p>Local Connection changes</p> <p>Applications from those with financial resources</p> <p>Under Occupation</p> <p>Reasonable Preference - no Local Connection</p> <p>Refusal of offers/failure to view</p>

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PART I INTRODUCTION

1. Introduction

- 1.1 Every local Housing Authority is required to have a Housing Allocation Policy, which is also known as the Authority's Allocations Policy. This document is Woking Borough Council's Allocations Policy in accordance with the requirements of Section 166A of the Housing Act 1996 (as amended).
- 1.2 In developing the revised Allocations Policy, the Council has had regard to the Housing Strategy, the Tenancy Policy, the Homelessness Prevention Strategy, the Strategic Housing Market Assessment, and the Local Plan. These documents are available on the Council's corporate website at www.woking.gov.uk and are subject to regular review.
- 1.3 Woking Borough Council operates a Choice Based Lettings (CBL) scheme called Hometrak, and is based online at www.woking.gov.uk.
- 1.4 This document explains how the Council will allocate its social rent properties and make nominations to Housing Associations within the Borough where the Council has nomination rights. However, individual landlords have their own allocations schemes and tenancy policies, and these will apply where appropriate.
- 1.5 Woking works with Central Government in exceptional welfare and hardship projects, such as the Syrian Refugee Voluntary Resettlement Scheme. The Council will also apply, where appropriate, discretionary decisions for the assessment of housing need and the allocation of social housing. Rehousing of applicants in these circumstances will be with the approval of the relevant Council Committee.
- 1.6 The majority of offers of Council accommodation will be on fixed term flexible tenancies. For further information, please see the Council's Tenancy Policy. Most offers of social housing will be for an initial introductory flexible tenancy for the first twelve months for new tenants. The Council will decide whether to offer a two or seven year fixed term flexible tenancy for its own stock, according to the criteria in the current Tenancy Policy.
- 1.7 Individual Housing Associations within the Borough offer different types of tenancies and applicants who are nominated to a Housing Association will be subject to that landlord's tenancy policy and relevant tenure.
- 1.8 This Policy deals with the assessment of applications for housing, and it is not a statement of how the Council deals with homelessness. There are however references made to the assessment of homeless households within this Policy. There are separate processes and procedures for dealing with homeless applications, and the Council has a Homelessness Prevention Strategy which sets out how the Council will deal with the prevention of homelessness. These details are available on the Council's website.
- 1.9 The Council also wants to ensure that vulnerable applicants in supported accommodation outside of the Borough of Woking are supported back into the Borough. The Council will achieve this by allowing applicants to retain their original Local Connection at the time of the supported housing placement. To balance this, applicants without a Local Connection to Woking, within supported accommodation in the Borough will need to re-connect with their originating Borough before the supported housing placement commenced, or find a private rented property within the Borough. Social housing or financial private rental assistance will not be offered to any applicant without an original Local Connection to Woking that satisfies the qualification criteria within this Policy.
- 1.10 Any person can approach the Council's Housing Options Team for housing advice and assistance. However, affordable housing in Woking is very limited, and the Council no longer holds an 'open' register. Instead, the Council operates a 'managed register', which will require

applicants to meet certain qualification criteria. Where the Council is unable to accept an applicant onto the Housing Register, it will provide a full housing options advice and support service, signposting the applicant to alternative routes into housing, if possible and where appropriate.

2. Key Aims and Objectives

2.1 The key aims and objectives of this policy are to:

- i. Ensure those in housing need are given preference for housing, in accordance with the Housing Act 1996, the Homelessness Act 2002, the Localism Act 2011, Homelessness Reduction Act 2017, Woking Armed Forces Covenant and relevant Codes of Guidance.
- ii. Allow the Council to better manage its Housing Register and make more efficient use of its housing stock to meet local needs and local circumstances and help promote safe, balanced and sustainable communities.
- iii. Encourage work and mobility
- iv. Consider appropriate priority for tenants who want to downsize
- v. Contribute to the prevention of homelessness
- vi. Ensure all sectors of the community have equal opportunity for a decent home
- vii. Ensure that the process of applying for a home is open, fair, transparent and easily understood.
- viii. Contribute to the reduction of the number of voids occurring and to the length of time properties remain empty.
- ix. Recognise and address the housing and support needs of vulnerable people.
- x. Collect data on housing need as reflected in the Housing Register to inform central government and other statistical returns.
- xi. Demonstrate awareness of and consideration for the diverse needs of applicants.
- xii. Prevention of Housing Register fraud.

3. The Housing Register

- 3.1 The Council maintains a register of applicants in housing need including Council tenants who wish to transfer to a more suitable home. Through the Housing Register assessment process, applicants' housing needs are assessed and a level of priority awarded using a 'Banding' system. The level of priority, and time on the Housing Register, determines who is housed.
- 3.2 Housing Register applications are reviewed annually with applicants invited to renew their applications every year and tell us of any changes in their circumstances.
- 3.3 If an applicant fails to respond to this review and subsequent reminders within 28 days, their application will automatically be cancelled and removed. The applicant will then need to register a new application and be reassessed with a new band and priority date, should they still have a housing need.
- 3.4 Applicants can appeal against their cancellation and removal – see section Appeals and Review Procedures.

4. Choice Based Lettings (Hometrak)

- 4.1 Rather than the Council selecting households from the Housing Register and matching them to a vacancy, Choice Based Lettings allows applicants to bid for suitable properties they are interested in on an internet based system called 'Hometrak'. Available homes are advertised on Hometrak and via a fortnightly property sheet. This allows applicants to see what homes are available, giving them the opportunity to express choice and preference in the process of selecting a suitable home.

5. Lettings Covered by the Policy

- 5.1 Part 6 of the Housing Act 1996 and Part 7 of The Localism Act 2011 requires local housing authorities to comply with certain obligations when allocating housing accommodation. These obligations include allocating in accordance with the Council's Allocations Policy. While the legal definition relates only to certain types of accommodation, in the longer term this policy may also be applied to enable applicants to access private rented accommodation. A Housing authority allocates accommodation when it:

- i. Selects a person to be a Secure or Introductory Tenant of accommodation held by that authority;
- ii. Nominates a person to be given a Secure or Introductory Tenant of accommodation held by another Housing authority;
- iii. Nominates a person to be an Assured Tenant of accommodation held by a Housing Association.

- 5.2 The term "Assured Tenant" includes a person with an Assured Shorthold Tenancy, including of an Affordable Rent property and "Secure Tenant" includes a person with a Flexible Tenancy granted under s107A of the Housing Act 1985.

- 5.3 This Allocations Policy therefore applies to Woking Borough Council housing that is let on a Secure, Flexible, Non-Renewable Flexible or Introductory Tenancy and affordable housing for rent owned by a Housing Association and let under an Assured or Flexible Tenancy to which the Council is offered a nomination right.

- 5.4 Accommodation owned by the Council's independent housing company, Thamesway Housing Limited, may be advertised under Hometrak. However, this accommodation falls outside the scope of the Housing Act 1996 and The Localism Act 2011 and may be subject to a Local Lettings Plan.

6. Lettings not covered by the Policy

- 6.1 The following are examples of lettings not covered by, or specifically excluded from the Allocation Policy, under the provisions of the Housing Act 1996 and the Localism Act 2011:

- i. Offers of Non-Secure Tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002.
- ii. The conversion of Introductory Tenancies into Flexible or Secure Tenancies.
- iii. Offers of tied accommodation made to Council employees (service occupancies).
- iv. Offers of, or nominations to, accommodation made at the Council's own instigation rather than in response to an application. For example offers to tenants being decanted from their homes to allow major works to take place.
- v. Assignments of, and successions to, Council tenancies.

- vi. Mutual Exchanges of Council tenancies.
- vii. Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation.
- viii. Vesting or disposal of tenancies by order of a Court.
- ix. Transfers at the tenant's request, where the authority is satisfied the tenant does not have reasonable preference, do not fall within Part 6 and Housing authorities may set their own transfer policies in relation to these tenants.

7. Review and Amendments of the Policy

- 7.1 This Policy is subject to regular review, and where the Policy requires changes which are minor in nature, or where the changes are required urgently for legal reasons, or changes in government policy and/or legislation, these changes will be approved by the Strategic Director in consultation with the Portfolio Holder for Housing. Minor amendments to the Policy are those which do not significantly change existing policy or procedures and/or affect a small number of lettings or applicants.
- 7.2 All changes to this Policy will be noted within the Version Control on page 2 of this Policy, and an updated Policy document will be uploaded to the Council's website.
- 7.3 The Council will seek to inform applicants of any changes by publishing details on the Council's website and in the Hometrak User Guide.

8. Equality and Diversity

- 8.1 In applying this Housing Allocations Policy the Council is committed to the promotion of equal opportunities for all applicants regardless of race, colour, gender, nationality, religion, sexuality, disability, marital status, family circumstances or age.
- 8.2 The Council has given due regard to the Equality Act 2010, particularly Chapter 1 Protected Characteristics and Chapter 2 Prohibited Conduct, in drafting and applying the Allocation Policy.
- 8.3 The Council operates an equality and diversity policy which can be found on the Council's website and is committed to delivering a fair and equitable service that is appropriate and accessible to all sections of the local community, as well as working to eliminate discrimination on any grounds.
- 8.4 The implementation of a clear and consistent Allocation Policy goes hand in hand with careful equalities monitoring. As part of the housing register application, we ask questions around ethnicity, disability, sexuality, religious beliefs, age, employment and support needs. The data provided by the applicant will help us to monitor that the Policy is operated in a fair and non – discriminatory manner as well as for service improvements.
- 8.5 It is important that the Allocation Policy is understood by all current and prospective applicants. Straight forward information through leaflets is available in a variety of formats and where appropriate, interpreters are used for applicants seeking advice and assistance. If an applicant has specific requirements for an interview, they should inform the Council when the interview is booked and we will endeavour to meet those requirements.
- 8.6 Allocation policies and any changes to them will be reviewed regularly to ensure they do not operate in ways that discriminate against or disadvantage any particular group.
- 8.7 An Equalities Impact Assessment has been completed on the entirety of this Policy, and a copy is available upon request to the Council.

9. Access to Housing Options, Advice and Information

- 9.1 Advice and information will be made available to enable applicants to make realistic choices as to which properties to bid for. This will include details of successful bids including their level of priority and the length of time that they have waited on the Housing Register.
- 9.2 Advice and information on a wide range of housing matters can be obtained from the Council's Housing Options Team. The service is free, confidential and specific to an applicant's housing needs.
- 9.3 The Housing Needs Manager is responsible for this policy, and its operation is regularly reviewed.
- 9.4 A full copy of the Council's Housing Allocations Policy will be provided to any member of the public on request although a charge may apply for this service. A copy of the Policy is also available for inspection at the Woking Borough Council Civic Offices.

PART II APPLYING FOR HOUSING

10. Who can apply to go on the Housing Register?

As part of a move to a managed Housing Register, the Council is adopting a strong and proactive Housing Options approach under the new Homelessness Reduction Act 2017. People will be offered support to access the housing solution which best meets their needs. This could be Private Rented housing, Low Cost Home Ownership or help to remain in their current home. Social housing will be focused on those who need it most.

- 10.1 Social housing may only be allocated to “Qualifying Persons” and Housing authorities have been given the power to determine what classes of persons are or are not qualified to be allocated housing. These requirements are in addition to the provisions on Eligibility in respect of persons from abroad which continue to be set centrally.
- 10.2 The following groups of people are eligible and qualify to be included on the Housing Register:
- i. People aged 16 or over who has been resident in the Borough continuously for the previous two years.
 - ii. People who have permanent, full-time (35 hours or more) work in the Borough and have had for the previous two years (unless unable to do so on grounds of disability or carer’s responsibilities)
 - iii. Young people aged 16 and 17 to whom the Council has accepted a housing duty
 - iv. People found to be homeless who have a local connection, as defined by the Housing Act 1996 Part VII, (as amended by the Homelessness Act 2002; as amended by the Homelessness Reduction Act 2017)
 - v. Secure, Introductory and Flexible tenants of Woking Borough Council
 - vi. Tenants of Housing Association’s or other housing authorities living in the Borough
 - vii. Young people leaving care with a previous local connection to Woking
 - viii. People in hospital or prison whose last settled address was in the Borough
 - ix. People the Council considers should be Qualifying Persons, because of exceptional circumstances or special needs e.g. Armed Forces “relevant” personnel
 - x. Social housing tenants in England who qualify under the Right to Move
 - xi. Other people who are eligible by law
- 10.3 An applicant will be assessed for eligibility and whether they qualify for an allocation at the time of the initial application and again when the Council is considering making an allocation, particularly where a long time has elapsed since the original application.
- 10.4 Applicants who are informed that they will not be registered may request a review of the decision not to be registered by writing to the Allocations Team Leader. Please see ‘Right to Review’
- 10.5 The Right to Move - Exception to the Local Connection Criteria – Social Housing Tenants in England.
- 10.6 WBC will have regard to the Guidance in exercising its functions under Part 6 of the 1996 Act.
- 10.7 Local Connection requirement may not be applied to Social Housing tenants in England who:

- i. Have Reasonable Preference because of a need to move to the Borough of Woking to avoid hardship, and
- ii. Need to move because the tenant works or has been offered work in the Borough and has a genuine intention to take up the offer

10.8 Local Authorities should:

- i. Apply the existing “hardship” Reasonable Preference category to Social Tenants who need to move for work related reasons, and
- ii. Set aside a proportion of lets (1% per year of all general needs properties) to enable such tenants to move across local authority boundaries where necessary (the Right to Move quota)

10.9 WBC will ensure that the tenant needs, rather than just wishes, to move for work related reasons, and that, if they were unable to do so, it would cause them hardship.

10.10 Applicants who are social housing tenants in England with an Assured, Introductory or Secure Tenancy and do not reside in the Borough of Woking, will have a local connection if:

- i. They need to move to the Borough of Woking to avoid hardship; and
- ii. Their work is located in the Borough of Woking; or
- iii. They have an offer of work in the Borough of Woking that they have a genuine intention to accept

10.11 The Council will require documentary evidence to confirm work or an offer of work. Their employer will also be contacted. This will be checked again before an offer of housing is made.

10.12 Appropriate evidence may include:

- i. A contract of employment
- ii. Wage/salary slips covering a three month period and/or Bank Statements
- iii. Tax and Benefits information
- iv. Formal offer letter

10.13 To assess whether they need to move to avoid hardship the Allocations Team Leader will make an assessment and will take into account grounds which include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity; or under the Right to Move criteria.

11. Eligibility

11.1 The statutory provisions regarding eligibility are set out in section 160ZA (1-5) of the Housing Act 1996, as amended by the Localism Act 2011.

11.2 An applicant may be ineligible for an allocation of accommodation under section 160ZA (2) or (4). Authorities are advised to consider applicants’ eligibility at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

11.3 Joint Tenancies - Under section 160ZA (1)(b), a housing authority must not grant a joint tenancy to two or more people if any one of them is a person from abroad who is ineligible. However,

where two or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be taken into account in determining the size of accommodation which is to be allocated.

- 11.4 Existing Social Tenants - The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a Private Housing Association. Most transferring tenants fall outside the scope of the allocation legislation (section 159(4A)); while those who are considered to have Reasonable Preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5).
- 11.5 Persons from Abroad - A person may not be allocated accommodation under Part VI if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the Housing Act 1996. There are two categories for the purposes of s.160ZA:
 - i. a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
 - ii. a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).
- 11.6 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'). As from 30 October 2016, The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016 (SI 2016/965) also apply.
- 11.7 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).
- 11.8 The following categories of persons do not require leave to enter or remain in the UK:
 - i. British citizens;
 - ii. certain Commonwealth citizens with a right of abode in the UK;
 - iii. Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area;
 - iv. European Economic Area (EEA) nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive);
 - v. persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.
- 11.9 Any person who does not fall within i - iv above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see further below).

- 11.10 If there is any uncertainty about an applicant's immigration status, housing authorities are recommended to contact the UK Border Agency (UKBA). UKBA provides a service to housing authorities to confirm the immigration status of an applicant from abroad (non asylum seekers).
- 11.11 Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:
- i. Those granted refugee status (Class A).
 - ii. Those granted exceptional leave to remain which is not subject to restrictions on recourse to public funds (Class B).
 - iii. Those with settled status (Class C) (indefinite leave to remain, residence), except:
 - iv. those who do not pass the habitual residence test
 - v. those who arrived as sponsored immigrants subject to an undertaking and the undertaking or the arrival was less than five years ago unless the sponsor has died (in which case they have the same rights as other settled people).
 - vi. A person who has humanitarian protection granted under the Immigration Rules (Class D).
 - vii. A relevant Afghan citizen, who has been granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules (usually because they worked as interpreters for British troops in Afghanistan) and who are habitually resident (Class E).
 - viii. Some people who have limited leave to remain (or enter) with no conditions as to recourse to public funds (Class F). These are people who have been granted leave via specific parts of the immigration rules:
 - Appendix FM – under which people are granted leave to remain on the basis of family or private life in the UK. This may include being the family member of a British or settled person or of a child who has lived seven years in the UK, or those granted leave on the basis of long residence in the UK.
 - Paragraph 276BE (1) – which grants leave to the dependents of the Afghan citizens covered by Class E above.
 - Paragraph 276DG – which grants limited leave to remain to people who would normally get indefinite leave to remain but have not got it because they cannot pass the English/life in the UK tests or because of minor criminal offences.
- 11.12 Other persons from abroad who may be ineligible for an allocation
- 11.13 By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:
- i. a person who is not habitually resident in the Common Travel Area (subject to certain exceptions);
 - ii. a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations');
 - iii. As of 1 May 2011, nationals of the 8 Eastern European countries (A8 nationals) which acceded to the EU in 2004 are no longer required to register with the Workers Registration

Scheme in order to work in the UK. Regulation 4(2)(c) of the Eligibility Regulations no longer applies to applications from A8 workers as of that date. Rather applications from A8 workers should be considered on the same basis as those from other EU workers under regulation 4(2)(a);

- iv. the same meaning as in regulation 6(1) of the Immigration (European Economic Area) Regulations 2006 (SI 2006/1003) ('the EEA Regulations');
- v. a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations;
- vi. a person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in (ii) or (iii) above and which is derived from EU Treaty rights

11.14 The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- i. an EEA national who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations);
- ii. an EEA national who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations);
- iii. a person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work);
- iv. a person who is a family member of a person referred to in (i) to (iii) above;
- v. a person with a right to reside permanently in the UK by virtue of regulation 15(c), (d) or (e) of the EEA Regulations;
- vi. a person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there;
- vii. a person who is in the UK as a result of his deportation, expulsion or other removal by compulsion of law from another country to the UK. This could include EEA nationals, if the person was settled in the UK and exercising EU Treaty rights prior to deportation from the third country. Where deportation occurs, most countries will signal this in the person's passport.

11.15 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. However, accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations.

11.16 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

11.17 Applicants who have been resident in the Common Travel Area continuously during the two year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where two

years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

12. Applicants who are not Qualifying Persons

This condition also applies to members of the applicant's household. Applicants who do not qualify include:

- i. Those who have not lived in the Borough continuously for the previous 2 years (except relevant members of the Armed Forces and social housing tenants in England who qualify under the Right to Move criteria)
- ii. Those who do not live in the Borough and are relying on employment as a local connection must work in the Borough for at least 35 hours per week (unless unable to do so on grounds of disability or carer's responsibilities) and have done so continuously for the previous 2 years
- iii. Those who own their own home;
- iv. Those with savings or assets over £16,000 (excluding pension pots)
- v. Single people with a gross income above £25,000 per year
- vi. Households with a gross joint household income above £50,000 per year (The above figures will be subject to regular review)
- vii. Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered.
- viii. Those who take part, or have taken part in the last 12 months, in Anti-Social Behaviour or Unacceptable Behaviour (includes family members and/or other members of the household)
- ix. Those with no housing need (see those Reasonable Preference categories)

12.1 Applicants applying and eligible for WBC housing with support may be exempt from the above criteria.

12.2 Residency requirements will not apply to relevant members of the Armed Forces. However, they may fail to qualify under other Qualifying criteria. Also, social housing tenants in England who qualify under the Right to Move criteria.

13. Who can be considered part of the household?

13.1 People in the following categories will be considered members of the household:

- i. People who were part of the household at the date of registration and are still part of that household at the point of allocation
- ii. A partner who is living in a permanent relationship with the applicant and can prove that they have done for at least twelve months or are married or in a civil partnership and were not included on the original application. If an applicant is unable to live with their partner due to

lack of accommodation they may be included as part of the household if they are married, or in a civil partnership or have a child together, can provide evidence that they have previously lived together, or can provide other confirmation that they are in a long term relationship.

- iii. Children born since the registration date and dependent children (under 18) joining the household, who now reside with the applicant as part of that household. The applicant may be required to provide proof that the child resides with them and that this arrangement is reasonable. For this purpose consideration will be given to the details of any Residence Order or informal or negotiated agreements. In cases where a 50/50 residence arrangement exists, consideration will be given to the way in which the arrangement is operated. The main home of a child will usually be taken as being with the parent in receipt of Child Benefit or the Child Tax Credit element within Universal Credit.
- iv. Where there are visiting arrangements for applicants' children, but the children have a permanent home elsewhere, they will not be considered to be part of the household.
- v. Children born since the registration date and dependent children (under 18) joining the household; where it can be proved that the applicant is the sole legal guardian and that there is no other accommodation available. Where there is another legal guardian a decision will be made on an individual basis to agree where it is reasonable to expect the child to be part of the household.
- vi. A dependent relative who has joined the household because they are no longer able to live independently and there are no other options for the family, e.g. where the newly-dependent relative may own a property or occupy a property large enough to accommodate the family. If the dependent relative has only recently moved in with the applicant, further checks will be made around the suitability of the dependent's previous accommodation. Advice will be sought from Social Services and medical professional on whether the relative needs to live with the family. Where this is not considered essential, other options, such as supported housing, will be discussed with the family before a decision is made by the authorised Officer as to whether the relative should be included in the application or advised to make a separate Housing Register application.
- vii. Where the applicant can demonstrate that a live-in carer is essential and is in receipt of Carers' Allowance, one has been identified and has moved in with the household or is ready to do so when accommodation is made available and the Council (in consultation with Social Services as appropriate) agrees a carer is essential.

14. Local Connection

- 14.1 Applicants must live in the Borough for at least the previous two years before they can be included on the Housing Register.
- 14.2 Applicants who do not live in the Borough must have permanent employment in the Borough for a minimum of 35 hours per week (unless unable to do so on grounds of disability) and have done so for at least two years continuously before they can be included on the Housing Register.
- 14.3 Applicants who wish to establish a local connection through a close relative who has lived in the Borough for at least five years must provide evidence that there is a support or welfare need, either for the applicant(s) or the relative who is a local resident.
- 14.4 Within the Borough there are also some properties or new developments that have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under Section 106 Agreements (Planning Policy Agreements). There are restrictions on who can be nominated, and those without the relevant local connection would not be considered. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the Borough as a whole. Applicants will be

required to provide evidence to verify their local connection as part of their application for housing in such properties.

- 14.5 Applicants moving into the Borough to take up permanent, full-time work, escape violence, Homeless applicants and children in care placed out of the Borough may be considered to have a local connection. There may also be exceptional circumstances where these criteria will not apply in the case of individual applicants.
- 14.6 "Relevant" Members of the British Armed Forces cannot be excluded from being "Qualifying Persons" due to the absence of a local connection (although they may fail to qualify under other qualifying criteria).
- 14.7 Also, social housing tenants in England who qualify under the Right to Move criteria.

15. Situations in which no local connection will be established

- 15.1 An applicant will not establish a Local Connection with the Borough of Woking if s/he is in one of the following classes;
 - i. Where the applicant has been placed in temporary accommodation in the Borough of Woking by another Local Authority in exercising their duties under homelessness legislation, or in discharging their homelessness duty. This includes all types of tenure, including Bed & Breakfast accommodation for any length of time.
 - ii. Where an applicant has been placed in a bail hostel or other offenders' interim supported scheme in the Borough of Woking.
 - iii. Where an applicant is a full or part-time student studying in the Borough of Woking, from out of area, and without any other Local Connection qualification.
 - iv. Where an applicant has been placed into supported accommodation within the Borough of Woking from out of the Borough of Woking, where no Local Connection to the Borough of Woking existed at the time of the placement. A Local Connection to the Borough of Woking will not be established during the supported placement.
 - v. Where an applicant is owed a full housing duty by Woking Borough Council under Part VII of the Housing Act 1996, but where no Local Connection to Woking exists under Part VI of the Housing Act 1996. Discretion may be applied in these cases by the Housing Needs Manager and cases will be considered on an individual basis.
 - vi. Where an applicant has a court order for a child residency arrangement to a parent or other responsible adult, but where they do not fulfil the Local Connection criteria in this Policy. The Council is not bound by court orders made in respect of child residency orders.
 - vii. Where an applicant has been admitted to hospital within the Borough of Woking, and where no other Local Connection qualification criteria is met.
 - viii. Where an applicant is in any other interim accommodation that is not a recognised supported accommodation scheme operated by partners working with the Council under contracted arrangements.

16. How to Apply

- 16.1 Before applicants can bid for a property of their choice they will need to register with the Council. To do this they will need to complete an application form online called 'Application for Housing Registration'. Applicants should complete a Housing Register online application form and any supplementary forms or further information as required. Proof of identity and current housing and personal circumstances will be required e.g. birth certificate, passport or driving licence, National

Insurance Number along with other documents to independently verify this information. This is to ensure that an applicant is a "Qualifying Person" and "Eligible" to be on the Housing Register and to prevent fraud. The Council will write to all those who have been assessed as eligible and qualifying to inform them that they have been registered and that they can bid for homes using either the Council's website or Hometrak automated telephone line. A leaflet explaining how to bid for properties will be sent with the registration letter.

- 16.2 It is the responsibility of the applicant to complete the application form accurately. Insufficient information may result in an application being awarded a lower priority, or being excluded from the Housing Register.
- 16.3 The Council acknowledges that not every applicant will have access to a computer or they may not be familiar with such technology. We recognise that some households may need additional help with housing registration and bidding. The Council's Housing Needs Team will therefore provide assistance to those applicants who require help to complete the online registration form. The Council has computer terminals in its reception for this purpose. In exceptional cases, staff can make home visits to an applicant to assist with online registration, but only where there is no other support available. Applicants who need help to complete the form should contact the Housing Needs Team on 01483 743613/01483 743750 or call into the Civic Offices and ask to speak to someone from the Housing Needs Team.
- 16.4 Evidence required - The burden is on the applicant to satisfy the Council with appropriate information and evidence that s/he is a qualifying person and is not a disqualified person. In addition to other information reasonably requested by the Council, applicants may be asked at any point be asked to provide evidence to satisfy the Council of their on-going qualification under the Policy. Such examples could be:
- i. To establish whether there is still an on-going exceptional and/or unique welfare and/or health reason for living in the Borough. The applicant will need to provide relevant and current evidence from health professionals.
 - ii. To establish whether the applicant has been and is in continuous employment for more than two years. The applicant may need to provide current payslips, the most recent P60 and/or bank statements to support their qualification through employment.
 - iii. To establish whether the applicant has been and is in self-employment for more than two years with an on-going viable venture the applicant will need to provide business accounts.
 - iv. To establish if the applicant's household income remains under the threshold for income and savings.
 - v. All information may be subject to full referencing where necessary, which may also involve referral to the Council's Head of Legal Services.
 - vi. Where applicants have lost employment between the point of application and the point of verification, the application will be removed, unless the applicant meets other qualification criteria such as Local Connection. Application forms can be accessed online at www.woking.gov.uk.
- 16.5 The Council aims to assess an application within 10 working days once all relevant proof/documents are received. If the applicant is not eligible for housing their application will not be registered and the applicant will be informed in writing. If the applicant is eligible an information pack will be sent to the applicant.
- 16.6 The pack will include:-
- i. Application number

- ii. Banding
- iii. Priority date
- iv. Bedroom size
- v. Property type
- vi. Details of who has been included as members of the household
- vii. Advice about the right to request a review if they consider any of their registration details to be inaccurate
- viii. A Personal Identification Number (PIN).

16.7 If the applicant is already registered as part of a household on an existing application they will be required to remove their name if they wish to be considered as part of a new application.

16.8 Once an application has been registered it will be placed in one of 4 bands (from A to D) depending upon the applicant's level of housing need and priority.

17. Joint Applications

17.1 Joint applications may be made by:

- i. Unmarried / married / civil partnered couples
- ii. Siblings over 16 years of age

17.2 The Council does not accept joint applications from cross-generational applicants, for example between extended family members, unless in exceptional circumstances on a case by case basis.

17.3 By making a joint application this does not necessarily mean an offer of a joint tenancy will be made. Local arrangements may apply and this will be subject to the discretion of the landlord offering the property and the conditions of their Tenancy Policy. Household composition will be reviewed at the point where an offer of accommodation may be made as part of a verification process of applicant status.

18. Applying for Supported Housing through Supported Living Accommodation Panel (SLAP)

18.1 Applicants with support needs due to mental health or learning disability will be required to complete the Supported Living Assessment Form. The applicant's Health professional/Support Worker must also complete part of the form. The form may be jointly assessed by a multi-agency panel to ensure an appropriate support package is in place to help tenants with support needs sustain their tenancy or move into more appropriate housing. Priority and suitability for housing will be determined by the SLAP.

18.2 The SLAP is made up of representatives of relevant organisations including, Community Mental Health Teams, Social Services Adult and Children's Services, housing providers and support providers. The assessment is used to inform decisions on intervention to enable a household to remain in their own home, on placements into supported accommodation and on options for the provision of more settled accommodation including managed move-on arrangements e.g. into the private rented sector.

18.3 If the move-on report states any concerns about an applicant's ability to sustain a general needs tenancy, rehousing assistance may not be offered, and further supported accommodation must be considered. At this stage, the application will not be reassessed into a higher band.

- 18.4 If an applicant bids as a Band D or Band C, and the Council remains dissatisfied with the applicant's ability to live independently, the bid will be bypassed until further evidence of independent living ability can be produced by the care provider/landlord. If within three months, no satisfactory evidence for a move-on is received, then the bid will be rejected.
- 18.5 Supported housing schemes must be recognised schemes under contracted services and will not include bail hostels, or other interim schemes for offenders or privately managed schemes.
- 18.6 For welfare/support assessments it may be necessary to provide details of any carer, Social Services or other support worker the applicant may have. Where appropriate a joint assessment with Social Services or other support agency will be made. This is to ensure any ongoing support needs are identified. Joint working with other agencies may also identify ways to enable applicants to stay in their current home with appropriate support.

19. Housing with Support

- 19.1 Properties are available for applicants who are independent but need a level of support offered. This also includes people who can live independently with the aid of an appropriate care package.
- 19.2 Applicants who are disabled may also be considered for this type of accommodation.
- 19.3 Applicants needing supported accommodation should complete a Supported Self Referral Form for assessment by the Special Needs Internal Panel (SNIP).

20. Extra Care Housing (Brockhill)

- 20.1 This is accommodation for people who can live independently but have significant support and/or care needs.
- 20.2 To be eligible the applicant must be aged 60 or over (in exceptional circumstances a severely disabled applicant, under 60 may be considered at the discretion of the Extra Care Panel) and have been assessed by the Extra Care Panel as needing this type of accommodation.
- 20.3 The panel is made up of representatives from Woking Borough Council and the Woking Social Care Team.
- 20.4 A separate Extra Care Housing application form should be completed for assessment for Brockhill (the Council's current Extra Care Scheme).
- 20.5 This Policy is not part of the Choice Based Lettings Scheme and the vacancies are not advertised through Hometrak.

21. Applications from those living in (Non-WBC) Supported Housing Schemes

- 21.1 Applicants with a local connection living in supported accommodation will be assessed according to their housing need and local connection.
- 21.2 Applicants with no local connection to Woking prior to moving into the scheme will be expected to reconnect with the local authority where they have a local connection e.g. where they were living before moving into the scheme or to the area which is funding their current accommodation.
- 21.3 York Road Project – local connection will start from residents moving into the flats above the project or other satellite properties, subject to applicants successfully completing a support plan.
- 21.4 Looked After Children (LAC) and Formerly Relevant Children (FRC):

Where a young person who is a LAC and/or FRC is identified by Surrey County Council (SCC) as ready to relocate to move-on accommodation, the young person will be placed in Band C.

21.5 This will only apply to applicants where the originating Borough was Woking for the purposes of the statutory duty by SCC. For applicants where Woking is not the originating borough and the duty is held elsewhere, applications will be treated in line with general housing register applications outlined in this policy.

21.6 The Council will not remove any application made on behalf of or by a LAC or FRC but will require confirmation of status and ongoing support by SCC at the time of application and at any review of the Housing Register. Offers of accommodation may be made for both social and private rented housing, depending on availability at the time of 'move on', and only where the Council is satisfied the young person is able to sustain a tenancy with any ongoing support that may be required from SCC. It is the responsibility of SCC to keep the Council informed of all changes in circumstances and relevant information in respect of this applicant group.

22. Move-on from Supported Accommodation

22.1 Applicants from supported accommodation who are ready to move on must provide a move on report from the manager of their supported accommodation confirming that they are ready for independent living. If the report confirms they are ready for independent living their application will be placed in Band C with effect from their supported housing start date.

22.2 This banding assessment applies to both Young Person (not care leavers) and adult supported housing.

22.3 Applicants, who have been placed in supported housing outside of the Borough of Woking, will retain their Local Connection in order to assist them with 'move-on' rehousing options.

22.4 The applicant must have been referred to the supported placement outside of the Borough by a Housing Options Officer at Woking Borough Council.

23. Applicants currently serving custodial sentences

23.1 Applicants who are offenders, currently detained and serving custodial sentences will be subject to the Surrey Offenders Protocol and a full risk assessment, where appropriate, will need to be forwarded to the Council by prison or probation staff prior to the release date. All applicants in this category must have had a local connection with Woking Borough Council immediately prior to going into custody. Applicants will need to register online with support from in-house / outreach prison services.

24. MAPPA

24.1 The Council is a statutory partner of Multi Agency Public Protection Arrangements (MAPPA) and applicants will normally be considered in partnership with probation, police and registered social landlords.

25. WBC Tenants applying for a Transfer

25.1 Existing Woking Borough Council (WBC) tenants with a housing need e.g. overcrowded are eligible to be included on the Housing Register. There may be occasions where for legal reasons, or where the Council considers it appropriate, for tenants to be rehoused where they have not initially applied themselves.

25.2 Existing WBC tenants who have no housing need may apply to the Council's Mutual Exchange Register or register with www.Homeswapper.co.uk

25.3 The Mutual Exchange Register and Homeswapper are open to all WBC and Housing Association tenants wishing to move.

25.4 Alternatively tenants may choose to move into the private rented sector.

26. Under-occupation Transfers

- 26.1 The Council positively encourages Transfer applicants, who wish to downsize from family-sized accommodation either into a one bedroom or studio property, or move to appropriately sized accommodation to their housing needs. They will be placed in Band B, given an incentive grant (see Council website) according to how many bedrooms they are giving up and have their removal costs paid by the Council.
- 26.2 The Council reserves the right to extend the Incentive Scheme in future subject to a strategic need in order to improve management of the Council's stock.
- 26.3 Where the applicant is a tenant of a Housing Association and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements. This is a discretionary process and authorised by the Housing Allocations Team Leader.
- 26.4 Any outstanding housing debts owed to the Council will be deducted from any incentive grant awarded.

27. Applications from those with financial resources

- 27.1 Applicants with a joint household gross income of more than £50,000 per year (£25,000 per year for single with no children applicants) or with savings and/or assets of £16,000 or more (excluding pension pots) will not be able to register for housing unless the Council agrees an exception e.g. a household which includes a disabled member with income above this level. However, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.
- 27.2 A full assessment of the applicant's financial circumstances will be undertaken and considered against the severity of housing need before a decision is made. The economic climate will also be taken into consideration.
- 27.3 Household gross income is defined as income (before any deductions are made) from employment, working and child tax credits, child benefit, universal credit, housing benefit, income from investments or savings and overtime if worked on a regular basis.
- 27.4 Applicants who have sold a property in the last seven years will be asked to provide evidence of the sale and details of any capital gained from the sale. Applicants will be disqualified if they disposed of capital without making adequate housing arrangements, for example, by gifting the capital to relatives or friends.

28. Applications from home owners

- 28.1 Ownership of, or an interest in, a property, whether locally or elsewhere (within the UK or outside) is a financial resource that will be taken into account in determining an applicant's ability to meet their housing costs. Homeowners will not be included on the Housing Register unless there are exceptional circumstances e.g. it is unreasonable for them to remain in their current accommodation and/or their housing problem cannot be resolved by adapting their present home or by selling it and purchasing another more suitable property. In considering applications from home owners, the Council will take into account the following:
- i. The valuation of the property must be less than £300,000 (this figure will be reviewed regularly)
 - ii. The applicant's circumstances and, where relevant, the circumstances of other members of the applicant's household.

- iii. Whether adaptation of the present property is a viable option.
- iv. Whether the property could be sold and if so, the expected equity arising from the sale.
- v. The applicant's financial circumstances, commitments and mortgage potential.
- vi. The supply and cost of private market accommodation suitable for the applicant's specific needs.
- vii. Whether the applicant could be expected to move outside the Borough.
- viii. Where an application has been accepted from a home owner in exceptional circumstances the property must have been placed on the open market and the applicant must provide evidence of the completion date and proof of sale prior to any offer being made.
- ix. These will be investigated fully and will include financial and credit checking. This may also involve referrals to the Council's Head of Legal Services and, if appropriate for interviews 'under caution' where there are concerns regarding fraudulent applications. Applicants who own property and who rent that property out will be expected to reclaim the property under lawful process so they can reoccupy. This will apply to properties that are owned outright, gifted to an applicant or still under a mortgage loan process and to properties where an applicant's family may currently be residing.

29. Applications from siblings

- 29.1 There is a shortage of family-sized accommodation in the borough, i.e. two bedrooms or more. Where siblings (brothers and/or sisters) aged 16 to 35 wish to apply together, a maximum of two people will be allowed to register for a joint tenancy and for a one bedroom property only.
- 29.2 Where three or more siblings aged 16 or over wish to make an application they will be advised to apply separately as only a two-person joint tenancy will be granted and for one bedroom accommodation only.
- 29.3 Applicants will also be advised to seek a solution to their housing through the private rented sector.

30. Members of the British Armed Forces

- 30.1 Housing Authorities are strongly encouraged to take into account the needs of all serving or former Service personnel when framing their Allocation Policies, and to give sympathetic consideration to the housing needs of family members of serving or former Service personnel who may themselves have been disadvantaged by the requirements of military service and, in particular, the need to move from base to base. This is in line with the Government's Armed Forces Covenant published in May 2011.
- 30.2 When taking into account an applicant's financial resources in determining priorities between households with a similar level of need, any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded.
- 30.3 A proportion of properties for former members of the Armed Forces who comply with the 'Qualifying Persons' requirement may be made available under a Local Lettings Plan.
- 30.4 We will ensure that former Service personnel are able to access the housing option which best suits their needs including liaison with Armed Forces specialist housing and support providers.

31. Significant Community Contribution

- 31.1 Applicants or their partners who are making a significant contribution to their community may be able to bid on certain properties advertised under Local Lettings Plans. (See Part III section 18.0 Local Lettings Plans).
- 31.2 They must have been making a valid contribution for at least the last 12 months and contributing at least 30 hours per month (couples with or without children, or single people without children) or 16 hours per month for a single parent and they should expect to continue to contribute. Their contribution must be verified.
- 31.3 Valid forms of community contribution include:
- i. Voluntary work (to be confirmed by a recognized charity or registered association which can include Resident Associations, Youth Organisations, Charity shops, Day Centres, Community Facilities, Faith groups etc.)
 - ii. Providing care to a disabled person or dependent close relative (to be confirmed through a valid claim for Carer's Allowance)
 - iii. Providing Foster Care (to be confirmed by the Local Authority that the applicant and/or partner has been registered as a Foster Carer for at least six months, has provided foster placements and remains registered to provide foster care in future).

32. Prospective Adopters

- 32.1 Applicants who have been approved to adopt and where the adoption of a child has been finalised will be placed in Band C where a housing need e.g. for an additional bedroom has been identified.

33. Exclusions from the Housing Register

33.1 Unacceptable/Anti-Social Behaviour:

Applicants or members of their households who take part in, or have taken part in Anti-Social Behaviour or Unacceptable Behaviour in the last 12 months, for which there is evidence e.g. a court order or a conviction, may not be included on the Housing Register. Such behaviour includes (but is not limited to):

- i. Harassment
- ii. Violence
- iii. Drug dealing
- iv. Eviction for anti-social behaviour
- v. Domestic abuse
- vi. Using the property for illegal or immoral purposes
- vii. Behaviour resulting in the issue of a demoted tenancy
- viii. Arson or other criminal act involving damage to property or danger to life
- ix. Hate crime
- x. Racial abuse

- 33.2 Other forms of Anti-Social Behaviour may exclude applicants from the Housing Register. These include:
- i. Where an application has been made in conjunction with the Police, or granted by the Court for an Anti-Social Behaviour Order
 - ii. Where a representative of the Council has been assaulted and an injunction is being sought or has been obtained
- 33.3 Where Police provide evidence of unacceptable behaviour the applicant will be notified that exclusion from the Housing Register is being considered and given 28 days to provide any additional information to assist in the decision making. The application will remain suspended during this process.
- 33.4 Applicants will be excluded from the Housing Register for a minimum of three years where they or any member of their household is subject to an Anti-Social Behaviour Order or has been evicted from their previous accommodation due to Anti-Social Behaviour within the last two years. Applicants, including family members who are considered to be part of the household, whose Court Order is for more than three years, will be excluded from the Housing Register until the expiry of that Order.
- 33.5 Applicants will be excluded from the Housing Register for three years where they or any member of their household has assaulted or threatened a representative of the Council and an injunction is being sought or has been obtained within the last 2 years.
- 33.6 Applicants will be excluded from the Housing Register for three years where they have knowingly given false or misleading information or withheld information that has been reasonably requested by the Council, or have colluded with a third party to give false information in the last two years.
- 33.7 Applicants found Intentionally Homeless within the last 12 months will be excluded from the Housing Register for a period of 3 years.
- 33.8 Applicants previously excluded from the Housing Register would be expected to reapply as a new applicant following their period of exclusion and their housing need would be reassessed.
- 33.9 Applicants who have an unspent conviction (under the Rehabilitation of Offenders Act 1974) where the Council assesses that the nature of an ex-offender's conviction may make them unsuitable to be a tenant. The Offender Manager will be required to complete a pro-forma giving the Council necessary information, including offence details and engagement with probation services, in order for an assessment to be made. All applications will be dealt with on a case-by-case basis. Where the Council assesses that an applicant is unsuitable to be a tenant, applicants will be disqualified from the Housing Register until their conviction is spent.
- 33.10 **Debts owed to the Council**
- 33.11 Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered. Where applicants have lost their accommodation through non-payment of rent and have been found Intentionally Homeless they will be excluded from the Housing Register for a period of 3 years (unless there are exceptional circumstances).

33.12 Fraudulent Applications

- 33.13 It is an offence for anyone seeking help from the Council to knowingly or recklessly give false or misleading information, or knowingly withhold information, which the Council has reasonably required the applicant to give on an assessment form for social housing or in response to subsequent review letters, or to fail to notify of a relevant change in circumstances which could affect the priority awarded. The Council will decide when these provisions apply and when to begin legal proceedings.
- 33.14 It is an offence under the Housing Act 1996 to obtain accommodation on the basis of false or deliberately misleading information. When housing has been allocated on the basis of false or misleading information, legal action may be taken to obtain possession of the property.
- 33.15 The Council has the discretion to withhold priority from, and suspend or exclude applicants where there is concern that the applicant may be trying to worsen their own circumstances by, for example, moving other people into their current property, or moving into accommodation which is too small for their needs, or where it is suspected that a fraudulent application has been made.
- 33.16 Those where the applicant has obtained a tenancy by deception and/or attempted tenancy fraud. Applications are subject to full credit checks in all cases and all cases will be passed to the Council's Head of Legal Services who will undertake investigations and which may lead to prosecution.

34. Deliberately worsening circumstances

- 34.1 Applicants, who give up a home that they owned, rented, shared, or had rights to but chose to leave or dispose of within the last 7 years of an application being made. This includes 'gifting' a home to friends and/or relatives, both within and outside the UK, where they could have reasonably been expected to reside, or to sell, using the proceeds to resolve housing difficulties. Housing advice should always be sought before giving up a property or rights to a property. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant gave up their home.
- 34.2 Applicants who have given up a social housing tenancy within the past 7 years, not due to violence/threats of violence/harassment/anti-social behavior/domestic abuse/hate crime, or any other similar danger to life and welfare. If any of the previous criteria is claimed, this will need to be clearly evidenced by professionals engaged with the applicant. Evidence from the previous social landlord will be taken into account. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant gave up their social tenancy.
- 34.3 Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for higher priority on the register, no additional priority will be given. This could include moving from a secure tenancy to insecure or overcrowded or unsuitable accommodation or moving additional people into the property. For an applicant to be considered to have deliberately worsened their circumstances there must be evidence that it would have been reasonable for them to have remained in their original accommodation.
- 34.4 Applicants who deliberately move to a home which was clearly unaffordable, either with or without the objective of obtaining priority for social housing. Applicants will be disqualified from the Housing Register for 5 years from the date that the applicant moved into the unaffordable home.
- 34.5 The Council has the discretion to withhold priority from, and suspend or exclude applicants where there is concern that the applicant may be trying to worsen their own circumstances by, for example, moving other people into their current property, or moving into accommodation which is too small for their needs, or where it is suspected that a fraudulent application has been made.

35. Changes in circumstances

- 35.1 Applicants must keep the Housing Registration Team informed of any changes, including financial/income changes, in their circumstances. If this results in a band change, applicants will be informed in writing of the new band, the reason for it and the applicable priority date, and of their right to request a review of the decision (See Part V Reviews and Complaints).

36. Re-applying to the Housing Register

- 36.1 Every application for housing will be reviewed annually with each applicant being invited to confirm that they wish to remain on the Housing Register and to notify the Council of any changes in their circumstances. Applicants will also be encouraged to look for a solution through the private rented sector.
- 36.2 Applicants are allowed one month after the reminder letter to re-register, after which time the file will be reviewed for other recent contact, e.g. telephone calls, interviews or correspondence. If there is no contact the applicant is notified that they will be removed from the Housing Register unless they contact the Council within three months. If the applicant appears to be vulnerable and/or to have a high priority a home visit may be undertaken.
- 36.3 If an applicant does not contact the Council within three months a new application must be made which will be reassessed from the new application/registration date.

37. Removals from the Housing Register

- 37.1 An applicant will be removed from the Housing Register if:
- i. They have never been or they cease to be an Eligible or Qualifying Person
 - ii. They fail to re-register within three months following the anniversary of their registration
 - iii. They have no housing need
- 37.2 Before removing an applicant from the Housing Register, the Council will provide written notice. The notice will ask the applicant to provide information, which the Council requires to help them decide whether to remove them from the Housing Register. It will give 28 days for the applicant to provide the information and tell them that the Council may decide to remove them if the information asked for is not provided or there are reasons why they should not be removed from the Housing Register.
- 37.3 Applicants will be notified in writing of their removal from the Housing Register with the reasons for it and their right to request a review of the decision (See Part V Reviews and Complaints).

38. Fresh Applications

- 38.1 Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that their circumstances have changed.

PART III ASSESSING NEEDS AND LEVEL OF PRIORITY

39. The Legal Framework

40. Reasonable Preference Categories

40.1 Reasonable Preference means that the Council must provide certain housing applicants with an advantage or head start compared to other applicants which should result in an allocation of housing (subject to suitable vacancies and a period of waiting).

40.2 In accordance with s166A(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011), Homelessness Reduction Act 2017 and the Council's Housing Allocations Policy gives reasonable preference to:

- i. All categories of homeless people (whether or not the applicant is owed a housing duty) and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.
- ii. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- iii. People who need to move on medical or welfare grounds, including grounds relating to disability.
- iv. People who need to move to a particular locality within the Borough of Woking, where failure to meet that need would cause hardship (to themselves or others).
- v. Social housing tenants in England who qualify under the Right to Move criteria.

40.3 Applicants will not be given Reasonable Preference if they would only qualify for Reasonable Preference by taking into account a "Restricted Person". A "Restricted Person" is a person subject to immigration control who is not eligible for homelessness assistance because they do not have leave to enter or remain in the UK or have leave which is subject to a "No Recourse to Public Funds" condition.

40.4 The Council now has the power to end the main Homelessness duty with an offer of private rented accommodation, without requiring the applicant's consent.

40.5 Hardship grounds include a person who needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education or training opportunity; or under the Right to Move criteria.

41. Additional Preference Categories

41.1 In accordance with section 167(3) of the Housing Act 1996 (as amended by the Homelessness Act 2002) the Council will give additional preference to the following categories of people who fall within the reasonable preference categories and who are owed a homelessness duty, including:

- i. Victims of domestic violence.
- ii. Victims of racial or homophobic harassment amounting to violence or threats of violence.
- iii. Witnesses of crime, of victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- iv. Close family members of convicted perpetrators of harassment, violence or threats of violence who are at risk from victims or victims' families.

- v. Any applicant who needs to move to suitable or where appropriate, adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed or Reserve Forces.
- vi. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

41.2 Additional preference will also be awarded to those who need to move because of urgent medical reasons, where failure to rehouse could have life threatening consequences, or will lead to a rapid decline in health. If more than one person in the applicant's household has a medical condition or disability that affects their housing need, these will be taken into account when deciding on medical or disability priority.

41.3 If the applicant's household has several different needs, for example if they are overcrowded and also have welfare or medical needs, the combined need may be taken into consideration.

42. Definition of an "Allocation" of Accommodation

42.1 Under Section 159(2) of the Housing Act 1996, for the purposes of Part VI, a housing authority allocates accommodation when it:

- i. Selects a person to be a secure or introductory tenant of accommodation held by that authority;
- ii. Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority, or
- iii. Nominates a person to be an assured tenant of accommodation held by a Housing Association.

42.2 Accommodation owned by the Council's independent housing company, Thamesway Housing Limited, may be advertised under Hometrak. However, this accommodation falls outside the scope of the Housing Act 1996 and The Localism Act 2011 and may be subject to a Local Lettings Plan.

43. Choice Based Lettings: Statement of Choice

43.1 The Council believes in maximising the choice given to every applicant in relation to accommodation and that applicants in urgent need of housing are given reasonable preference within Hometrak.

43.2 Whilst it will be necessary to allocate some properties in exceptional circumstances outside the Choice Based Lettings Scheme (e.g. for management reasons), the Council will keep this to a minimum.

43.3 Rather than the Council selecting households from the Housing Register and matching them to a vacancy, the Choice Based Lettings Scheme allows applicants to bid for suitable properties they are interested in. Available homes are advertised on the internet and a fortnightly property sheet, which allows applicants to see what homes are available and enables them to play a greater role in the process of selecting their home. There is a very high demand for social housing in the Borough and the Council must therefore allocate its stock as quickly and efficiently as possible. This means applicants in Bands B, C and D will be allowed two refusals before having their application reassessed and awarded a lower priority banding.

43.4 Management Transfer

43.5 A management transfer is where a transfer is approved for a Council tenant, jointly between New Vision Homes and the Allocations Team Leader and/or Housing Needs Manager.

- 43.6 Full details of why a transfer is needed must be provided by the Tenancy Management section, and authorised by the Allocations Team Leader in the first instance.
- 43.7 Applicants will be offered rehousing options suitable for their housing needs under this Policy and this is likely to be a like for like move. This will be based on their current and permanent household and will not include lodgers or any other non-permanent members of the household.
- 43.8 The applicant will be made one suitable offer of accommodation, and refusal will result in a reassessment of the application e.g. if there was an existing live transfer application at the time of the management transfer request, or be removed if no such application existed.

44. Summary of Banding

- 44.1 Once an application is registered it will be prioritised and placed into one of four 'Bands' (from A to D) according to the applicant's housing circumstances and priority for rehousing. The banding reflects broad levels of housing need which may mean that some changes in the applicant's circumstances will make no difference to the band they are placed in.
- 44.2 Band A is for emergencies only where an applicant requires an immediate move because, for example, of substantial damage arising from a fire in the home. Given the urgency for a move applicants in this Band will be made one direct offer only of suitable accommodation by the Council.

Band A	Emergency need to move - one direct offer only
Medical or disability (Emergency)	<ul style="list-style-type: none"> a) Where an applicant's medical condition is expected to be terminal within a period of twelve months and re-housing is required to provide a basis for the provision of suitable care. Supporting evidence from a health professional will be required. b) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening c) The applicant is unable to access their accommodation due to reasons relating to the medical or disability needs of the applicant and requires re-housing into accommodation suitable for their use. d) The applicant's accommodation is directly contributing to the serious deterioration of the applicant's health and the condition of the property cannot be brought to a required standard within a reasonable period of time – usually 6 months
Welfare & Hardship	<ul style="list-style-type: none"> a) Emergency need to move determined by the Council and authorised by the Housing Needs Manager b) Applicants who need to move due to domestic abuse/actual violence or threats of violence/extreme harassment/intimidation/hate crime. c) Exceptional circumstances due to significant problems associated with an applicant's occupation of a dwelling, and there is a high risk to them or their household's safety if they remain in the dwelling / area.
Private sector properties unfit or unsanitary	<ul style="list-style-type: none"> a) Applicants in the private sector living in dwellings where all three of the following criteria are met: <ul style="list-style-type: none"> • the Council's Housing Standards Team has determined that the property poses a Category 1 Hazard under the Housing Health and Safety Rating System, and • the Council is satisfied that the problem cannot be resolved by the landlord within six months, and • as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant's health.

Emergency Management Transfers	a) Where a management transfer is approved for a Council tenant, where approval has been agreed by the NVH jointly with the Allocations Team Leader.
Band B	Urgent Need to Move
Major works or demolition (Decants)	a) Where a Council tenant has to move, either temporarily or permanently, whilst major works are undertaken to their current property, or where their property is due for demolition or refurbishment.
Welfare & Hardship	a) Where an applicant's current accommodation is causing hardship and an urgent move is required in order to receive care or support.
Release an adapted property	a) Where a social housing tenant is willing to transfer to a suitable non-adapted property and is releasing an adapted property or designated older persons property which is then subsequently offered to the Council for re-letting.
Move-on from Care (Surrey County Council)	a) A care leaver (LAC) is ready and prepared to move to independent settled housing, which may be in the social or private sector, and both of the following criteria apply: b) The care leaver possesses the life skills to sustain a tenancy including managing a rent account, and c) The care leaver has been assessed for a support package, and one is in place.
Statutory Succession	a) Where an applicant has succeeded to a Woking Borough Council tenancy, but is required to move to a smaller property.
Under Occupation	a) Where a Woking Borough Council tenant will release a home with one or more bedrooms over their current housing need under this Policy. b) Where the applicant is a tenant of a Housing Association (normally a Housing Association) and where they will release a home with one or more bedrooms over their current housing need under this Policy, and their landlord agreed that their vacated property will be offered to the Council for nomination by the Council, outside of established Nominations Agreements.
BAND C	Identified need to move
Homeless households	a) Applicants who have made a homeless application to Woking Borough Council and who are owed the main housing duty. This will include all applicants who are in Emergency/Temporary Accommodation provided by the Council. b) Applicants who have made their own provision of temporary options ('homeless at home') will need to evidence notice requiring them to leave within 56 days. c) Offers of accommodation will also include discharge of duty through the PRSO
Applicants living in unsatisfactory housing lacking basic facilities	a) An applicant without access at all to any of the following facilities: <ul style="list-style-type: none"> • Kitchen • Bathroom • Inside WC • Hot or cold water supplies b) An applicant who occupies a private property which is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s.33 of the Housing Act 2004.

Move-on from Supported Housing for Young People (YP)	a) Applicants who are young people, aged 16 to 21 years old, who have been placed in supported housing placements who are ready to move-on following a satisfactory move-on report being submitted by the care provider/landlord.
Move-on from Supported Accommodation (non-YP)	a) Applicants from supported accommodation, under contracted arrangements, who are ready to move-on following a satisfactory move-on report being submitted by the care provider/landlord.
Medical or Disability (High)	a) Where an applicant or a permanent member of an applicant's household (currently residing with the applicant) is assessed as having an identified health or welfare need to move and whose housing is unsuitable for non-urgent medical reasons, or due to their disability, and whose housing conditions directly contribute to causing ill health.
Welfare & Hardship	a) The applicant has some other compelling (but not urgent) need to live in Woking which, if not met, will cause on-going hardship.
Overcrowding	a) The applicant has been assessed as statutorily overcrowded by the Council's Private Sector Housing Officer, provided that any overcrowding is not a result of deliberate actions or failure to adhere to housing advice b) Where a household is two bedrooms short of the Bedroom Standard
Adoption	a) Applicants who have been approved to adopt and where the adoption of a child has been finalised will be placed in Band C where a housing need e.g. for an additional bedroom has been identified.
Armed Forces	a) Armed Forces 'relevant' personnel with additional preference and a local connection to the Borough
Reasonable Preference – no Local Connection, exceptional need	a) Applicants who do not meet the qualification criteria and have no Local Connection but who have been assessed as having an exceptional or emergency need to move, as authorised by the Housing Needs Manager or the Strategic Director.
BAND D	Low or reduced housing need
Move on from Care (Surrey County Council)	a) Applicants who are Looked After Children who are currently in a residential or foster placement or other supported placement, whereby Surrey County Council has the statutory duty towards and where no agreement is in place with the Council to plan move-on accommodation.
Medical (Low)	a) Households with non life threatening conditions which are aggravated by their housing circumstances and affect quality of life by making treatment less effective
Move-on from Supported Accommodation	a) Applicants from supported accommodation, under contracted arrangements, where the Council has not received a satisfactory move-on report by the care provider/landlord.
Sharing facilities – unique welfare need	a) An applicant is living in accommodation where the facilities are shared with non-relatives, and there is a unique and/or exceptional welfare need. This does not include adult children living in family homes or adult siblings living in a family home or shared home.
Homeless households	a) An applicant who has been assessed as homeless, is in priority need, but has been found intentionally homeless within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act

	<p>2002, and has knowingly and deliberately worsened their circumstances by disposing of an asset or finances that could have resolved their housing situation during the enquiry period of the homeless application.</p> <p>b) Applicants who have been assessed as homeless but not in priority need with the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002</p> <p>c) Applicants who are intentionally homeless, but in priority need within the meaning of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002.</p>
Armed Forces	<p>a) Serving Armed Forces 'relevant' Personnel with Reasonable Preference and a local connection to the Borough</p> <p>b) Armed Forces 'relevant' Personnel with Additional Preference but no local connection to the Borough.</p>
Overcrowding	<p>a) Where a household is one bedrooms short of the Bedroom Standard</p>
Refusal of offers/failure to view	<p>a) Applicants who, having successfully bid for a property, refuse to accept it, twice within 12 months for no evidenced reason and assessed as an unreasonable refusal by an Allocations Officer.</p> <p>b) Emergency Management transfers in Band A who refuse one suitable offer of rehousing where they have an existing transfer application live at the time of the management transfer request.</p> <p>c) Applicants who, having successfully bid for a property, fail to view a property without a reasonable cause and as assessed by an Allocations Officer.</p>
Adult children/siblings sharing family home	<p>a) Adult children (aged 16 years and over) living with parents/guardians/family members sharing the family home, or adult siblings living together without any statutory overcrowding or welfare issues, other than a desire to access independent accommodation.</p>
Households without dependent children	<p>a) Households without dependent children who have sufficient bedrooms for their own use but are sharing facilities with non family members</p>
Reasonable Preference – no Local Connection	<p>a) Applicants assessed as falling into one of the Reasonable Preference groups, but where there is no Local Connection to the Borough of Woking.</p>
Right to Move	<p>a) Applicants applying under the Government's Right to Move initiative, assessed on a case by case basis.</p>

45. Registration and Banding Dates

- 45.1 The effective date is usually the date that the application is received. However, if all the necessary documentation is not provided in order to make an assessment within 28 days of receipt of the application, the effective date will be delayed to the date when all the necessary information is received.
- 45.2 If an applicant is awarded "Emergency" or "High" priority on the grounds of medical or welfare needs, the Band date will be amended to the date that the medical priority was awarded.
- 45.3 Where an application is moved to a higher priority band, the Band date will be the date the application moved into that band. This happens each time the application moves up a band.
- 45.4 If the application is moved to a lower priority band for the first time, the Band date will be the date the applicant joined the Housing Register. However, if the application has previously been in that

lower band, the Band date will be the original date when the applicant was registered in that band.

46. How applicants are prioritised

- 46.1 In the first instance the Council will assess each application to determine eligibility to go on to the Housing Register. Where an applicant is eligible the Council will assess their circumstances in accordance with this policy and determine which priority band they should be placed in. This assessment will also determine the size and type of accommodation an applicant is eligible for. Once assessed, applicants are placed in date order except where any Local Lettings Plan may apply.

47. Awarding priority to people who need to move on medical grounds

- 47.1 Medical priority may be awarded if the medical condition is aggravated as a direct result of the property (not the local environment or surrounding area) being occupied. Applicants who indicate that they or anyone in their household have an illness or disability, which they feel is affected by their current home, or who may be vulnerable on physical or mental health grounds and in need of settled accommodation are requested to complete a online Medical Information Form. The Council may write to the GP, hospital consultant, Occupational Therapist or other professionals involved where appropriate and request further information. This information will be considered and where appropriate advice may be sought from the Council's Independent Medical Adviser.
- 47.2 The Medical Adviser will take into account all the relevant factors and will recommend the priority that the application should receive on medical grounds as either:
- 47.3 In this document it is not possible to indicate the level of priority which particular conditions may attract, as each application is assessed on its merits and some medical conditions affect people in different ways. However, some common conditions are detailed at Appendix A with guidance as to factors that may influence priority.

48. Re-assessment of Health Needs

- 48.1 A re-assessment may be carried out at any time when the Council has reason to believe it necessary and may result in an applicant's medical priority being increased, decreased or removed. Examples of situations in which a re-assessment would normally be triggered include the following:
- i. New information has come to the Council's attention and/or the Council has reason to believe the level of priority previously awarded may be inappropriate.
 - ii. An applicant is not actively participating in the bidding process under the Council's Choice Based Lettings Scheme (Hometrak).
 - iii. An applicant has refused a direct offer of suitable accommodation.
- 48.2 Applicants are entitled to request a re-assessment of their health needs if there is new information for the Council to consider. Such request should be made to the Allocations Team Leader or Housing Needs Manager.

49. Awarding priority to people who need to move on welfare grounds

- 49.1 There may be an urgent need for settled accommodation because of risks posed to an applicant's welfare, which other applicants would not face. For example, there may be care and support needs which make it important that settled accommodation is available so that these needs can be met and support services arranged, or the applicant will face hardship if unable to give or receive support.

49.2 The Council will contact carers, Social Services or other support workers as appropriate in conducting a joint welfare/support assessment. This is to ensure any ongoing support needs are identified. Joint working with other agencies may also identify ways to enable applicants to stay in their current home with appropriate support.

49.3 Welfare issues will be taken into consideration in deciding which band an application should be placed within as set out below.

50. Awarding priority to people who are overcrowded

50.1 Overcrowding is assessed by comparing the applicant's current accommodation against the size of property the household requires.

50.2 In assessing the number of bedrooms in the applicant's current accommodation the Council will:

- i. Disregard kitchens, bathroom(s), living rooms (one per household) and any room with a floor area of less than 6.5 square meters. It is assumed that any room not on this list (e.g. second reception room) can be used as a bedroom as long as it is suitable to be used for that purpose;
- ii. Take account of bedroom size – a double bedroom (suitable for two people sharing) is assumed to have a minimum floor area of 10.2 square meters and a single room (suitable for one person) a minimum of 6.5 square meters.
- iii. Applicants will be banded accordingly based on the outcome of these assessments. Overcrowded households will also be considered for alternative accommodation such as that provided by Thamesway Housing Limited or privately rented accommodation.

51. Awarding priority to people who are occupying Insanitary or Unsatisfactory Housing

51.1 Applicants without access at all to any of the following facilities:

- i. Kitchen
- ii. Bathroom
- iii. Inside WC
- iv. Hot or cold water supplies

51.2 Where an applicant raises these concerns about their current home it will be necessary for the Council's Housing Standards Officer to conduct an assessment of the accommodation under the statutory Housing, Health and Safety Rating System. This assessment will determine whether any 'Category 1 hazards' exist in the home that give rise to the award of greater priority to move (e.g. because of serious disrepair that presents a threat to the household's health). The results of such assessments may lead to enforcement action being taken against the property owner to address the hazard(s) identified and may not therefore necessarily lead to the award of greater priority for rehousing. This includes properties where there is evidence of damp. We would expect the landlord to take action to remedy the problem in the first instance and for the resident to cooperate with the landlord to resolve such issues.

51.3 Where an assessment indicates Category 1 hazards are present under the Housing, Health and Safety Rating System, the following course of action MAY be taken.

52. Awarding priority for people giving up a disabled adapted property

- 52.1 Disabled adapted properties are in short supply. Tenants occupying, but who no longer need, either for themselves or a member of their household, accommodation with adaptations that would meet a particular demand for another household, will be offered Band B priority to enable them to vacate the adapted property.

53. Awarding priority in certain circumstances to WBC tenants (Statutory successors)

- 53.1 Statutory successors who have succeeded to a property larger than they require
- 53.2 Under Part 6 of the Housing Act 1985 the Council can require a successor in these circumstances to move to another more suitable property. To facilitate such a move the successor must apply to transfer through the Housing Register. They will be placed in Band B. The applicant may bid for up to twelve months. If no bids have been made after six months the Housing Officer would issue a Notice of Seeking Possession (NOSP) and pursue legal action as necessary before twelve months from death of the tenant has elapsed.

54. Awarding priority where there is no statutory right of succession

- 54.1 This situation arises where a Statutory Succession has already taken place.
- 54.2 People who have no right to succeed to the Council tenancy following the death of the Council tenant they have been living with must apply to the Housing Register if they wish to be rehoused. However, there is no guarantee that an offer of accommodation would be made.
- 54.3 An assessment of the applicant's housing need will be made. Housing advice and assistance will be provided depending on the priority need of the applicant or household. See Tenancy Policy re Discretionary Succession.

55. Awarding discretionary priority

- 55.1 The Housing Needs Manager has discretion to award higher priority where the applicant's (or a member of the household's) needs are considered exceptional e.g. Child Protection issues.
- 55.2 Where the defining features of an application (e.g. need for a specifically adapted property) are considered to be so exceptionally severe as to warrant immediate/imminent rehousing, the Council reserves the right to make a direct offer outside the framework of its Allocations Policy.
- 55.3 Where applications are received from households who need or receive support from carers on a full time residential basis or during the night, the Council will, wherever possible, take account of the applicant's need for an extra bedroom to accommodate their carer. Such requests will need to be verified by supporting medical information, form part of a formal care package where appropriate, and be approved by the Special Needs Internal Panel (SNIP).

56. Joint to Sole Tenancies

- 56.1 The situation frequently arises in social housing, particularly in cases involving relationship breakdown, where one party to a joint tenancy wishes to have the tenancy put in their sole name. Alternatively, the tenant who has left might find it difficult to secure rehousing if they are already a joint tenant of another property – in these circumstances they often ask for their names to be removed from joint tenancy agreements.
- 56.2 As a general rule, landlords, whether they are housing associations or councils, cannot unilaterally end a joint tenancy or remove names from a tenancy agreement at the request of a joint tenant. If one party to a joint tenancy serves a notice to quit this has the effect of terminating the whole of the tenancy leaving the tenant in occupation at risk of eviction by the landlord.

56.3 The county courts have powers to order the transfer of tenancies from joint to sole names in certain circumstances. Tenants in this position are best advised to seek professional legal advice.

57. Assessing the size of accommodation needed

57.1 The Council is committed to reducing levels of overcrowding within the Borough and to making the most effective use of the social housing stock. Using clear and consistent criteria each application will be assessed to determine the size of accommodation required based on the number of people in the household, gender, age and the relationships between household members. Other factors such as health and welfare issues (described above) will also be taken in to account.

57.2 The Council's criteria for assessing the size of accommodation a household requires and can bid for, is summarised below.

Number of bedrooms required	Single Person	Couple	Couple or lone Parent +					
			Child 0-12 months	1 Child over 1 year of age	2 Children same sex 0 - 17 years of age	2 children opposite sex 1 - 9 years of age	2 Children opposite sex 10 -17 years of age	Each child 18+ will be allocated a separate bedroom
0 (Studio)	✓							
1	✓	✓						
2			✓	✓	✓	✓		
3							✓	
4*	*Subject to individual household assessments (See Examples Below)							

57.3 Example scenarios:

- Couple or lone parent with two children under 10 (opposite sex) are eligible for two bedrooms.
- Couple or lone parent with two children under 18 (same sex) are eligible for two bedrooms.
- Couple or lone parent with two children (opposite sex) ages 10 and 12 are eligible for three bedrooms.
- Couple or lone parent with three girls aged 9, 12 and 17 are eligible for three bedrooms.
- Couple or lone parent with three children, 12 year old boy and two 14 year old girls are eligible for three bedrooms.
- Couple or lone parent with five children ages 20, 18, 17, 15 and 13 will be registered for both four and five bedrooms (if the 15 and 13 year old are the same sex then they will be expected to share). Likewise a couple or lone parent with four children aged 18 or over are eligible for five bedrooms but would be allowed to bid on four bedroom properties

- vii. Couple or lone parent with four children including two daughters aged 20 and 11 and a son aged 11 are eligible for four bedrooms but would also be allowed to bid on three bedroom properties
- viii. Two children (same sex) are expected to share providing they are both under 18.

(The term couple is deemed to be a heterosexual couple or a same sex couple, whether married, in a civil partnership or cohabiting)

- 57.4 The following are examples of some of the exceptions that may be made to the Property Criteria:
- i. The home to be allocated includes special adaptations and there are no other applicants of the correct household size available that require those adaptations
 - ii. The allocation is the result of an emergency
 - iii. The home is being used as temporary accommodation
 - iv. The home is being let under the terms of a Local Lettings Plan
- 57.5 Applicants who have shared access to children who are not dependent upon them will not automatically be eligible for consideration for an additional bedroom. In deciding where dependent children should be housed an assessment will be made of the housing circumstances of each parent to decide whether there is suitable alternative accommodation available for the child. An additional bedroom will only be available where no other suitable accommodation is available for the child to occupy.

58. Local Lettings Plans

- 58.1 Section 167(E) of the Housing Act 1996 enables local authorities to allocate particular accommodation to people of a description, whether or not they fall within the "reasonable preference" categories, provided that overall the authority is able to demonstrate compliance with Section 167 of the Act. This is the statutory basis for "Local Lettings Plans" (LLPs).
- 58.2 LLPs will have an important role to play in widening housing choices for local people and contributing to balanced and sustainable communities. The national and regional housing agendas are encouraging new housing schemes to be mixed tenure, catering for a range of needs and aspirations.
- 58.3 LLPs may sometimes be designed so that properties are made available to households that would not otherwise have the opportunity to access affordable housing. This is to ensure that affordable housing seeks to meet a range of housing needs. There may be instances, therefore, where the Council will seek to assist households with limited housing need.
- 58.4 LLPs may be used under this Allocations Policy to achieve wider social and economic objectives. For example, they may be used to:
- i. Deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment or involved in significant community contribution or to enable existing tenants to take up an offer of employment
 - ii. Create mixed and sustainable communities by allocating accommodation sensitively, taking into account any special circumstances affecting applicants and the wider community
 - iii. Attract key workers into the borough by giving them priority for a small number of properties even though they may not fall within one of the reasonable preference categories
 - iv. Provide accommodation for Members of the British Armed and Reserve Forces

- v. Ensure properties which are particularly well suited to people with adaptation needs are prioritised most effectively or where the location of particular accommodation may address accessibility issues (e.g. ground floor flats for people with mobility problems or sensitive lets where older residents still reside)
- vi. Consider child density within communities in order to ensure community stability in the longer term (e.g. the number and ages of children comprising a household seeking accommodation will be used to inform letting decisions)

58.5 The Council will also work with Housing Associations and Thamesway Housing to develop LLPs for new developments and disadvantaged areas where there is an identified need for such intervention. These policies will be carefully considered to ensure that in correcting an imbalance in one area they do not create another elsewhere.

PART IV HOUSING SUPPLY AND THE LETTINGS PROCESS

59. Introduction

- 59.1 The number of households applying to Woking Borough Council for housing greatly exceeds the number of Council, Housing Association and Thamesway Housing properties available for letting each year and in response to this situation, the Council is working hard to develop other housing options as a means of boosting supply.
- 59.2 Woking has a buoyant private rental market and through its Private Rented Schemes, the Council assists applicants to access privately rented homes both in and out of the Borough. Where there is likely to be a lengthy wait for Council or Housing Association properties, applicants will be encouraged to take up offers of alternative accommodation in the private rented sector which includes Thamesway Housing. Private sector housing options therefore form an important element of housing supply.
- 59.3 Households accepted for housing under current Homelessness legislation may be offered accommodation in the private rented sector. If the offer is considered to be reasonable and suitable, refusal of the accommodation will end the Council's duty and no further offers of accommodation (including Council or Housing Association) will be made.
- 59.4 Other vacancies in the Borough occur from time to time with Housing Associations and from new Social or Affordable housing developments. When homes on new developments are allocated we try to achieve balanced and sustainable communities as quickly as possible. In some cases where a Housing Association builds new homes, it may be a planning condition that only certain people with a specific local connection to the area can be offered the accommodation.
- 59.5 Some properties are designated or adapted for people who are elderly, frail, have disabilities or have special support needs. When such supported, sheltered or adapted properties become available they will, where possible, only be let to people who meet the relevant eligibility criteria.
- 59.6 Priority within bands will be on a date order basis, according to the date the applicant was placed into that band.

60. What type of tenure will be offered?

60.1 Introductory Tenancy

- i. Generally given to all new tenants of Woking Borough Council. These tenancies usually last for 12 months from the tenancy start date but in certain circumstances an Introductory Tenancy can be extended.
- ii. Tenants transferring from another social landlord may go onto either a Secure or Flexible Tenancy. This does not apply to tenants given Temporary Accommodation who will be given a Non-Secure Tenancy.
- iii. Before the start of an Introductory Tenancy, tenants will be told which kind of tenancy (Secure or Flexible) they will be granted at the end of the introductory period.
- iv. After the introductory period the tenancy automatically becomes either a Secure Tenancy or a Flexible Tenancy, unless we have begun proceedings to end the tenancy (served Notice) due to a breach of the Tenancy Agreement.

60.2 Secure Tenancy

- i. Most of our tenants have a Secure Tenancy which gives them a number of rights. To end this type of tenancy we must get a Possession Order from the Court. Applicants moving into sheltered accommodation will be granted Secure Tenancies.

- ii. Any existing Secure or Assured tenant where they choose to move to another Social Rented home, whether with the same or another landlord, or because they need to move due to redevelopment works will be granted a Secure Tenancy (this does not apply where tenants choose to move to accommodation let on Affordable Rent terms).

60.3 Flexible Tenancy

- i. Introduced through the Localism Act, a Flexible Tenancy is one that is offered for a specific period of time, as opposed to the traditional “lifetime tenancy”. The period of time is known as the “fixed term”.
- ii. The length of the Flexible Tenancy will be for seven years in almost all cases but the tenancy will be reviewed towards the end of the fixed term. In exceptional circumstances we will consider offering a Flexible Tenancy on less than seven, but more than two, years. Please refer to the Council’s Tenancy Policy for further information.

60.4 Demoted Tenancy – The Council will use demoted tenancies to take action against tenants who have been involved in anti-social behaviour. Demoted tenants have some of the same rights as secure tenants; however, they can be evicted more easily.

60.5 Assured Tenancies – are granted to housing association tenants or other private tenants giving them the right to remain in the property unless the landlord can prove to the courts that there are grounds for possession.

60.6 Assured Shorthold Tenancy - this is the most common type of tenancy, usually for a fixed term. If there is no fixed term or the fixed term is less than 6 months, the landlord still cannot recover possession until six months from the start of the tenancy.

60.7 Non-Secure Tenancy – granted to homeless households providing only limited rights of occupation of a property (typically Temporary Accommodation including Private Sector Leased accommodation).

61. Advertising Properties Available for Letting

61.1 Properties which are ready to let will be advertised for three days only of the fortnightly cycle on the Council’s website. A property sheet is available from the Council’s Online Services Area in the One Stop Shop at the Civic Offices.

61.2 The advertisement will set out the eligibility criteria which may include:

- i. Minimum and maximum numbers of people in the household
- ii. If children are allowed or required
- iii. If there are age-limits
- iv. If the property is particularly suitable for someone with mobility problems
- v. If pets are allowed
- vi. Whether it is sheltered or supported accommodation
- vii. Who owns the property and whether it is a specialist landlord
- viii. The weekly rent including any other charges
- ix. Whether subject to a Local Lettings Plan

61.3 Where a property that has been advertised does not attract a successful bid in the first bidding round, the eligibility criteria will be reviewed and consideration will be given to widening eligibility and/or re-advertising the property.

61.4 In times of particular demand, the Council reserves the right to advertise and/or offer certain properties only to applicants within certain bands, within certain sub-categories within a band or through a Local Lettings Plan.

62. Bidding for Properties

62.1 Eligible applicants can make up to three bids per cycle for properties advertised by telephone bidding, or by bidding online via the website www.woking.gov.uk.

62.2 Applicants must bid during the first three days of the cycle.

62.3 There are four computers in the Online Services Area in the Council Offices for customers to use where applicants can 'bid' on available properties. There are also four telephones for customers to use where applicants can place bids via the automated telephone line.

62.4 Information on the bidding process is set out in the 'How to use Hometrak' leaflet which is provided in the Hometrak Information Pack sent out to all registered applicants. <http://www.woking.gov.uk/housing/hometrak/step.pdf>

62.5 Applicants with support needs and those who have difficulty with written English can be assisted by a member of the Council's staff. Applicants will be allowed to nominate a representative who can carry out the bidding process on their behalf.

62.6 All bids are checked to ensure that they meet the eligibility rules. Bids that are made for properties which the applicant is not suitable for will be excluded from consideration. Applicants who consistently bid for properties for which they are ineligible may be contacted to discuss how to bid.

62.7 A bid will only be considered if:-

- i. There is no current offer of another property (making an offer to an applicant makes all other bids from that applicant ineligible whilst the offer is live)
- ii. The application is not currently suspended
- iii. The bid is received by the deadline at the end of the end of the third day of the first week of the cycle
- iv. The applicant is eligible for the property (including property size and type, any age restrictions and any other stated criteria)
- v. In order to encourage sustainable communities some applicants, although registered on the Housing Register, may not be eligible for an offer of a property if there is Police evidence of behaviour likely to cause housing management difficulties or present a risk or danger to other tenants.

62.8 The applicant will be contacted to determine their first choice if they have bid on three properties and have come to the top of the list for all three properties. However, the final decision is at the landlord's discretion and reasons will be given to the applicant.

63. Selecting Successful Bids

63.1 All eligible bids for each property are placed into priority order. Priority is decided first by band and second by date order within each band and thirdly by the effective date. If there are no

eligible bidders for a property, the Council may decide either to make a direct offer, or to re-advertise.

64. Making an Offer of Accommodation

- 64.1 In order to minimise delays multiple viewings may be arranged as appropriate. A multiple viewing is when a number of suitable applicants are invited to view the same property on the same day. Applicants are required to bring proof of identity to the viewing. Unverified applicants (those who have not had a home visit) will be advised via the "Invitation to view letter" to contact the Council within 24 hours in order to arrange for verification, a home visit and confirm their eligibility prior to the viewing date. Failure to respond may result in the withdrawal of the offer.
- 64.2 The applicant will be offered the property and may be invited to sign for the tenancy at the viewing. If the property being offered is refused, the next short listed person is selected.
- 64.3 In order to encourage sustainable communities some applicants, although registered on the Housing Register, may not be eligible for an offer of a property if there is Police evidence of behaviour likely to cause housing management difficulties or present a risk or danger to other tenants.
- 64.4 Home visits are part of the allocations process in order to verify an applicants housing circumstances.

65. Direct Offers of Accommodation

- 65.1 Certain applicants will be allocated accommodation outside of the Housing Allocations Policy where there are exceptional management or community safety issues or where there is a need for a specifically adapted property. These applicants will be informed of their position. This may include homeless applicants to whom a statutory duty is owed if there is no suitable temporary accommodation available. This will occur only as a last resort.
- 65.2 The Council has a duty to rehouse displaced occupiers into suitable accommodation either:
- i. Under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be rehoused as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or
 - ii. Following the compulsory purchase of a property under the Land Compensation Act 1973.
- 65.3 In the following circumstances the Council may use its discretion to make a Direct Offer:
- i. "Special circumstances", e.g. under Multi-Agency Public Protection Panel Arrangements (MAPPA) or Community Incident Action Group (CIAG). One offer, in line with policy, will be made and, if it is unreasonably refused, applicants will lose their priority and be placed in the appropriate band as assessed for their housing circumstances.
 - ii. Under-occupiers who have succeeded to a tenancy but need to move to a more suitable property who has failed to exercise choice by bidding for properties.
 - iii. Under-occupiers seeking to move who are living in much-needed family-sized properties, who have highly specific requirements.
 - iv. Applicants in Band A whose needs are considered to be so exceptionally severe as to warrant immediate/imminent rehousing.
 - v. If a dwelling is of a specialist nature (e.g. purpose built for the physically disabled) or is suitable for adaptation for a known applicant.

- vi. The dwelling is required as a temporary measure to provide accommodation for an existing tenant whilst major repairs are carried out in their property and they need to be decanted in the meantime.
- vii. Applicants in temporary accommodation must bid on all suitable properties following their acceptance by the Council as being homeless. The Council reserves the right to make a direct offer in certain circumstances e.g. where an applicant has not placed any bids over a sustained period of time in which we would have expected them to have bid successfully. If the direct offer is refused, the applicant's banding will be reassessed and legal action started to regain possession of the temporary accommodation.

65.4 In the above cases, a suitable offer will be made. A suitable offer of accommodation is one which so far as possible matches the size and type of property for which the applicant is eligible, and is not in an area which is known to be unsafe for that applicant.

65.5 When an offer, including any direct offer, is made to a homeless applicant, the offer letter will explain that it is a final offer, and that if it is refused, the applicant will have the right to ask for a review of whether it was suitable for their needs. Any review will be conducted by the Housing Needs Manager. If the offer is refused either verbally or in writing notifying the Council and a review has been requested, the property will not be held open and will be immediately re-offered to another applicant. Applicants may request a review of the suitability of the accommodation offered whether or not they have accepted the offer.

66. Reasons why an applicant may not be made an offer

66.1 Tenants who have a current application to buy their home at the time a bid is made for a property.

66.2 The support needs of the applicant are such that the applicant will be unable to maintain an independent tenancy and there is an insufficient care package or floating support package available to provide support to ensure the tenancy is successfully maintained.

66.3 Where an application is checked at the point of offer, and it is found that the information provided by the applicant has changed or is incorrect. For example, where someone bids for a three bedroom property but only has a two bedroom need.

66.4 Where an applicant bids for a property that is unsuitable for their needs (e.g. following a Social Services assessment) or the property cannot reasonably be adapted to meet their needs.

66.5 Where a property has been incorrectly advertised.

66.6 Applicants with any outstanding housing debt e.g. rent arrears (including private rented schemes), Council Tax, Bond/PRS claims to any Council or Housing Association and have not made regular (e.g. monthly) payments from the beginning of the Repayment Plan for a minimum of six months, and cleared 75% of the total housing related debt. If one month is missed then the six months starts again and applicants must catch up with the missed payment. This also includes where a deposit/bond has been provided for the applicant's current home where there is likely to be a claim for deductions by the landlord once the applicant has moved out. This must be addressed and resolved before any successful bid will be considered.

67. Refusing Offers

67.1 Applicants will be allowed two refusals on properties they have bid for (unless they have been accepted as homeless or they are in Band A and the property offered is considered suitable where it will be one offer only). Following two refusals an applicant's level of priority will be reassessed and may be cancelled.

- 67.2 Applicants in Band A must give their reasons for refusal in writing to the Allocations Team Leader for consideration. The property will not be held vacant while the refusal is investigated – it will be let to another applicant.
- 67.3 If there is a clear mismatch e.g. where the applicant or property details were recorded incorrectly, the offer will be withdrawn and the applicant notified by letter.
- 67.4 If there is no obvious mismatch, the application will be suspended whilst the Allocations Team Leader investigates the reasons for refusal. The Council will consult any other appropriate officers/professionals or agencies involved with the household before deciding whether the offer was reasonable and will inform the applicant of the decision by letter.
- 67.5 If the offer is found to have been a suitable one, the Council will advise the applicant of the reasons for this finding and of the effect the decision has on their application. They will also advise the applicant of their right to request a review of the decision.
- 67.6 If the offer is found to have been unsuitable, the Council will withdraw the offer and reinstate the priority.
- 67.7 The following action will be taken where there are refusals in the following circumstances:-
- i. Where an under-occupier has succeeded to the tenancy: the Council can obtain possession by offering alternative accommodation. The Council's Housing Management Service will be advised so that they can commence possession proceedings.
 - ii. "Special circumstances" case: the applicant will be advised that their priority has been removed and they will be placed in the appropriate band if they are eligible persons. Any professionals involved in the case will be kept informed at all stages.
 - iii. Urgent Management Move: the priority status will be removed and the tenant's application will be reassessed.
 - iv. All other offers: the priority status will be removed and the case will be reassessed.
- 67.8 If the offer is to a homeless household the reasons for the refusal must be considered in consultation with the Housing Options Team who will take the following action:
- **Accepted Homeless Household:** they will be advised that the Council intends to end the full homelessness duty and, if the applicant is occupying temporary accommodation provided by the Council, that eviction proceedings will commence. The applicant will also be informed of the right to a review of the suitability of the accommodation offered.
- 67.9 The Council reserves the right to refuse to shortlist or to make an offer of accommodation on management grounds (for example where offering the property to the highest priority applicant might put others at risk) or where new information has been received which alters an applicant's priority.
- 68. Feedback on Let Properties**
- 68.1 All properties let through Hometrak will be published on the website. Details provided include the number of bidders for each property and the band and registration date of the successful applicant. Information on Direct Offers is not available on the recent lets page of the website; this is because the property has been allocated outside of the short listing Choice Based Lettings process.

69. Offers to Council Employees, Councillors or their Relatives

- 69.1 Where an offer is being made to a Council employee, Councillor, or one of their relatives or friends, the Strategic Director, in consultation with the Borough Solicitor, must authorise the offer before it is made.

70. Reciprocal Arrangements with Other Landlords

- 70.1 From time to time other local authorities may request, in exceptional circumstances, assistance with accommodation for a particular applicant whose needs cannot be met in their own Borough.
- 70.2 Any such requests should be considered as favourably as possible subject to suitable vacancies.

PART V REVIEWS AND COMPLAINTS

71. Right to Review

This section sets out the procedure for reviewing the following decisions:-

- i. Not to put someone on the Housing Register (or exclude them from bidding) who has applied to be put on it or to remove someone from the Housing Register other than at his or her request.
- ii. That an applicant is ineligible for an offer.
- iii. Other decisions relating to this Policy including banding and priority dates.

71.1 Applicants may request a review of the decision to exclude their application at any time during the exclusion period. If the original decision to exclude the application is upheld, the suspension will continue for the remaining period. If the exclusion is overturned the application will be re-activated immediately.

71.2 Procedure for carrying out the review

71.3 A request for a review must be made within 28 days from the day on which the applicant is notified of the authority's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.

71.4 An officer senior to the officer making the original decision and who was not involved in making the decision will carry out these reviews.

71.5 The officer carrying out the review will carry out an investigation, taking careful note of relevant legislative requirements, Statutory Instruments and the prevailing Code of Guidance. If not already received they will invite the applicant to make written representations or, if the applicant is unable to do this or would be disadvantaged by this method, the reviewing officer may hear oral representation. In some cases both written and oral representations may be allowed, and the applicant may appoint someone to act on their behalf in making them.

71.6 In reviewing a decision on ineligibility for an offer the reviewing officer will determine, where appropriate, whether the applicant has remedied the reason for the ineligibility being imposed. Where an applicant is excluded because they have sufficient financial resources to meet their own housing needs, they would need to prove a change in their financial circumstances that removed the reason for their exclusion. Where the applicant is excluded due to a breach of their tenancy, they would need to demonstrate, for example, that they have modified their behaviour e.g. by paying off rent arrears, remedying damage or allowing repairs to be carried out. If legal action has been withdrawn or a Court Order has been given in favour of the tenant, then the local authority will carry out a review.

71.7 If the reviewing officer finds that the officer who took the decision did not take relevant information into account they will refer the file back to that officer for re-consideration of their original decision as part of the review process.

71.8 The reviewing officer will notify the applicant of their decision within eight weeks of the request for a review (although this time limit may be extended by agreement with the applicant). Where a review is requested the applicant has the right to be informed of the review decision along with the grounds.

71.9 Decision which the Reviewing Officer can make

71.10 The outcome of the review could be one of the following:-

- 71.11 Original Decision Upheld: the letter will give the reasons supporting the review decision. There is no right to request a review of the decision reached on this review. In cases of exclusion from the Register or of ineligibility for an offer, the applicant will be advised (as appropriate);-
- i. A fresh application will be considered if the applicant was ineligible due to being subject to immigration control and the applicant's immigration status has changed
 - ii. Applicants/ex-applicants who have been excluded from the Housing Register on grounds of serious anti-social behaviour must demonstrate good behaviour for the period of their exclusion before a fresh application will be considered
 - iii. Applicants or any member of their household who knowingly gave false/misleading information or withheld information will not have a fresh application considered for three years
 - iv. Applicants who have assaulted a member of staff must demonstrate good behaviour for three years before a fresh application will be considered
 - v. When the applicant has paid off rent arrears, remedied damage, legal action has been withdrawn or they can prove that a local connection has been established they can apply to have the ineligibility for an offer removed from their file
- 71.12 Original Decision Quashed: the letter will explain what action the Council will take as a result and their reasons for doing so and the application will be reactivated immediately.
- 71.13 Applicant provides the Reviewing Officer with New Information: (i.e. information not known to the officer who took the original decision) the review will end and the file will be returned to the Registration Officer for fresh enquiries to be made and a fresh decision to be issued. In such cases applicants will be advised of their right to request a review of the new decision.
- 71.14 Where an applicant has been excluded at the discretion of the senior manager or relevant panel (e.g. MAPPA, supported housing panel) the applicant would need to appeal against the recommendation.
- 71.15 An applicant has the right to request:-
- i. Such information to enable him/her to assess how the application is likely to be treated, including which Band they are likely to be placed in
 - ii. Whether housing appropriate for their needs is likely to be available and how long it is likely to be before an offer is made
 - iii. A local authority to inform them of the facts of the case that are likely to be taken into account when considering whether to allocate accommodation to the applicant
 - iv. Notification in writing of a decision that they fall within a lower preference category on grounds of behaviour and the reasons for it
 - v. A review of the decision to give lower preference on the grounds of behaviour, of the facts considered and of any decision to exclude them from the Policy
- 71.16 Where the applicant is not satisfied with the assessment of medical priority carried out by a Housing Officer the case will be referred to the Council's Medical Adviser.
- 72. Complaints**
- i. The Council has a formal complaints procedure. Applicants can use the complaints procedure if they believe that:

- ii. Something has been done badly or wrong in the service delivery
- iii. Something has not been done that should have been done
- iv. The service has not been delivered in accordance with policies and procedures
- v. If they have been treated in an impolite or discourteous manner

72.1 All complaints will be investigated and the applicant will receive a written response within the timescale set out in the complaints policy.

72.2 Full details of the Council's complaints process can be found on the Woking Borough Council website (www.woking.gov.uk) under "Our Commitment to our Customers".

PART VI CONFIDENTIALITY AND ACCESS TO PERSONAL INFORMATION

73. Confidentiality

- 73.1 Personal information provided to the Council by Housing applicants is confidential. In normal circumstances, this information is only disclosed to other housing providers (housing associations) where an applicant has successfully placed a bid on one of their properties so that they can determine whether an offer of accommodation can be made. Applicants give their consent to disclosures in completing the Housing Register application form.
- 73.2 The Council's Housing Register is registered under the Data Protection Act 1998, and information on it including medical information is received, held, and disclosed only for registered purposes. We deal with all applications in a confidential manner, and applicants have the right to see information on their file relating to their application, except where this involves confidential third party information. If an applicant is not eligible, does not respond to the annual review or is removed from the Housing Register, their assessment form will be kept for two years before being destroyed.
- 73.3 Personal information is only disclosed to other parties with the applicant's specific consent or in exceptional circumstances where disclosure without consent is warranted. These are defined as follows:
- i. Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed;
 - ii. Where information is required by a local authority department in order to carry out statutory functions or by external auditors;
 - iii. Where information is required by the police as part of a criminal investigation.
- 73.4 In the event of information needing to be disclosed without the applicant's previous consent, in the exceptional circumstances described in paragraph 1.3 above, the person concerned should be informed wherever possible that this is happening unless there is a reason not to do so e.g. where it may compromise a criminal investigation.
- 73.5 Medical information obtained from the applicant's GP or other healthcare staff cannot be passed on without prior consent from the professional(s) involved. The information obtained from Social Services cannot be passed on without consent of the relevant member of staff, or in their absence the relevant Team Manager.
- 73.6 At the lettings stage, where an allocation is made into Council-owned property, the content of the application file is passed to the Council's Housing Management Service to form the basis of the tenancy file.
- 73.7 Where a nomination is made to a Housing Association's property, the Housing Register application is retained by the Council but relevant information may be copied to the new landlord where applicable.
- 73.8 The Council will take disciplinary action against any employee who makes use of any information obtained in the course of their employment for personal gain or benefit, or who passes it to others who might use it in such a way. A report to the police will be made if it appears that a criminal offence has been committed.
- 73.9 The fact that a person is an applicant to the Housing Register shall not be divulged (without their written consent) to any member of the public.

74. Access to Personal Information

- 74.1 Under the Data Protection Act 1998, applicants have the right to see personal information held about them by the Council. The legislation covers both manual and computerised records and applies to all information recorded since 1 April 1989. It also includes records made before that date if these are needed to make sense of subsequent information.
- 74.2 In order to request access to personal information, applicants must write in to the Housing Needs Manager. The Council will require proof of identity such as bank card, birth certificate or driving licence, before an access request can be processed.
- 74.3 The requested information will be provided to the applicant within a maximum of 56 days. A charge of £10 will be made. Files are edited where necessary, for example to exclude information restricted by law or evidence provided by a third party (e.g. healthcare professional). In the latter case, information can only be released if the professional concerned has given their written consent. Applicants wishing to see information provided by third parties must seek consent from the professional(s) concerned, asking for a letter of confirmation to be submitted to the Council.
- 74.4 When the information is ready it will be made available to be collected from the Civic Offices unless the applicant confirms in writing for it to be sent through the post to a specific address.
- 74.5 If the applicant considers that the personal information held by the Council is inaccurate, they may request that it is amended or removed from their file. In the event of a disagreement, the information will remain on file and the applicant's comments will be recorded on the file.
- 74.6 Disclosure of information may be denied by the Council in any of the following circumstances:
- i. The information could prejudice criminal proceedings;
 - ii. The information is subject to Legal Professional Privilege;
 - iii. A medical or care professional is of the opinion that disclosure could result in risk of serious harm to the person concerned or to others as a result of disclosure.

APPENDIX A: FURTHER MEDICAL INFORMATION

Asthma:	This is a very common condition in adults and children, which can be influenced by factors outside the home. It is often difficult to establish whether rehousing would help and many applications will not be awarded priority. If the current accommodation is damp, we would refer the matter to the Council's Environmental Health Service or the Council's Housing Management Repairs Service to determine the impact this may have on the household's health and whether through remedial work to the property, the problem could be resolved.
Epilepsy:	A current tendency to epilepsy may suggest a need for accommodation on the ground floor or with a lift available. Priority will depend on the severity of the condition. An episode in the past with no current tendency would not usually lead to any priority being awarded.
Stress or depression:	These conditions are often influenced by factors outside the accommodation or by other housing needs such as overcrowding for which priority is already given. Many applications will therefore not be awarded priority. An individual assessment will be made as to how the current accommodation affects the medical condition.
Mobility difficulties:	We will not award any priority where current housing meets the household's mobility needs. Priority will differ depending on the severity of the difficulty and the unsuitability of the property. Factors such as the number of steps within and leading to a property will be relevant. If you are physically unable to access your home due to your mobility difficulties, and it would not be reasonable for necessary adaptations to be carried out we will award high priority and may consider an urgent discretionary allocation outside of the Allocations Policy.

EXECUTIVE - 22 MARCH 2018

REGULATION OF INVESTIGATORY POWERS ACT 2000 - ANNUAL MONITORING REPORT

Executive Summary

This report considers the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") during the 2017 calendar year.

Reasons for Decision

To comply with the Council's RIPA policy and Home Office Codes of Practice.

Recommendations

The Executive is requested to:

RESOLVE That

the Council's non-use of the Regulation of Investigatory Powers Act 2000 during the 2017 calendar year be noted.

The Executive has authority to determine the above recommendation.

Background Papers:

Sustainability Impact Assessment
Equalities Impact Assessment

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Date Published:

16 March 2018

1.0 Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") provides for, and regulates the use of a range of investigative powers by a variety of public authorities. RIPA will impact on the Council's activities on the rare occasions when covert surveillance is undertaken, e.g. as part of investigations undertaken in connection with the Council's environmental health, housing, taxi licensing and audit functions.

2.0 Use of RIPA during the 2017 Calendar Year

- 2.1 No RIPA authorisations were issued during 2017.

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

Equalities

- 3.6 None.

4.0 Consultations

- 4.1 None.

REPORT ENDS

EXE18-016

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	

	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy			X	
Meet local needs locally			X	
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place			X	

EXECUTIVE - 22 MARCH 2018

WRITE OFF OF IRRECOVERABLE DEBT

Executive Summary

Financial Regulation 12.14 requires the Executive to authorise the write off of any debt over £10,000.

Ahead of the financial year end a small number of Business Rates, Council Tax, Housing Benefit and Sundry debts are identified as irrecoverable. Many of these debts will have been provided within the Council's bad debt provision in previous years, but the formal write off hasn't yet been authorised by the Executive. Appendix 1 sets out those debts over £10,000 recommended for write off by Officers.

Reasons for Decision

To write off debts over £10,000.

Recommendations

The Executive is requested to:

RESOLVE That the debts listed in Appendix 1 to the report be written off.

The Executive has authority to determine the above recommendations.
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Background Papers:

None

Sustainability Impact Assessment
Equalities Impact Assessment

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REPORT ENDS

EXE18-020

APPENDICES

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS
		Eliminate discrimination	Advance equality	Good relations			
Gender	Men					X	
	Women					X	
Gender Reassignment						X	
Race	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	
Disability	Physical					X	
	Sensory					X	
	Learning Difficulties					X	

	Mental Health					X	
Sexual Orientation	Lesbian, gay men, bisexual					X	
Age	Older people (50+)					X	
	Younger people (16 - 25)					X	
Religion or Belief	Faith Groups					X	
Pregnancy & maternity						X	
Marriage & Civil Partnership						X	
Socio-economic Background						X	
Carers						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

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Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment			X	
Travel choices that do not rely on the car			X	
A strong, diverse and sustainable local economy			X	
Meet local needs locally			X	
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities			X	
Social inclusion / engage and consult communities			X	
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place			X	

Business Rates Write Offs >£10,000

Account No	Name	Amount £	Date recommended for write off	Reason
306619700	Steakout Lewisham Ltd	£14,331.40	12/04/2017	LIQUIDATION/BANKRUPTCY
306627832	The Cattle Bell Ltd	£11,414.31	27/11/2017	LIQUIDATION/BANKRUPTCY

Council Tax Write Offs > £10,000

Account No	Amount £	Date recommended for write off	Reason
404339945	£15,530.74	17/11/2017	IRRECOVERABLE

Housing Benefit Overpayment Write Offs > £10,000

Account No	Amount £	Date recommended for write off	Reason
102898076	£21,127.32	31/01/2018	BANKRUPTCY

Sundry Debtors invoices to be Written Off > £10,000

Debtors Ref	Invoice Ref	Address	Org inv Date	Amount	Reason	Department
120088	Commercial Rent & Insurance	53 Dartmouth Avenue, Sheerwater, Woking GU21 5PE	2014-2016	£27,917.11	Irrecoverable	Estates
118377	Commercial Rent & Insurance	22 Brookfield, Horsell, Woking, GU21 3AA	2014-2016	£39,198.85	Irrecoverable	Estates

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