



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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4 April 2019

### COUNCIL

A meeting of the Aylesbury Vale District Council will be held at **7.30 pm** (or as soon as possible after the conclusion of a Members' briefing session on the "Buckinghamshire Unitary Authority" on **Wednesday 17 April 2019** in **The Oculus - Aylesbury Vale District Council**, when your attendance is requested.

Contact Officer for meeting arrangements: Bill Ashton; [bashton@aylesburyvaledc.gov.uk](mailto:bashton@aylesburyvaledc.gov.uk);

**NOTE: The briefing session for Members will begin at 6.30pm**

#### WEBCASTING NOTICE

**Please note:** This meeting may be filmed for subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the meeting room, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Monitoring Officer on 01296 585032.

#### AGENDA

##### 1. APOLOGIES

##### 2. MINUTES (Pages 5 - 12)

To approve as a correct record the Minutes of the meeting of the Council held on 27 February, 2019, copy attached as an appendix.

##### 3. DECLARATIONS OF INTEREST

Members to declare any interests.

##### 4. BY ELECTION: HADDENHAM AND STONE WARD

The Chief Executive to report formally the election of David Lyons as a Councillor for the Haddenham and Stone Ward at the by-election held on 7 March, 2019

**5. ANNOUNCEMENTS**

By the Chairman of the Council.  
By the Leader/Cabinet Members.

**6. PETITIONS/DEPUTATIONS (IF ANY)**

**7. WRITTEN QUESTIONS**

There was one written question submitted by Members during March 2019.

Previous Members' Written Questions and Answers can be accessed at  
<http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeeld=441>

**8. BUCKS HOME CHOICE ALLOCATIONS POLICY (Pages 13 - 74)**  
**Councillor Winn**  
**Cabinet Member for Communities**

To consider the attached report.

**9. REPORT ON SPECIAL URGENCY PROVISIONS (Pages 75 - 76)**  
**Councillor Mrs Macpherson**  
**Leader of the Council**

To consider the attached report.

**10. MEMBERS' CODE OF CONDUCT REVIEW (Pages 77 - 92)**  
**Councillor Mordue**  
**Chairman of the Standards Committee**

To consider the attached report.

**11. STANDARDS COMMITTEE: ANNUAL REPORT (Pages 93 - 96)**  
**Councillor Mordue**  
**Chairman of the Standards Committee**

To consider the attached report.

**12. SCRUTINY ANNUAL REPORT (Pages 97 - 108)**

**Councillor Mrs Renshell**  
**Chairman of the Council**

To received the attached report.

**13. COMMITTEES - ALLOCATION OF SEATS (Pages 109 - 112)**  
**Councillor Mrs Macpherson**  
**Leader of the Council**

To consider the attached report.

**14. NEW NOTICE OF MOTION: HIGH SPEED 2 (Pages 113 - 114)**  
To consider the new Notice of Motion attached as an appendix.

## **15. QUESTION TIME**

There will be an opportunity for Members to ask questions of individual Cabinet Members and Committee Chairmen.

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## MINUTES OF THE PROCEEDINGS OF A MEETING OF THE AYLESBURY VALE DISTRICT COUNCIL

27 FEBRUARY 2019

This meeting was webcast. To view the detailed discussions that took place please see the webcast which can be found at:

<http://www.aylesburyvaledc.publici.tv/core/portal/home>

**PRESENT:** Councillor S Renshell (Chairman); Councillors J Brandis (Vice-Chairman), B Adams, C Adams, M Bateman, N Blake, J Bloom, A Bond, S Bowles, C Branston, B Chapple OBE, S Chapple, J Chilver, A Christensen, A Cole, S Cole, M Collins, B Everitt, P Fealey, N Glover, A Harrison, M Hawkett, T Hunter-Watts, T Hussain, A Huxley, P Irwin, S Jenkins, R Khan, R King, S Lambert, A Macpherson, T Mills, G Moore, H Mordue, S Morgan, R Newcombe, C Paternoster, C Poll, G Powell, W Raja, M Rand, S Raven, B Russel, M Stamp, Sir Beville Stanier Bt, R Stuchbury, D Town, J Ward, W Whyte and M Winn

**APOLOGIES:** Councillors J Blake, P Cooper, B Foster, S Jarvis, L Monger, M Smith, P Strachan and A Waite

### WEBCASTING

Prior to the start of the meeting, the Chairman reminded everyone present that the meeting would be broadcast live to the internet and be capable of repeated viewing.

Members of the audience who did not wish to be on camera were invited to move to a marked area at the side of the chamber.

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting of Council held on 6 February, 2019, be approved as a correct record.

### 2. ANNOUNCEMENTS

There were no announcements by the Chairman or Cabinet Members.

### 3. PETITIONS/DEPUTATIONS (IF ANY)

There were none.

### 4. WRITTEN QUESTIONS

No Written Questions had been submitted in December, 2018 or January, 2019. Previous questions could be viewed at:-

<http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeeld=441>

### 5. COUNCIL TAX SETTING 2019-20

The Council received a report on the amounts of Council Tax that would be payable by residents of the District during 2019/20, based upon the approved budgets set by the relevant local authorities and the Police and Fire Authorities which made up the total

Council Tax bill. The information contained in the report had been based upon a District precept of £11,314,900, resulting in a District Council Tax of £154.06.

At the time of issuing the Council agenda, the precepts for the Police and Crime Commission, Buckinghamshire County Council and the Bucks and Milton Keynes Fire Authority were unresolved and the figures contained in the report were provisional and might be subject to change.

The Council had determined income and expenditure plans for 2019/2020 that would result in a precept requirement for District expenditure of £11,314,900 and for Aylesbury Special Expenses of £902,300. The Tax base for 2018/2019 was again based upon actual levels of Council Tax discount and housing growth, and had increased by 1.30%.

The following amounts for the year 2019/2020 had been determined under delegated powers in accordance with Regulations made under Section 31B(3) of the Local Government Finance Act, 1992:-

- (A) The Council tax Base for 2019/2020 for the whole Council area as 73,446.83 being the amount calculated by the Council in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.
- (B) The amounts calculated by the Council in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items related, as detailed in Appendix B to these Minutes.

It was proposed by Councillor Mordue and seconded by Councillor Mills that the report recommendations be approved and adopted.

As required by Council Procedure Rules and Statutory Regulations, a recorded vote was taken on the Council Tax Setting resolutions and the voting was as follows:-

**FOR:** Councillors B Adams, C Adams, N Blake, Bond, Bowles, Mrs Bloom, Mrs Brandis, Branston, B Chapple OBE, Christensen, Mrs Chapple, Chilver, A Cole, S Cole, Everitt, Fealey, Mrs Glover, Mrs Harrison, Hawkett, Hussain, Irwin, Mrs Jenkins, Khan, King, Lambert, Mrs Macpherson, Mills, Moore, Mordue, Mrs Morgan, Newcombe, Mrs Paternoster, Poll, Powell, Raja, Rand, Raven, Mrs Renshell, Mrs Russel, Stamp, Sir Beville Stanier, Town, Mrs Ward, Whyte and Winn.

**AGAINST:** There were none.

**ABSTENTIONS:** Councillors Bateman, Huxley and Stuchbury.

RESOLVED –

(1) That the following amounts be calculated for the year 2019/2020 in accordance with Sections 31 to 36 of the Local Government Finance Act, 1992:-

- (a) £75,119,355.20 being the aggregate of the amounts of expenditure which the Council estimates for the items set out in Section 31A (2) of the Act.
- (b) £56,815,358.20 being the aggregate of the amounts of income which the Council estimates for the items set out in Section 31A (3) of the Act.
- (c) £18,303,997.00 being the amount by which the aggregate at 3.1(a) above exceeds the aggregate at 3.1(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act as its Council Tax

requirement for the year. (Item R in the formula in Section 31B of the Act).

- (d) £249.21 being the amount at 3.1(c) above (Item R), all divided by the amount at 2.3(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including parish precepts and special expenses).
- (e) £6,989,097.00 being the aggregate amount of all special items (including parish precepts and special expenses) referred to in Section 34(1) of the Act.
- (f) £154.06 being the amount at 3.1(d) above less the result given by dividing the amount at 3.1(e) above by the amount at 2.3(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept or special item relates.
- (g) Appendix A sets out those amounts which are calculated by adding to the amount at 3.1(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area divided in each case by the amount at 2.3(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (h) Appendix B sets out those amounts which are calculated by multiplying the amounts at 3.1(f) and 3.1(g) (see Appendix A) by the number which, in the proportion set out in Section 5 of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

(2) That it be noted that for the year 2019/2020 Buckinghamshire County Council, Buckinghamshire and Milton Keynes Fire Authority and the Police and Crime Commissioner for Thames Valley had indicated the following amounts as precepts to be issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below:-

Valuation Band	A	B	C	D	E	F	G	H
Proportion of Band D Tax	6/9	7/9	8/9	1	11/9	13/9	15/9	2
Buckinghamshire County Council	£886.43	£1,034.16	£1,181.90	£1,329.64	£1,625.12	£1,920.59	£2,216.07	£2,659.28
Police & Crime Commissioner Thames Valley	£137.52	£160.44	£183.36	£206.28	£252.12	£297.96	£343.80	£412.56
Bucks & MK Fire Authority	£43.05	£50.22	£57.40	£64.57	£78.92	£93.27	£107.62	£129.14

(3) That, having calculated the aggregate in each case of the amounts at (1) (h) (see Appendix B) and (2) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act, 1992, hereby sets the following amounts shown at Appendix

C as the amounts of Council tax for the year 2019/2020 for each of the categories shown.

**NOTE:** Where disabled persons relief is granted, the tax chargeable drops one band. In the case of properties in Band A, the reduced charge is calculated as 5/9 of the Band D tax.

**Appendix D** gives brief notes to clarify the definitions used in paragraph 3 of the resolution and to illustrate the local impact of the Council Tax proposals.

## **6. TREASURY MANAGEMENT STRATEGY 2019-20**

Consideration was given to a report, similar to that submitted to the Finance and Services Scrutiny Committee on 14 January, 2019, (and summarised in the Minutes of that meeting), regarding the Council's Treasury Management Strategy Statement, including the Treasury Management Policy Statement, the Minimum Revenue Provision Policy Statement, the Annual Investment Strategy and the Council Capital Strategy, all of which had been appended to the Council report. These too could be viewed on the Council's web site.

The Scrutiny Committee had been supportive of the various strategies referred to in the Council report.

Proposed by Councillor Mordue, seconded by Councillor Fealey and

RESOLVED –

That the following be approved:-

- The Treasury Management Strategy Statement for 2019/20 as detailed in Appendix A to the Council report.
- The Annual Investment Strategy as detailed in Appendix A4 of the Council report.
- The Minimum Revenue Provision Policy Statement as detailed in Appendix A5 of the Council report.
- The Treasury Management Statement as detailed in Appendix A6 of the Council report.
- The Capital Strategy for 2019/20 as detailed in Appendix A7 of the Council report.

## **7. AVDC PAY POLICY 2019**

The Council was required to review and publish its Pay Policy annually. Council received a report similar to that submitted to the General Purposes Committee on 21 January, 2019 and summarised in the Minutes of that meeting, reviewing the current policy. The updated policy had been attached to the Council report and could be viewed on-line at the Council's web site.

Proposed by Councillor Mrs Macpherson, seconded by Councillor Mrs Jenkins and

RESOLVED –



That the updated AVDC Pay Policy 2019 be approved.

## 8. LIMITED SCOPE REVIEW OF POLLING DISTRICTS AND PLACES

Council received a report, also submitted to the General Purposes Committee on 21 January, 2019 detailing the outcome of consultations in relation to a limited scope review of polling districts and polling places following the experiences of the County Council elections held in 2017. The report could be viewed on the Council's web site.

Proposed by Councillor Mrs Macpherson, seconded by Councillor Mrs Glover and

RESOLVED –

That the following changes to polling districts/polling places be approved:-

<b>Polling Districts</b>	<b>Proposed Polling Station</b>
BFA Whitchurch & BBY Creslow (electors 762)	St John's Hall, White Horse Lane, Whitchurch, HP22 4 JZ
AAI Hawkslade & AAS Walton Court (electors 3124)	Walton Court Community Centre, Hannon Road, Walton Court, Aylesbury, HP21 8TJ
BDP & BET Upper/Nether Winchendon (electors 206)	St. Nicholas Parish Church, Barrack Hill, Nether Winchendon, HP18 ODY
BBX Chilton (electors 232)	Chilton House, Chilton, Bucks, HP19 8FF
BBO Buckingham – Highlands & Watchcroft (electors 346)	Maids Moreton Village Hall, Main Street, Maids Moreton, MK18 1QS
ABC Stoke Mandeville – Stoke Leys (electors 473)	Hawkslade Community Centre, Orwell Drive, Aylesbury, HP21 9UE
BBJ Bierton (electors 1671)	Bierton Sports Centre, Recreation Ground, Burcott lane, HP22 5AS
BCZ Ivinghoe Aston (electors 226)	Ewe Barn, Grove Farm, Ivinghoe Aston

## 9. GUIDE TO THE CREATION AND WORKING WITH COMPANIES

In 2016, the Council had agreed to the inclusion in the Constitution of a document designed to give guidance on the creation and administration of companies in which it had a financial interest. Following the Council's decision to carry out an independent audit of the activities of Aylesbury Vale Broadband, a cross party group had been appointed to examine how the auditor's recommendations should be implemented.

At its meeting on 28 January, 2019, the Audit Committee received report (attached as an Appendix to the Council report), setting out the final recommendations of the cross party group. A number of the cross party group's recommendations were related to the guide referred to above. The Audit Committee had received a schedule of the recommendations flowing from the independent auditor's report and in a number of cases the cross party group had agreed, and the Audit Committee had concurred, with a number of changes being made to the guide. A copy of the revised guide, incorporating these changes was submitted.

Proposed by Councillor Newcombe, seconded by Councillor Christensen, and

RESOLVED –

That the revised "Guide to the Creation and Working with Companies in which AVDC has Financial Interest" detailed in the Appendix to the Council report, be approved for inclusion in the Council's Constitution.

## 10. QUESTION TIME

Members had the opportunity to ask questions of individual Cabinet Members and Committee Chairmen about issues affecting their portfolios/Committee activities:-

- (a) **Five Year Housing Land Supply** (Councillor Stuchbury) – the Cabinet Member for Strategic Planning and Infrastructure informed Members that she would ask the Officers to provide all Councillors with updated information on the latest housing numbers for the Council's five year housing land supply.
- (b) **Elmhurst Community Centre** (Councillor Mrs Morgan) – the Cabinet Member for Finance and Resources gave an undertaking to provide the Member with information on the Section 106 agreement relating to the sale of the Elmhurst Community Centre.
- (c) **Household Waste Collections** (Councillor Huxley) – the Cabinet Member for Waste and Licensing informed Members refuse collection crews were regularly reminded of the need to ensure that food caddies and bins were returned safely to the front of residences so that they would not get damaged.
- (d) **HS2** (Councillor C Adams) – the Leader of the Council informed Members that, on behalf of the Council, she would be writing to local MPs as well as the Chairman of HS2 to remonstrate about the impact of the maintenance depot to be built on the proposed HS2 line between Calvert and Steeple Claydon, including a temporary railhead to be constructed to the north of the depot. Plans for much of the work had not been made available publicly or been subject to community engagement. It was believed that the works would likely result in the destruction of over 250 acres of hedgerows and impact on local wildlife and biodiversity.

The Deputy Leader of the Council supported the comments made by the Leader and informed Members that work done by the Rt Hon David Lidington MP had helped to secure some additional HS2 mitigation measures.

- (e) **Connected Knowledge** (Councillor Christensen) – the Cabinet Member for Finance and Resources informed Members that regular meetings had been held with the County Council in relation to Connected Knowledge and how this work might fit in with the establishment of the new Buckinghamshire Council. The

Cabinet Member would respond directly to the Member with details of the meeting dates.

- (f) **IT for Members** (Councillor Lambert) – the Leader of the Council informed the Member that she was happy to work with him and look into why he was experiencing difficulties working with the Council's email and IT system since the updated security measures (OKTA and mobile device management) had been introduced.
- (g) **Housing and Homelessness Strategy 2019-2022** (Councillor Everitt) – the Cabinet Member for Communities provided Members with a detailed response on the work and progress made by the Council to tackle and reduce homelessness in the area since the Strategy was adopted in December 2018.

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**Council**  
**17 April 2019**

**BUCKS HOME CHOICE POLICY CHANGES**  
**Councillor Winn**  
**Cabinet Member for Communities**

**1 Purpose**

- 1.1 To seek approval for proposed changes to the Bucks Home Choice Allocations Policy attached at Appendix 2 of this report.

**2 Recommendations/for decision**

- |     |   |
|-----|---|
| 2.1 | That Council adopt the revised allocation scheme (Bucks Home Choice Allocations Policy) as part of the Council's Policy Framework.  |
| 2.2 | That Council agrees authority for the Assistant Director for Customer Fulfilment, in consultation with the Cabinet Member for Communities, to make any necessary minor amendments to the Bucks Home Choice Allocations Scheme as may be required. |

**3 Executive summary (if longer than 2 pages)**

- 3.1 The Council is a member of the Bucks Home Choice Partnership which comprises four district council's; Aylesbury Vale District Council, Chiltern District Council, South Bucks District Council and Wycombe District Council, who manage the collective housing register and allocation of affordable rented accommodation within their respective district areas.
- 3.2 The Housing Act (HA) 1996, Part VI, applies to allocations of social housing and both to new applicants for social housing and to some existing social housing tenants seeking transfers. When making an 'allocation', local housing authorities must comply with both the provisions of HA 1996, Part VI, and with their own local allocation scheme.
- 3.3 The Partnership's common Allocations Policy is being reviewed in response to changes made by recent case law following the Localism Act 2011, the Homeless Reduction Act 2017 and also as a response to the demand for social housing and intelligent use of the available stock.
- 3.4 Proposed changes to the Allocations Policy have no effect on existing Local Lettings Policy. In particular, the local policy which ring fences up to 75% of new lets and 50% of any subsequent lets, for applicants with a connection to the respective sub groups in Aylesbury Vale, has proven to be working effectively.
- 3.5 Environment & Living Scrutiny Committee considered the proposed changes on 29 October 2018. The Committee sought clarification on several matters including;
- That 16/17 year olds (especially those leaving care) would not be disadvantaged by proposed changes.
  - That those wishing to downsize would receive appropriate priority and support.
  - That existing Local Lettings Policies would be unaffected by proposed changes.
- 3.6 Overall, the Committee were satisfied with the proposed changes and endorsed a public consultation.

- 3.7 As a Local Authority, the Council has a statutory duty to consult applicants likely to be affected by proposed changes and Registered Providers, who have housing stock in their area. The results of the consultation are available in Appendix 1.
- 3.8 These changes have a material effect on who does and who does not qualify for Bucks Home Choice. The proposed changes will also affect the relative priority band awarded to certain types of applicant and introduce a new priority band E in order to manage the changes effectively. In doing so the Council seeks to achieve the following policy objectives;
- To respond to recent case law and government guidance, so that the Allocations Policy is lawful.
  - To better utilise the Allocations Policy as a homeless prevention tool.
  - To continue to make the best use of housing stock by allocating the largest properties to the larger families, who need it most.
- 3.9 Proposed changes were presented to Cabinet on 12 February 2019, save for the final qualification arrangements for those guilty of anti social behaviour, which were pending legal advice (see section 5.12). Cabinet also sought clarification of the effect of arrangements for a single Council for Buckinghamshire on the allocation scheme, post 1 April 2019. More information is contained in section 4.8.
- 3.10 A equalities impact assessment has been completed which reviews the effect of proposed changes on individuals and groups protected by the Equalities Act. The assessment concluded that there were no disproportionate impacts of this policy change.

#### **4 Supporting information**

- 4.1 The Council has a common allocation policy with other members of the Bucks Home Choice Partnership who are Chiltern District Council, South Bucks District Council and Wycombe District Council. We are proposing a number of amendments to the policy to provide greater clarification as to how we currently allocate housing. We are also reacting to changes in legislation and recent case law and both national and local pressures.
- 4.2 The Localism Act made changes to the Housing Act 1996 offering a greater freedom to local authorities to make changes to manage their housing waiting lists, by considering the needs within their local area. In effect this allowed allocation schemes the flexibility to set classes of qualifying persons, such as local connection criteria. Statutory guidance(s) followed to accompany these changes suggesting that;
- Local authorities set a qualifying local connection period of at least two years.
  - Assistance to members of the Armed Forces to obtain social housing if they need it.
  - Ensure those social tenants who need to move for employment are not disqualified by any local connection rules.
  - To make the best use of housing stock by letting properties to those that need a particular size and type of property to avoid over/under occupying.
- 4.3 Following the Localism Act, there remained a conflict with the Housing Act 1996, which sets out that priority must be given to households falling into

*'reasonable preference'* categories (such as those who live in overcrowded or insanitary conditions), and the Localism Act, which allowed authorities to set qualification criteria locally, that would prevent *'reasonable preference'* applicants from qualifying. Recent case law has resolved the position, setting out that those *'reasonable preference'* applicants must **not** be disqualified by an allocation scheme but can, however, be awarded a lower priority.

- 4.4 Since 2012, a range of welfare reforms have had a cumulative impact on the numbers of applicants seeking social housing and requiring homelessness assistance. This has placed increased pressure on the supply of and cost of temporary accommodation in Aylesbury Vale.
- 4.5 More recently, the Homeless Reduction Act 2017 substantially amended Homelessness legislation, increasing the time and extent of our statutory duties to prevent and relieve homelessness.
- 4.6 There is now a greater expectation that local authorities frame their allocation policies to house those living in unsuitable housing circumstances, in order to prevent them from becoming homeless. This is an approach increasingly taken by other local authorities and supported by the Department for Housing Communities and Local Government.
- 4.7 The Bucks Home Choice Partnership has considered new legislation, case law and guidance, alongside the likely impact of Government reforms, and the increased demand and reduced supply of social housing (particularly larger properties). As such the two year residence or employment qualification remain, but changes and exceptions are required, a summary of which are detailed below.

#### **Local Government Reorganisation**

- 4.8 The existing allocation scheme (including the existing district boundaries for the award of local connection and qualification) will continue to have force after 1 April 2019, until such time as the new authority brings forward a new scheme. This will be a matter for the new authority.

### **5 Proposed amendments to the scheme**

- 5.1 Paragraphs 5.2, 5.3 and 5.4 are those changes which are necessary to comply with legislative changes and recent case law

#### **Applicants who will now qualify for Bucks Home Choice:**

- 5.2 Applicants in the statutory *'Reasonable Preference categories'* (even if they do not have a local connection or would normally be non qualifying as required by the Housing Act 1996). It is important to mention that applicants with a local connection are prioritised above those without (a local connection) when allocating properties.
- 5.3 Applicants owed prevention or relief duties within the Council's statutory homeless duties (Part VII of the Housing Act 1996) are to be included to reflect the changes made by The Homelessness Reduction Act 2017.
- 5.4 Applicants meeting the criteria set out in the Right To Move Regulations 2015.
- 5.5 Applicants who have left the local authority area for a period of up to 4 months, where they are staying with family to search for alternative accommodation in the area.
- 5.6 Applicants placed into supported accommodation out of the area will retain a local connection with the area they were living in prior to placement.

- 5.7 Prisoners who have been released from prison will retain a local connection with the area they were living in prior going to prison.

**Those applicants who will no longer qualify Bucks Home Choice:**

- 5.8 Applicants aged 16 or 17 (unless there is an adult who can hold the tenancy as a trustee until they are 18).
- 5.9 Applicants who have formerly owned a property within the last five years and have disposed of capital without making reasonable housing arrangements. Evidence as to the circumstances will be required.
- 5.10 Applicants who have previously purchased a Right to Buy or Right to Acquire property (unless they are owed a main homelessness duty).
- 5.11 Applicants subjected to an Anti-Social Behaviour Order and or have broken the terms of their tenancy and or where a notice to quit has been issued.
- 5.12 Applicants who are guilty of 'general' antisocial behaviour, but fall into a reasonable preference category, (subject to there being a further additional provision for discretion in exceptional cases, as recommended in recent Counsel opinion.
- 5.13 Applicants aged over 55 who own suitable and affordable accommodation, or who have assets or savings sufficient to enable them to source accommodation in the private sector. Decisions on these cases will be taken on a case by case basis, as opposed to income or savings thresholds being set. Guidance will be provided to caseworkers to ensure a degree of consistency in decision making and all decisions will carry a statutory right of review by a Senior Officer.

**Other Policy Changes**

- 5.14 Where a change of circumstances results in the award of a higher priority band the priority date of the banding will be amended to the date of notification of the change. This ensures that applicants waiting longer in the same circumstances are given priority in shortlisting. On the reverse, where a change of circumstances results in the award of a lower band, the date will remain the same.
- 5.15 Initially the partnership proposed to include an amendment to increase the bedroom sharing age of same sex siblings from 16 to 21. Following consultation with members of the public and housing providers it has become clear that a significant number disagreed with the age of 21. We therefore propose that same sex siblings share a room to the age of 18, in accordance with the age when adolescents are generally no longer considered minors and granted full rights and responsibilities of an adult. Those adults over 18 will be encouraged to apply for housing in their own right, where possible.
- 5.16 To place applicants who owe rent arrears to a landlord to be placed in a new Band E until such times as they have cleared the arrears, this means that applicants owing rent arrears are not likely to be nominated for a tenancy where it is also highly likely that the nomination will be unsuccessful. There remains the scope to consider exceptional circumstances where, for example a property was unaffordable.
- 5.17 Inclusion of three further examples where an applicant could be deemed to have worsened their circumstances, including refusal of an offer of suitable and affordable private rented accommodation for a statutory homeless applicant or where an applicant colludes with a landlord or family member to obtain a notice to quit.



- 5.18 To amend verification procedures to ensure that where an applicant cannot be contacted within the next working day following a home visit the applicant may not be nominated for the property. This is to ensure we meet our legal time frames set out in nominations agreements.

**Changes to Priority Banding:**

- 5.19 Reduced priority banding of applicants who have applied for homeless assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII, but have been assessed as intentionally homeless. This is to ensure that these applicants are not prioritised above those assessed as unintentionally homeless.
- 5.20 Reduced priority of Band D to Band E for those whom have applied for assistance to one of the four district Councils belonging to the Bucks Home Choice Partnership under Part VII but have been assessed as not in priority need (this means there is no long-term housing duty). This would mean that these applicants are not placed above those whom the Council have accepted a full homelessness duty towards.
- 5.21 Increased priority for those assessed as under occupying social rented accommodation from Band B to A. This gives the highest priority to those applicants who occupy larger family homes to ensure the best use of housing stock and to meet a high priority objective.
- 5.22 Increased priority for applicants that are living in severely overcrowded rented, either social housing or private sector, accommodation and assessed as lacking two bedrooms or more, Band B to A. This change is with a view to reducing homelessness as re-housing times are reduced in recognition of unsuitable housing circumstances.
- 5.23 Increased priority of applicants living in accommodation assessed as insanitary and or evidenced as being in a state of significant disrepair, which cannot be repaired or rectified, from Band B/C to all being awarded Band B This change supports reducing homelessness as re-housing time is reduced in recognition of unsuitable housing circumstances
- 5.24 Reduced priority Band C to Band D for applicants who are eligible, homeless, in priority need and not intentionally homeless and have a local connection to the area (full duty). This is an important change to align the Homelessness Reduction Act's emphasis on preventing homelessness.
- 5.25 Addition of applicants owed the new *Prevention or Relief* duty to place into Band E, to ensure they are given reasonable preference in accordance with our statutory duties.
- 5.26 Reduced priority for Right to Move applicants (under the Right To Move Regulations 2015) who need to move to their place of work where they do not hold a local connection from Band D to Band E. Note: these applicants must be permitted to join the housing register to avoid hardship but Local Authorities must be satisfied that the tenant needs, rather than wishes, to move for work reasons.

**6 BHC Consultation process**

- 6.1 A simple consultation was developed by the BHC Partnership, using an online survey tool which was publicised on AVDC's website, Bucks Home Choice website, emailed to stakeholders and parishes and, posted onto social media and subject to a joint press release. This ensured approach ensured that existing applicants, local residents, registered housing providers and

stakeholders were notified and invited to respond. A key summary of changes document to support the consultation was provided and a paper copies of the consultation was made available to view in our offices for those with no internet access.

- 6.2 308 responses were received. A full analysis of responses can be found in Appendix 1. The results broadly support the proposed changes previously presented to the Members of the Environment and Living Scrutiny Committee, with the exception of the sharing age of same sex siblings (Question 8). In this instance the responses have been considered and the Draft Policy proposal has been amended to reflect a revised age of 18.

## **7 Options to consider**

- 7.1 To do nothing. This option will prevent the Bucks Home Choice Partnership bringing forward Countywide changes and would render the current policy unlawful in some areas.
- 7.2 To proceed with some of the proposed changes, including the changes required to make the policy lawful. Whilst this would ensure the Policy is legally compliant it would result in reduced ability to manage housing stock and prevent homelessness thus failing to reduce the cost on Councils' temporary accommodation. This could compromise the ongoing viability of the Bucks Home Choice Partnership as a whole.

### **Recommendation and reasons for recommendation**

- 7.3 Full Policy Changes support is the recommended option as it will ensure that we are operating lawfully and are aligned with the Homelessness Reduction Act in its objective to prevent homelessness. It also ensures that we make the very best use of social housing stock across the district. In doing so we are also preserving the existing County wide Allocations Policy and Partnership as we move toward a single Unitary Council in 2020.

## **8 Resource implications**

- 8.1 A number of existing enhancements are required to incorporate the changes to the existing software, the cost of which will be borne by all District Councils. The cost of these changes are to be confirmed with the supplier but are expected to be met from the existing modest software improvement and other budgets.
- 8.2 As existing applicants would be reassessed, rather than reapply, this will be automated with notifications in writing, along with the usual recourse to a formal review. There will likely be a temporary uplift in officer time for associated reviews and front end training and enquiries. This will be met across Districts and by using existing resources with implementation expected in May/June 2019.
- 8.3 There is highly likely to be a positive impact upon temporary accommodation budgets as we offer increased priority to increase the chance of rehousing some applicants prior to becoming homeless.

Contact Officer: Mrs J Oliver, Principal Housing Officer, 01296 585109.  
Background Homelessness, Law & practice, Jan Luba QC, Liz Davies and Connor  
Documents: Johnston 2016. Homelessness and Allocations, Andrew Arden QC, Justin Bates and Toby Vanhegan.

## Appendix 1. Bucks Home Choice Draft Allocations Policy Consultation Responses Summary

Following consultation by the Bucks Home Choice Partnership on the Bucks Home Choice Allocations Policy, which closed on 7 January 2019, this document gives detail as to the responses received, consideration and recommendations by the Partnership to the representations made.

Questions 1 and 2 concerned the profile of those responding to the consultation.

### Overall consultation responses received:

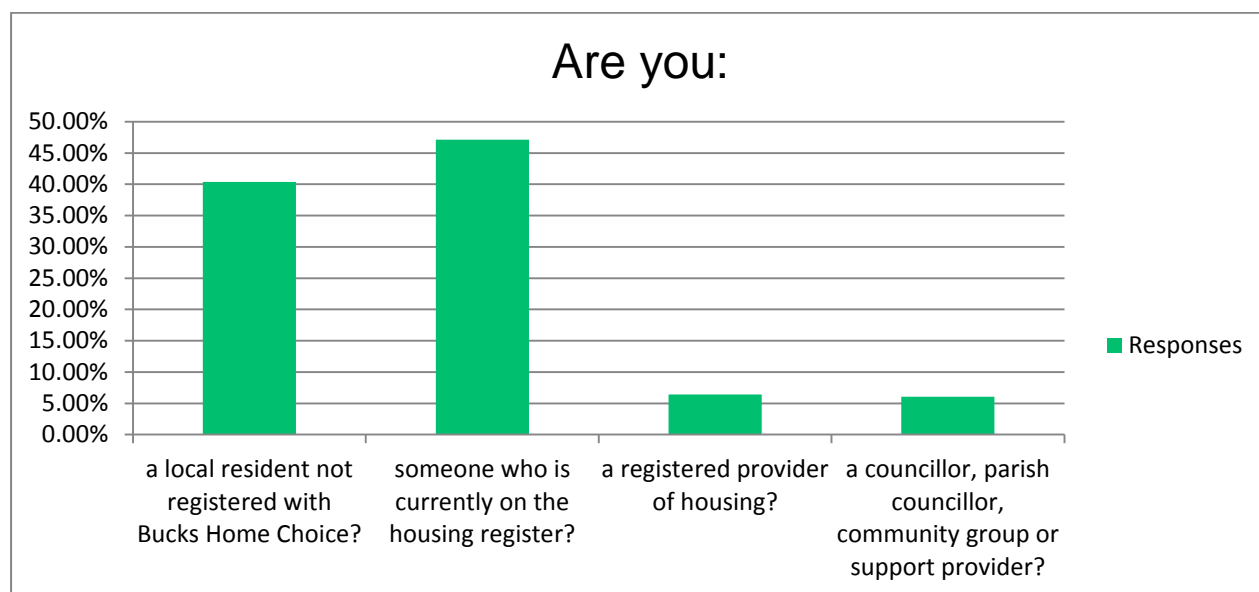
**308** responses were received, of which:

**47%** were current registered applicants

**40%** members of the public not currently registered

**6%** of responses from either Registered Providers of social housing

**6%** were Councillors, Parishes, Community Groups and Support Providers.



Of these responses the following number of respondents indicated that they lived and or worked in one of the following district areas:

**195** - Aylesbury Vale

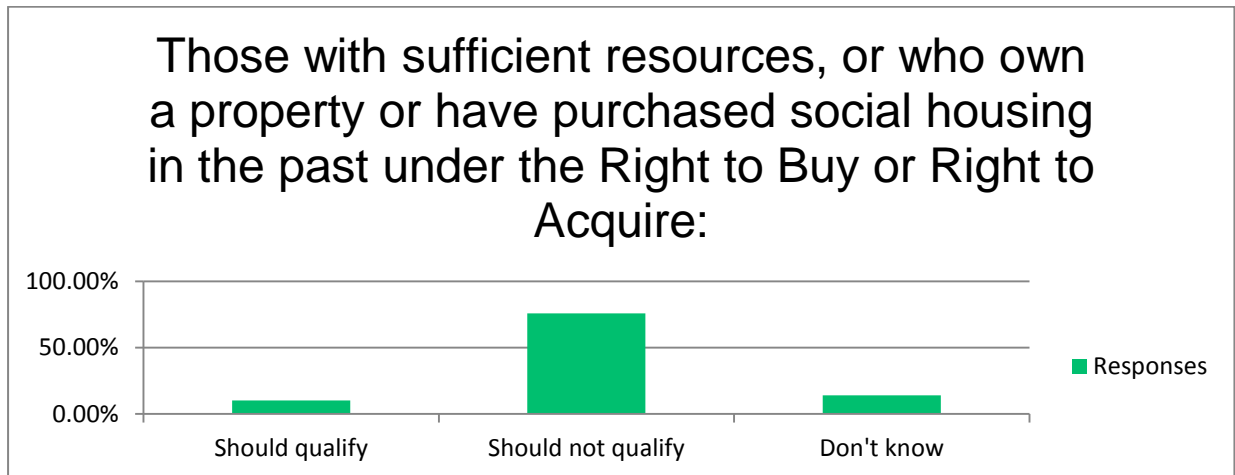
**26** - Chiltern District

**30** - South Bucks

**77** - High Wycombe

**18** - either not living or working within these areas or choosing not to say.

### Question 3:



75% of consultees agreed that these groups of applicants should **not** qualify to join the housing register. Some comments received from those that disagreed or did not know, included concerns about the financial position of the applicants and a requirement for flexibility, so that circumstances could be considered on a case by case basis. Other comments were about condition of the property in question and the financial ability to undertake repairs, or changes in circumstances (financial or health) which could affect and applicants ability to address their own housing circumstances.

#### **Recommendation:**

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances. Bucks Home Choice Draft Allocation Policy 2.3 states that:

*“The Bucks Home Choice Partnership reserves the right in exceptional circumstances to register a household with the scheme even if the household falls into one of the non-qualifying classes set down above. Any decision to register a non-qualifying household will be subject to authorisation by the Senior Housing Officer of the partner Council receiving the application and will be based on the individual circumstances of the household concerned. In event of a decision being made to register a non-qualifying household, the partner concerned will record full details of the reason for the decision”.*

Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

#### Question 4:

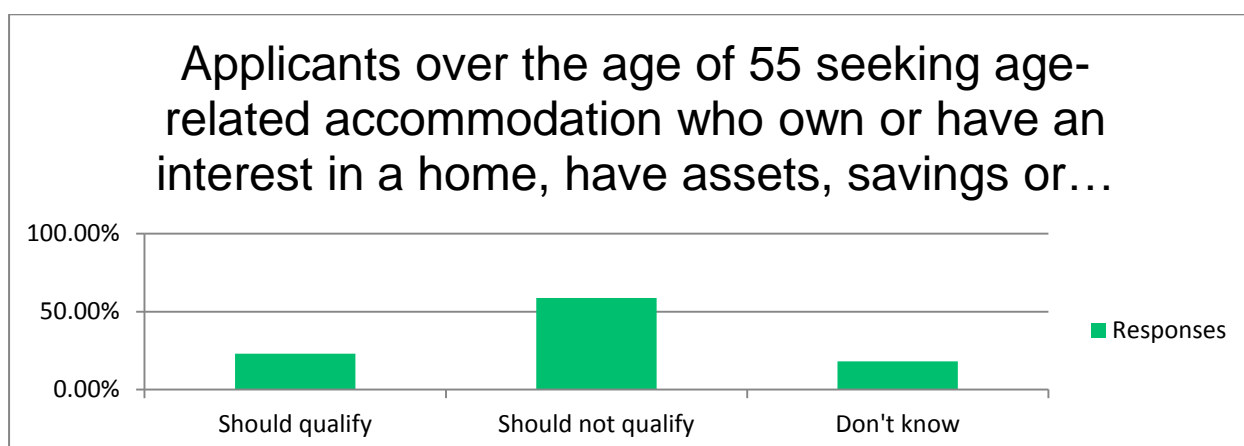


This proposal was broadly supported with 70% of responses agreeing that these applicants should not qualify. For those who disagreed, there were concerns related to the ability to consider individual circumstances, or where there had been a subsequent change in circumstances, which could result in applicants not being in a position to resolve their own housing circumstances. These could be due to limited equity, health and disrepair or similar.

#### Recommendation:

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances as detailed above in Question 3. Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

#### Question 5:



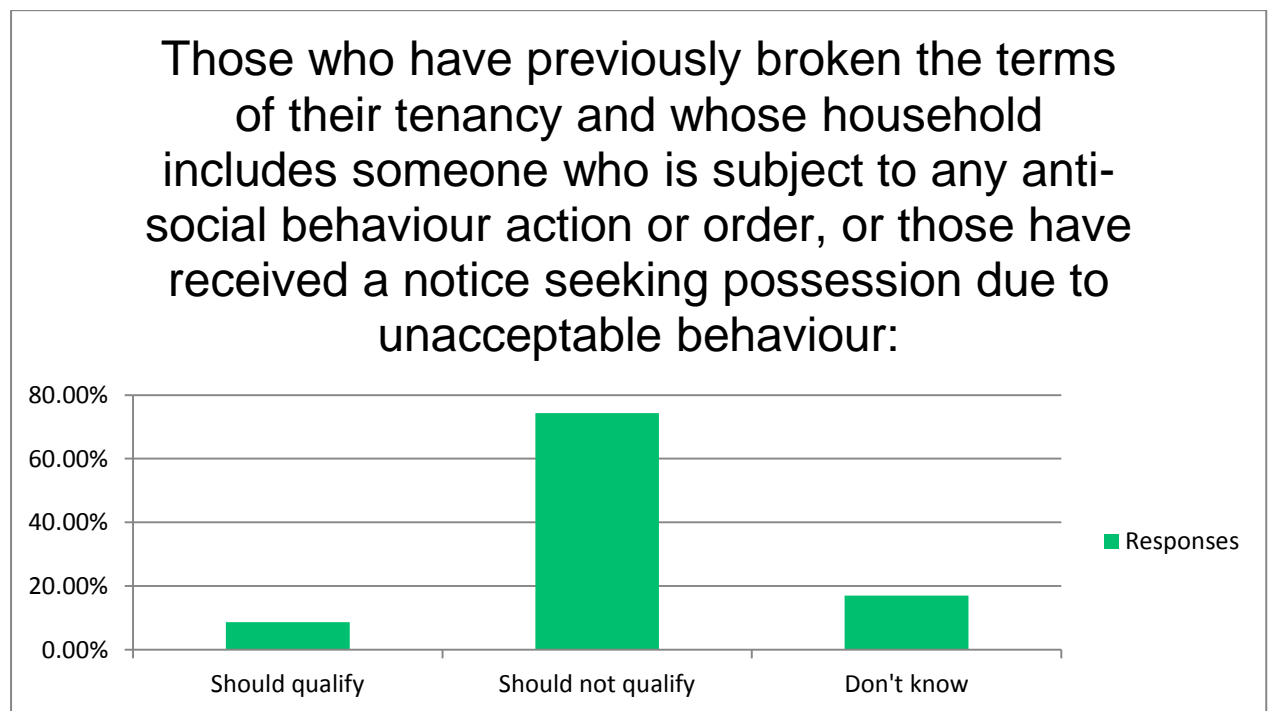
Whilst this proposal was broadly supported with 58% of responses agreeing that these applicants should **not** qualify, many consultees were concerned about provision to consider individual circumstances, linked to an applicant

not being in a position to resolve their own housing circumstances. These could be due to financial difficulties, limited equity, disrepair or health related issues.

**Recommendation:**

We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy makes provision for applications to be considered on a case by case basis and with regard to each personal set of circumstances as detailed above in Question 3. Because of the above exceptional circumstances provision; the recommendation is that this change to the Policy be agreed.

**Question 6:**



This proposal was supported by 74% of responses who agree that these applicants should not qualify. For those who did not support this proposal, there were again concerns related to the ability to consider individual circumstances. These included the impact of this change upon dependant children, the length of time that any anti social behaviour would continue to be a qualification issue, alongside any mental health issues and also the broader social consequences of excluding some recently released prisoners from qualifying.

**Recommendation:**

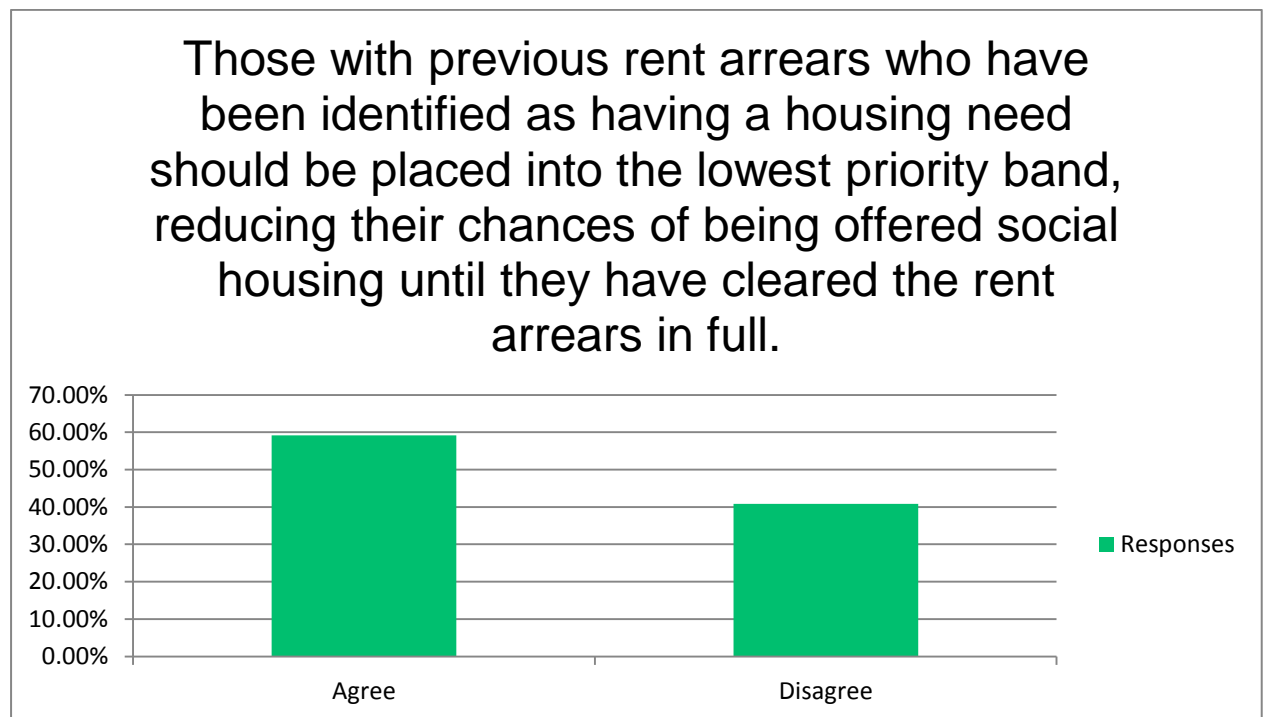
We have considered the comments that have been made and can confirm that the Bucks Home Choice Draft Allocations Policy does makes provision for applications to be considered on a case by case basis and with regard to

each personal set of circumstances. Bucks Home Choice Draft Allocation Policy 2.3.2 states that:

*“Any decision made in respect of the applicant’s behaviour making an applicant unsuitable to be considered a tenant, will consider the timing, pattern and seriousness of the behaviour and an applicant’s engagement with appropriate services”.*

The Policy specifically considers poor behaviour within the previous 5 years but also has flexibility to consider any positive changes in behaviour that applicants makes, including sustained engagement with appropriate services. Individual circumstances such as, for example domestic violence, would be considered in any decision about qualification. Therefore the recommendation is that this change to the Policy be agreed.

**Question 7:**



This proposal was supported by 59% of those responding, who agree that these applicants should be placed in a lower priority band. Those who disagreed, had concerns relating to the consideration of individual circumstances and especially those affected by welfare reforms, changes in financial circumstances which caused affordability issues and arrears.

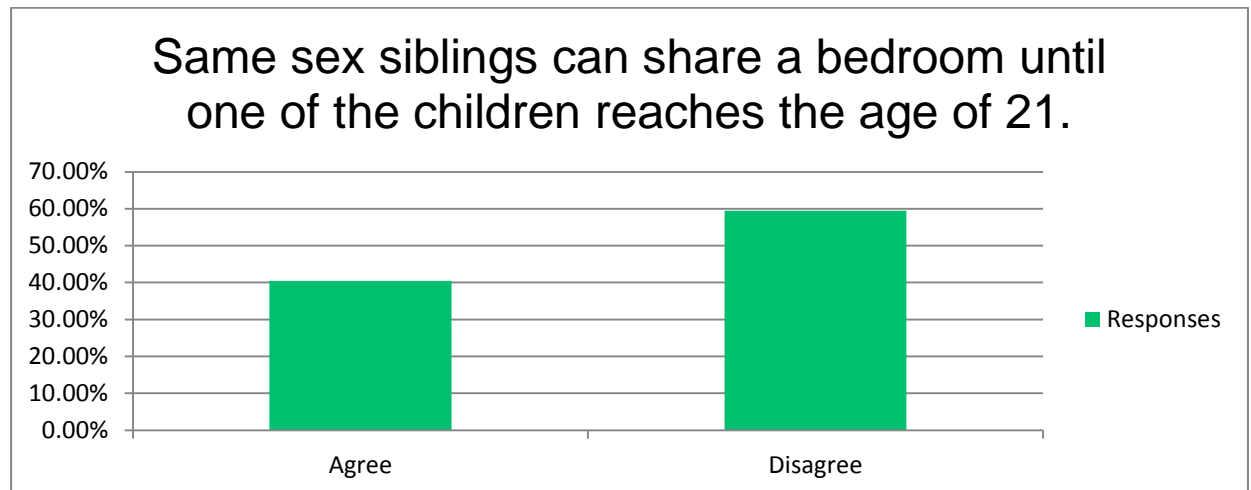
**Recommendation:**

Bucks Home Choice Policy, 2.3.5 states:

*“Where the rent arrears have arisen due to exceptional circumstances beyond the applicant’s control the Council may depart from this policy and the decision will be referred to a Senior Officer”.*

As provision has been made to consider individual circumstances, (which includes cases where the individuals has been affected by welfare reform) the recommendation is that this change to the Policy be agreed.

**Question 8:**



Of the consultation responses received, 59.5 % of consultees disagree with this change, feeling that older children require privacy prior to the age of 21. The current Bucks Home Choice Policy allows for an additional bedroom where children of the same gender are sharing a bedroom when one of the children reaches 16. The revised draft Allocations Policy proposed a sharing age of 21 to enable the best use of stock and to assist some of the larger families who are difficult to place due to the sheer number of older children in the family unit. This change was being considered so as to consider overall bed spaces within the property in a more effective way and designed to achieve maximum occupancy.

We have also considered the fact that none of the District Councils own their own housing stock and that we are reliant on Registered Providers accepting the nominations that we make to them. We understand that there are a number of providers that have their own respective allocation policies that would be contrary to this amendment to the Bucks Home Choice Allocations Policy.

As a result, and with consideration being given to the draft Policy making provision for how properties should be advertised, it is considered reasonable by the partnership to revise the age to 18 for same sex siblings. This coupled with intelligent advertising would still result in a more flexible and intelligent use of stock so that larger families are not prioritised below smaller families with, perhaps older children, for example.

The draft Bucks Home Choice Allocations Policy 5.2 states that

*“Each property advert will have information on the location, size and type of Property and any criteria that applicants must satisfy in order to be eligible for*



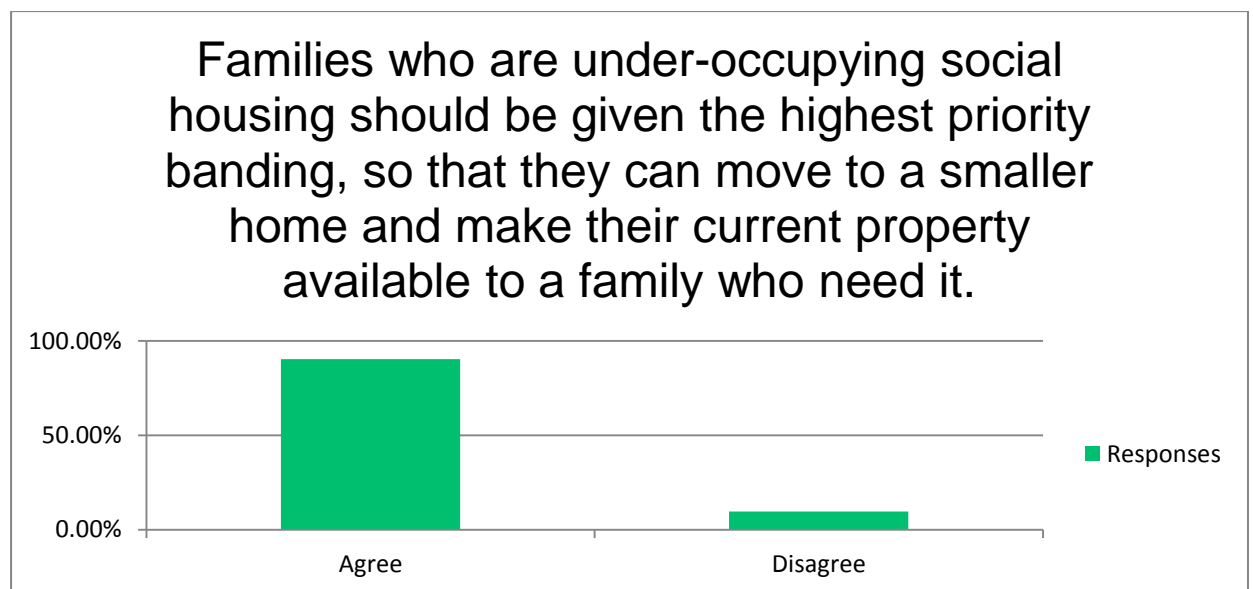
*shortlisting. Some properties may have letting restrictions for example no pets or age restrictions. Priority for family sized accommodation of two bedrooms or more with access to a garden may be given to households with children under the age of 16, unless medical evidence of the need for a property with a garden exists.*

*Properties that have two reception rooms may be considered as having an additional bedroom to assist, where necessary, with housing larger families where larger accommodation is not available. Any restrictions will be explained in the advert and applicants who do not meet the criteria will not be nominated for the property”.*

**Recommendation:**

As a result of the responses received, information considered including the measures within the Draft Policy with regards to advertising and letting of properties, the Partnership propose that we therefore increase the age of sharing siblings to 18 rather than 21.

**Question 9:**

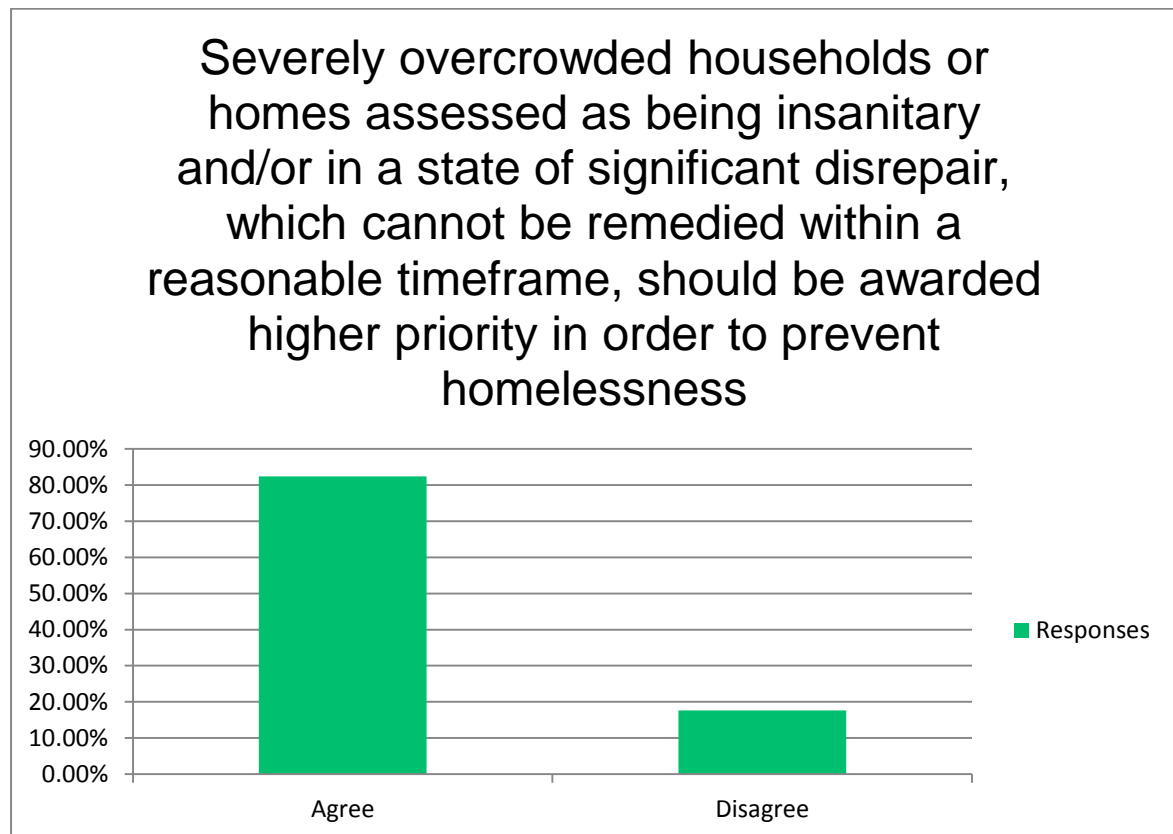


This element of the Policy is supported by 90% of responses who agree that these applicants should be prioritised in a higher priority band, including several large registered providers. Those that disagreed were concerned that people would be forced to move or that this proposal should be coupled with other downsizing incentives.

**Recommendation:**

The recommendation is that this change to the Policy be agreed.

**Question 10:**



This element of the Policy was supported by 82% of those who responded, who agreed that these applicants should be prioritised in a higher priority band, including several large registered providers. Those who disagreed were concerned that applicants who do not look after their property and or deliberately overcrowd their accommodation are not awarded additional preference for this.

**Recommendation:**

The Partnership makes a full assessment of applications, both at application and allocation stage (which including investigating the circumstances of each application, for example, including consideration as to whether an applicant may have deliberately worsened their circumstances). As such the recommendation is that this change to the Policy be agreed.

**Question 11: Other comments about the Summary of Changes document included**

**Comment:** Buckingham Town Council we would like to be assured that the current sub-allocation policy for Bucks Home Choice will continue into the new unitary authority, as there is huge social value in keeping families and communities together.

**Response:** Whilst noting this response, the partnership would not (at this stage) be in a position to confirm existing Local Lettings Policies would be

retained by the new Council after April 2020. However we can confirm that this Draft Policy makes no changes to existing Local Lettings Policies (including those allocation sub groups within Aylesbury Vale).

**Comment:** Ensuring that homeless families do not bed block temporary accommodation and are fully considered in the new Draft Policy.

**Response:** The changes should realise a positive impact in that larger families would be affected by the change to sharing of same sex siblings, especially where a families 'overall bedroom need' would reduce and allow for an allocation of a smaller properties, which are in greater supply. Secondly when considering full homelessness duties we are confident that the Councils' temporary accommodation is managed, and that each authority retain the right to make a suitable and affordable direct offer of accommodation where appropriate to do so.

**Comment:** A number of responses were received in relation to supported housing and move on provision into general needs accommodation.

**Response:** The District Councils support move on from various supported housing providers and care leavers, in the form of 'move on protocols' and will continue to work with providers of supported housing where a review is considered necessary.

**Comment:** A comment was received with regards to the advertising of the consultation itself and that it was not widely advertised.

**Response:** The consultation was advertised via joint press release across the County, to stakeholders and parishes and also via each Council's own website, as well as the Bucks Home Choice website itself.

**Comment:** A comment was received indicating that if Parish and Town Councils could be involved in the allocation of housing within their respective areas then support for building more social homes may be forthcoming.

**Response:** The statutory duty for administering allocations rests with the local housing authority. A local authority allocation scheme must be able to ensure overall that those in reasonable preference enjoy a majority of allocations. To achieve a balance between this duty and a desire to ensure that there is a degree of connection between applicants and the community they are based in, AVDC implemented Local Lettings Policy with Allocation sub groups in 2014. This Local Lettings policy is retained and continues to provide up to 75% of new lets and 25% of re lets to those with a sub group connection.

**Comment:** Reference has been made to the Unitary Authority and review of boundaries and local area connection.

**Response:** This is not able to be considered at this time and will emerge and changes develop.

# Bucks Home Choice

## Allocation Policy



Home Choice

DRAFT

Draft Consultation Copy  
4.3  
02-04-2019

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## **1. Introduction**

### **1.1 Introducing Bucks Home Choice**

Section 166(A) of the Housing Act 1996 requires that every local housing authority in England must have an allocation scheme for determining priorities (and the procedure to be followed) in allocating housing accommodation.

Bucks Home Choice is the scheme that is used to allocate affordable housing in four local housing authority areas – Aylesbury Vale, Chiltern, South Bucks and Wycombe.

As the demand for affordable housing exceeds availability, Bucks Home Choice prioritises applicants so properties that become available are offered fairly and transparently. This document describes the policy in detail including who qualifies to apply for housing and how we give priority to different applicants based on their housing need.

Bucks Home Choice operates on the following basis:-

- Applicants register with the scheme
- Applicants are prioritised for re-housing based on their circumstances
- Available properties will be advertised
- Applicants can bid on properties they qualify to move to
- Bids on a property will be shortlisted in priority order
- The property will be offered in accordance with 6.1 of the policy.

### **1.2 Members of the Bucks Home Choice Partnership**

The following District Councils are members of and Managing Partners of the Bucks Home Choice partnership:-

- Aylesbury Vale District Council
- Chiltern District Council
- South Bucks District Council
- Wycombe District Council

The four District Councils have chosen to jointly operate Bucks Home Choice and a common Allocation Scheme in order to:-

Deliver value for money by operating a shared scheme and IT system

- Allow good practice and knowledge to be shared across the four districts
- Provide the opportunity for properties to be advertised across the Partnership allowing applicants to move from one district to another

The scheme applies to all properties in the Bucks Home Choice districts that are owned and/or managed by a Registered Provider and the Councils have the right to nominate to.

The term “Senior Housing Officer” and “Senior Officer” has been used in this policy for ease of reference only. The exact titles of the officers within each organisation vary and may be subject to change from time to time. Each organisation within the Partnership will have designated officers responsible for the operation of the Bucks Home Choice Scheme and Allocation Policy and details of these officers are available from each organisation on request.

The term “Managing Partner” means the relevant District Council who is dealing with the applicant and application.

### **1.3 Aims of the Bucks Home Choice Partnership**

**The aims of the Partnership are:**

- a) To meet the District Councils’ statutory requirements and ensure that priority for housing is given to those with the highest level of housing need.
- b) To give applicants as much choice as possible having regard to the statutory requirements and the availability of housing stock.
- c) To provide a common framework for allocations of affordable housing within the Partnership.
- d) To facilitate a degree of mobility within the Partnership.
- e) To help and encourage sustainable communities.
- f) To make the best possible use of all available housing stock.
- g) To allocate housing resources in a way that is as fair as possible.
- h) To make the process of allocating tenancies as open and transparent as possible.

**The Partnership is also committed to:**

- i) Preventing households from becoming homeless.
- j) Providing applicants with sufficient information to enable them to make the right choices about where they wish to live.
- k) Providing applicants with information on a variety of housing options to enable them to make informed decisions about their housing application.
- l) Ensuring that vulnerable people are able to make the most of Bucks Home Choice to meet their housing needs.
- m) Acting sensitively and treating all personal information as confidential.
- n) Ensuring customers are advised of their right to a review of decisions.

### **1.4 Equality Statement**

This policy has been drafted in compliance with the requirements of the Equality Act 2010 and it has been subject to an Equalities Impact

Assessment. Applicants will be asked to complete an equalities monitoring questionnaire. This information will be treated in the strictest confidence

## **1.5 Legal Background**

This policy has been drafted to give due regard to the requirement to give Reasonable Preference to those categories of person set out in section 166A (3) of the Housing Act 1996.

In framing the Bucks Home Choice Allocations Policy, we have had regard to:

- The Allocation of Accommodation: Guidance for Local Housing Authorities in England (DCLG – June 2012)
- The Localism Act 2011
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012/2989 and the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012/1869
- Providing Social Housing For Local People: Statutory Guidance on Social Housing Allocations for Local Authorities in England” (DCLG – December 2013)
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967)
- The Bucks Tenancy Strategy and each of the District Councils’ Housing and Homelessness Strategies (see Appendix 5 for details).
- The Homeless Reduction Act 2017

The Policy may be subject to minor amendments from time to time (e.g. when there are changes to relevant legislation) When minor amendments are necessary, these will be authorised by the Partnership’s Senior Housing Officers or relevant Heads of Service and subject to the agreement of all four Managing Partners

## **1.6 Policy Contents**

This policy sets down:

- How applicants can apply to the Bucks Home Choice scheme
- Who is a qualifying person to join Bucks Home Choice
- Who is eligible to join Bucks Home Choice
- How an applicants’ priority is assessed.
- How members of the Partnership will determine priorities in allocating housing accommodation.
- How properties are advertised and let.
- How applicants can ask for a review of a decision.
- How the policy will be monitored and reviewed.
- How the Partnership will comply with the Data Protection Act.

This policy does not cover offers of licences, non-secure, or assured shorthold tenancies granted to homeless households in pursuance of any member of

the Partnership's homelessness duties under Part 7 of the 1996 Act. This policy does not cover offers of tenancies excluded from an allocation scheme by virtue of S.159 (4A) and s.160 of the 1996 Act.

This policy is available, on our website [www.buckshomechoice.gov.uk](http://www.buckshomechoice.gov.uk) or applicants can request for a copy of the policy to be sent to them.

## **2. Eligibility and Qualification**

### **2.1 Registering on Bucks Home Choice**

In order to register for Bucks Home Choice, an applicant must:-

- Be aged 16 years or over (upon allocation of a property an applicant aged 16 or 17 years of age will be required to have an adult who can hold a tenancy as a trustee until they are 18.)
- Be eligible for an allocation of housing under Part 6 of the Housing Act 1996, and
- Qualify for the Bucks Home Choice scheme.
- Where two persons apply jointly for housing, at least one of the applicants must be eligible. A joint tenancy cannot be granted when one of the applicants is not eligible. The application will be made in the name of the applicant who is eligible and a sole tenancy will be granted.
- Must be residing in the United Kingdom

### **2.2 Eligibility for an allocation of housing**

Under Section 160ZA of the Housing Act 1996, an applicant will not be eligible for an allocation of housing if he or she is:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he is of a class prescribed by regulations made by the Secretary of State).
- A person who falls within a class of persons from abroad who have been prescribed by the Secretary of State as being ineligible to be allocated housing accommodation by a local housing authority.
- A person who falls into any other class of person prescribed by the Secretary of State as not qualifying to be allocated housing accommodation by a local housing authority.

An applicant who is not eligible for an allocation of housing under Section 160ZA of the Housing Act 1996 cannot register with Bucks Home Choice regardless of the applicant's personal circumstances.

### **2.3 Persons who do not qualify to join the Bucks Home Choice scheme**

Under Section 160ZA (7) a local housing authority may decide what classes of persons are, or are not, qualifying persons for an allocation of housing

accommodation. Blanket exclusions of particular groups cannot be applied and these exclusions may not apply to homeless applicants as they do not over-ride the Council's duties under the Housing Act 1996 Part VII

### **2.3A Persons deemed not to qualify for Bucks Home Choice**

Notwithstanding clause 2.3B the following persons are deemed not to qualify for the Bucks Home Choice scheme under this clause 2.3A if the following applies:

- a) A person whose circumstances do not meet the criteria of any of the Priority Bands set down in Appendix 1 (see 2.3.1)
- b) A person who is an applicant who is deemed to be reasonable preference but they or a member of their household is considered guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and at the time of the application for housing and they are still considered unsuitable to be a tenant by reason of that behaviour.

Each application will be considered on a case by case basis (see 2.3.2).

### **2.3B Persons deemed not to qualify for Bucks Home Choice unless they are deemed to have reasonable preference.**

The following classes of person are deemed not to qualify for the Bucks Home Choice scheme under this clause 2.3B unless they are deemed to have a Reasonable Preference in accordance with Section 166A of the Housing Act 1996 (see Appendix 3)

- A person who does not meet the local connection criteria (see Section 2.3.3)
- A person who is an owner occupier of a property (See 2.3.4)
- A person with current or former tenancy rent arrears owed to a Registered Provider or private landlord unless the Council is satisfied that action is being taken to resolve the arrears (See 2.3.5)
- A person whose income, assets or savings are sufficient to enable the person to source accommodation in the private sector.
- A person who formerly owned a property within the last five years and who failed to use the capital receipt from the property disposal to secure adequate alternative housing arrangements (see 2.3.4).
- A person who has previously purchased a property under the statutory Right to Buy or Right to Acquire schemes (see 2.3.4)
- A person who has been re-housed in a social housing tenancy and who wishes to apply to be re-housed again (unless there has been a change of circumstances since the person was re-housed in which event the application will be assessed as a new application under the Bucks Home Choice policy)
- A person who has any outstanding related housing debt with the Managing Partner's housing department. A housing related debt could be former tenant arrears whilst in temporary accommodation, former tenant arrears whilst holding a previous tenancy or

outstanding repayments on loans provided by the local authority to help the applicant to secure accommodation.

- A person whose household is considered to be adequately housed as detailed in 'size and type of property for which applicants are eligible' (5.5) but who is not using the bed spaces within their property to its optimum capacity. This includes taking account of an additional reception room or dining room that could be reasonably used as a bedroom.

### **2.3C Exceptional Circumstances**

The Bucks Home Choice Partnership reserves the right in exceptional circumstances to register a household with the scheme even if the household falls into one of the non-qualifying classes set out in this policy. Any decision to register a non-qualifying household will be subject to authorisation by the Senior Housing Officer of the partner Council receiving the application and will be based on the individual circumstances of the household concerned. In event of a decision being made to register a non-qualifying household, the partner concerned will record full details of the reason for the decision.

Further information on some of the classes of person deemed to be non-qualifying for Bucks Home Choice is given below in the remainder of Section 2.3.

#### **2.3.1 Non-Priority**

Those persons who do not fall into any of the priority bandings set out in Appendix 1 are considered to be adequately housed and therefore not qualifying persons.

#### **2.3.2 Unsuitable for Tenancy - Unacceptable Behaviour**

Unacceptable behaviour is behaviour that renders the applicant unsuitable to be offered a tenancy.

If an applicant or any member of the applicant's household is considered to be guilty of unacceptable behaviour or considered to be causing or involved in activities that may be considered unacceptable behaviour, that is serious enough to make them unsuitable to be a tenant at the time of the application for housing, then they will be considered unsuitable to be a tenant by reason of that behaviour.

Any decision made in respect of the applicant's behavior making an applicant unsuitable to be considered a tenant, will include consideration of all the households circumstances including the timing, pattern and seriousness of the behavior and an applicant's engagement with appropriate services.

**Examples of Unacceptable Behaviour could include but are not limited to:**

- a) Having been evicted for anti-social behaviour or rent arrears on a previous tenancy, either with a Registered Provider or Private Landlord in the last 5 years.
- b) Conviction for illegal or immoral purpose.
- c) Causing nuisance and annoyance to neighbours or visitors.
- d) Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community
- e) Being violent towards a partner or members of the family.
- f) Being verbally or physically abusive towards a member of one of the partnership's staff
- g) Allowing the condition of the property to deteriorate.
- h) Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
- i) Obtaining a tenancy by deception, for example, by giving false or misleading information.
- j) Paying money to illegally obtain a tenancy.
- k) Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.
- l) Subject to an Anti-Social Behaviour Order
- m) Breaking the terms of a tenancy agreement and a notice to quit has been issued.

If an applicant is accepted onto the Housing Register and is subsequently found to be guilty of unacceptable behavior (including one or more of (a) to (m) above) then the Managing Partner of the Partnership will review the application and may remove the applicant from the Housing Register.

### **2.3.3 Local Connection**

An applicant must have a local connection to at least one of the following District Councils in order to qualify for Bucks Home Choice;

- Aylesbury Vale
- Chiltern
- South Bucks
- Wycombe

An applicant is deemed to have a local connection with a district if the applicant:

- Is living and has lived in a district continuously for at least 2 years immediately preceding the date of the application. If an applicant has lived out of the district for a single period of up to 4 calendar months whilst registered they will retain a local connection. If an applicant has lived outside of the district for a single period exceeding 4 calendar months (or for multiple periods) and the applicant does not meet the Reasonable Preference categories set down in Appendix 3, their housing register application will be cancelled.

- If an applicant is working and has been in continuous employment in a district for at least 2 years immediately preceding the date of the application and has worked for a minimum of 24 hours per week throughout that period. Employment is described as having a permanent contract, or working under contract as temporary member of staff. Location of work is determined by an applicant's main place of work. If an employee's head office is in the area but the location of work is outside the actual area when it is carried out, this cannot be considered as being the main place of work.
- If an applicant has changed employer within the district, or their hours have reduced, to below 24 hours per week, for no more than 4 calendar months, they will retain a local connection. Any applicant who no longer retains a local connection and does not meet the reasonable categories set down in Appendix 3 will have their housing register application cancelled.
- A person who has found accommodation in a supported housing unit within the Bucks Home Choice Partnership will retain a local connection with the area they were living in before moving into supported accommodation.

**Exceptions – Applicants who are deemed to qualify even if they do not meet the above Local Connection criteria**

If an applicant does not meet criteria above, then the applicant will not be a qualifying person for Bucks Home Choice. The only exceptions to this are applicants who:

- a) Are aged 55 or more and seeking accommodation designated solely for person aged 55 or more and the household's income, assets or savings are not sufficient for the household to source accommodation in the private sector.
- b) Are subject to the main housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 by Aylesbury Vale, Chiltern, South Bucks or Wycombe District Councils (in this event the applicant may qualify solely to go onto the Housing Register administered by the District Council that has accepted the duty)
- c) Are serving in the armed forces or who have served in the armed forces within the five year period immediately preceding the application
- d) Have recently left ministry of defence accommodation because of the death of a spouse, who served in the regular forces
- e) Are serving or have previously served in the reserve forces and are suffering from a serious injury as a result of this service
- f) Persons who were required to live outside of the district for reasons out of their control (i.e. placed in care,) and who had a local connection to the district immediately prior to moving away.
- g) Prisoners who have been released from prison and had a local connection to the district immediately prior to going to prison.
- h) Persons who meet the criteria as set out in the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015/.



- i) Persons who do not meet the local connection criteria but meet the criteria for one or more of the Reasonable Preference categories set out in Appendix 3

If an applicant meets any of the criteria listed in (a) to (i) above they will be deemed to qualify for Bucks Home Choice regardless of whether or not the applicant has a local connection to a district provided they are not deemed to be a non qualifying person under clause 2.3A(b).

For the purposes of determining a local connection the following living arrangements will not be taken into account:

- Occupation of a mobile home, caravan, motor caravan, or houseboat which is not placed on a residential site; or
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday letting.
- Applicants placed in an institution, prison, hospital or in one of the districts who otherwise have no local connection.

#### **2.3.4 Current and Former Owner Occupiers.**

A person is considered to be a current owner-occupier for the purpose of this policy if they are the owner or joint owner of any residential property regardless of location. They will not be a qualifying person unless;

- The person falls into one of the statutory Reasonable Preference categories (see Appendix 3) and are not deemed to be a non qualifying person under clause 2.3A(b) or
- It is not possible for the person to remain in their current address (e.g. because adaptations are required and cannot be undertaken) and the person does not have sufficient financial resources available to secure other accommodation without the Council's assistance.

In considering the issues raised in this section, the District Council managing the application will take specialist advice as required (e.g. from an Occupational Therapist).

If an applicant has a legal, financial or beneficiary interest in a property, the full circumstances will be investigated. If the applicant is able to realise his/her interest in the property and it would be sufficient to secure alternative accommodation without the Council's assistance, the applicant will be considered to be an owner occupier.

If the applicant is not a current owner occupier and has formerly owned a property within the last five years, the applicant will be asked to provide evidence of the sale and details of any capital receipt arising from the sale. If the applicant subsequently disposed of any capital receipt without making

adequate housing arrangements then the applicant will be deemed not to qualify for Bucks Home Choice (unless the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3) and is not deemed to be a non-qualifying person under clause 2.3A(b).

An applicant who has previously purchased a property under the statutory Right to Buy or Right to Acquire schemes will be deemed not to qualify for Bucks Home Choice (unless the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3) and is not deemed to be a non-qualifying person under clause 2.3A(b).

### **2.3.5 Rent Arrears**

- a) An applicant who has been evicted from a previous tenancy on the grounds of rent arrears within the five year period preceding the date of application (or who voluntarily surrendered a tenancy in advance of a warrant for possession being executed on rent arrears grounds) will not be a qualifying person for Bucks Home Choice unless the arrears have been cleared in full or the applicant falls into one of the statutory Reasonable Preference categories (see Appendix 3) and is not deemed to be a non-qualifying person under clause 2.3A(b).
- b) Where an applicant or a member of his household owes rent arrears to a current or former landlord, at the time of the application or at any period during the application they will be placed in a Band E until such times as they provided evidence that the arrears have been cleared. Once confirmation has been received the application will be reassessed in line with the Bucks Home Choice Allocation Policy.

Where the rent arrears have arisen due to exceptional circumstances beyond the applicant's control the Council may depart from this policy and the decision will be referred to a Senior Officer.

Registered Provider tenants transferring who have accrued rent arrears solely through a shortfall in housing benefit due to under-occupying their property may apply to the housing register. Each case will be looked at on an individual basis by a Senior Officer; the tenant must be able to demonstrate that they are trying to resolve the situation at an early stage by seeking a smaller property and making an attempt to cover any shortfall.

The provisions in (a) may not apply if the District Council has accepted a main housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996. The Council will contact the current or former landlord of the applicant or any member of his or her household to confirm the facts.

### **2.3.6 Right to a Review of a Decision of a Non Qualifying Person**

If the Managing Partner has made a decision that an applicant is not a qualifying person and cannot join Bucks Home Choice, the applicant will have the right to request a review of this decision within 21 days of being notified of the decision. The review will be undertaken by a Senior Housing Officer who

was not involved in the original decision. The review decision will be made within a 56 day period.

### **3. Applying and registering for Bucks Home Choice**

#### **3.1 Applying to Bucks Home Choice**

An applicant for Bucks Home Choice must apply to go on to one of the four District Housing Registers. The applicant must have a local connection to the District concerned in order to qualify for the District Housing Register (e.g. an applicant for the Aylesbury Vale District Housing Register must have a local connection with Aylesbury Vale). The full definition of what constitutes a Local Connection is in Paragraph 2.3.3.

Where an applicant has a local connection to more than one District, the application will be managed and maintained by the district where the applicant has a residential local connection (i.e. where the applicant has lived for at least 2 years).

An applicant who does not have a local connection but is still a qualifying person can apply to go on to the Housing Register of any of the four Districts.

#### **3.1.2. Applications from staff, elected council members or their family members**

A person who is a member of staff of the Managing Partner, their close family and elected members in the Managing Partner may apply for housing in the same way as other applicants. A close family member is a parent, sibling or adult child. Their status should be disclosed on the application form at the time of applying. Any applicant making a successful bid for a property and subsequent letting must be approved by the appropriate Senior Housing Officer of the Managing Partner.

#### **3.2 Registration form and supporting information**

To apply to go on the Housing Register, applicants are required to complete an on-line application process at [www.buckshomechoice.gov.uk](http://www.buckshomechoice.gov.uk). Assistance from staff will be made available to applicants needing to make an on-line application. There are two stages to an application;

**Stage 1** – This is a pre-assessment process which takes details from the applicant and determines what housing options are available to them. This will include the option of making a Bucks Home Choice application if the information provided indicates that the applicant is eligible and will qualify for scheme.

**Stage 2** – If the Stage 1 pre-assessment indicates that the applicant is eligible and qualifies for Bucks Home Choice, the applicant will then have the option of making a formal application to the Bucks Home Choice scheme.

After assessment, if the applicant is accepted onto the register they will receive written confirmation of the following information:

- Their unique reference number, which allows them to express interest via Bucks Home Choice.
- The Priority Band in which the application has been placed.
- The date that the application was registered.
- The size of the property for which the applicant is likely to be able to bid for.

Applicants must also provide the information and evidence that is required to enable the Partnership to check and assess their eligibility and housing need. If an applicant fails to provide the requested information within 28 calendar days their application will be cancelled.

The Partnership will make any enquiries necessary in order to determine an applicant's eligibility to join the Housing Register and their level of priority for housing. When completing an on-line application and declaration, applicants are authorising the Partnership to make reasonable and relevant enquiries as are required to complete the assessment. When signing the application, applicants are also authorising the Partnership to disclose information to other parts of the Council and other agencies in order to verify the application.

If the applicant does not give authority to make reasonable and relevant enquiries and to disclose information to other parts of the Council or other agencies, then this may affect the assessment and final outcome of the application.

Applications will normally be assessed, once all the required information has been provided, within 10 working days.

If an applicant is ineligible or does not qualify to join the Housing Register they will be informed of the reasons for this decision and advised of the review process.

### **3.3 Persons to be included in an application**

An application for the Bucks Home Choice scheme will comprise of the lead applicant and any members of the applicant's household who require re-housing with the applicant. For the purposes of Bucks Home Choice, the applicant's household will normally comprise the applicant together with his/her partner (if applicable) and any dependent children (if applicable) who might reasonably be expected to reside with the applicant.

In assessing an application, the Managing Partner will assess who reasonably requires re-housing with the applicant. This will include consideration of the circumstances below.

Any non-dependent adult over the age of 18 and not in full time education may not be considered as part of the household and are able to make an application in their own name.

Household members who have always been living as one household will only be considered as part of the household if they are unable to live independently which will require an assessment from Adult Social Care and or medical professionals to support the request at the time of application.

For the purpose of assessing an application, dependent children are expected to share rooms with other children in the same extended family regardless of whether they are siblings.

### **3.3.1 Carers**

If an applicant wishes to include a carer in the application, then in all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing the applicant with care and the carer must need to live with the applicant to provide this care.

Even if a carer is in receipt of Carer's Allowance this does not mean that it is necessary for them to reside with the person who is being cared for. Many carers provide over 35 hours a week support whilst living in their own home. An application to include a carer in a housing application will be considered if the applicant has been assessed by Social Care as needing to receive overnight support and the persons Care Package that they would supply supports overnight care. In these circumstances a copy of the Care Package will be required.

### **3.3.2 Separated Parents and Dependent Children**

If an applicant is a separated parent and wishes to include his/her child in the application, the Managing Partner will assess whether or not the child resides with the applicant. This assessment will consider all circumstances including:

- Residence Order for the child
- Which parent is the recipient of Child Benefit and Tax Credits
- The existing residence arrangements for the child (i.e. where does the child currently stay with each parent?)
- Any other relevant information

In the case of children, the test of normal residence as a member of the family will require residence as opposed to 'staying' or 'staying access' even in cases of joint custody or joint residence or similar orders. The Council in applying the residence test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. Account may be taken of whether the child is dependent upon the applicant. The Council may also take account of the supply and demand for accommodation, the general housing circumstances within the district and any

under-occupation that may result where a child spends part of a week with one parent and part of a week with another.

### **3.3.3 Split families**

Where the family unit is not currently residing together and they have previously lived together as a family unit and there is a reasonable expectation that they should reside together the family will be considered as a split family. Assessment of priority band will consider the accommodation currently available by the different parts of the family and will be based on the accommodation that better suits the family's needs at the time of the application.

### **3.3.4 Support Needs**

Where an applicant has been assessed as having support needs they will not be offered accommodation until they can demonstrate that they have engaged with the appropriate services and have a continuing support plan for tenancy sustainment. This is to ensure that an applicant with support needs will be able to manage a tenancy and reduce the risk of repeat homelessness. The partner that is managing the application will consult partner agencies as required and in accordance with the Data Protection Act and GPDR 2016.

## **3.4 Right to Move**

In order to meet the criteria to qualify to join Bucks Home Choice under Right to Move the applicant must:

- be a social housing tenant
- have Reasonable Preference because of a need to move to the Local Authority's district to avoid hardship and is deemed to be a non qualifying person under clause 2.3A(b)
- need to move because the tenant works or has been offered work in the district of the authority
- and has a genuine intention to take up the offer of work.

The Managing Partner must be satisfied that the tenant needs, rather than wishes, to move for work reasons. As well as other factors the Managing Partner will take into consideration the nature of work and whether similar opportunities are available closer to home.

## **3.5 False or withheld information**

Under section 171 of the Housing Act 1996 it is an offence for an applicant to knowingly or recklessly give false or misleading information or knowingly withhold information relevant to their application. Under the Act, the Local Authority has the power to take action against an applicant which could result in a fine of up to £5000.

An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation.

If an applicant, or a person acting on his or her behalf, has given false information or withheld information it could:

- Affect an applicant's eligibility to join the Housing Register;
- If appropriate, result in the applicant not being given preference at all.
- If appropriate, be taken into account in prioritising applicants who have Reasonable Preference

Where there is an allegation or suspicion that a person has given false information, or has withheld information, the application will be suspended pending the outcome of an investigation. If it has been established that an applicant has provided false information the person will be deemed not to be a qualifying person.

### **3.6 Giving applicants advice and information**

The Partnership will provide advice and information to help applicants to make the most of Bucks Home Choice to meet their housing needs. This will include:

- How to apply to join the Housing Register and what supporting information applicants will be required to provide.
- Help to fill in the housing registration form (by prior appointment).
- The meaning of the priority bands and how this affects the time individual applicants are likely to have to wait.
- Advice on how to bid on a property, and how to obtain help to bid.
- Advice on other options for housing such as private renting or shared ownership.

Where an applicant is assessed as being a non-qualifying person, the applicant will be given advice and information on the other housing options open to them.

### **3.7 Renewal of applications and changes of circumstances**

Applicants must renew their applications once a year and they will receive a reminder and information on how to do this on the anniversary of the date of their application.

Applicants must also notify the member of the Partnership with which they are registered of any changes in their circumstances, such as a relationship breakdown, an older child leaving home or a baby being born.

### **3.8 Suspending or Cancelling an Application**

An application will be suspended if:

- An applicant has been asked for information to support an application and a reply is awaited.
- An applicant has changed address and not provided a change of circumstances form.
- An applicant has been asked to provide information from their support agency or worker to support their application and a reply is awaited.

If suspended, an applicant will not be able to bid for properties.

**An application will be cancelled if:**

- The applicant has asked for it to be cancelled.
- The applicant has been rehoused via Bucks Home Choice.
- The applicant has exchanged a property with another tenant and is now deemed to be adequately housed.
- The applicant has moved and not told us of their new address.
- A Partner has written or emailed the applicant about the application and there has been no response within 28 days.
- An applicant has not provided within 28 days all the information that has been requested and is reasonably required to support the application.
- A Partner has evidence that the applicant no longer qualifies for housing including when they are deemed to be a non-qualifying person under clause 2.3A(b).
- The applicant has not responded to an offer of housing within the timescales required.
- The applicant has given false or misleading information.
- The applicant's circumstances have changed and the applicant no longer has a housing need or local connection under this policy.

In the event of an application being cancelled the partnership reserves the right to re-instate an application at its discretion.

#### **4. Assessment and Prioritisation of Applicants**

The Partnership will assess the relative priority of applicants in two stages:

**Stage One – Banding** (See 4.1)

This assessment takes place when an applicant applies to join the Housing Register and his or her eligibility and priority are assessed.

The assessment of an application will take into account any accommodation that the applicant is currently entitled to occupy and any medical and welfare needs. When assessing for lacking bedrooms a second living room that is suitable to be used as sleeping accommodation will be treated as a bedroom,

An applicant is entitled to occupy accommodation:

- As an owner, lessee, leaseholder or tenant or by virtue of a court order.
- Express or implied license to occupy i.e. as a lodger or living with relative.



- Any other enactment or rule of law giving a person the right to remain in occupation or restricting the right of another person from recovering possession.

### **Worsening of housing circumstances.**

An applicant must not do (or fail to do) something for the purpose of worsening their housing circumstances. When such a situation arises, the Managing Partner will carefully assess the change of circumstances and consider the facts of the case. The assessment of an application in these circumstances will take into account the applicants circumstances prior to the act.

For an applicant to have worsened their circumstances there must be evidence that it would have been reasonable for the applicant to have remained in their previous accommodation.

Examples of an applicant undertaking an act for the purpose of worsening housing circumstances are set out below;

- Abandoning a previous suitable tenancy.
- Moving without good reason to accommodation which is more overcrowded or is considered more unsatisfactory or insanitary than their previous accommodation.
- Selling a property or giving notice on a tenancy without having alternative accommodation available to them.
- Allowing a property to become overcrowded by inviting additional households to move in.
- Moving out of a property when housing advice has been provided for the applicant to remain in their existing accommodation.
- Moving out of an adapted property into an unsuitable or un-adapted property.
- Moving out of a property due to financial reasons when the property has been assessed as being affordable by the partnership.
- Having sufficient funds available to purchase or to rent suitable accommodation in the private sector and choosing not to do so.
- Refusing an offer of private rented accommodation in order to get a banding on BHC.
- A statutory homeless household refusing a suitable final offer
- Collusion with landlord or family member to obtain notice to quit.

If an applicant is assessed as having worsened their housing circumstances, and they qualify to join the scheme, they will be placed into band E for a period of 12 months. An applicant can then request that their application be re-assessed after this period. All relevant facts and information available will be considered in the re-assessment process.

## **Stage Two – Shortlisting** (See 6.1)

This assessment takes place when an applicant has bid on a property.

If more than one applicant bids on a property, they will be placed on a shortlist. The policy states how the relative priority of applicants on a shortlist will be determined.

### **4.1 Priority Bands**

Applicants will be placed in a Priority Band, taking into account the information they have provided with their housing application. The criteria for the Bands are given in Appendix 1.

When a change of circumstances results in a change of banding to a higher band the priority date of the banding will be amended to the date of acceptance onto the new band. Should a change in circumstances result in the band being lowered the date of application will remain.

### **4.2 Assessment of Medical Needs**

Members of the Partnership have appointed a qualified Medical Advisor whose advice may be sought when assessing whether to place an applicant in a higher priority band on medical grounds.

Applicants with serious medical problems may complete a self-assessment form. A Housing Officer will consider the information provided and make an assessment as to whether any medical priority should be awarded. In some cases the Managing Partner will seek the medical advisor's opinion before reaching a decision. They will consider the medical advisors opinion along with all other relevant information in order to determine whether a priority band should be given and also any recommendation for the type of housing required (e.g. ground floor or adapted accommodation).

If applicants have been assessed as having a medical need they will be advised of the type of property that would be considered as suitable. Bids placed by the applicant on properties not meeting the criteria recommended will not be considered for the property.

When making a decision whether to award a priority on medical grounds, the Housing Officer will look at:-

- How the current accommodation is causing or affecting the medical condition.
- How social housing would improve it.
- The severity of the effect that housing is having on the medical condition.
- The duration of the condition and any expected recovery time.
- The severity in comparison to the housing needs of other applicants.
- Whether other options are viable that could improve the situation.

Following the assessment a decision will be made whether to award a priority banding. The bandings are below:-

- **Band B “Severe”** – The current housing is having a severe impact on the applicant’s (or family members) health and their health will deteriorate if the applicant is not moved to a suitable property.
- **Band C “Adverse”** – The current housing is having an adverse impact on applicant’s (or family member’s) health. Their health will not deteriorate in current accommodation, but the adverse impact will be reduced if the applicant moves to more suitable accommodation.

An applicant has a right to request a review of a decision not to award medical priority. Following the outcome of that review, the Managing Partner will not undertake any further assessment for 12 months unless there is a significant change in circumstances.

Applicants who have been awarded a medical priority to take into account difficulty with stairs and the need for ground floor accommodation will not usually be considered for a property with either internal or external stairs unless there are appropriate adaptations in place.

Medical bandings will not be awarded to those households in temporary accommodation provided by the District Council in pursuance of their homelessness duty. Any request for a review of suitability of temporary accommodation will be dealt with outside of the Bucks Home Choice Allocation Policy and via the current homelessness legislation.

#### **4.3 Assessment of welfare needs**

Some applicants may need to move on welfare grounds that are not related to a medical condition.

It is not possible to state all the circumstances that will justify Reasonable Preference on welfare grounds, and each case will be assessed individually. A panel of officers of the Managing Partner will assess each application, and will record their decisions to ensure equality and consistency is maintained.

The panel will comprise of at least two senior officers of the Managing Partner who will consider the following factors to ensure consistency when assessing welfare cases:

- Is the applicant’s current housing situation having an adverse effect on their welfare?
- If so, can the adverse effect on the applicant’s welfare be resolved without the need to move?
- If the adverse effect cannot be resolved in the applicant’s current housing situation, can it be resolved by re-housing elsewhere?  
(Consideration will be given by the panel to ensure that, where there is

a risk to the applicant's safety and well-being, any move will reduce that risk. This may require a move away from the applicant's current district).

- Will the applicant suffer hardship if they do not move to a particular location in the local authority district? (Where an applicant is applying to move to live near a relative to give/receive support, the panel will consider if there is evidence to support the application. These may include confirmation from support services, evidence of carers Allowance and any other information that the Partnership feels is relevant to the application).

In the event that the panel accepts that:

- An applicant needs to move on welfare grounds, but
- The Bucks Home Choice scheme cannot deliver a suitable move (e.g. because the applicant needs to move out of the partnership area).

The Managing Partner will liaise with the applicant and relevant agencies to identify a suitable course of action to address the welfare needs.

#### **4.4 Reviewing of Welfare and Medical Priority Banding**

The Managing Partner reserves the right to review the applicant's priority banding on an appropriate periodic basis. Applicants are expected to be actively looking for and bidding on available properties on Bucks Home Choice. In certain circumstances the Partnership may make a direct allocation of an appropriate property. Any reviews will take into account bids that have been made by an applicant, offers made and refused, along with the particular circumstances of the case.

If an applicant has been placed in Priority Band A (Welfare) or B or C (Medical grounds) and has failed to bid for any properties or accept a direct offer of accommodation, the Partnership reserves the right to review the Priority Band.

In conducting the review the Managing Partner will take into consideration the following:

- Have there been any properties advertised that would have met the applicant's needs?
- If so did the applicant apply for them?
- Why were the bids unsuccessful?
- Did the applicant receive appropriate support in accessing the bidding cycle?
- Are the applicant's circumstances the same?

On completion of the review a decision will be made whether the priority banding continues to apply. This may result in the application being removed where, without this priority banding, they would not otherwise qualify to join the housing register.

## **5. How properties will be advertised and let**

### **5.1 How properties will be advertised**

Properties will be advertised weekly in a variety of formats and locations.

- On the Bucks Home Choice website
- In the offices of members of the Partnership
- Personalised property lists may be posted to applicants who are housebound or cannot use any of the other methods

The Partnership may choose to vary the timing of the cycle for advertising properties. Any such variation will be subject to the agreement of all partners.

### **5.2 Advertising criteria**

Each property advert will have information on the location, size and type of Property and any criteria that applicants must satisfy in order to be eligible for shortlisting. Some properties may have letting restrictions for example no pets or age restrictions

Priority for family sized accommodation of two bedrooms or more with access to a garden will be given to households with children under the age of 16 unless medical evidence of the need for a property with a garden exists.

Properties that have two reception rooms may be considered as having an additional bedroom to assist where necessary with housing larger families where larger accommodation is not available.

Any restrictions will be explained in the advert and applicants who do not meet the criteria will not be nominated for the property.

### **5.3 Properties advertised within the District Council areas**

An applicant will only be able to bid for a property that is:

- Advertised via a Partner where the applicant has a local connection with the Partners' district or,

Advertised across the Partnership and is available to all Bucks Home Choice applicants who require the size and type of property concerned (regardless of which District(s) the applicant has a local connection with).

### **5.4 Properties advertised across the Partnership**

One of the aims of Bucks Home Choice is to enable some applicants to move within the Partnership. In order to achieve this, properties that do not have a high local demand will be advertised as being available for any applicants who

are registered with Bucks Home Choice, regardless of the District(s) with which they have a local connection.

The Partnership will monitor how many properties are advertised, and how many are let in this way. It will also monitor how many properties are let to applicants who do not have a local connection. This monitoring will enable the Partnership to assess whether applicants are finding some flexibility in where they can choose to live, whilst ensuring that the District Councils continue to be able to meet their Statutory Duties.

Where a property has been advertised for three advertising cycles and the property has received no appropriate bids the Partnership reserve the right to consider allocation of the property to people outside of the Bucks Home Choice scheme.

### **5.5 Size and type of property for which applicants are eligible**

In order to make the best use of the available housing stock, it is essential to let properties to those who need that size and type of property to:

- Avoid creating overcrowding or under-occupation when letting a property
- House families with children under the age of 16 into properties with gardens.
- Minimise the risk of the applicant being unable to afford rent payments on the property that is being let
- Prioritise large families with four or more children for properties with two reception rooms

When deciding the size and type of property that an applicant is entitled to bid for, the Bedroom Standard will normally be used as 1 bedroom for each of the following:

- a) Adult or adult couple
- b) Two children of the same sex aged under 18
- c) Two children of different sexes when the eldest is aged under 10
- d) Any other child

More information is available in Appendix 2.

In exceptional circumstances the Senior Housing Officer may exercise discretion in deviating from the Bedroom Standard. In all cases applicants will need to demonstrate the property is affordable at the time of offer. Examples are:

- Where applicants require larger accommodation on health grounds, the Senior Housing Officer will consider this on a case by case basis, taking into account the advice of a qualified medical advisor appointed by the Partnership.
- Where there is little or no demand for a particular property.

- Where the applicant has been approved as a foster carer by Buckinghamshire County Council, and so will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. (See section 3.3)

## **5.6 How applicants bid on a property**

Applicants may bid on up to three properties for which they are entitled in any one advertising cycle, this can be done;

- On the Bucks Home Choice website
- In person at one of the Partnership's Customer Service Centre
- Telephone bidding by contacting relevant partner

Applicants who find it difficult to bid may ask an advocate or support worker to do so on their behalf. Help will also be available via the Partners and special arrangements will be made for vulnerable applicants who are unable to bid without help.

It is not possible for an applicant to view a property before making a bid.

## **6. Prioritising and Lettings**

### **6.1 Determining priority between shortlisted applicants**

Where more than one applicant bids on a property, they will be placed on a shortlist. Any applicant who bids on a property where they do not satisfy the advertised criteria will not be included on the shortlist. The reasons for this could include, but not be exclusive to, the following:

- a) The applicant's household size does not meet the Bedroom Standard.
- b) The applicant does not satisfy the age limit or mobility level as advertised.
- c) Has failed to meet any other advertising criteria.

The details of how applicants are awarded a Priority Band are given in Appendix 1.

For each property the applicants' bids will be ranked in the following order:-

- a) Local Connection
- b) Priority Band (Band A applicants will have a higher priority than Band B, and so on)
- c) Date of priority Banding
- d) Date of Registration

If the applicant with the highest priority on a shortlist refuses the offer, the property will then be offered to the next applicant on the shortlist. Age limited restrictions will be clearly indicated in the advert, if the applicant does not meet the specified restrictions, any bid placed on such a property will not be considered.

It should also be noted that:-

- a) If an applicant bids for a property and has rent arrears, then the bid will not be accepted and the application will be placed into a band E until the arrears have been cleared (see section 2.3.4). Once the arrears are cleared the application will be re-assessed and a banding awarded. The banding date will take effect from the date of the re-banding.
- b) Some advertised properties may be subject to a Local Lettings Policy (see section 6.2)
- c) The prioritisation of short-listed applicants will be based on the priority banding of each applicant as it stood at the point when the advert cycle closed.
- d) The prioritisation and allocation process will take account of any additional criteria set down by the landlord for the occupation of the property. Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaptation in the property.

The District Councils do not own any housing stock and will make nominations to the Registered Provider who is advertising the vacancy. On some occasions nominations may be refused by the Registered Provider as they will have their own Allocations Policy which may differ from Bucks Home Choice.

In most cases the Registered Providers will undertake a financial assessment of your finances to ensure that you can afford the property before making you an offer of affordable accommodation.

## **6.2 Local Lettings Policies**

Section 166A(6) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the Reasonable Preference categories.

Local Lettings Policies may be used to achieve a wide variety of housing management and other housing policy objectives. So for example, Local Lettings Policies may be used to lower the proportion of older children/young adults on an estate to reduce the incidences of anti-social behaviour; or to deal with concentrations of deprivation by setting aside a proportion of vacancies for applicants who are in employment.



Local Lettings Schemes (LLS) will be designated by Registered Provider's following detailed consultation with the relevant District Council and an assessment on the impact of a LLS. Once agreed these schemes will have their own allocation criteria. LLS will be put in place for a specific area or estate and will be set up in response to particular local circumstances. The aim of LLS is to work towards more balance within local communities to result in outcomes that reflect the wider community and address issues such as child density and the proportion of households in employment in one area or estate.

Working towards more balanced communities may mean a housing mix of:

- Different household types/client groups
- Households of different ages and/or with children of different ages
- People who are in paid employment and those who are not in paid employment
- Families which have one child and those that have two children.

The precise approach to be adopted will reflect the particular problems/issues of an area, estate or development of new build properties.

From time to time a member of the Partnership may adopt a Local Lettings Policy that will apply to a proportion of the properties that it advertises. All such local lettings policies will be published on the Bucks Home Choice website and will be available by request. The Local Lettings Policy will state clearly the justification for its adoption and operation.

In some cases, a housing scheme may be subject to planning conditions that restrict who is permitted to occupy the accommodation (e.g. a rural housing scheme where occupancy is limited to people with a local connection).

When a property is subject to a Local Lettings Policy or planning conditions, the advertisement will state the restrictions and which applicants are permitted to bid.

### **6.3 Direct allocations**

In certain circumstances members of the Partnership reserve the right not to advertise a property and allocate it directly to an applicant, or to allocate a property that has been advertised directly to an applicant. The following are examples of circumstances where a direct allocation may be made.

- a) Where a person has been assessed as needing an urgent move as a result of violence or threats of violence or through the National Witness Protection Service.
- b) Where a sensitive letting has to be made, for example for a vulnerable person, or a sex or violent offender and is subject to MAPPA., or to deal with a severe housing management problem, where the Council considers that a direct allocation is more appropriate than requiring or allowing the applicant to bid on a property.

- c) Where the applicant is a homeless person and the Council has accepted a full Housing Duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 and the applicant has failed to regularly participate in bidding for properties which the District Council in question considers suitable. This means that applicants should bid for the maximum permitted (and available) properties regardless of the property type (for example flats/houses).
- d) Where an applicant demonstrated an urgent need to move due to serious imminent personal risk or severe harassment.
- e) Where the applicant is a homeless person where the Council has accepted a full housing duty under Section 193 of Part 7 (Homelessness) of the Housing Act 1996 and the applicant is:
  - in temporary accommodation,
  - has bid on a property or properties,
  - has not been successful, and
  - there is a strategic need to move that applicant from the temporary accommodation to make way for another homeless applicant.
- f) Where a property is identified as having adaptations or suitable adaptations a Direct Allocation may be made.

In c) and e) above, if the applicant is in accommodation secured under Section 193 of the Housing Act 1996 and the applicant refuses a suitable offer of accommodation then the District Council that is securing the accommodation under Section 193 will discharge its duty and will take possession proceedings to bring an end to the accommodation. When making a direct allocation, the preferences of the applicant will be taken into account as far as possible.

#### **6.4 Applicants subject to duty under Section 193 of Housing Act 1996 (Homelessness)**

Where a Bucks Home Choice applicant has also made an application for assistance to the District Council under Part 7 (Homelessness) of the Housing Act 1996 then the priority awarded to the applicant will be based solely on the status of their homelessness application in accordance with the relevant category set down in the Priority Bands in Appendix 1.

In these cases, the assessment of the priority band will not consider any factors set down in the other Reasonable Preference categories. Any issues relating to the suitability of the applicant's temporary accommodation will be addressed by the relevant District Council in accordance with the requirements of Part 7 of the housing Act 1996 and the associated guidance.

Further details of specific arrangements for applicants who have also submitted an application for homelessness assistance are set down below.

#### **6.4.1 Priority Banding of applicants deemed to be subject to duty under Section 193 of Housing Act 1996 (Duty to persons with priority need who are not homeless intentionally)**

Where a Bucks Home Choice applicant:

- has also made an application for assistance to the District Council under Part 7 (Homelessness) of the Housing Act 1996 and
- has been deemed to be eligible for the duty under Section 193 of the Housing Act 1996 (Duty to persons with priority need who are not homeless intentionally),

then the applicant will be placed in Priority Band D in order to give the applicant a reasonable opportunity of securing suitable long term settled accommodation.

#### **6.4.2 Re-assessment of Priority Banding when applicant ceases to be subject to duty under Section 193 of the Housing Act 1996**

If the District Council ceases to be subject to a duty under Section 193 of the Housing Act 1996 then this will be deemed to be a change of circumstances and the applicant's qualification and priority under Bucks Home Choice application will be re-assessed accordingly.

If the reassessment finds that:

- (a) the applicant continues to qualify for Bucks Home Choice (see Section 2.3) and
- (b) the duty under Section 193 of the Housing Act 1996 ceased because the applicant:
  - (i) refused a suitable offer of accommodation that was offered in performance of the Section 193 duty,
  - (ii) voluntarily ceased to occupy accommodation that was offered in performance of the Section 193 duty,
  - (iii) has become homeless intentionally from accommodation that was offered in performance of the Section 193 duty,
- (iv) has refused a suitable final offer of accommodation made under Part 6 of the Housing Act 1996 , or
- (v) has refused a suitable private rented sector offer

then the Bucks Home Choice application will be re-banded and placed in Priority Band E unless the applicant has suitable accommodation in which case they will cease to qualify.

The above approach aims to assist homeless applicants by giving them reasonable priority for re-housing while also recognising the scarcity of accommodation and the need for such applicants to make full use of the assistance provided under Section 193 of the Housing Act 1996. This assistance is not available to other applicants on Bucks Home Choice and,

therefore, it is expected that a homeless applicant will accept all assistance offered through the Section 193 duty in order to secure accommodation.

If an applicant fails to make use of this assistance and the duty under Section 193 ceases, then the Bucks Home Choice scheme considers that it is unfair to continue to give the applicant a high priority banding (i.e. Band D) compared to the other applicants on the scheme. Therefore, the Bucks Home Choice application will be re-banded to the lowest Priority Band, Band E.

If a homeless household has not been bidding on a regular basis the Bucks Home Choice Partners reserve the right to make bids on applicant's behalf or make a direct offer of accommodation.

## **6.5 Verifying and nominating an application**

### **6.5.1 Verifying**

Before any offer of accommodation is made, the Managing Partner will contact the successful applicant to verify all relevant information on their housing application. Unannounced home visits will, where appropriate, be carried out to verify applications. Applicants will be expected to provide the required documentary proof to confirm the statements on their housing application.

The purpose of this verification is to check that the details provided by the applicant are correct, and in particular to confirm that the applicant is:

- Eligible and qualify for housing under the Bucks Home Choice Allocation Policy, and
- Suitable for the size and type of property concerned (see Appendix 2), and
- Has been placed in the correct Priority Band, based on his or her circumstances (see Appendix 1).

If an applicant does not provide the necessary information or if the verification shows that the housing application is not correct the application will be suspended and a re-assessment will be made reflecting the current circumstances. This includes where the applicants rent account is not up to date and it does not meet an exception category, the offer will be withdrawn (see Paragraph 2.3.4). The next person on the shortlist will be contacted with a view to making an offer.

If the Managing Partner is unable to contact the applicant and verify circumstances within the next working day following a home visit the applicant will not be nominated for the property.

### **6.5.2 Nomination**

If an applicant is shortlisted for a property, then the Registered Provider will contact the applicant to set down the timescales for a viewing of the property

concerned and for the acceptance of any offer that is subsequently made. It is the responsibility of the applicant to attend the viewing at the stated time and to respond to the timescales set down by the Registered Provider. In the event of the applicant failing to do so, the Registered Provider will have the option to withdraw the offer of the tenancy.

In the event of the Registered Provider refusing a nomination the Partnership will require clear written reasons for the refusal. If the Partnership considers the reason for refusal as being incorrect, unjust or subjective then the Partnership will submit a written request to the Registered Provider to review their decision.

### **6.5.3. Withdrawal of a nomination**

In very exceptional circumstances, the Registered Provider may withdraw an advert/ offer of accommodation, these circumstances may include but not be limited to:-

- Where an error has been made in the advertising criteria.
- When it has been established that the property needs extensive works.
- When the property has been advertised, but the existing tenant has withdrawn their notice.
- When the property has been advertised but withdrawn for a direct let for an urgent case.
- When the nominee does not qualify under their Allocation Policy

### **6.6 Temporary suspension from bidding**

An applicant will be suspended from bidding on a temporary basis when:

- They are placed under offer for a property the application will be suspended until the applicant decides if they will take the property or not.
- They have accepted a property as it will be considered their housing requirements have been met. Once the property has been let to the applicant the application will be removed from Bucks Home Choice
- They have refused three offers of accommodation that they have bid on and the Partnership considered suitable for the applicant's needs. The application will be suspended for 6 months and the applicant will be advised in writing of this decision. During this period an applicant will not be permitted to bid on any advertised properties.

## **7. Review of decisions and complaints**

### **7.1 Asking for a decision to be reviewed**

Applicants have rights under the Act to ask for the review of a decision. The following decisions are subject to the right to request a review:

- a) The applicant's housing application has been refused on the grounds they are not eligible or qualifying person.

- b) The applicant is removed from the housing register on the grounds they are no longer eligible or qualifying person.
- c) An applicant's Priority Banding (i.e. the applicant disagrees with the banding that they have been awarded and wishes to have their banding reviewed).
- d) Any decision about the facts of a particular application which have been taken into account to assess whether an allocation should be made.
- e) Any decision to suspend an application due to the applicant having refused three offers of a tenancy (see section 6.6).

Applicants should request a review within 21 days of being notified of a decision.

The review will be carried out by the Managing Partner that made the decision in respect of (a) to (e) above. Reviews will be carried out by a Senior Officer who was not involved in the original decision.

The applicant will be notified of the review decision in writing within a 56 day period of the review being requested.

Once a review has been completed and the applicant has been notified of the decision on review, the applicant cannot request a further review on the same decision unless there has been a factual change in his/her circumstances.

## **7.2 Making a complaint**

Each member of the Partnership has a published procedure for customer complaints which can be found on their website or a hard copy is available upon request.

## **8. Monitoring and policy review**

### **8.1 Monitoring**

The Partnership will monitor the outcomes of lettings through Bucks Home Choice, to assess whether it is meeting the aims stated in section 1.3 and the Equality Statement in section 1.4.

### **8.2 Policy review**

The results of monitoring will be used to review this Policy. Reviews will be carried out annually, but the Partnership may carry out an earlier review if monitoring shows that this is necessary.

The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation. When this is necessary, changes will be authorised by the Partnership's Senior Housing Officers or relevant Heads of Service and will be subject to the agreement of all four Managing Partners.

## **9. Data Protection and information sharing**

### **9.1 Data Protection**

9.1.1 All information held by the Partnership is subject to the Data Protection Legislation (including the Data Protection Act 2018 (“DPA”) and the General Data Protection Regulation (EU) 2016/679 2016 (“GDPR”). Information will be used in accordance with each Managing Partner’s Privacy Notice which can be found on their websites.

9.1.2 In order to deal with an application the Applicants personal data will be used and the Managing Partner will contact third parties to obtain and share information in order to comply with the statutory obligation of processing the Applicants housing and/or homelessness application. The processing of such personal data is necessary for the partners to comply with their legal obligations under the law on housing and homelessness.

### **9.2 Information Sharing**

9.2.1 Information about the Applicants relating to their housing options, homelessness and/or threatened homelessness may be shared with third parties including but not limited to private sector landlords, housing associations, lettings agents, health services, children, family and adult services, education services, Department of Work and Pensions, Housing Benefit and Council Tax services, the Police, prisons, probation and youth offending services, Citizens Advice and voluntary sector organisations.

9.2.2 Each Managing Partner will on an annual basis publish lettings information including the age, sex, ethnicity and nationality of applicants and new tenants. This information will be statistical only and will not identify individual applications or tenants.

### **9.3 Councillor or MP enquiries on behalf of Applicants.**

9.3.1 The Managing Partner will give its Councillors and MPs personal data about the Applicant if the Applicant asks it to or if the Councillor or MP reasonably needs it to carry out their duties, but the Councillor and/or MP must not use it for other purposes.

### **9.4 Enquiries made on behalf of applicants by an advocate organization.**

Where an enquiry is received by an advocate/ organisation on your behalf, the District Council may release your “personal data” in response to their queries; this may include information on your age, marital status, housing history, household type, economic status, benefits, income, support services received and medical history.

A Managing Partner will only release information and discuss an applicant's case with an advocate agency if the applicant has given written consent to do. The applicant will be asked to sign a data release consent form.

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## APPENDIX 1 - Priority Bands

**This Policy assesses the relative priority of Bucks Home Choice applicants by placing them in a Priority Band that best reflects the applicant's current housing circumstances and level of housing need.**

**The Priority Bands take account of the requirement of Section 166A (3) of the Housing Act 1996 which states that a local housing authority's allocation scheme must framed so as to secure that Reasonable Preference is given to the categories of household listed in Appendix 3 of this policy.**

**The Priority Bands are listed below.**

<b>Band A</b>
<ol style="list-style-type: none"><li>1. Applicants or a member of his or her household who are living within one of the Partnership Districts and <b>have demonstrated an urgent need to move due to serious imminent personal risk</b> or severe harassment and rehousing is the only option. The Partnership reserves the right to make a Direct Let of accommodation. As determined by a Senior Officer.</li><li>2. Applicant or a member of his or her household whose health or disability is so severely affected that they physically cannot access their current home and/or essential facilities within their current home and it is not possible for adaptations to be carried out to the property to provide this access.</li><li>3. Applicants who cannot leave hospital because they have no suitable accommodation elsewhere and require specially adapted accommodation.</li><li>4. Social Housing tenants with a Registered Provider within the Bucks Home Choice Partnership area who are under-occupying family accommodation and are wishing to downsize to a suitable size property as set down in appendix 2.</li><li>5. Families living in accommodation where there are two or more bedrooms short or the property is statutory overcrowded.</li><li>6. Social Housing tenants within the Partnership area with a Registered Provider and are living in a property that has been built or adapted for a person with a disability and this is no longer needed.</li><li>7. Applicants as assessed by the Safeguarding Board and a more suitable property is essential to reduce the risk.</li></ol>

**Band B**

1. Applicants living in supported housing who have been nominated to the Housing Register as being ready for move on and where there is an agreed move on protocol in place between the landlord/support provider and the District Council with which the applicant is registered.
2. Applicants who are due to leave care of the Children and Families services (Aftercare Team) and who are ready for independent living. Priority band B will only be awarded where the move is being undertaken in accordance with the Buckinghamshire Leaving Care Protocol between Bucks County Council, Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils'.
3. Applicants who need to move on medical grounds because their current home is having a severe impact on the health of a member of the household and re-housing to more suitable accommodation will help to reduce this impact and his/her health will deteriorate if the household is not moved to more suitable accommodation. Priority band B will only apply where the applicant is bidding on properties that will reduce the impact on the health of the member of the households.
4. Households living in accommodation where the household is lacking one bedroom.
5. Living in insanitary or unsatisfactory conditions which would include properties affected by lack of amenities or services, severe damp. Major structural defects, flooding, collapse of roof or statutory nuisance and the conditions cannot be rectified within a reasonable period. As assessed by the partner district council against the relevant legislation including housing standards and relevant safety rating systems.

### **Band C**

1. Applicants that need to move on welfare grounds as agreed by the Bucks Home Choice Partnership. Applicants who need to move on medical grounds because their current home is having an adverse impact on the health of a member of his or her current accommodation and their health will not deteriorate in their current accommodation but the adverse impact will be significantly reduced with a move to more suitable accommodation. The recommendation of the medical advisor may be taken into consideration when deciding what level to priority to award and the type of accommodation necessary to alleviate the impact.
2. Applicants who may need assistance in finding their own accommodation such as adults with a learning disability/ mental health grounds who are ready to leave the family home and who are currently receiving a care package/support package from Bucks CC.
3. Families living within another household where there is sufficient bedrooms to accommodate both families e.g. adult children with their own families living in the parental home
4. Armed Forces applicants who have been discharged due to serious injury in the past five years

### **Band D**

1. Applicants who are subject to the main housing duty S193(2) under the Housing Act 1996 Part VII and have been accepted as homeless, in priority need and unintentionally so by:-  
Aylesbury Vale District Council  
Chiltern District Council  
South Bucks District Council  
Wycombe District Council
2. Singles/Couple with no dependent children sharing where there is no overcrowding. (For the purpose of this policy sharing accommodation means sharing the use of the kitchen, bathroom and toilet facilities)
3. Singles/Couples who are living in HMOs (House in Multiple Occupation). (For the purposes of this policy, a HMO is a building which is lived in by more than one separate household who share basic facilities such as kitchen, bathroom or a toilet. People are treated as being part of the same household if they are related to each other (family members) or live together as a couple)
4. Sofa surfers, single person households without a fixed address who rely upon friends and family for accommodation for limited periods (also known as Sofa Surfers) and verified rough sleepers. (Verified by the Council's partner agencies)
5. Singles or couples who are over 55 and seeking designated aged persons accommodation for persons 55 and over and whose circumstances do not fall into bands A-C and do not hold any form of social housing tenancy within the partnership.

6. Applicants living in Supported Housing who do not qualify under a move on protocol.
7. Applicants who are in care of Children and Families who wish to register prior to being 18 under the Buckinghamshire Leaving Care Protocol.
8. Applicants who are serving in the armed forces (or have served in the armed forces with the five year period immediately preceding their Bucks Home Choice Application) and who do not satisfy any of the Reasonable Preference categories listed in Appendix 3.
9. Applicants who have recently left ministry of defence accommodation because of the death of a spouse, who served in the regular force and whose circumstances do not fall in Priority Bands A,B or C.

### **Band E**

1. Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 and who have been assessed as being owed a relief duty by one of the members of the partnership.
2. Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 and who have been assessed as being owed a prevention duty by one of the members of the partnership(unless a higher priority banding applies).
3. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless and in priority need but have been determined to be homeless intentionally s191(3).
4. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless but not in priority need.
5. Applicants who have applied for assistance to one of the four District Councils' belonging to the Bucks Home Choice Partnership under Part VII of the Housing Act 1996 and have ceased to be subject to a duty under S193 and who meet the circumstances set down in 6.4.2
6. Applicants who have been assessed as having worsened their circumstances.
7. Applicants who are subject to Reasonable Preference under Section 166A(3) of the Housing Act 1996 (see Appendix 3) and who fall within one of the classes of person listed in Section 2.3B of the Policy (i.e. applicants who are deemed not to qualify for the Bucks Home Choice scheme unless they are deemed to have a Reasonable Preference)
8. Applicants accepted under the Right to Move (see Paragraph 3.4)

## Appendix 2

### Bedroom Standard and Type of Accommodation

When deciding the size of property for which applicants will be eligible, the following Bedroom Standard will be used.

Bedroom Standard				
Household Size	Number of bedrooms			
	1 *	2	3	4
Single Person	✓			
Couple wishing to live together	✓			
In exceptional cases e.g. where there are care needs adult siblings wishing to live together		✓		
Parent(s) with one child		✓		
Parent(s) with two children of the same sex both aged under 18 years		✓		
Parent(s) with two children of opposite sex both aged under 10 years		✓		
Parent(s) with two children of the same sex and the oldest is aged 18years or more			✓	
Parent(s) with two children of opposite sex where the older child is aged 10 years or over			✓	

Parents with three children where two children can share (because they are (i) same sex both under 18 or (ii) different sex both under 10)			✓	
Parents with four children where it is possible for two pairs of children to each share a bedroom (because they are (i) same sex both under 18 or (ii) different sex both under 10)			✓	
Parents with three children where none of which can share (same sex over 18 or different sex over 10)				✓
Parents with four children where only two can share (same sex both under 18, or different sex both under 10)				✓
Parents with five or more children				✓

\*For the purposes of this policy a bedsit/studio is considered suitable for either a single person or a couple.

In all cases, where children meet the criteria to share a bedroom, the applicant will only be considered for a property which meets the families need, based on the above bedroom standard.

- When deciding whether an applicant and his or her household is under-occupying accommodation, or lacks one or more bedrooms, the lower number of bedrooms shown against each size of household will be used as the “standard” number of bedrooms required. For example, a family with two children who is living in a relative’s home and has the use of one bedroom will be deemed to lack one bedroom.

Where a bedroom can accommodate bed/beds in line with Housing Benefit rules, this is deemed adequate. There may be exceptions to this i.e. Sloping ceiling under stair or eaves, where it may be relevant to reconsider.

A bedroom being used for storage will still be considered to be available as a bedroom

Where a property has two reception rooms it may be considered that one of the reception rooms can be used as a bedroom.

Type of accommodation

- Age restricted housing will normally be available for applicants over 55.

- Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be made clear in the advertisement of the property

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### **Appendix 3 Reasonable Preference**

The Housing Act 1996 requires that the Bucks Home Choice scheme must give Reasonable Preference to certain groups of people.

The Reasonable Preference groups are listed in Section 166A (3) of the Housing Act 1996 as follows:

- People who are homeless (within the meaning of Part 7 (Homelessness) of the Housing Act);
- People who are owed a duty by any local housing authority under Part 7 (Homelessness) of the Housing Act 1996 because they are:
  - Homeless and in priority need but homeless intentionally;
  - Homeless and in priority need and not intentionally homeless;
  - Threatened with homelessness and in priority need and not intentionally homeless;
  - Not intentionally homeless but not in priority need;
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including grounds relating to disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

The specific categories in the Priority Need bandings (see Appendix 1) take account of these Reasonable Preference categories. However, in deciding how one applicant should be prioritized compared to another with similar needs, the Bucks Home Choice scheme will also take account of factors such as local connection, behaviour and the financial resources available to each applicant.

For example, an applicant who;

- (i) falls into one of the Reasonable Preference categories and
  - (ii) who has a local connection to the Managing Partner's district
- will be placed in a higher priority band than an applicant with similar needs who does not have a local connection.

Further information on the qualification and prioritising of applicants can be found in Section 2 of this Policy



### Appendix 4

<b>Explanation of the terms used in this policy</b>	
Applicant	The term “applicant” includes single people and couples.
Household	The term “household” includes all eligible adults and dependent children included in the applicant’s application. Short term sharing arrangements or temporary part time arrangements will not normally be classified as a household member (see Section 3.3)
Reasonable Preference category	. See Appendix 3.
The Act	The Housing Act 1996 as amended
Child	A person under 16
Housing Register	A database of applicants for Bucks Home Choice
Change of Circumstances	A change in household circumstances (e.g. address/accommodation, addition of an adult household member) that may affect BHC qualification and/or priority banding
Registered Provider	A private non-profit making body that is registered and regulated by Government to provide and manage affordable housing (also known as a Housing Association)
Definition of Social and Affordable Housing	Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

## **Appendix 5**

### **Policies**

In accordance with Section 166A (12) of the Housing Act 1996, the Bucks Home Choice Allocation Policy has been prepared with regard to the following Strategies:

Bucks Tenancy Strategy (Adopted January 2013)

Aylesbury Vale District Council Housing and Homelessness Strategy 2014-2017

Chiltern and District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021

Wycombe District Council Homelessness Strategy 2014-2019

Council  
17 April 2019

## REPORT ON SPECIAL URGENCY PROVISIONS 2018/19

Councillor A Macpherson  
Leader of the Council

### 1. Purpose/Recommendation

- 1.1. To note the position, as set out below, concerning items dealt with under the special urgency rules in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012, or in accordance with the Council's Constitution during the financial year 2018/2019.

### 2 Supporting Information

- 2.1 The above Regulations specify procedures and timescales that have to be followed concerning public access to meetings and documents where a local authority executive, committee or individual is taking an executive decision.
- 2.2 Ordinarily, a specified period of notice of such meetings/items must be given as set out in the Regulations. However, provision is made within the Regulations to enable the consideration of items concerning which it is not possible to give the requisite notice. In particular, the special urgency provisions enable a key decision to be taken which is urgent where consent has been obtained from the relevant Scrutiny Committee Chairman.
- 2.3 It is a requirement that Council be advised annually of the number of cases dealt with under the special urgency provisions. There were two such decisions taken this year. One related to the Capital Programme which needed to be considered in conjunction with the budget setting process for 2019/2020. This was to enable the revenue consequences of capital schemes to be taken into account in determining the revenue budget for the forthcoming financial year. The other related to the disposal of the Scout Hut in Buckingham, where a decision was required urgently to facilitate the sale.
- 2.4 The Council's Constitution makes provision for items to be dealt as a matter of urgency, excluding call-in. Such arrangements have to be agreed by the relevant Scrutiny Committee Chairman. Again, it is a requirement that these actions are reported annually to full Council.
- 2.5 There has been one occasion this year when it was necessary to waive the call-in provisions. This related to the need to meet the deadline set by the Secretary of State for Housing, Communities and Local Government for a response to the Statutory Instrument to be laid in Parliament regarding the creation of a unitary Council for Bucks.

### 3. Options Considered/Reasons for Recommendations

- 3.1 None. It is a legislative requirement that any decisions dealt with under the special urgency provisions of the above Regulations are reported annually to Council. The Constitution requires that urgent items that preclude call-in should also be reported to Council

### 4. Resource Implications

None.

**Contact Officer:** Bill Ashton (01296) 585040  
**Background documents:** None

Council  
17 April 2019

## REVIEW OF MEMBERS' CODE OF CONDUCT

Councillor H Mordue

Chairman of the Standards Committee

### 1. Purpose

- 1.1. To approve a revised Code of Conduct for Aylesbury Vale District Council.

### 2. Recommendation

- 2.1 Council is asked to adopt the revised Code of Conduct for Members, attached as an Appendix to this report (as recommended by the Standards Committee).

### 3. Supporting Information

- 3.1 In response to specific events during the course of last year, Officers were asked to carry out some refresher training for Members on the Code of Conduct. Three separate sessions were arranged and were well received. Coincidentally, the Council commissioned an independent review of the activities of Aylesbury Vale Broadband (AVB). The Audit Committee considered the AVB review conclusions and asked that any review of the Code of Conduct should address the situation in relation to the handling of confidential information.
- 3.2 During the course of the Member training sessions it became apparent that there had been difficulty in interpreting the existing Code of Conduct. This is mainly due to the format, which involves quite a lot of cross referencing and the legal terminology used. Officers were asked to look at the current Code and endeavour to make it clearer. The Lead Legal and Monitoring Officer together with the Deputy Monitoring Officer researched best practice across a wide spectrum of local authorities, but tailoring any changes to local circumstances.
- 3.3 This research resulted in the production of a first draft for informal consideration by the Chairman of this Committee, the Chairman of the Audit Committee and a Member who had asked specifically to be involved in any revision of the Code. The draft was discussed at considerable length, seeking to make the Code as understandable as possible. The revised draft was then submitted to the Standards Committee for consideration. For comparison purposes, the existing Code, which was last reviewed (and adopted) in 2012, can be viewed at <https://democracy.aylesburyvaledc.gov.uk/documents/s11194/SectionGCodesProtocols2017.pdf>
- 3.4 Members may recall that at the last Council meeting the Chairman of the Audit Committee referred to the proposed revised Code of Conduct in connection with the work of his Committee in relation to the guidance document on working with AVDC companies. That work had resulted from the independent auditor's report on the activities of AVB. It had been proposed to submit the revised Code to the last Council meeting, but just before the agenda was published, the Committee on Standards in Public Life published its final report on a review of ethical standards in local authorities. That report includes a number of recommendations which in the main require legislative changes and there is as yet no indication if and when those changes will come into effect.
- 3.5 The Report also however includes some best practice guidance and it was felt that the revised Code of Conduct should be revisited to include that guidance where

appropriate. The Chairmen of the Audit and Standards Committee's have been consulted on these late changes.

- 3.5** The revised Code requires formal adoption by full Council. By way of explanation, the new unitary authority will need in due course to approve its own Code of Conduct. The revised Code attached as an Appendix to this report will serve AVDC up to 1 April, 2020.

**4. Options Considered/Reasons for Recommendations**

- 4.1** There were a number of different formats that could have been selected, but it was felt Standards that the draft attached best meets AVDC's requirements. The reasons prompting the revision include clarity and ease of understanding.

**4. Resource Implications**

None.

**Contact Officers:** Bill Ashton (01296) 585040 (Democratic Services Manager) and Ifty Ali (Lead Legal and Monitoring Officer)

**Background documents:** None

## AYLESBURY VALE DISTRICT COUNCIL

### MEMBER CODE OF CONDUCT

#### MEMBERS' CODE OF CONDUCT

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and Co-opted Members of the Council.

The Code sets out the standard of service that is expected from Councillors and Co-opted Members of the Council. In particular, Councillors and Co-opted Members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.

It is important Councillors and Co-opted Members carry out their duties having regard to the Council's expected standards of conduct, and if in any doubt they should seek guidance from the Lead Legal and Monitoring Officer. This is because in some circumstances a breach of the Code could be a criminal offence, and because any person can make a complaint to the Council if they believe that a Councillor or Co-opted Member has breached the Code. Where Members believe they may have an interest, they should consult the Lead legal and Monitoring officer in advance of the meeting they will be attending. A considered answer cannot be given at the meeting itself in the absence of all the facts.

This Code is adopted in accordance with Section 27(2) of the Localism Act 2011. This requires local authorities to adopt a Code of Conduct that is expected of Members and co-opted Members of the authority.

This Code will be reviewed annually.

#### UNDERLYING PRINCIPLES

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting its meaning:-

- i. **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- iv. **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** - Holders of public office should promote and support these principles by leadership and example.

**APPENDIX A TO THIS CODE:**

**Sets out the definitions of Disclosable Pecuniary Interests.**

**APPENDIX B TO THIS CODE:**

**Gives guidance on confidentiality.**



## PART 1

### GENERAL PROVISIONS

#### 1. **Introduction and interpretation**

- 1.1. This Code applies to **you** whenever you are acting in your capacity as a Member of Aylesbury Vale District Council including:-
- (a) When acting as a representative of the authority;
  - (b) In taking any decision as a Ward Councillor;
  - (c) At briefing meetings with officers;
  - (d) When corresponding with the authority other than in a private capacity.
- 1.2. The term “**the Authority**” used in this Code refers to Aylesbury Vale District Council.
- 1.3. “**Member**” means any person being an elected or Co-opted Member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code:
- “**Meeting**” means **any** meeting of:-
- a) The Authority;
  - b) The Authority’s Cabinet, Committees, Sub-Committees, Joint Committees or Joint Sub- Committees;
  - c) Any of the Authority’s advisory groups and boards, working parties and panels
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011 and is Aylesbury Vale District Council.

#### 2. **General obligations**

##### 2.1. **You must treat others with respect.**

##### 2.2. **You must not:**

- (a) do anything which may cause the Authority to breach UK equalities legislation;
- (b) bully any person;

- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's Code of Conduct.
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

### **3. You must not:**

- 3.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
  - (a) you have the consent of a person authorised to give it;
  - (b) you are required by law or a court of law to do so;
  - (c) the disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - (d) the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the authority.
- 3.2. prevent another person from gaining access to information to which that person is entitled by law.
- 3.3. Papers issued to Members on yellow pages and marked as confidential, as well as papers marked either "not for publication" or "AVDC secure" **should not be disclosed to third parties** unless any of the provisions referred to in (a) – (d) above apply.

### **4. You must not:**

- 4.1. use or attempt to use your position as a Member improperly to:-
  - (a) confer on, or secure for yourself an advantage; or

- (b) confer on or secure for any other person an advantage or disadvantage.

**5. You must:**

- 5.1. when using or authorising the use by others of the resources of your Authority:

- (a) act in accordance with your Authority's reasonable requirements;
- (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) have regard to any Local Authority Code of Publicity. (Commonly known as the purdah rules).

- 5.2. Comply with any formal standards investigation and refrain from making trivial or malicious allegations against fellow Councillors.

**PART 2**  
**INTERESTS**

**6. Disclosable Pecuniary Interests**

- 6.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 6.2. You have a disclosable pecuniary interest if it is of a description specified in Regulations made by the Secretary of State, (attached at Appendix A), and either:
- (a) it is an interest of yours, or
  - (b) it is an interest of:
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if you were civil partners
- and you are aware that that other person has the interest.

**7. Registration of Disclosable Pecuniary Interests**

- 7.1. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of:
- (a) this Code being adopted or applied by the Authority; or
  - (b) your election or appointment (where that is later),
- notify the Authority's Lead Legal and Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.
- 7.2. Subject to paragraph 9 below, (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Authority's Lead Legal and Monitoring Officer in writing of that new pecuniary interest or change.

**8. Disclosable Pecuniary Interests in Matters Considered at Meetings**

- 8.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting:-

if the interest is not entered in the Authority's register of Members' interests, you must, subject to sub-paragraph 9 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's

Lead Legal and Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

- (a) irrespective of whether the interest is registered **you must not** – unless you have obtained a dispensation from the Authority’s Lead Legal and Monitoring Officer:
  - (i) participate, or participate further, in any discussion of the matter at the meeting; or
  - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

**9. Non Statutory Disclosable Interests (Personal)**

9.1. A non statutory interest can be pecuniary or non pecuniary.

9.2. You have a “non-statutory disclosable interest” in an item of business of your authority where:

- i) a decision in relation to that business might reasonably be regarded as positively affecting the well-being or financial standing\* of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the Ward or electoral area for which you have been elected or otherwise of the authority’s administrative area;

or

- ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a “relevant person”) or a person or body with whom you have a close association

and that interest is not a disclosable pecuniary interest.

\* Please note that it is not sufficient for the Member simply to have a financial interest; he or she must also reasonably be considered to have the potential to benefit from the specific decision made to a greater extent than the majority of the Council tax payers, ratepayers or inhabitants of the Ward or electoral area for which he or she has been elected or otherwise of the authority’s administrative area.

9.3. If you attend a meeting and are aware that you have a “Non Statutory Disclosable Interest” in any matter to be considered, or being considered, at that meeting:

- (a) If the interest is not entered in the Authority’s register of Members’ interests, you must, subject to sub-paragraph 9 above (sensitive interests), disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter, and

- (b) If the interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant as to prejudice your judgement of the public interest, you **must not**:
- (i) participate, or participate further, in any discussion of the matter at the meeting; or
  - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting;

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter in a situation where a member of the public would be able to do so.

## **10. Sensitive Interests**

- 10.1. Where you consider (and the Authority's Lead Legal and Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of this Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed to the Lead Legal and Monitoring Officer.

## **11. Dispensations**

- 11.1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a Disclosable Pecuniary Interest or a Non-statutory Disclosable Interest within the meaning of paragraph 10.1 of this Code ("**Relevant Non-Statutory Disclosable Interest**"), a Member may on written notice to the Lead Legal and Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters.
- 11.2. A dispensation requested under paragraph 11.1 may be granted only if, after having regard to all relevant considerations, the Lead Legal and Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (c) granting the dispensation is in the interests of persons living in the authority's area; or
  - (d) if, as in the case of AVDC, it is an authority to which Part 1A of the

Local Government Act 2000 applies and is operating executive arrangements (Cabinet), considers that without the dispensation each Member of the authority's executive would be prohibited by section 31(4) of the Act from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

11.3. A dispensation granted in accordance with paragraph 11 must:

(a) specify the period for which it is granted which must not exceed four years.

(b) specify whether the dispensation allows the Member to take part in discussions on and/or vote on the matter in which they have a Disclosable Pecuniary Interests or Relevant Non-Statutory Pecuniary Interest.

11.4. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.

11.5. A copy of the dispensation, in writing, shall be kept by the Lead Legal and Monitoring Officer.

## **12. Gifts and Hospitality (As a Member)**

12.1. You must, within 28 days of receipt, notify the Lead Legal and Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the authority.

12.2. The Lead Legal and Monitoring Officer will place your notification on a public register of gifts and hospitality, which may be inspected on the Council's web site and which will be updated quarterly.

# Appendix A

## Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPI's are defined in Regulations made in 2012 as follows:-

<b><i>Interest</i></b>	<b><i>Prescribed description</i></b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either -  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



For this purpose –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a Member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a Member of a relevant authority;

“member” includes a Co-opted Member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30 (3) (b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## APPENDIX B

### MEMBERS' CODE OF CONDUCT - GUIDANCE ON CONFIDENTIALITY

Information about the following matters should be regarded as confidential except in the circumstances outlined in paragraphs (i) - (v):

1. Any information which is marked as being confidential, Not for Publication, AVDC Secure or printed on yellow paper
2. Information where the recipient has been advised by a Council officer or member that the information is confidential
3. Information about individual service users or clients (past, present and prospective)
4. Information about individual employees or office holders (past, present and prospective)
5. Information relating to the names of tenderers, contractors, companies and the amounts and terms of contracts with the Council (past, present and prospective) prior to such information being released into the public domain when the tendering process has been completed
6. Information relating to potential or actual criminal proceedings
7. Information in documents which are circulated in draft
8. Personal information covered by the current data protection legislation
9. Information relating to any court case or legal action which is not already in the public domain, unless there is specific legal advice to the contrary
10. Information supplied at lead member briefings, joint member meetings with the Strategic Management Team, and Advisory Groups. Members will be advised whether the information may be made public.

Information is not confidential if it is already in the public domain. This will be:

- (i) Information contained in a published official document
- (ii) Information reported at a meeting which is open to the public
- (iii) Information on the Council's website (this does not include the Council's Intranet)
- (iv) Information where the member has been advised that it is in the public domain

Members **must** seek advice from the Lead Legal and Monitoring Officer on the disclosure of confidential information in advance of the information being disclosed.

### **Disposal of confidential papers**

Red waste paper bins are situated at various locations around the Council's offices where Members can dispose of any unwanted confidential papers. Alternatively Members can hand back their confidential papers to one of the Committee administrators after the particular meeting, who will arrange for their disposal. Failing this, Members should shred the documents.

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Council  
17 April 2019

**ANNUAL REPORT FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE 2018/19**  
**Councillor Mordue**  
**Chairman of the Standards Committee**

**1. Purpose**

- 1.1. To present the Annual Report on the work of the Standards Committee during 2018/2019.

**2. Recommendation**

- 2.1 Council is invited to note the report attached as an Appendix.

**3 Supporting Information**

- 3.1 Although there is no legislative requirement for the Standards Committee to produce an Annual Report, doing so is recognised as good practice. The publication of the report promotes transparency and high ethical standards and keeps the wider Council membership informed of issues addressed during the course of the year.
- 3.2 Following submission of the Report to Council, a copy will be posted on the Council's website.

**Contact officer:** Ifty Ali (Lead Legal and Monitoring Officer) (01296) 585032

**Background documents:** None

**AYLESBURY VALE DISTRICT COUNCIL STANDARDS COMMITTEE  
ANNUAL REPORT 2018/2019**

**1. Background**

- 1.1 The current standards regime was introduced by the Localism Act, 2011, and the existing Code of Conduct was adopted in July, 2012. (Further information on this is contained later in this report)
- 1.2 Under the current regime, Parish/Town Councils have the option of either adopting their own Code of Conduct, based on the model developed by the National Association of Local Councils (NALC), or adopting AVDC's Code. Some have adopted this Council's Code and others the NALC Code. In January, 2019, the results of a review of local government ethical standards carried out by The Committee on Standards in Public Life were published. This Council contributed to the consultation exercise. One of the many recommendations made is that section 27(3) of the Localism Act should be amended to state that Parish Councils must adopt the Code of their principal authority. This and the other recommendations made by the Committee require legislative changes and there is no indication at this stage as to when those changes will (if at all) be made.
- 1.3 The Council is not statutorily required to have a Standards Committee, but it decided after the Localism Act came into force that it should continue to do so in the interests of promoting transparency and high ethical standards in local governance.
- 1.4 The Standards Committee comprises 7 elected Members and is politically balanced according to the political parties represented on the Council. There are two Parish representatives nominated by the Aylesbury Vale Association of Local Councils (AVALC) to ensure that the interests of Parish/Town Councils are properly taken into account in the decision making process when dealing with complaints against Town/Parish Councillors.
- 1.5 The Localism Act requires the appointment of at least one Independent Person, but AVDC has two in order to cover any contingencies. At the moment there is no limit on the time that Independent Persons can serve. However, one of the recommendations of the Committee on Standards in Public Life is that the term of office of Independent Persons should be fixed for two years, renewable only once. Again this is reliant on a legislative change, the date for which is unknown.
- 1.6 The Parish representatives and the Independent Persons are invited to attend every meeting of the Standards Committee in an advisory capacity. This too could be changed in due course following the Committee on Standards in Public Life's recommendation that these individuals should become full voting Members of the Standards Committee.
- 1.7 This report relates to the period May, 2018 to April 2019.

## **2. Standards Activity**

2.1 Since May, 2018, (in fact from August 2018 to date), there have been 11 complaints against Parish Councillors and one complaint against a District Councillor. Very brief details are given below:-

- Wing – 2 complaints (non declaration of interest). Both withdrawn
- Drayton Parslow – 2 complaints (one about alleged disrespect, the other about damaging the reputation of the Council). Both went to stage two where it was decided that no further action was necessary.
- Steeple Claydon – one complaint (non declaration of interest). Went to stage two where it was decided no further action was necessary.
- Stowe – 4 complaints (various but mainly disrespect). Went to stage two where it was decided that no further action was necessary.
- Nash – one complaint (acting in own interests). Awaiting determination.
- Stowe – one complaint (breach of legislation). Awaiting determination.
- District Councillor – (failure to respond to residents). Went to stage two, where it was decided that no further action was necessary.

2.2 By way of reminder stage one involves trying to seek a local resolution, stage two involves a review hearing by the Chairman of the Standards Committee and an Independent Person.

2.3 Members will recall that last year, as part of the consideration given to the independent auditor's report on the activities of AVB, and for the purposes of clarity and ease of understanding, the existing Code of Conduct should be reviewed. The review was carried out by the Lead Legal and Monitoring Officer in conjunction with the Chairmen of the Audit and the Standards Committees, together with one back bench Member who had expressed a specific interest to become involved.

2.4 The review was comprehensive, and Members may recall the Chairman of the Audit Committee mentioning at the last Council meeting that this review had been completed but that the Committee on Standards in Public Life had, in addition to making a number of recommendations to Government, had also listed what it felt was best practice. He mentioned that the Lead Legal and Monitoring Officer was looking at the revised Code to ensure that it picked up the best practice advice. That work had been completed and elsewhere on this agenda is a revised Code of Conduct for Council approval. Of course, the new unitary authority will in due course need to consider its own Code.

## **3. Conclusions**

3.1 I hope that Members will agree that the level of governance work undertaken this year demonstrates the Council's determination to maintain high ethical standards.

**Councillor Howard Mordue**  
**(Chairman of the Standards Committee)**

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**Council**  
**17 April 2019**

## **ANNUAL SCRUTINY REPORT 2018-19**

### **1 Purpose**

- 1.1 To submit the Annual Scrutiny Report 2018-19 of the Scrutiny Committees to the Council, as required by Article 6 of the Council's constitution.

### **2 Recommendations/for decision**

- |   |
|---|
| 2.1 That the Annual Scrutiny Report 2018-19 be noted. |
|---|

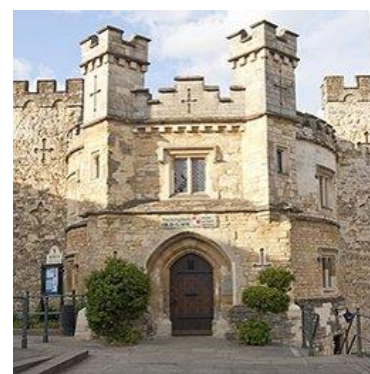
### **3 Supporting information**

- 3.1 This annual report provides Members with an overview of the work carried out over the last twelve months by the Council's scrutiny committees, and provides a brief summary of the further challenges and opportunities for scrutiny looking forward to 2019-20.
- 3.2 It is intended to use the report to generate greater public interest and engagement in the overview and scrutiny process. A copy of the final report will be emailed to all Parishes and will also be available on the Council's website.
- 3.3 In accordance with the constitutional changes agreed at the full Council meeting on 23 February, 2011, the annual scrutiny report has been agreed by the Chairmen of the four Scrutiny Committees.

Contact Officer  
Background Documents

Craig Saunders (01296) 585043  
None

# Overview and Scrutiny Annual Report 2018/2019



# Introduction

The Council's overview and scrutiny role allows Councillors to look closely at services and issues which affect the lives of local people – usually with a view to improving them. It's more commonly referred to simply as scrutiny.

Each year the Council produces a Scrutiny Annual Report which provides an account of the work carried out as part of the Council's overview and scrutiny arrangements.

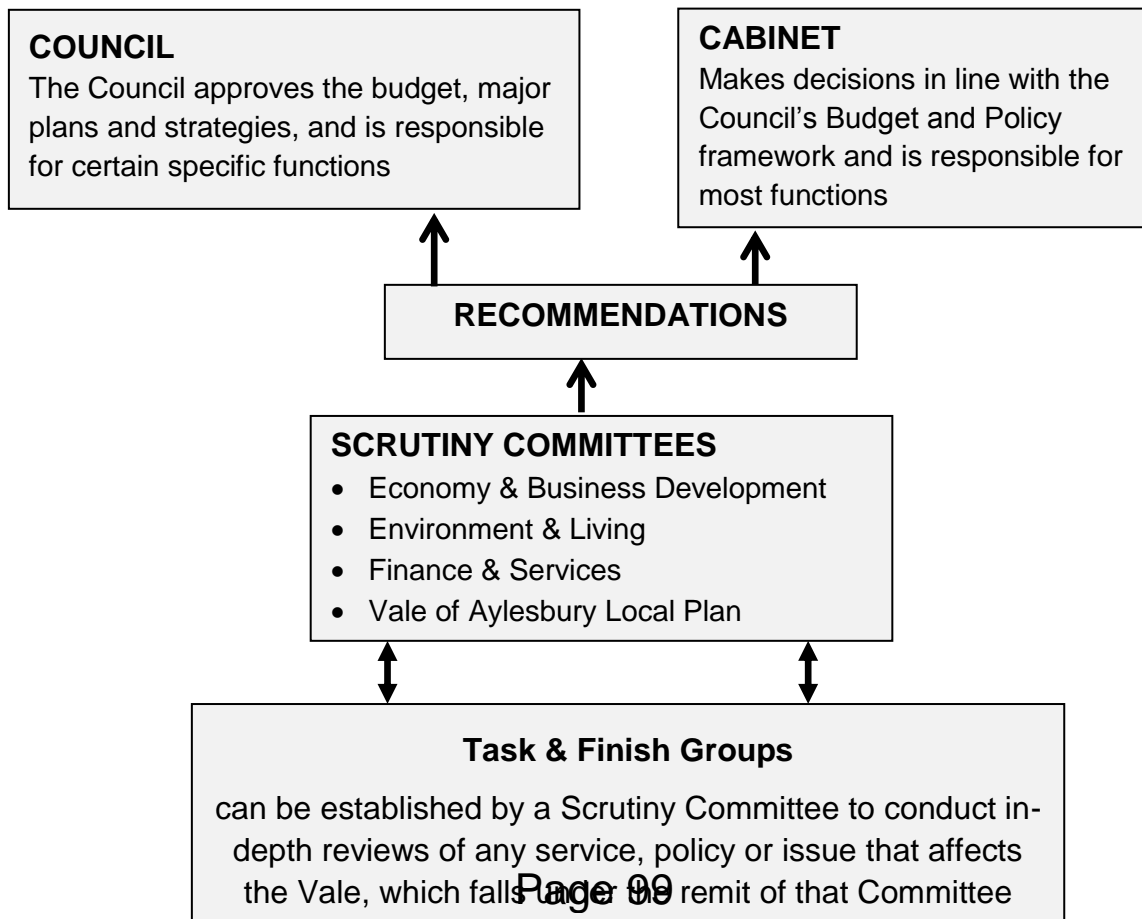
This provides an excellent opportunity for members of the public to see easily what Council functions and activities have been scrutinised over the past year and what may be looked at during the next year. There is also a form at the back of the report which can be used to allow people to raise issues which Scrutiny Committees may wish to investigate in the future.

# What is Overview and Scrutiny?

All non-Executive councillors are eligible to participate in the work of scrutiny to review, support and improve Council services and to consider wider issues affecting the people of Aylesbury Vale.

The Council has four overview and scrutiny committees that consider new policies that are being developed, existing policies to see how well they are working and performance information to check that the Council is meeting the standards that have been set.

Each of these committees is also able to establish time-limited Task and Finish Group reviews that focus on a particular issue and consider it in greater detail than is possible at Committee. This usually happens at a number of meetings held over a 6-7 months period.



# Membership of the Scrutiny Committees

## Economy and Business Development Scrutiny Committee

The role of the Economy and Business Development Scrutiny Committee is to grow the economy by attracting new businesses to the Vale, improving the infrastructure of the Vale and delivering town centre projects.

### Chairman

Councillor Cameron  
Branston



### Vice Chairman

Councillor Warren  
Whyte



**Membership:** Councillors Brian Adams, Jenny Bloom, Bill Chapple OBE, Brian Foster, Mike Hawkett (until 26/3/19), Tom Hunter Watts, Sandra Jenkins, David Lyons (from 26/3/19), Chris Poll and Waheed Raja.

**Statistics:** information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaledc.gov.uk/mgCommitteeDetails.aspx?ID=139>

**Future meetings:** 17 June 2019, 10 September 2019, 6 November 2019, 21 January 2020

## Environment and Living Scrutiny Committee

The role of the Environment and Living Scrutiny Committee is to protect and improve the living experience in the Vale by enhancing our natural and built environment, building better communities and improving our towns.

### Chairman

Councillor Sandra  
Jenkins



### Vice Chairman

Councillor Ben Everitt



**Membership:** Councillors Mark Bateman, Sue Chapple, Andrew Cole, Simon Cole, Peter Cooper, Tom Hunter-Watts, Sally-Anne Jarvis, Roger King and Michael Rand.

**Statistics:** information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaledc.gov.uk/mgCommitteeDetails.aspx?ID=141>

**Future meetings:** 25 June, 2019, 24 September 2019, 3 December 2019, 10 February 2020

## Finance and Services Scrutiny Committee

The role of the Finance and Services Scrutiny Committee is to deliver efficient and economic services by improving our services, generating more income and reducing costs.

**Chairman**  
Councillor Michael  
Rand



**Vice Chairman**  
Councillor Ben Everitt



**Membership:** Councillors Jenny Bloom, John Chilver, Steven Lambert, Richard Newcombe, Mike Smith, Mary Stamp, Robin Stuchbury and Mark Winn.

**Statistics:** information on attendance at meetings (including temporary changes), previous agendas/minutes and temporary changes is accessible on the Council's website at <http://democracy.aylesburyvaledc.gov.uk/mgCommitteeDetails.aspx?ID=143>

**Future meetings:** 2 July 2018, 9 September 2019, 11 November 2019, 16 December 2019

## Vale of Aylesbury Local Plan Scrutiny Committee

The role of the Vale of Aylesbury Local Plan Scrutiny Committee is to undertake the overview and scrutiny function in relation to the plans, schemes, statements and documents which together comprise the Vale of Aylesbury Local Plan.

Full Council resolved on 18 October 2017 to agree the proposed draft of the VALP which, after a period of statutory consultation, was subsequently put forward for Examination. As such, no scheduled meetings of this Scrutiny Committee were held during 2018-19. Information on the VALP is available on the Council's website at [www.aylesburyvaledc.gov.uk/section/vale-aylesbury-local-plan-valp-2013-2033](http://www.aylesburyvaledc.gov.uk/section/vale-aylesbury-local-plan-valp-2013-2033)

**Chairman**  
Councillor Chris Poll



**Vice Chairman**  
Councillor Andrew  
Cole



**Membership:** Councillors Brian Adams, Michael Collins, Michael Edmonds (until 8/11/2018), Sandra Jenkins, David Lyons (from 11/3/19) and Llew Monger.

# Key scrutiny work undertaken during 2018/19

The work of overview and scrutiny during 2018/19 has considered some of the following issues and themes:-

## **Overarching (all Committees)**

- **Working with external partners and local communities** – During the year, a range of organisations and individuals from outside the Council have assisted scrutiny work, including the County Council, the Vale of Aylesbury Housing Trust, Buckinghamshire Advantage and Aylesbury Vale Estates.
- **Working with the Cabinet / Cabinet Members** – Cabinet Members have continued to be actively involved with scrutiny review work and ensured that the good scrutiny/Cabinet relationship has developed and strengthened.

## **Economy and Business Development Scrutiny Committee**

- Aylesbury Vale Enterprise Zones Update
- Aylesbury Vale Estates – review of performance against 2017-18 Business Plan
- Draft Parking Strategy for Aylesbury Town Centre
- Local Enterprise Partnerships Review
- Aylesbury Vale Estates Business Plan 2019/22
- Local Industrial Strategies

## **Environment and Living Scrutiny Committee**

- Update to the Private Sector Housing Regeneration Policy
- Development Management Update
- Anti Social Behaviour Policy
- Street and Horticultural Contract
- Bucks Home Choice Allocations Policy
- Planning Enforcement Update
- CCTV
- Housing and Homelessness Strategy Update
- Community Safety Partnership

## **Finance and Services Scrutiny Committee**

- Leisure Centres Management Contract – Annual Review
- Kingsbury and Market Square Improvement Schemes
- Treasury Management 2017-18 Year End Report
- Budget Planning 2019-20
- Budget Scrutiny / in-year monitoring of the Council's financial performance
- Silverstone Heritage Experience
- Treasury Management 2018-19 Mid Year Review
- Connected Knowledge Investment Proposal
- Capital Programme Review
- Treasury Management Strategy 2019-20
- Public Sector Equality Duty
- Debt Management Report

## How is AVDC changing?

AVDC is changing as like all local authorities the amount of money it receives from central Government towards the costs of running local Council services has reduced significantly since 2010.

To meet this challenge the Council has implemented new ways of working and re-structured the workforce to ensure that it is more commercial focussed. It has also reviewed every aspect of every service to find more cost effective ways of operating them, as well as looking for more business opportunities. While £20m has been saved in the last 9 years through both efficiencies and new income streams, further savings/income still need to be found.

More information on the Changes to the way the Council works, charges introduced for some services, some services that have been stopped and changes the Council has already made are detailed on the website at <https://www.aylesburyvaledc.gov.uk/how-avdc-changing>

## What are our challenges for 2019/20?

### **A new unitary council for Buckinghamshire**

On 1 November 2018 the Government announced a single unitary council for Buckinghamshire.

This will be a brand new council replacing the 4 District Councils and the County Council on 1 April 2020. The new council will cover the whole of the county area and deliver all local government services that the District and County Councils in Buckinghamshire currently provide.

The existing Councils will continue to ensure that their scrutiny work reflects the concerns of service users, the community and the public and that they consult with a wide range of organisations, partners and the public for suggestions for scrutiny review and then on the actual work programme.

This will include monitoring Councils' performances and recommending action for improvement so that services are in the best possible position to be taken forward to the Buckinghamshire Council.

A Shadow Authority will be formed in mid 2019 which will oversee the arrangements being put in place for the new Council. This will include a Shadow Overview and Scrutiny Committee that will have a primary aim to provide objective and timely scrutiny to support the successful implementation of the new Buckinghamshire Council.

As the first 2020/21 budget for the new Buckinghamshire Council will be approved by the Shadow Authority in early 2020, scrutiny of that budget will be undertaken by the Shadow Overview and Scrutiny Committee.

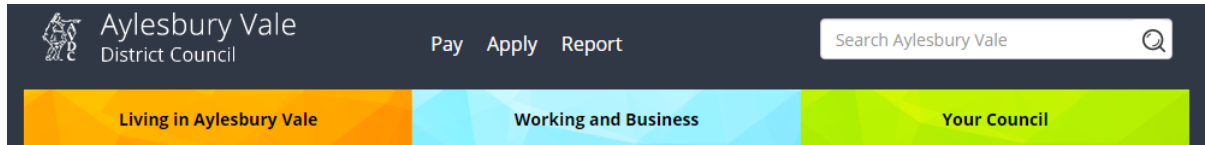
Let us know about issues that the existing AVDC Scrutiny Committees may wish to investigate in 2019-20 by returning the Get Involved 'Have Your Say': Suggestions for Scrutiny form on page 8.



# Overview and Scrutiny on the web

Overview and Scrutiny has a dedicated section on the Council's website and can be found at <https://www.aylesburyvaledc.gov.uk/section/scrutiny>

This website provides up-to-date information on overview and scrutiny at AVDC.



[Your Council](#) > [Councillors, meetings and elections](#) > [Scrutiny](#) >

## Scrutiny

### What does a scrutiny committee do?

- holds the cabinet to account
- monitors and reviews policies
- reviews council services to obtain better outcomes for the community

All scrutiny committee meetings are open to the public to attend unless otherwise stated.

You may suggest an item for one of the scrutiny committees to consider by filling in the form below.

### Scrutiny committee reviews

Scrutiny committees undertake both in-depth reviews and one-off reviews. The latter are suited to issues that don't fit with the council's ordinary decision making procedure, or on which we only have an advisory role.

At the end of a review, the chairman of the scrutiny committee presents recommendations to cabinet, who then decides whether or not to accept the recommendations.

### The 'call in' procedure

A scrutiny committee can decide to 'call in' a cabinet or cabinet member decision, meaning it will review it and make its views known.

If, after considering the decision, the scrutiny committee remains concerned about it, they can either refer it back to the decision-making person or body for reconsideration or, in exceptional circumstances, refer it to the full council.

Urgent decisions cannot be 'called in'.

Other information

- [Scrutiny annual report 2017-18](#)
- [Scrutiny suggestion form](#)



**Councillor Call for Action**



**The scrutiny committees**



# Get Involved – Have your say

## Scrutiny Suggestion form

The Scrutiny Committees would welcome suggestions from members of the public, businesses or other organisations who wish to put forward issues which they feel could warrant review.

### Your Subject

Please tell us about the subject you would like the Scrutiny Committees to review by either completing the form below or by visiting the website at:  
[www.aylesburyvaledc.gov.uk](http://www.aylesburyvaledc.gov.uk)

Suggested topic:

Why do you feel the topic should be reviewed?

Have you contacted Aylesbury Vale District Council about this issue in the past? (Please give details)

Name:

Address

Postcode:

Telephone Number:

Email address:

Organisation:

(where appropriate)

Thank you for completing the form. We'll acknowledge receipt of your suggestion and let you know what happens next. Unfortunately we're not always able to review topics suggested.

Please return to: Democratic Services, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF ([admin@aylesburyvaledc.gov.uk](mailto:admin@aylesburyvaledc.gov.uk))

# Contact Us

Telephone: 01296 585043  
Text Relay: Please prefix your telephone number with 18001

Email: [admin@aylesburyvaledc.gov.uk](mailto:admin@aylesburyvaledc.gov.uk)

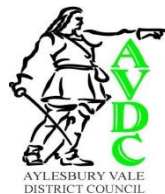
Address: Democratic Services  
Aylesbury Vale District Council  
The Gateway  
Gatehouse Road  
Aylesbury  
HP19 8FF

Web: [www.aylesburyvaledc.gov.uk/section/scrutiny](http://www.aylesburyvaledc.gov.uk/section/scrutiny)

**If you want to know more about overview and scrutiny at AVDC  
then please feel free to contact Democratic Services**

**This document can be made available in other formats. For more information please telephone (01296) 585043**

**To be published in mid 2019 (subject to Council approval)**



Democratic Services  
AYLESBURY VALE DISTRICT COUNCIL  
The Gateway Gatehouse Road Aylesbury Bucks HP19 8FF  
Tel: (01296) 585043 Text Relay: prefix your telephone number with 18001  
Email: [admin@aylesburyvaledc.gov.uk](mailto:admin@aylesburyvaledc.gov.uk) [www.aylesburyvaledc.gov.uk](http://www.aylesburyvaledc.gov.uk)

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## ALLOCATION OF SEATS ON COMMITTEES

### 1 Purpose

- 1.1 To update Members on seats on Committees allocated to each political group.

### 2 Recommendations/for decision

- 2.1 That the allocation of seats on Committees to each political group be agreed, as detailed at Appendix 1

### 3 Supporting information

- 3.1 The distribution of seats on committees is governed by Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, which require the allocation to accord with the roles on proportionality. AVDC has traditionally decided to implement the provisions of the Act on an informal basis to allow Group Leaders to determine seat allocations on an informal basis.
- 3.2 Members may recall that the Regulations state that seats on Committees must be allocated to each political group in the same proportion to the number of seats held by each of those groups on the District Council (rules of aggregation as well as being in the correct proportions on each committee individually, in so far as this may be practicable).
- 3.3 There have been a number of changes to political groups in the last month. Current Councillor information including committee seat entitlements is as follows:-

Political Group	Seats on Council	% of whole	Entitlement to seat actual	Entitlement to seats rounded
Conservative	38	64.4%	66.34	66
Liberal Democrat	12	20.3%	20.95	21
Buckinghamshire Residents Association	3	5.1%	5.24	5
Labour	2	3.4%	3.49	3
Independent Conservative	2	3.4%	3.49	3
Independent	1	1.7%	1.75	2
Green Party	1	1.7%	1.75	2
<b>TOTAL</b>	<b>59</b>	<b>100%</b>	<b>103</b>	<b>102</b>

- 3.4 The total number of seats on Committees is 103. As such, and following a Group Leaders' meeting on 2 April 2019, the number of seats allocated on individual committees may vary slightly to take account of those discussions.

3.5 Council is asked to consider and agree the allocation of seats on Committees to each political group, as detailed at Appendix 1.

Contact Officer  
Background Documents

Craig Saunders (01296) 585043  
None

APPENDIX 1

Aylesbury Vale District Council - April 2019										Appendix 1
(Allocation of Seating)										
		Rounded to Whole Numbers								Check
	Total Voting	Conservat	Lib Dem	BRA	Labour	Ind Con	Indep	Green	Vacant	Totals
	Members	-ives								
Scrutiny Cttee - VALP	7	4	1	1	0	0	0	1	-	7
Scrutiny Cttee - Economy & Bus Dev	11	7	2	1	0	0	0	1	-	11
Scrutiny Cttee - Environment & Living	11	7	2	0	1	0	1	0	-	11
Scrutiny Cttee - Finance & Services	11	7	2	0	1	1	0	0		11
Development Management	11	8	2	0	0	0	1	0	-	11
Strategic Development Management	9	6	1	1	0	1	0	0	-	9
Licensing	10	6	3	0	0	0	1	0	-	10
Appeals & Complaints	7	4	1	1	0	1	0	0	-	7
General Purposes	5	4	1	0	0	0	0	0	-	5
Senior Appointments Committee	5	3	1	0	0	1	0	0	-	5
Audit Cttee	9	5	2	1	1	0	0	0	-	9
Standards	7	5	2	0	0	0	0	0	-	7
	103	66	20	5	3	4	3	2	-	103

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Council  
17 April 2019

**NEW NOTICE OF MOTION: ENABLING WORKS FOR HS2**  
**Councillor Mrs Paternoster**  
**Cabinet Member for Strategic Planning and Infrastructure**

**1 Purpose**

1.1 To consider the Notice of Motion set out below.

**2 Supporting information**

2.1 The following Notice of Motion has been submitted by **Councillor Chilver** and seconded by **Councillor Mrs Macpherson**:-

‘This Council proposes that the Leader should write to Government to request that all enabling works for HS2 in the Aylesbury Vale District should be paused until the Notice to Proceed to main works contractors has been approved. As required by the Department of Transport, Notice to Proceed should not be given until management capability, affordability of contracts and robustness of revised business case have all been proven. We see no reason why Aylesbury Vale District should suffer significant disruption and long term environmental destruction until detailed design and cost have been approved. We also ask that HS2 Ltd significantly improves the effectiveness of its community engagement with those impacted by the line.’

2.2 The Chairman has consented to this Motion being dealt with at this meeting, and the procedure will be as follows:

- Councillor Chilver will be invited to propose the Motion and explain the rationale (**Maximum of 5 minutes**).
- Councillor Mrs Macpherson will then be invited to second the Motion. Councillor Mrs Macpherson may speak at that point or reserve her speech until later during the debate. In either case, Councillor Mrs Macpherson will have a **Maximum of 5 minutes**.
- The Motion will then be open for debate.
- The Chairman of the Council will ask Members who wishes to speak.
- Councillor Chilver will have a right of reply at the end of the debate.
- A vote will then be take.

Contact Officer  
Background Documents

Bill Ashton (01296) 585040 (Re. the process)  
None

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