



CABINET

19 September 2012

A Meeting of the CABINET will be held on Wednesday, 26th September, 2012, 6.00 pm in Committee Room 1 Marmion House, Lichfield Street, Tamworth

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting** (Pages 1 - 2)
- 3 Declarations of Interest**

To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.

When Members are declaring a personal interest or personal and prejudicial interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a personal and prejudicial interest in respect of which they do not have a dispensation.
- 4 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**

None
- 5 Budget and Medium Term Financial Planning Process** (Pages 3 - 14)
(Report of the Leader of the Council)
- 6 Local Authority Mortgage Rate for Mortgages Under Housing Act 1985**
(Pages 15 - 16)
(Report of the Portfolio Holder for Core Services and Assets)
- 7 Re-investing Right to Buy receipts in Affordable Housing** (Pages 17 - 34)

(Report of the Portfolio Holder for Housing)

- 8 Options for Flexible Tenure for Council Homes** (Pages 35 - 122)
(Report of the Portfolio Holder for Housing)
- 9 Tamworth Local Air Quality Management** (Pages 123 - 132)
(Report of the Portfolio Holder for the Environment and Waste Management)
- 10 Tamworth Centre Supplementary Planning Document** (Pages 133 - 200)
(Report of the Portfolio Holder for Economic Development and Enterprise)

Restricted

NOT FOR PUBLICATION because the report could involve the disclosure of exempt information as defined in Paragraphs 1, 3 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

- 11 Tamworth Golf Course** (Pages 201 - 214)
(Report of the Portfolio Holder for Economic Development and Enterprise)

Yours faithfully



Chief Executive

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, R Pritchard, L Bates, S Claymore, S Doyle, M Greatorex and J Oates



MINUTES OF A MEETING OF THE CABINET HELD ON 5th SEPTEMBER 2012

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore and M Greatorex

The following officers were present: Anthony E Goodwin (Chief Executive), John Wheatley (Executive Director Corporate) and Stefan Garner (Director of Finance)

48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Bates, S Doyle and J Oates.

49 CORPORATE UPDATE

The Chief Executive gave a presentation on the Police and Crime Commissioner.

50 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 August 2012 were approved and signed as a correct record.

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

51 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

52 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None

53 QUARTER 1 2012/13 PERFORMANCE REPORT

The Report of the Leader of the Council aiming to provide Cabinet with a performance and financial health-check was considered.

RESOLVED: That the contents of the report be endorsed.

(Moved By Councillor D Cook and seconded by Councillor R Pritchard)

54 BUSINESS RATES POOLING

The Report of the Portfolio Holder for Core Services and Assets seeking Cabinet's approval of the option to pool Business Rates with other Authorities was considered.

RESOLVED: That:

- 1 Cabinet prefer pooling with the Greater Birmingham & Solihull LEP, and;
- 2 In order to give consideration to any new or updated information in the period up to the deadline of 10th September, 2012 that the Chief Executive in consultation with the Leader of the Council and Cabinet Member with portfolio for Core Services and Assets be authorised to make the final decision on pooling arrangements and submit to Department for Communities & Local Government by the appointed time
(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

55 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2011/12

The Report of the Portfolio Holder for Core Services and Assets seeking approval for the Annual Report on the Treasury Management Service and Actual Prudential Indicators 2011/12 was considered.

RESOLVED: That:

- 1 The actual 2011/12 Prudential Indicators within the report and shown at Appendix 1 be approved, and;
- 2 The Treasury Management Stewardship report for 2011/12 be accepted.
(Moved by Councillor R Pritchard and seconded by Councillor M Greateorex)

Leader

26th September 2012

REPORT OF THE LEADER OF THE COUNCIL

BUDGET AND MEDIUM TERM FINANCIAL PLANNING PROCESS

EXEMPT INFORMATION

None

PURPOSE

To seek agreement to the proposed budget and medium term financial planning process for General Fund and the Housing Revenue Account for 2013/14.

RECOMMENDATION

That the proposed process for the General Fund and Housing Revenue Account Budget and Medium Term Financial Planning Process for 2013/14 be adopted.

EXECUTIVE SUMMARY

In light of the ongoing national economic situation and the significant constraints in public spending following the 2010 Comprehensive Spending Review (CSR) in these times of Government austerity, it has been accepted previously that a measured approach to budget setting is necessary, due to constraints and uncertainties over the pace and depth of further grant funding reductions.

It has been recognised by the Executive Board that Members will need to focus on strategic decisions relating to high level financial issues as flexibility within future budgets will be extremely limited - as any growth proposals would require compensating reductions in other budget areas & services. There is also a high degree of uncertainty arising from the most significant changes in Local Government funding for a generation, planned with effect from 1st April 2013, arising from the Local Government Finance Bill - Business Rates Retention, changes in Support for Council Tax and technical reforms to Council Tax - as well as other changes arising the Government's Welfare Reform agenda.

A commitment was made as part of the 2011/12 budget process to protect front line services (as far as possible) together with locality working (with ongoing support for the most vulnerable and those affected by the recession).

The Council holds sufficient funds in reserves and balances to allow it to plan its approach to budget setting in the short term following the programme of activity reviews identified to help the Council cope with grant & income reductions in the coming years.

The attached Project Plan at **Appendix A** lists the stages, deadlines and the responsible officers for the production of the budget and medium term financial plan. **Appendix B** contains an outline of the process whilst **Appendix C** shows the flow of key stages over the process period.

Members are asked to endorse the process to be followed.

RESOURCE IMPLICATIONS

There are no financial or resource implications arising from the implementation of the Budget and Medium Term Planning Process.

LEGAL/RISK IMPLICATIONS BACKGROUND

It is considered that a Medium Risk to the achievement of the planned timetable exists due to the potential for a delay in the:

1. Provision of information and advice from managers;
2. Royal Assent for the Local Government Finance Bill (including finalisation of the Business Rates Retention scheme proposals); and
3. Publication of Business Rates Retention and Revenue Support Grant (RSG) information by the Department for Communities & Local Government (DCLG).

SUSTAINABILITY IMPLICATIONS

None

CONCLUSIONS

Members are asked to endorse the process to be followed.

BACKGROUND INFORMATION

Budget and Medium Term Financial Planning Process

Budget Process Approach

In light of the ongoing national economic situation and the significant constraints in public spending following the 2010 Comprehensive Spending Review (CSR) in these times of Government austerity, it has been accepted previously that a measured approach to budget setting is necessary, due to constraints and uncertainties over the pace and depth of further grant funding reductions.

There are significant uncertainties over future grant levels which, for 2013/14 should be clarified when the provisional Business Rates Retention and Revenue Support Grant and the associated figures are published in November - followed by final notifications expected in January.

It has been recognised by the Executive Board that Members will need to focus on strategic decisions relating to high level financial issues as flexibility within future budgets will be extremely limited - as any growth proposals would require compensating reductions in other budget areas & services. There is also a high degree of uncertainty arising from the most significant changes in Local Government funding for a generation, planned with effect from 1st April 2013, arising from the Local Government Finance Bill - Business Rates Retention, changes in Support for Council Tax and technical reforms to Council Tax - as well as other changes arising the Government's Welfare Reform agenda.

A commitment was made as part of the 2011/12 budget process to protect front line services (as far as possible) together with locality working (with ongoing support for the most vulnerable and those affected by the recession).

The Council holds sufficient funds in reserves and balances to allow it to plan its approach to budget setting in the short term following the programme of activity reviews identified to help the Council cope with grant & income reductions in the coming years.

As part of the budget process Policy Changes are required in order to amend base budget provision. As grant and other income levels are reducing, where increased costs are unavoidable then managers should identify compensatory savings. Where savings are identified they must be accompanied by a robust implementation plan. Robust Business Case templates will have to be submitted to the Executive Board for all Policy Change submissions (Revenue and Capital).

A more detailed summary of the process is attached at **Appendix A** with an outline of the process and flow chart of the process being shown at **Appendix B and C**.

Budget Consultation

For 2013/14, following input through a Member/Officer Working Group, a range of consultation has been planned to gauge residents', business and other core stakeholders' views on the Council's priorities to achieve the 'Vision' considering areas of spending or where savings could potentially be made.

The consultation, detailed at **Appendix D**, will be carried out through an online survey and a drop in event.

There will be three online surveys. A survey that is tailored for businesses, a full survey aimed at residents and a survey that is tailored for the voluntary and community sector. The online residents survey will be promoted using social networking/media sites and through email contact databases. The business survey will be promoted through business social networking sites and business email contact databases. The voluntary and community sector survey will be promoted through email contact databases.

The drop in session will be consistent, asking the same question set as the survey but allowing for a dialogue between the public and Cabinet members.

Timetable

Significant milestones in the process, detailed at **Appendix A**, are planned as:

- a) Consultation process - results to Cabinet 17th October 2012;
- b) Provisional Business Rates Retention / RSG settlement assessment to Executive Board December/January 2013;
- c) Base budget and technical adjustments to Cabinet 28th November 2012;
- d) Council Taxbase calculation and Business Rates Forecast to Cabinet 28th November 2012;
- e) Cabinet proposals to a Leaders Budget Workshop 4th December 2012;
- f) Final Budget and Medium Term Plan reports to Cabinet 20th February 2013;
- g) Budgets set at Council 26th February 2013.

It should be noted that the complexity of some of the issues and the reliance on the Government for Business Rates Retention and RSG data to report might mean that some reports have to be treated as urgent and/or are considered at a later meeting.

REPORT AUTHOR

Stefan Garner, Director of Finance, Telephone: 01827 709242

LIST OF BACKGROUND PAPERS

None

APPENDICES

Appendix A

Project Plan for the Budget and Medium Term Financial Planning Process for the year 2013/14

Appendix B

Outline of the Budget and Medium Term Financial Planning Process

Appendix C

Flowchart of the Budget & Medium Term Financial Planning Process

Appendix D

2013/2014 Budget Consultation

Budget and Medium Term Financial Planning Process for 2013/14			
	Project Plan	Deadline	Responsible Officer/s
1	<p>Review of the 2012/13 process, formulation of 2013/14 process and report to Executive Board 17th September 2012, Cabinet 26th September 2012, including:</p> <ul style="list-style-type: none"> • Review of potential budget issues; • The Budget Consultation process. 	<p>01/09/2012</p> <p>31/08/2012</p> <p>31/08/2012</p>	<p>DOF</p> <p>EDCS / DOF</p> <p>DOF / Financial Accountant/ Corp. Consultation Officer</p>
2	<p>Policy Changes</p> <ul style="list-style-type: none"> • Circulation to Directors of provisionally approved policy changes for 2012/13 onwards - for confirmation or otherwise; • Any unavoidable cost increases arising from, for example, legislative or demand led changes (e.g. reduced income), be identified and included together with completion of 2011/12 outturn review; • Return of responses with Business Cases completed for new proposals, to Corporate Accountancy for collation; • Meeting of CMT to review all Revenue Policy Changes proposals on 22nd October 2012; • Responses to be presented to Executive Board 19th November for initial consideration. 	<p>19/09/2012</p> <p>03/10/2012</p> <p>12/10/2012</p> <p>22/10/2012</p> <p>02/11/2012</p>	<p>Accountants</p> <p>Director/Accountants</p> <p>Director/Accountants</p> <p>DOF / Accountants</p> <p>DOF / Accountants</p>
3	<p>Consideration of responses – including an analysis of the impact of such on the overall financial position of the Council at CMT 5th November, Executive Board 19th November and Cabinet 28th November 2011, to formulate/consider budget proposals in detail prior to Budget Workshop review 4th December 2012.</p>	<p>02/11/2012</p>	<p>Director/Accountants</p>
4	<p>Capital Programme</p> <ul style="list-style-type: none"> • Directors to review & confirm the provisionally approved capital schemes already contained within the 5 year capital programme (including a 'block allocation' for Cabinet approval of new schemes during the year); 	<p>19/10/2012</p>	<p>Director/Accountants</p>

	Project Plan	Deadline	Responsible Officer/s
	<ul style="list-style-type: none"> Formulation of new 5 year programme including appraisal forms etc to be submitted to the Asset Strategy Group (ASG) prior to submission to Executive Board; Capital Programme report to CMT 5th November, Executive Board 19th November 2012. 	26/10/2012	Director/Accountants
5	Charges for Services – Updated recharges basis adjusted for any structural issues, proposals to be discussed at CMT 19 th November, base recharges to be completed by 31 st October 2012 to allow consultation period (to December 2012).	31/10/2012	Director/Accountants
6	State of Tamworth Debate, to inform the budget process.	23/10/2012	CMT
7	Budget Consultation – Cabinet receive 17 th October 2012, the results of the consultation process,	07/10/2012	Corporate Consultation Officer
8	Consideration of the adjusted base budget, at CMT 5 th November / Executive Board 19 th November / Cabinet 28 th November 2012.	02/11/2012	EDCS/DOF/Accountants
9	A meeting of Cabinet on 28 th November 2012 to receive/confirm budget proposals for Budget Workshop consideration.	18/11/2012	EDCS/DOF
10	Leaders Budget Workshop 4 th December 2012.	25/11/2012	Leader
11	Approval of Business Rates Forecast & adoption of the Council Tax Base Calculation for 2013/14 - to Cabinet 28 th November 2012.	18/11/2012	Head of Revenues
12	Initial Provisional Business Rates Retention & RSG settlement implications - to CMT on 3 rd December / Executive Board 2 nd January 2013.	30/11/2012	DOF/Accountant
13	Draft Final Budget Reports to Executive Board 2 nd January 2013 / Cabinet 9 th January 2013 and Joint Scrutiny Committee (Budget) 22 nd January 2013.	30/12/2012	EDCS/DOF
14	Implications of the final Business Rates Retention & RSG Settlement information to be considered/built into the budget proposals (as soon as available).	When available	EDCS/DOF/Accountant
15	Final Budget Report including base budget to CMT on 28 th January / Executive Board 7 th February.	25/01/2013	EDCS/DOF
16	Final budget reports considered by Cabinet on 20 th February 2013 who would recommend a budget to the Council meeting on 26 th February 2013.	08/02/2013	EDCS/DOF

Outline of the Budget and Medium Term Financial Planning Process

Reasons for Producing Budgets

Budgets are required to plan for forthcoming activities in meeting the objectives of the Council as a whole. Legally, the Council is required by legislation to set its budget (balanced funding/spend) and the associated Council Tax by 11th March each year.

The budget represents the Council's plans in financial terms and acts as a method of measuring performance against the achievement of these objectives. Variances from the budget are highlighted to Senior Management and Members on a monthly basis.

Budgets assist in bringing together views, opinions and decisions of all stakeholders such as Members, Local Residents, Focus Groups and the Business Community.

The Budget Process

The budgets for the next financial year are compiled in the 'budget process' that runs mainly from September to March each year (some preparatory work / forecasts are prepared from July).

Day to day responsibility for setting budgets and financial performance monitoring may be delegated to appropriate line managers/senior officers, as appropriate.

A brief summary of the stages involved in the budget process are as follows:

- **Review / Formulation of Budget Process**

Following a review of the previous year's process, the outline process to be followed is formulated / agreed by the Executive Board and Cabinet.

- **Consideration of Policy Changes**

Planned changes to services (provisionally approved during the previous budget process) are issued for confirmation. Budget Managers are also required to consider any unavoidable increased costs (arising from, for example, legislative or demand led changes e.g. reduced income) and targets for budget savings. They will be aware of the objectives of the Council as a whole within the Corporate Plan and should therefore be looking to incorporate changes or additions into their future plans.

- **Capital Programme**

Managers are asked to review provisionally approved schemes (within the medium term capital programme) and submit new / revised capital appraisal forms for consideration, and prioritisation within available resources, by CMT, Deputy/Assistant Directors, the Asset Strategy Group and Executive Board.

- **Budget Consultation**

For 2013/14, following input through a Member/Officer Working Group, a range of consultation has been planned to gauge residents', business and other core stakeholders' views on the Council's priorities to achieve the 'Vision' considering areas of spending or where savings could potentially be made.

The consultation will be carried out through an online survey and a drop in event.

There will be three online surveys. A survey that is tailored for businesses, a full survey aimed at residents and a survey that is tailored for the voluntary and community sector. The online residents survey will be promoted using social networking/media sites and through email contact databases. The business survey will be promoted through business social networking sites and business email contact databases. The voluntary and community sector survey will be promoted through email contact databases.

The drop in session will be consistent, asking the same question set as the survey but allowing for a dialogue between the public and Cabinet members.

- **Formulation of Budget Forecast & Base Budgets**

Managers should consider their future activities and spending requirements before discussions with their Accountant.

Managers should identify any minor changes in expenditure or income or highlight other areas of concern with their Accountant prior to the finalisation of the base budget working papers. Regular review / monitoring during the year assist in this process.

It is important that managers assess budget figures carefully and do not merely increase the original budgets by the given inflation percentage. Managers should consider the previous year's level of expenditure when looking at budgets and decide if this is to be a normal level or an exception. A zero based budgeting approach to deliver service needs is required especially in a period of resource constraints.

In the main, the recalculation of the base budget involves changes that have already been approved or are outside the control of managers (e.g. inflation, pay award etc). Major alterations to budgets or proposals involving significant changes in service delivery need to be raised and submitted for approval through the policy changes process.

It should be borne in mind that financial guidance requires budget managers to be consulted (by the relevant accountant) in the preparation of the budgets for which they will be held responsible and that they are required to accept accountability for their budgets and the service to be delivered.

As part of the Governance process, there is a responsibility for Budget Managers to ensure that they are consulted and confirm that their budgets are accurate, complete and acceptable.

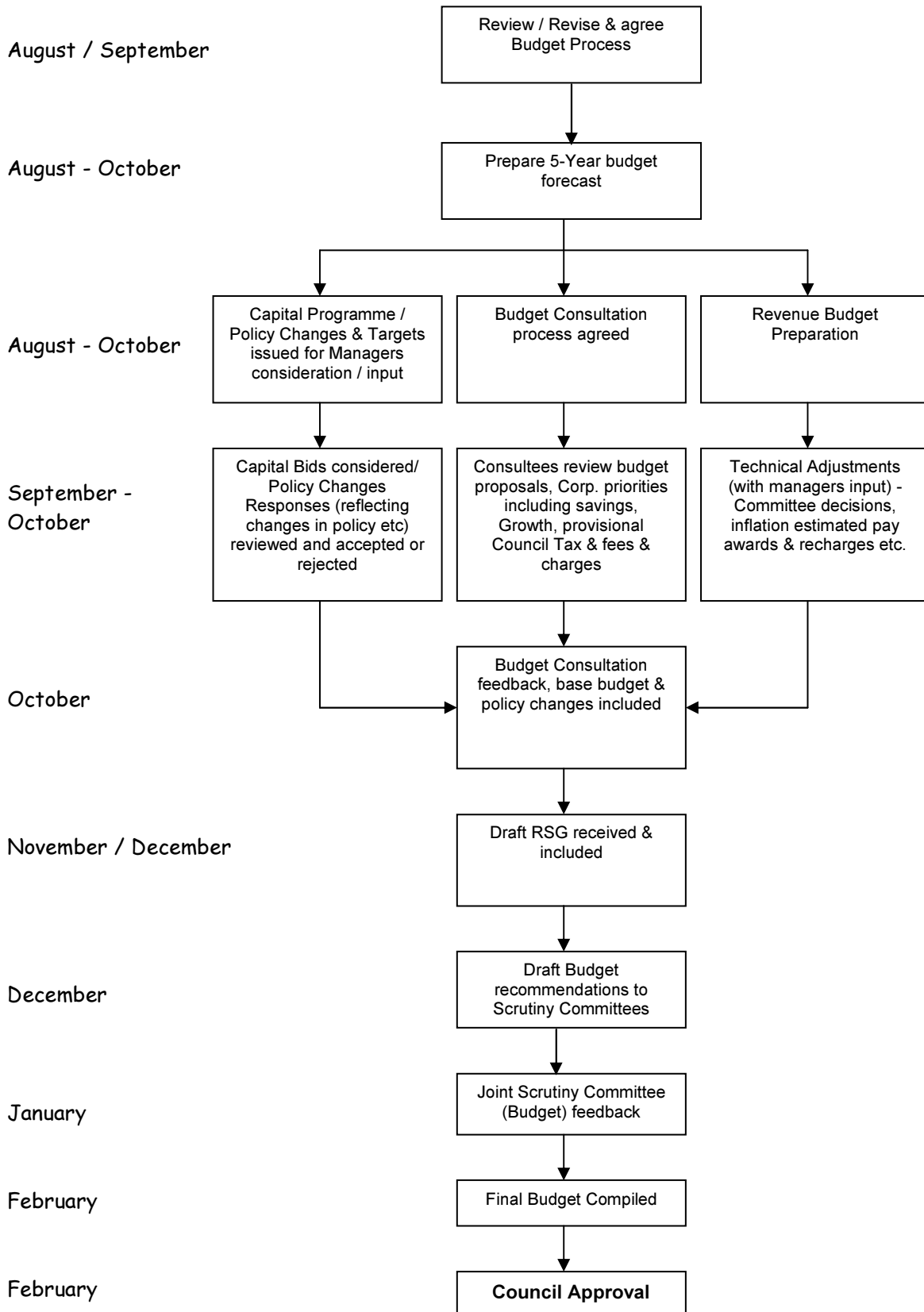
- **Compilation of Overall Budget figures**

Once all the budget working papers have been prepared, an overall net expenditure figure for the Council can be assessed in terms of affordability and whether funding for these levels of expenditure is available. It may be that Managers would be required to identify savings in their budgets, dependant on guidance from Senior Managers and Members.

- **Final Budget Approved by the Council in February**

The final budgets are approved by Members at the Cabinet meeting, usually in February. No further amendments can be made after this point. The full Council approves the budget at its meeting in February.

The Budget & Medium Term Financial Planning Process



This page is intentionally left blank

Tamworth Borough Council 2013/2014 Budget Consultation

Background

As part of a regular annual process Tamworth Borough Council reviews its Council Tax and Charges strategy for the development of the budget. This process ensures that funding is put into areas of highest priority. An important element of this process is to understand the views of Residents, Tenants, Businesses, and Local Voluntary Groups on what these priorities are.

Overview

Consultation on the key issues affecting the 2013/2014 budget consultation will be carried out through an online survey and a drop in event.

There will be three online surveys. A survey that is tailored for Businesses, a full survey aimed at Residents and a survey that is tailored for the Voluntary and Community Sector (V&CS). The online residents survey will be promoted using social networking/media sites and through email contact databases. The business survey will be promoted through business social networking sites and business email contact databases. The voluntary and community sector survey will be promoted through email contact databases.

The drop in session will be consistent, asking the same question set as the survey but allowing for a dialogue between the public and Cabinet members.

Time Table

Planning	from 1 st July 2012
Online survey (Residents)	launched 1st September 2012
Online survey (Businesses)	launched 1st September 2012
Online survey (V&CS)	launched 1st September 2012
Surveys taken offline	28 th September 2012
Drop in session	29 th September 2012
Report	To Demo Services by 8 th October 2012

Objectives

- Identify important priorities to target for savings
- Advise on acceptable levels of fees, charges and council tax

The drop in session and surveys will be run in-house by Charlotte Green with support from the Performance and Corporate relations team.

A small budget has been set a side within the Corporate Consultation budget to undertake this work.

This page is intentionally left blank

26 September 2012

Report of the Portfolio Holder, Core Services and Assets**Local Authority Mortgage Rate for Mortgages granted Under Housing Act, 1985****EXEMPT INFORMATION**

None

PURPOSE

The purpose of this report is, in accordance with Section 438 of the Housing Act 1985, to make the statutory declaration of the local authority mortgage interest rate from 1 October 2012.

RECOMMENDATIONS

Cabinet is recommended to endorse the statutory declaration of interest to be charged at 4.72%.

EXECUTIVE SUMMARY

In accordance with Section 438 of the Housing Act 1985 with effect from 1 October 2012 the Authority interest charged on Council mortgages remains at 4.72%.

RESOURCE IMPLICATIONS

There are no significant resource implications.

LEGAL/RISK IMPLICATIONS BACKGROUND

None.

SUSTAINABILITY IMPLICATIONS

None.

BACKGROUND INFORMATION

Authorities are required to charge whichever is the higher of:

1. The standard national rate, which is set by the Secretary of State, or
2. The applicable local average rate based on the Authority's own borrowing costs and a small percentage (0.25%) for administration.

The Council currently has a portfolio of 3 mortgages with a total amount outstanding of £36,339.79.

The standard national rate last declared by the Secretary of State after taking into account rates charged by building societies is 3.13%.

The applicable local average rate for Tamworth Borough Council is the Council's local average rate 4.47% plus 0.25% being 4.72%.

The mortgage interest rate that will be applied from 1 October will be 4.72% as it is the higher of the standard national rate and the local average rate.

REPORT AUTHOR

Michael Buckland

26th September 2012

REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

Re-investing Right to Buy Receipts in New Affordable Homes**EXEMPT INFORMATION**

No

PURPOSE

- To agree to the local retention of Right to Buy Receipts to support the delivery of affordable housing.
- To confirm the action of officers in signing the agreement to retain Right to Buy Receipts (shown at Annex One) in order to meet CLG deadlines.

Background

The Government has made a number of changes to arrangements for the Right to Buy Council properties including raising the cap on the level of discount available to tenants. These changes are summarised in the table attached at Annex Two to this report.

Government ministers have clearly stated that they wish these changes to result in an overall increase in the number of households exercising the Right to Buy. In response to concerns regarding the impact of additional Right to Buy sales on the availability of affordable housing Government have been clear that they intend to achieve a one for one replacement of sold properties with new affordable dwellings on a national basis. To seek to achieve this a proportion of Right to Buy receipts will be available to fund new affordable housing.

The Department of Communities and Local Government (CLG) is offering stock retained Local Authorities the opportunity to retain Right to Buy receipts for the purpose of delivering new affordable housing. Participating Local Authorities are required to sign an agreement with CLG which is attached as Annex One to this report.

In consultation with the Portfolio Holder for Housing and in order to meet the deadline for the submission of the agreement to DCLG the Director of Housing and Health has submitted the signed agreement to CLG. CLG have been notified that the agreement is subject to Cabinet approval at this meeting.

If the Council does not wish to enter into this agreement then any usable receipts will be included in the national investment programme administered by the Homes and Communities Agency (HCA) and delivered by Registered Providers.

RECOMMENDATIONS

1. That Cabinet agrees to the retention of Right to Buy receipts locally to deliver new affordable homes
2. That Cabinet retrospectively confirms the actions of officers in signing the agreement with CLG to retain Right to Buy receipts locally (shown at Annex One) in order to meet the Government deadline of 12noon on the 26th September 2012

RESOURCE IMPLICATIONS

As part of its proposals regarding changes to the Right to Buy Central Government announced that Capital receipts arising from additional Right to Buy sales would be used to fund one for one replacement of sold properties with new affordable housing.

However the proportion of the receipts arising from a sale which will be usable for this purpose will be reduced by the following:

A flat rate administration fee which the Local Authority will retain (set at £1,300 per sale in Tamworth)

A sum to compensate Local Authorities and Treasury for projected income from Right to Buy receipts included in the HRA Self Financing Settlement
For additional Right to Buy sales that were not included in the Housing Revenue Account Self Financing settlement, local authorities will be able to deduct the necessary amount to cover Housing Revenue Account debt from the receipt.

In assessing the amount of additional usable Capital receipt likely to be available to the Council the following issues need to be taken into account:

- The level of receipts received is dependent not only on the number of properties sold but also the valuation of the property and the level of discount to which the tenant is entitled.
- The increase in the discount cap has the effect of reducing the potential receipt from any sale
- The level of income which the Treasury expects to receive is based on a notional number of Right to Buy sales and an estimated level of Capital receipt which is expected to accrue from those sales
- These estimates are based on the level of Capital receipt which would have accrued from sales prior to the increase in the discount cap

For Tamworth Central Government is anticipating that there will be a total of 9 sales during 2012/2013. Based on this number of sales Central Government is anticipating that it will receive £290k during 2012/2013. In addition, Government has calculated that the Council should receive £122k from the sale of properties during 2012/2013. Therefore unless these income levels are met as well as an amount relating to Housing Revenue Account debt and meet the fixed administration cost there will be no funds available for new affordable housing regardless of the number of homes sold.

In addition as the forecast income is estimated on a quarterly basis it will be necessary for the amount of receipts to exceed this level within each quarter before any resources become available for new affordable housing.

As part of the agreement with CLG the Council is required to commit to the following:

That the available receipts will be used to fund the development of new housing to be let on affordable rents

That the level of receipts used must not exceed 30% of total cost of the new home

That any receipts which are not used within three years of the financial year in which they arose will be refundable to central government

That any refunded receipts will be subject to an interest charge payable by the local authority of 4% above base rate.

Therefore, should the Council fail to make use of a usable receipt within three years of it arising the Council would be liable to pay a penalty interest charge equating to an estimated £45 per £1k (based on current base interest rates).

Forecasting the level of usable receipts

There are a number of issues which limit the Council's ability to forecast the likely level of usable receipts which may become available from additional Right to Buy sales.

Firstly, it is not clear what impact the changes to the level of discount cap will have in increasing Right to Buy sales. During 2011/2012 the Council received 17 Right to Buy applications which resulted in 7 sales. During the current financial year, to the end of August, the Council has received 37 applications and has to date sold 4 properties. As Right to Buy applications can take a considerable time to deliver sales it is unlikely that the impact of the changes will become clear. In seeking to forecast the number of sales however the Council has assumed an incremental increase rising from 7 sales during 2011/2012 to 12 during 2012/13 and 40 sales during 2013/14.

The second variable is the type of property purchased and its value. This is also impacted by the level of discount which tenants are able to claim. It is not possible for the Council to predict the properties which will be sold however in seeking to develop a forecast the Council has assumed the sale of a mixed number of property types, values and discount levels based on previous sales.

As stated above the level of usable receipt is dependent upon the delivery of certain financial targets. As this is balanced on a quarterly basis a final variable in forecasting the level of usable receipts is the timing of sales.

Given the above caveats and assumptions a forecast has been undertaken and is shown in the table attached as Annex Three to the report. Based on this forecast Right to Buy sales will not realise any receipts available for 2012/2014. However for 2013/2014 an estimated £676,259.84 could potentially be available with £649,340.68 for 2014/2015.

As noted above any forecasts made at this point are subject to a number of variables and further more reliable forecasts will need to be made once the position is clearer.

LEGAL/RISK IMPLICATIONS BACKGROUND

A key risk for the Council to consider is that it may find itself in a position whereby it is unable to make use of the available receipts within the three year timescale stipulated. If this were the case then the Council would be required to return funds to Government and pay an interest charge of 4% above the base rate.

This is considered to be a manageable risk. The Council's Healthier Housing Strategy and Housing Revenue Account Business Plan sets out a series of ambitions for the development of new affordable housing within the borough. These include:

- Development of new affordable housing in partnership with Registered Providers including redevelopment of redundant Garage sites
- Potential regeneration at Tinkers Green and Kerria
- The potential for an acquisition programme to bring new units into the Housing Revenue Account
- Further evaluation of underused garage sites to deliver new build properties within the Housing Revenue Account
- Further initiatives to regenerate neighbourhoods

Usable Capital receipts could be used to contribute to the delivery of these ambitions contributing to the development of new housing by the Council itself or by working with Registered Provider partners. The agreement stipulates that the Local Authority may not allocate receipts to support the delivery of any home which is also funded by a grant from the Homes and Communities agency (HCA). Although this will place a restriction on the combination of funding streams this is a matter which can be managed through a planned approach to development and resource allocation.

The Council is required to make use of the receipts within a three year period. This therefore does not require the new properties built to be completed within this period as the use of resources can be front loaded to meet early costs such as land purchase and site evaluation and design work.

As a further mitigation for this risk the Council will be able to annually review during its budget process the level of receipts rising from sales set against its plans to deliver new affordable housing. Where the Council identifies that there is a risk of resources not being used it will be able to either develop new plans or return resources to CLG thereby avoiding any interest charges.

In reality, given the level of housing need within Tamworth and the Council's record in delivering new affordable housing whenever resources have been available, it is deemed unlikely that any funds will remain unused.

There is a further risk arising from these changes in that the level of replacement achievable using available receipts will be considerably less than a one for one replacement as specified by Government. However, it should be noted that the target of one for one replacement specified by central government is a national target and the agreement does not place this responsibility on the Council to deliver one for one replacement locally. There is therefore no sanction placed on the Council if this target is not met. Should this position change then the Council would be required to review its continued commitment to the initiative.

SUSTAINABILITY IMPLICATIONS

Tamworth has a significant need for new affordable housing to meet demand. Any material increase in Right to Buy sales and therefore loss of the Council's stock will dramatically impact on the Council's ability to meet housing demand, reduce homelessness and deliver sustainable, healthy communities. To mitigate against these losses it will be important to ensure that the number of affordable homes locally increases.

The Council has ambitious plans to achieve this both through the use of its own resources and by working with partner Registered Social Landlords. These include:

- Development of new affordable housing in partnership with Registered Providers including redevelopment of redundant Garage sites
- Potential regeneration at Tinkers Green and Kerria
- The potential for an acquisition programme to bring new units into the Housing Revenue Account
- Further evaluation of underused garage sites to deliver new build properties within the Housing Revenue Account
- Further initiatives to regenerate neighbourhoods

The Council will be updating its Housing Revenue Account Business Plan later this year to assess the potential impact of increased Right to Buy sales. A material loss of units through the Right to Buy without a subsequent increase in new Council homes will result in a loss of income overall. This will threaten the ambitions contained in the plan, particularly with regard to neighbourhood regeneration and has the potential to impact on the delivery of services to tenants.

MATTERS FOR CONSIDERATION

The Council recognises that owner occupation plays a vital part in meeting housing need and ensuring balanced housing markets. The Council wishes to ensure that there is access to owner occupation for those for whom this is the preferred and appropriate tenure. To achieve this aim:

- the Council works with Registered Providers to develop shared ownership options with new housing schemes. Under these schemes residents are able to purchase a proportion of a property while paying rent on the remainder.
- the Council is also evaluating the Local Authority Mortgage Scheme (LAMS). This innovative scheme supports first time buyers in obtaining a mortgage via an indemnity provided by the Council. Once an evaluation of the scheme has been undertaken and if a proposal to implement this scheme is to be brought forward this will be included in a separate report to Cabinet
- the Council provides a range of advice and support services to owner occupiers via its Housing advice services to seek to ensure that owner occupiers experiencing financial difficulty are able to maintain their homes

REPORT AUTHOR – Rob Barnes Director Housing and Health

LIST OF BACKGROUND PAPERS

ANNEX

Annex One- CLG agreement

Annex Two – Summary of right to buy changes

Annex Three- Forecast of Useable Receipts

Agreement – Section 11(6) of the Local Government Act 2003

This agreement is made pursuant to section 11(6) of the Local Government Act 2003.

Parties

The Secretary of State for Communities and Local Government (“the Secretary of State”) and the
..... (“the Authority”).

This agreement comprises 10 pages

General

1. In this agreement :

“the due date”, “quarter” and “the relevant quarter” have the same meaning as in the Regulations;

“receipts” means the receipts to which Schedule 1 to the Regulations applies;

“retained amount” means the amount calculated in Part 1;

“the Regulations” mean the Local Authority (Capital Finance and Accounting) (England) Regulations 2003;

“social housing” means low cost rental accommodation as defined by section 68(1)(a) of the Housing and Regeneration Act 2008;

“the sub-liability” means the sub-liability calculated under Schedule 1 to the Regulations;

the terms “A”, “E”, “F”, “G”, “J” and “K” used in this agreement have the same meaning as in Schedule 1 to the Regulations.

2. This agreement applies to receipts received on or after 1st July 2012 (“the commencement date”).

3. The Authority is not required to pay to the Secretary of State such portion of the sub-liability calculated in accordance with Part 1 of this agreement provided the Authority complies with the conditions set out in this agreement.
4. The Authority must use the retained amounts for the provision of social housing. Any amounts not used for this purpose must be paid to the Secretary of State and interest will be payable calculated in accordance with paragraph vi of Part 1.
5. The Authority must provide the information set out in Parts 1 and 4 of this agreement to the Secretary of State at the times and in any format the Secretary of State may request.
6. This agreement may be terminated by the Secretary of State by giving notice of one quarter.
7. This agreement may be amended by agreement.

Part 1 - Calculation of the portion of the sub-liability that the Authority may retain.

- i. Where in any quarter –

A is more than $(3.398347729 \times G) + E + F + J$

the Authority may retain an amount (“the retained amount”) up to–

K less $(2.398347729 \times G)$.

- ii. The Authority must inform the Secretary of State of the following by the due date of the relevant quarter-
 - (a) the value of K less $(2.398347729 \times G)$;
 - (b) the retained amount; and

(c) any amount not retained by the Authority.

- iii. Where the Authority has informed the Secretary of State (under paragraph ii(c)) that an amount will not be retained, the Authority must pay that amount to the Secretary of State by the due date of the relevant quarter.
- iv. Where the Authority has informed the Secretary of State that an amount will not be retained and fails to pay that amount on the due date of the relevant quarter, interest is payable and incurred from the due date until the Authority pays that amount to the Secretary of State.
- v. Where the Authority does not inform the Secretary of State of the amount it will not retain by the due date of the relevant quarter, it will be assumed that the retained amount for that quarter is the full amount the Authority may retain and where an amount is not retained and is paid to the Secretary of State, interest will be payable and incurred from the due date until the date the Authority pays that amount to the Secretary of State.
- vi. The Authority may pay any part of the retained amount to the Secretary of State and where it does so, interest is payable and incurred from the due date of the relevant quarter in which the retained amount was retained by the Authority until the date it is paid to the Secretary of State.

Part 2– Return of retained amounts

- i. This Part applies where 13 quarters have expired since the commencement date.
- ii. In this Part :
 - “the reckonable quarter” means the quarter 12 quarters prior to the relevant quarter;

“quarter 1” means the quarter in which the commencement date falls;

A is the total of the retained amounts for all quarters from quarter 1 to the reckonable quarter;

“the total amount spent on the provision of social housing” is the amount spent on the provision of social housing from quarter 1 to the last day of the relevant quarter;

R is the total of the returnable amounts calculated under paragraph iv of this Part and amounts paid to the Secretary of State under paragraph vi of Part 1 for all the quarters from quarter 1 to the reckonable quarter.

- iii. The total retained amount is calculated as follows –

$$A - R.$$

- iv. Where on the last day of the relevant quarter, the total retained amount exceeds 30% of the total amount spent on the provision of social housing, the Authority must pay to the Secretary of State the portion of the total retained amount in excess of 30% of the total amount spent on the provision of social housing (“the returnable amount”).
- v. Where the Authority must pay a returnable amount to the Secretary of State under paragraph iv of this Part, interest is payable, calculated and incurred from the due date of the reckonable quarter until the date the returnable amount is paid to the Secretary of State.

Part 3 - Calculation of interest

Where interest is payable under this agreement, it will be calculated at a rate of 4% above the base rate on a day to day basis compounded with three-monthly rests and “base rate” has the same meaning as in the Regulations.

Part 4 - Provision of information

On the due date of each relevant quarter the Authority must provide to the Secretary of State the details of the number of starts on site since the commencement date.

“Start on site” means the earlier of commencement of the following by the Authority or other body to which the Authority has paid all or part of the retained amount for the purpose of providing social housing:

- (a) excavation for strip or trench foundations or for pad footings;
- (b) digging out and preparation of ground for raft foundations;
- (c) vibrofloatation, piling, boring for piles or pile driving; or
- (d) drainage work specific to the buildings forming part of the scheme.

Part 5 – The amount spent on the provision of social housing

- i. The amount spent on the provision of social housing shall not include any expenditure which has been used or which the authority intends to use to-
 - (a) reduce a capital receipt under regulation 15(1)(c) of the Regulations (capital allowance); or
 - (b) buy back a relevant interest defined in paragraph 3(1)(b) of the Schedule to the Regulations and claim buy back allowance in respect of that expenditure under paragraph 3 of the Schedule to the Regulations.

- ii. The amount spent on the provision of social housing shall not include –
 - a. any expenditure on dwellings which are social housing at the time of the expenditure; or
 - b. any expenditure for the provision of housing which is funded, wholly or in part, by grant paid by the Homes and Communities Agency.
- iii. The amount spent on the provision of social housing is the amount spent by the Authority or by a body to which the Authority has paid some or all of the retained amounts (such body must not be a body in which the Authority holds a controlling interest) on the development costs associated with the provision of social housing for the benefit of the Authority's area.
- iv. Where the Authority has paid all or some of the retained amounts to a body for the purpose of contributing towards the cost of providing social housing, the Authority must ensure that only retained amounts provided by the Authority have been used by such body for the provision of social housing for the benefit of the Authority.
- v. Social housing is provided for the benefit of the Authority where it is situated in the area of the Authority or the Authority has nomination rights in respect of the social housing.
- vi. The amount spent on social housing includes the following:
 - (a) the development costs associated with the acquisition of dwellings to be used as social housing;
 - (b) the development costs associated with the acquisition of land for the construction of dwellings to be used as social housing;
 - (c) the development costs of the construction of dwellings to be used as social housing.

- vii. In this Part “development costs” means the costs set out in Part 6.

Part 6 – Development costs

Development costs means the costs relating to the development of social housing in respect to the heads of expenditure set out below.

Heads of expenditure

1 Acquisition

1.1 *Purchase price of land/site.*

1.2 *Stamp Duty Land Tax on the purchase price of land/site.*

2 Works

2.1 *Main works contract costs (excluding any costs defined as on costs).*

2.2 *Major site development works (where applicable). These include piling, soil stabilisation, road/sewer construction, major demolition.*

2.3 *statutory agreements, associated bonds and party wall agreements (including all fees and charges directly attributable to such works) where applicable.*

2.4 *Additional costs associated with complying with archaeological works and party wall agreement awards (including all fees, charges and claims attributable to such works) where applicable.*

2.5 *Irrecoverable VAT on the above (where applicable).*

3 On costs

3.1 *Legal fees and disbursements.*

3.2 *Net gains/losses via interest charges on development period loans.*

3.3 *Building society or other valuation and administration fees.*

3.4 *Fees for building control and planning permission.*

- 3.5 *Fees and charges associated with compliance with European Community directives, and any requirements relating to energy rating of dwellings, Eco-Homes certification and Housing Quality Indicators.*
- 3.6 *In-house or external consultants' fees, disbursements and expenses (where the development contract is a design and build contract) (see note 1 below).*
- 3.7 *Insurance premiums including building warranty and defects/liability insurance (except contract insurance included in works costs).*
- 3.8 *Contract performance bond premiums.*
- 3.9 *Borrowing administration charges (including associated legal and valuation fees).*
- 3.10 *An appropriate proportion of the development and administration costs of the Authority or the body in receipt of funding from the Authority.*
- 3.11 *Irrecoverable VAT on the above.*

Note 1

Where the development contract is a design and build contract, the on-costs are deemed to include the builder's design fee element of the contract sum. The amount included by the builder for design fees should be deducted from the works cost element referred to above, as should other non-works costs that may be submitted by the builder such as fees for building and planning permission, building warranty, defects liability insurance, contract performance bond and energy rating of dwellings.

Note 2

Some items will not qualify as development costs unless the Authority can clearly demonstrate that such costs are properly chargeable to the social housing, i.e. for the sole use of the residents or to comply with any statutory obligations that may have been imposed.

Examples of these are as follows:

- *works to any roads which do not exclusively serve the social housing;*
- *landscaping to areas of land which lie outside the boundaries of the land on which the social housing is situated;*
- *district heating systems;*
- *trunk sewers and sewage disposal works;*
- *special refuse treatment buildings;*
- *public conveniences;*
- *community halls, club rooms, recreation rooms.*

Note 3

Subject to the above, where any cost incurred or to be incurred by the Authority or a body in receipt of funding from the Authority is common both to the development of the social housing and to any other activity, asset or property of the Authority or a body in receipt of funding from the Authority, only such part of that cost as is attributable to the development of the social housing may be treated as a cost in respect of which the retained amount may be paid.

Signed on behalf of the Authority by

(insert name and position in capitals)

..... (add signature and date)

Signed on behalf of the Secretary of State by Graham Duncan – Deputy
Director – Affordable Housing Regulation and Investment

.....(add signature
and date)

Key Changes to Right to Buy

Policy	Previous Policy	New Policy from 2 April 2012
<p>Discount Rates & Cap</p>	<p>Current discount rates are:</p> <ul style="list-style-type: none"> • for houses: 35% of the property's value plus 1% for each year beyond the qualifying period up to a maximum of 60%; • for flats: 50% plus 2% for each year beyond the qualifying period up to a maximum of 70%. <p>Tenants must have been public sector tenants for 5 years before they qualify for the Right to Buy</p> <p>In practice, most Right to Buy discounts were limited by caps, for Tamworth this cap was £26,000.</p>	<p>The discount cap has been increased to £75,000.</p> <p>Discount rates have not changed and tenants will still need to have been public sector tenants for 5 years.</p>
<p>Use of Right to Buy Receipts</p>	<p>Subject to the deductions mentioned below, 75% of the receipts were paid to HM Treasury ("the poolable amount") and the remaining 25% were retained by local authorities.</p>	<p>After calculating transaction costs and compensating authorities for loss of income above what has been covered in the self-financing settlement, HM Treasury and local authorities will receive the amounts they would have expected to receive, had the policy on Right to Buy remained unchanged.</p> <p>Authorities can enter into an agreement to retain any receipts remaining after all allowable deductions have been made, provided that these receipts are spent on the provision of replacement affordable rented homes. The retained receipts cannot constitute more than 30% of the total investment in such homes and if after 3 years any of the receipts have not been used for this purpose the authority will be required to repay the unused sums to the Secretary of State together with interest. Authorities will have the option to repay retained receipts early (and therefore incur less interest) if they decide they would not be able to incur sufficient investment within the time period. Any receipts returned to the Secretary of State will be given to the HCA for investment by them.</p>

Administration Costs	For the purposes of calculating the poolable amount, local authorities were able to deduct the actual transaction costs of successful sales from Right to Buy receipts, but there was no allowance for costs relating to Right to Buy applications which did not result in a sale.	A flat rate allowance has been set with regard to the 40th percentile of costs achieved by councils over the last 3 years, and includes a 50% uplift for withdrawn applications. For Tamworth this allowance is £1,300.
Buy Back	Councils could Buy Back former council properties and claim around 50% of the costs from their total Right to Buy receipts.	The Buy Back facility has been retained, allowing councils to claim up to 50% of the value of each property bought - up to a total of 6.5% of the value of net Right to Buy receipts (after administration costs, debt and assumed income). 6.5% is around the average level of Right to Buy receipts retained by local authorities for Buy Back over the last three years
Cost Floor	Section 131 of the Housing Act 1985 (the cost floor) limits the Right to Buy discount to ensure that the purchase price of the property does not fall below what has been spent on building, buying, repairing or maintaining it over a certain period of time (relevant expenditure).	The period of time the cost floor covers is increased from 10 to 15 years for new homes subject to Right to Buy, bringing rules for councils into line with those for Housing Associations and protecting initial investment in the housing. The option for councils to apply for an exemption from pooling receipts for new homes built in future is also retained.

2012-13					
	Q1	Q2	Q3	Q4	
No. of sales		2	2	3	5
Capital Receipt	118,000.00	83,850.00	96,800.00	224,500.00	
Treasury Share Cap	73491.71	57341.32	59461.87	107136.43	
LA Share Cap	30,642.64	23,908.68	24,792.85	44,670.93	
Administration costs	2,600.00	2,600.00	3,900.00	6,500.00	
Allowable debt	5,911.64	0.00	8,645.28	66,192.64	
Available for 1-4-1 replacement	5,354.01	0.00	0.00	0.00	
2013-14					
	Q1	Q2	Q3	Q4	
No. of sales		10	10	10	10
Capital Receipt	435,650.00	472,800.00	517,150.00	405,150.00	
Treasury Share Cap	83290.61	83290.61	83290.61	83290.61	
LA Share Cap	35856.11	35856.11	35856.11	35856.11	
Administration costs	13,000.00	13,000.00	13,000.00	13,000.00	
Allowable debt	151,647.82	153,900.82	170,951.82	149,402.82	
Available for 1-4-1 replacement	151,855.46	186,752.46	214,051.46	123,600.46	676,259.84
2014-15					
	Q1	Q2	Q3	Q4	
No. of sales		10	10	10	10
Capital Receipt	435,650.00	472,800.00	517,150.00	405,150.00	
Treasury Share Cap	91456.35	91456.35	91456.35	91456.35	
LA Share Cap	40210.20	40210.20	40210.20	40210.20	
Administration costs	13,000.00	13,000.00	13,000.00	13,000.00	
Allowable debt	145,857.78	148,110.78	165,161.78	143,612.78	
Available for 1-4-1 replacement	145,125.67	180,022.67	207,321.67	116,870.67	649,340.68

NB As the receipts shown at Q1 for 2012/2013 arose prior to the Council signing the agreement these will not be available for
Under recovery of LA and Central Government Share Cap have not been carried forward year to year.

This page is intentionally left blank

26th September 2012**REPORT OF THE PORTFOLIO HOLDER FOR HOUSING****OPTIONS FOR FLEXIBLE TENURE FOR COUNCIL HOUSING****EXEMPT INFORMATION**

n/a

PURPOSE

To set out the options arising from greater freedoms and flexibilities contained within the Localism Act 2011 to transform council housing tenure.

RECOMMENDATIONS**Cabinet are recommended to:-**

1. Approve the Draft Tenancy Management Policy introducing fixed term tenancies from April 2013 for all new tenancies save exceptions listed. Delegating authority to the Portfolio Holder of Housing & Director of Housing & health, to approve any final material amendments, as necessary.
2. Approve the development of an Affordable Rent Policy during 2013/14 which assesses the financial impact and viability of charging increased rents based on the Affordable rent model
3. Approve the route map for delivering the Tenancy Management Policy
4. Waive financial regulations to allow Trowers & Gill Leng Consultants to advise on the legality of the policy as it is finally implemented and prepare the new fixed term tenancy agreements, with a value of work up to £6000.

EXECUTIVE SUMMARY

The Localism Act 2011 introduces a range of choices and changes that aims to give Local Authorities greater freedoms & flexibility to make best use of its social housing and manage down its waiting lists. Fundamentally these changes **will only affect new** tenants; all existing tenants security of tenure will be protected.

A key requirement for Tamworth was to publish its Tenancy Strategy by 15/1/13. Cabinet approved this in June 2012. A further requirement, also set out in the Regulatory Framework for Social Housing (2012), is that Landlords publish a Tenancy Policy in 2012. Landlords must have regard for the wider strategic framework and it was therefore prudent for the Council's Landlord Service to develop its Tenancy Policy following this.

In November, the Government launched the new strategy for housing, *Laying the Foundations, A Housing Strategy for England*. Over the last few weeks the Coalition Government have appointed a new housing minister, Mark Prisk MP, and announced a further housing and planning package to boost the economy. This is in addition to the “Pay to Stay” consultation paper that was issued in June which raises questions around whether social housing tenants should pay a market rent for their property if they earn more. The approach is to ensure that waiting lists are reduced by making better use of existing stock as well as recognising the need to build more affordable and social housing.

The new flexibilities are discretionary and Landlords are not required to introduce fixed term tenancies. Tenancy Policies must be clear and accessible and adopted following consultation. The Council’s Landlord Service already has a robust Tenancy Management Policy that was reviewed in 2009. The revised policies, set out at annex one, reflects outcomes from the consultation and fulfills this latest requirement.

The aims of a tenancy policy are to

- ✓ Respond to local housing need and create social mobility
- ✓ Make best use of stock to prevent under occupation
- ✓ Utilise all assets and match people to adaptations where this meets customers needs
- ✓ Create well balanced and sustainable communities
- ✓ Pave the way to maximise income on affordable rent as rent setting is reviewed
- ✓ Create more of a level playing field between the private and public rented sector

The opportunities and challenges have already been subject to widespread consultation. Members will recall the seminar in June 2012 that set out the key options. This presentation is attached at annex two.

In Summary the recommendation to approve the tenancy policy means an end to “life time tenure” and will see the introduction of fixed term tenancies based on a property review:-

Recommendation	Impact
Lifetime Homes remain for all 1-bed properties with the exception of adapted properties	None. As they will not be under occupying so not best use of staffing resources to review
Lifetime Homes for all those in Sheltered, extra care housing	None. As it is prudent to continue to offer life time homes as this is usually a final move and therefore supports an independent, secure and stable home and is consistent with obligations under the Equality Act 2010
2 Year fixed term tenancies	Any property being let that has ‘in principle’ has a decision to refurbish, dispose or regenerate
5 year fixed term tenancies - social	Any property coming void that is not listed above
Lifetime Homes for Tenants exchanging on mutual exchanges	Move on will be subject to the same rights prior to exchange, with the remaining period (if fixed) observed

Tenants moving between properties	As above
Succession	If it is a valid succession then the successor will inherit the existing tenancy type.
Introductory Tenancies	Not proposed to adopt
Develop an Affordable Rent Policy	Rents will continue to be set in accordance with the Councils rent setting policy and based on formula rents. Given the governments intention to legislate for rents to be set in accordance with personal income it is prudent to review this in the context of a wider rent setting policy as those national policy decisions are made.

The aim of the policy is to balance making best use of stock with sustaining communities. So where possible the council will give every support to tenants during the review process. But tenancies will not be renewed where:-

- A Property is adapted and no-one residing in that household requires the adaptations
- It is under occupied as defined in the current allocations policy
- Tenants don't evidence through the review process that they are entitled to remain
- Tenants themselves choose not to accept the terms of the new tenancy

RESOURCE IMPLICATIONS

There will be financial implications to introduce fixed term tenancies. Based on the predictions set out later in the report which highlights additional properties' potentially being brought to an end under the fixed term criteria, then this could result in the following

Social Return on Investment

Costs	Benefits
An estimated 18 extra voids per annum based on average void cost of £2k = £36,000	Making best use of stock thereby preventing homelessness
Additional rent loss of c£4,000 based on 3 weeks void time	Making best use of resources by avoiding additional adaptation costs
Legal costs with ending tenancies estimated at £500 per case	Difficult to predict as enforcement action may not be necessary in all cases

Despite the above costs we expect the community and social return to neutralise the loss of income. Paving the way for the future, the aim is that when the Affordable rent Policy is developed rents can increase to 80% of market value which may have the potential to generate income for the business plan. At this stage, any costs will be met from existing budgets and will be reviewed annually as part of the budget setting process.

There are inevitable start up costs comprising of:-

IT - There will be additional costs around IT infrastructure and development of procedures and systems. Landlord Services are already committed to the corporate change programme and any IT and system efficiencies will be realised. It is estimated that there will be a cost of around £5000 for Orchard to train and update the modules on the housing management system. This can be met from existing IT budgets.

Printing & Stationary Costs – it is envisaged that a new tenancy agreement and pack will be necessary and these costs are estimated at around £2,000.

Legal Support - There will be the inevitable costs of seeking further legal advice on the implementation plans as outlined. Trowers have already advised on the policy and Gill Leng Consultants have already been extensively involved in the work to date. It would therefore be financially prudent to let them complete the final stages of this work. This can be met from existing budgets and is expected to be up to £6,000. Original quotes were obtained via in-tend and there will be value for money savings by retaining their services, as required.

Staffing Support - There is no spare capacity across Landlord Services given the current commitments and ambitions of the HRA Business Plan. The Corporate Change Programme has provided the opportunity to review resources. Even with the re-alignment of duties, automating processes and working in different and smarter ways, there is still a need to consolidate resources on the voids and allocations team. During the 2012/13 budget setting process, additional funding was approved to support service improvements.

A report is being prepared for Appointment & Staffing which will look to formalise the existing void and allocation structure. Any future staffing requirements will be assessed as tenancies are reviewed in line with the proposed policy.

LEGAL/RISK IMPLICATIONS BACKGROUND

Ending life time homes has caused widespread debate. Implementation is not without its challenges. The Council will have to manage the reputational risk as people's tenancies are reviewed for the first time in 2017/18, or earlier if 2 year tenancies are awarded from April 2013. Given the potential for legal challenge and or judicial review officers have completed a community based risk assessment as well as policy risk assessment. The consequences and controls are set out at annex 5.

The policies have also been subject to legal scrutiny and comments reflected. Should there be any final amendments prior to implementation, that are material, then they will be reported to the Portfolio Holder of Housing

SUSTAINABILITY IMPLICATIONS

Maintaining sustainable communities is a primary aim of the policy. It is recognised

that this will be difficult when some tenants no longer have a life time tenancy. However the council will re-issue tenancies where circumstances are the same. The principal reasons tenancies will be brought to an end is if properties are under-occupied or have adaptations that the household would no longer benefit from.

The policy sets out how tenants' will be supported during the review process. This will start 12 months before the end of the fixed term and officers will signpost and support customers through the process in order to maximise all their housing choices.

The Equality Impact Assessment is also attached at annex 6 which gives due consideration to how client groups are supported.

MATTERS FOR CONSIDERATION

Tenancy Strategy

The Tenancy Strategy already adopted by Cabinet, expects to see 5 year tenancies utilised and expects to see tenancies re-issued where circumstances remain the same. The Tenancy Strategy gives full account of the wider social, housing and health determinants and recognises that Landlords should have flexibility of tenure where it serves to promote social mobility and makes best use of stock. The Tenancy Policy is compatible with the Tenancy Strategy and the exceptions to using 5-year fixed term tenancies are consistent with that framework.

Tenancy Policy

Consultants have been engaged to review the options and have facilitated a variety of workshops, seminars and discussions between Officers, Members and Tenants to look at the impact of the changes. The Tenant Consultative Group has also debated the draft tenancy policy and the document attached reflects that feedback.

CHOICE	ADVANTAGES	DISADVANTAGES
a) Secure (lifetime) for all	<ul style="list-style-type: none"> ○ Simple for all – one tenancy across home ○ Does not require additional staff inputs ○ Does not add to appeals/complaints ○ Community stability and tenant investment ○ Family stability and certainty ○ Minimises void turnaround and therefore void spend 	<ul style="list-style-type: none"> ○ Does not enable release of under-used homes ○ Reduces voids for those on waiting list – doesn't fulfil Government ambition for social housing (helping more people short term)
b) Fixed term for all	<ul style="list-style-type: none"> ○ Simple – one tenancy across homes ○ Best use of scarce stock ○ Releases more home to help others on the 	<ul style="list-style-type: none"> ○ Administratively burdensome ○ Corresponding increases in appeals ○ Instability for more vulnerable tenants ○ Does not support community

	list	investment by tenants <ul style="list-style-type: none"> ○ Some increased void spend ○ Requirement to invest in advice and assistance
c) Mix of secure and fixed term targeted at properties that are: in most demand scarce (e.g. adapted family homes) where changes in tenants circumstances more likely	<ul style="list-style-type: none"> ○ Best use of scarce stock ○ Administration targeted towards tenants whose circumstances most likely to change ○ Protects more vulnerable customers (e.g. elderly moving into sheltered) ○ Allows increased stability where that's more important to local community ○ Releases more homes to help others on the list ○ More stable communities overall 	<ul style="list-style-type: none"> ○ Potential for confusion, especially if criteria are complex ○ Increased administration ○ Corresponding increases in appeals ○ May deter community investment by tenants on fixed terms ○ Some increased void spend ○ Requirement to invest in (targeted) advice

Pay to Stay

The “pay to stay” consultation paper is attached at annex three. The closing date for responses was the 12th September and Tamworth has agreed to share customer feedback with ARCH (Association Retained Council Housing). They will be co-ordinating a response and officers will contribute to this. For information the responses from the National Housing Federation and Chartered Institute of Housing are available.

Consultation with stakeholders

The draft policy was the subject of detailed consultation. This involved a targeted survey during the Summer alongside a series of drop in sessions over September. The details of the consultation planning is shown at Annex four. Headlines from that consultation have now also been incorporated into the Policy.

Headline Comment	Adopted?
Agree that tenants should move on if they under-occupy family homes	✓ Adopted – 5 fixed term tenancies for all family accommodation
Good to hear disabled adapted homes are going to be used by people who need them	✓ Adopted – fixed term tenancies for all disabled adapted properties
Happy that existing tenants keep their security of tenure even if they swap	✓ Adopted – fixed term tenancies only apply to new tenants.
5 years is too short should be increased 10 years	✗ Not adopted - the Tenancy Strategy already adopted by

	Cabinet, expects to see 5 year tenancies utilised and expects to see tenancies re-issued where circumstances remain the same.
Does not give tenants any sense of security and incentive to invest in their property	<ul style="list-style-type: none"> ▪ Response - Tamworth Borough Council seeks to offer tenants a period of 5 years that allows a degree of stability to enable the tenant to invest in their home.
People who can afford it should pay a higher rent	<ul style="list-style-type: none"> ▪ Response –The Government has issued a consultation paper that suggests that households with higher incomes should be charged higher rates, therefore we await the Governments decision.

Customer Impact

Currently there are 2160¹ on Tamworth's housing register. This has remained fairly static over the last 3 years. The council current lets around 450 homes per year combining council housing and nominations. Around 50% on the list actively bid and therefore if we assume that 1080 people require housing then it is clear that we need to extend people's housing options. Looking at flexibility of tenure is only one option.

It is difficult to predict exact voids arising due to the nature of why people move. From 2011/12 there were 276 new lets, 229 general needs and 47 sheltered. Of the 229 general needs, 80 were transfers (who would have security of tenure protected). Potentially this could mean c175 tenancies are let on a fixed term basis from 2013. Again it is very difficult to predict, but based on historic trends around 10% of those would not meet the criteria to stay after 5years, resulting in a churn rate of around 17-18 properties a year from 2017/18.

Whilst it is not proposed to charge additional rent on these properties from April, the council will reserve the rights to charge affordable rent on these as it develops its Rent Policy.

Cabinet will also recall from the report in July 2012 on Welfare reform that it anticipates additional pressure on social housing as people face reductions in housing benefit for under occupation. Movement and churn will allow some flexibility to respond to that, although clearly this won't solve the problem.

Route Map and Next Steps

Activity	Timescale
Formalise staffing structure	Appointments & Staffing Committee October 2012
Setting up IT infrastructure	March 2013
Launch new Tenancy Policy and communications plan	Xmas 2012
Agree new tenancy agreement & new procedures including appeal	April 2013

¹ Housing waiting list as at June 2012

Train and brief staff and stakeholders	Sept – March 2013
Commission support on the development of an Affordable Rent Policy 2013/4	2013/14

REPORT AUTHOR

Tina Mustafa, Head of Landlord Services
Lee Birch, Housing Options Manager

LIST OF BACKGROUND PAPERS

APPENDICES

- Annex One – Draft Tenancy Policy 2012
- Annex Two – Member Seminar & Presentation June 2012
- Annex Three – CLG “Pay to Stay” consultation Paper issued June 2012.
- Annex Four – Consultation Planning
- Annex Five – Community Impact Assessment & Risk Assessment
- Annex Six – Equality Impact Assessment

Tamworth Borough Council

Tenancy Management Policy

Version	Draft 2
Issue Date	29 August 2012
Draft issued by	Mrs Lee Birch, Housing Options Manager
Cabinet	September 2012
Policy Review Date	Annual Update

DRAFT

Content

1. Purpose

2. Related documents

3. Scope of the policy

- 3.1 The aims of this Policy
- 3.2 Our commitments

5. Protected rights tenants

6. Policy statement

- 6.1 Introduction
- 6.2 Tenancy Types
- 6.3 Fixed term tenancies:
 - 6.3.1 Tenancy length
 - 6.3.2 Fixed Term Tenancy Agreements
 - 6.3.3 Ending a Fixed Term Tenancy (prior to fixed term period)
 - 6.3.4 Tenant ending Fixed Term Tenancy
 - 6.3.5 Reviewing Fixed Term Tenancy
 - 6.3.6 Exceptions to ending Fixed Term Tenancy
 - 6.3.7 Housing Options & Advice
 - 6.3.8 Tenants Right to Review and Appeal

7. Tenancy succession

- 7.1 Succession rights where the tenancy start date was prior to 1st April 2013
- 7.2 Succession rights where the tenancy start date was on or after 1st April 2013
- 7.3 Discretionary successions

8. Tenancy assignment

9. Tenancy Changes

- 9.1 Tenants that change their name
- 9.2 Sole to Joint Tenancies
- 9.3 Joint to Sole Tenancies

10. Right to take in Lodgers

11. Tenant's rights to terminate their tenancy

12. Allocating our homes and helping people to live in homes that suit their requirements

- 13.1 Allocations to homes that will become vacant
- 13.2 Specialist housing
- 13.3 Mobility within and across the Council's boundary
- 13.4 Mutual Exchanges for secure and fixed term tenancies
- 13.5 Transfer for secure and fixed term tenancies

13. Preventing and addressing tenancy fraud

14. Provisions for appeals on or reviews of tenancy matters

15. Helping our customers to sustain their tenancies

16. Tenancy Policy Review

1. Purpose

This document will set out in broad terms how different tenancy types will be awarded, reviewed and the circumstances when tenancies may not be renewed and how we will ensure that the management of tenancies is consistent, transparent and fair to all tenants. The policy will also outline how Tamworth Borough Council will offer advice and assistance to tenants whose tenancies are not being renewed to access alternative housing options.

2. Related documents

External:

Localism Act 2011
Housing Act 1985
Housing Act 1996
Protection from Eviction Act 1977
Housing and Regeneration Act 2008
Equality Act 2010
Regulatory Framework – Tenancy Standard

Internal:

Tamworth Borough Council Tenancy Strategy
Allocations Policy
Tenancy Policy - Equality Impact Assessment
Fixed Term Tenancy - Community Impact Assessment
Anti Social Behaviour Policies (Corporate & Landlord)
Rent Setting Policy

3. Scope of the Policy

This policy affects existing and all new customers moving into one of Tamworth Borough Council's tenancies. The Policy is only intended as a framework, detailed procedural and work instructions will be available separately as they are developed.

This Policy fulfils the requirement on us, as a registered provider of social housing, to have a Tenancy Policy that clearly states what our customers can expect of us in relation to:

- The sorts of tenancies we will offer, and when and where different tenancy types will be used
- Decisions about reissuing a tenancy for the same or for a different property
- Offering advice and assistance those whose tenancy will not be reissued to find another suitable home
- How prospective and current tenants can appeal against any decisions we make regarding:
 - The tenancy offered, or
 - Not reissuing a tenancy on their current homeand how we will deal with those appeals
- Tenancy Management including succession, assignment, changes, termination and exchange

Trowers & Hamblins amends: 12 September 2012

- Arrangements for more vulnerable customers
- Ensuring that our homes are occupied by their legal tenant
- Helping our customers to sustain their tenancy

In developing this Policy we have given due regard to the direction provided by Tamworth Borough Council's Tenancy Strategy.

This Policy is delivered through more detailed policies and operational procedures including those listed below:

- Tamworth Borough Council's Allocations Policy and associated procedures
- Tenancy Review procedure to be written
- Tenancy Appeals procedure to be written
- Procedure for Successions
- Mutual Exchange procedure
- Procedure for Name Change
- Procedure for sole to joint tenancies
- Procedure for joint to sole tenancies
- Procedure for ending of a joint tenancy
- Procedure for abandonments
- Procedure for succession / non succession

3.1. The aims of this Policy

The Localism Act 2011 provides landlords with greater freedoms and flexibilities in relation to tenancy management. In consultation with stakeholders and building on the requirements within the Council's Tenancy Strategy, approved in 2012, this policy is fundamentally about making best use of stock. It also takes the opportunity to level the player field between the affordable rented sector so has to maximize housing options and choice.

The Council's Tenancy Management Strategy is available at www.tamworth.gov.uk.

Key aims are to:

- Provide a high quality housing management service to prospective and actual tenants, in accordance with legislation, regulation, the Council's Allocations Policy and best practice.
- Make best use of our stock and ensure it meets existing and future customers' needs
- Ensure customers have the right home for as long as they need it
- Support our customers to enable them to achieve their housing aspirations
- Respond effectively to the demands placed on our limited social housing resource

3.2. Our commitments

We will:

- Provide a comprehensive, consistent, fair and efficient tenancy management service to all our customers
- Ensure that all tenants and prospective tenants know and understand their rights and responsibilities
- Ensure that terms and conditions of tenancy agreements are complied with – both by us and by our customers
- Ensure that all staff fully understand and deliver their responsibilities
- Comply with all relevant legal and statutory requirements

To help deliver our commitments we will:

- Provide clear and accessible information in formats our customers can understand about the tenancies that we will offer on different properties, and the circumstances under which a fixed tenancy would not be reissued.
- State the tenancy terms and rent level with each property advertised and ensure the new tenant understands this before they sign-up to the tenancy
- Work to prevent homelessness and increase the availability of homes, including by:
 - Telling all our customers about how we can help them to maintain their tenancy successfully
 - Acting promptly where we identify problems that could threaten someone's tenancy
 - Helping customers to find another home if their tenancy isn't suitable for their household
 - Providing or enabling advice and assistance to help our customers find a suitable home if their tenancy isn't to be reissued
 - Ensuring that all our homes are occupied by people who are entitled to do so
 - Making sure homes are re-tenanted as quickly as possible

4. Protected Rights Tenants

4.1 Social tenants as at 2 April 2012

Tenants who were social housing tenants on 2 April 2012, who have remained social housing tenants since that date and who move to another home which is let at a social rent, will be granted a tenancy of no less security. As such full tenure tenants (whether they come from

Trowers & Hamblins amends: 12 September 2012

another Tamworth Borough Council home, or from another registered provider landlord, will be granted a full secure tenancy, and not a fixed term secure tenancy.)

4.2 Additional protection for existing full secure tenants of the Council, whose tenancy start date is prior to 1 April 2013

Where an existing secure tenant has a tenancy start date prior to (implementation date) their tenancy terms and conditions will be protected. Therefore if they transfer to a different social rent Tamworth Borough Council home, they will be automatically offered another secure tenancy.

5. POLICY STATEMENT

5.1 Introduction

We understand the importance of a stable and secure home: it offers the platform that people need to be able to get on with their lives, improve their circumstances and achieve their aspirations. Our homes are let at rents that are lower than those charged by private landlords and that means that people have fewer worries about their housing costs and can focus instead on the other things that help them succeed – like training and employment, developing independent living skills and being part of the community. As they achieve their aspirations they may need or want to move on into other homes, perhaps in other areas. They might also need a different type of home, for example if they have children.

We have duties under the Equality Act 2010 to help those that are most vulnerable, including older people, disabled people and children. Our approach helps us to fulfil our duties by enabling more vulnerable people to access and sustain a suitable home.

As people get older they need more support so they can retain their independence and health, and enjoy their lives. Our specialist housing for older people offers this stability and security, and we hope that customers can stay in these homes for the rest of their lives.

Some of our homes have significant adaptations to enable disabled people to live independently and with a good quality of life. Adaptations are expensive and demand for them is growing so we want to ensure that every adapted home is occupied by someone who needs the special features.

Our family homes are particularly in demand, so we would prefer that they are always occupied by families who need the space they provide. However, stability and the right home are particularly important to children so that they can grow up healthily and achieve well. We want to help children to have an uninterrupted education and upbringing in a decent home.

6.2 Tenancy Types

The following table highlights the range of tenancies Tamworth Borough Council offers:

Table 1

Tenancy Type	Who this will be offered to (though see mutual exchange chart for tenancy offers when undertaking mutual exchanges)	Rent Type
Use & Occupations Agreement (temporary)	Customers who do not have exclusive occupation of the property	Applicable charge, no change to temporary use and occupation rights
Secure Tenancy (lifetime)	<ul style="list-style-type: none"> ✓ Existing full secure Tamworth Borough Council tenants (with tenancy start dates prior to 1 April 2013) who transfer to another social rent Tamworth Borough Council owned property; ✓ Full secure tenant with another local authority and: <ul style="list-style-type: none"> ○ the move is from one council to another, ○ the tenant was a social housing tenant prior to 1 April 2012 and has remained a social tenant ever since ○ the property they are moving to is at a social rather than affordable rent ✓ Full assured tenant with a private registered provider and: <ul style="list-style-type: none"> ○ the tenant was a social housing tenant prior to 1 April 2012 and has remained a social tenant ever since ○ the property they are moving to is at a social rather than affordable rent ✓ Tenants moving into properties designated for older people, sheltered and extra care housing ✓ Tenants moving into one bedroom general needs properties with the exception of one bedroom disabled adapted properties and on bedroom affordable rent properties. 	Will be let using a Social Rent and existing security of tenure will continue
Non Secure Tenancy (temporary)	✓ Tenants moving into Temporary Supported Housing Accommodation	Will be let using a Social Rent and will be let on

		most appropriate basis ¹
5 Year Fixed Term Tenancy	New, non-protected (see paragraph 4 above) tenants to Tamworth Borough Council that are moving into: <ul style="list-style-type: none"> ✓ 2 bedroom properties ✓ 3 bedroom properties ✓ 4 bedroom properties ✓ 5 bedroom properties ✓ 6 bedroom properties ✓ 7 bedroom properties ✓ All disabled adapted properties ✓ All affordable rent properties 	Will be let using a Social Rent
2 Year Fixed Term Tenancy	✓ Tenants moving into properties where the is an in principal decision to demolish or regenerate.	Will be let using Social Rent

6.3 Fixed Term Tenancies

6.3.1 Tenancy Length

5 Year Fixed Term Tenancy - Tamworth Borough Council seeks to offer tenants a period that allows a degree of stability to enable the tenant to invest in their home and community. To achieve this balance Tamworth Borough Council's 5 year Fixed Term Tenancies on family accommodation and disabled adapted property will usually be for a period of 5 years and will generally be renewed unless, for example, the tenant's or their household's circumstances change and/or needs have changed and alternative accommodation would be more suitable, or if the tenant does not participate in the review process, or the property is earmarked for disposal/redevelopment or refurbishment.

2 Year Fixed Term Tenancy - will be applied to asset management properties where an in principle decision has been made to dispose of or otherwise refurbish, requiring eventual vacant possession

6.3.2 Fixed Term Tenancy Agreement

Tenants we have identified as requiring a fixed term tenancy in accordance with table 1, will be offered one of two types of fixed term tenancies either:

- 1) A 5 year Fixed Term Tenancy. Tenants who will receive these types of tenancy must have become new tenants of Tamworth Borough Council after 1 April 2013. The tenancy is a fixed term tenancy for the 5 year period.
- 2) A 2 year Fixed Term Tenancy. Tenants who will receive these types of tenancy must have become new tenants of Tamworth Borough Council after 1 April 2013. The tenancy is a fixed term tenancy for the 2 year period

Prior to the Council granting the Fixed Term Tenancy the tenant must be served with a notice notifying the tenant that the tenancy will be for a fixed term of either two or five years as appropriate.

¹ Awaiting clarification from the DCLG on non-secure tenancies
SUPP.1257765.1

Trowers & Hamblins amends: 12 September 2012

6.3.3. Ending of a Fixed Term Tenancy prior to the expiry date

If the fixed term tenancy is not conducted properly, Tamworth Borough Council will service a notice of seeking possession, if necessary, issue possession proceedings.

The details of this process are set out in the Tenancy Policy Procedures. The emphasis will be to support people during this review period so as to maximise their housing options.

6.3.4 Tenant Ending the Fixed Term Tenancy

If a tenant on a fixed term tenancy wishes to end their tenancy prior to the fixed term end date, they may do so by giving a formal written offer of surrender providing four weeks notice. If it is a joint tenancy, all joint tenants must sign the written offer of surrender.

We will agree that the tenancy can be surrendered providing:

- Access is given to undertake a property inspection during the notice period and the property condition is found not to breach tenancy conditions
- The rent account is clear or any monies owing are repaid at the date of surrender
- The property keys are returned on expiry of the notice period

Where the tenant does not comply with these conditions, the request to surrender may not be accepted and the tenant will remain responsible for the tenancy and the rent and other charges.

Where a property is, or appears to be **abandoned**, a Forfeiture Notice will be served on the property, giving the tenant four weeks to respond. If there has been no response at the end of the 4-week period then we will take possession of the property. In these circumstances a Court Order is not required.

6.3.5 Reviewing Fixed Term Tenancies 12 months prior to end of tenancy

Where tenants are placed on a fixed term tenancy, these must be a formally reviewed. The Council will commence the review process 12 months prior in order to ensure maximum opportunity to support the households. Circumstances will be reviewed up to the 5 year fixed term, as a premature review could result in circumstances changing that would affect the decision whether to re-issue. A notice will be served 6 months prior, in writing of our intentions regarding whether we will reissue a tenancy on their existing home at the end of the term.

We will start the formal tenancy review at least 12 months prior to the tenancy end date by writing to the tenant/s to give notice of the review. The letter will include details of the circumstances under which a tenancy would not be reissued and a copy of our Tenancy Review procedure.

The review will be conducted according to our detailed Tenancy Review procedure, and will include a home visit that will seek to establish whether or not the tenant/s and their household still fulfil the allocation policy criteria we have agreed for occupancy of their home.

Tamworth Borough Council will then decide which action to take:

- (1) to be re-issue a new Fixed Term Tenancy; or
- (2) to find alternative (and more suitable) accommodation; or
- (3) not offer any other form of tenancy

Tamworth Borough Council will normally re-issue a further Fixed Term Tenancy unless;

Trowers & Hamlins amends: 12 September 2012

- The property is adapted or has special facilities or service provision and no-one residing at the property requires these
- The property is under-occupied by as defined in the Allocations Policy which is in force at the time of review.
- The tenant/s and their household no longer fulfil the criteria agreed for occupancy of their home inline with Tamworth Borough Council Allocations Policy and/or Supported / Sheltered Policy. (*'Household' in this regard means the persons that usually occupy the home with the tenant/s. Where these are adults that are not in full time education, they should have been residing in that home as their usual and sole residence since a date that is at least 18 months prior to the end of the tenancy term.*)
- The tenant/s and or their advocate do not engage in the fixed term tenancy review providing evidence of entitlement.
- The tenant/s does not accept the terms and conditions of the new Fixed Term Tenancy.
- If the tenant/s comes into legal ownership of another home and the council property is not their principal dwelling.
- Tamworth Borough Council reasonably requires possession of the home to enable it to effectively manage its property stock, for example it is looking to sell the property, demolish or carry out major works. Usually this will be where it is assessed as uneconomical to repair and or re-let

The term of any new tenancy offered will comply with our policy laid out in section 5, which may be different to the term of the previous tenancy.

Where the tenancy review identifies that the tenant/s with their household no longer fulfils the criteria for occupancy of their current home, at least [12 months'] notice in writing will be given of our intention not to reissue the tenancy, and additional appropriate assistance will be offered to improve the household's opportunity to move to another property in either our or another social landlord's stock or in the private sector.

Where a tenant/s fail to cooperate with the review, for example by not agreeing or keeping an appointment for a home visit, or failing to provide any evidence requested about the composition of their household, the tenancy may not be reissued. We will provide appropriate assistance prior to the tenancy ending to avoid this happening and will seek advice on a case by case basis where there is insufficient evidence to confirm it is occupied as per the policy.

Where we do not intend to reissue a tenancy, or we intend to reissue but on a shorter fixed term tenancy, we will include in our decision letter:

- Information on how to appeal against our decision, and the procedure that any appeal will follow
- Information on the advice and assistance we can offer to the household to find another suitable home.

Our processes for reviewing tenancies and for appeals are laid out in our *Tenancy Review Procedure* and *Tenancy Appeals Procedure*, copies of which will be provided to every fixed term tenant as part of their tenancy pack, and at the start of each review.

6.3.6 Exceptions to the criteria for ending a fixed term tenancy

The council will use its discretion to renew a tenancy in exceptional circumstances and this will be delegated to the Head of Landlord Services. Usually this will be where there is third party evidence and/or a value for money argument justifying renewing. Where suitable

Trowers & Hamblins amends: 12 September 2012

alternatives can not be sourced, then the tenancy will still be ended and use and occupation arrangements made pending move on.

6.3.7 Housing Options and Advice

We will work with Tamworth Borough Council Housing Advice team and the Housing Options team to identify options for re-housing where a tenant has been advised that their tenancy will not be reissued

6.3.8 Right to Review

Where Tamworth Borough Council uses the Mandatory Possession Procedure for ending the 2 or 5 year fixed term tenancy, all tenants will have the right to review the decision to end their tenancy. The review and appeals process is set out in the Tenancy Appeals procedure, with the tenant having 21 days after the service of the 'minded to' notice to appeal and then the right to a full review through a panel hearing.

Our processes for reviewing tenancies and for appeals are laid out in our *Tenancy Review Procedure* and *Tenancy Appeals Procedure*, copies of which will be provided to every fixed term tenant as part of their tenancy pack, and at the start of each review.

7. Tenancy Succession

7.1 Succession rights where the tenancy start date was prior to 2nd April 2012

All secure tenants whose tenancy start date was prior to 2nd April 2012 have the right of one succession to their current tenancy on their death. Under Section 89 of the Housing Act 1985, a person is qualified to succeed to a secure tenancy if he or she occupies the dwelling as their only or principal home at the time of the tenant's death and either:

- He/she is the tenant's spouse (i.e. husband, wife, common law partner or partner by way of a civil partnership).
- He/she is another member of the tenant's family and has resided with the tenant continuously throughout the previous 12 months ending with the tenant's death. The definition of a family member is set out in Section 113 of the Housing Act 1985, as follows:
 - A spouse or persons living together as a husband or wife, or
 - A person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece
 - In addition:
 - A relationship by marriage is treated as a relationship by blood,
 - A relationship by half blood is a relationship by whole blood;
 - A step child is treated as a child;
 - An illegitimate child is treated as a legitimate child.

The family member will need to provide evidence of occupancy.

A minor, that is, a person under the age of 18, can succeed to a tenancy but since they cannot legally hold a tenancy, a Trustee, who must be an adult, must hold the legal tenancy for the minor on Trust until they attain the age of 18. The Trustee will also act as the Guarantor for rent and other charges. The person who is appointed as the Trustee/Guarantor must be an individual such as a relative, Social Worker or Support

Trowers & Hamblins amends: 12 September 2012

Worker. The Trustee/Guarantor must execute a Deed of Trust and Deed of Guarantee and also sign the Tenancy Agreement.

If the family member would succeed to a property which is especially suited or adapted for either a disabled person or an elderly person and the survivor has no such need, then we may take proceedings to recover possession, as allowed for in the following grounds set out in Schedule 2 of the Housing Act 1985:

- Ground 13 – where the dwelling house has features which are substantially different from an ordinary dwelling house and which is designed to make it suitable for occupation by a physically disabled person, there is no longer such a person in occupation and the landlord requires the property for a physically disabled person.
- Ground 15 – the dwelling house is one of a group of houses which it is the landlord's practice to let to persons which special needs, a social service or special facility is provided in close proximity to the group of dwellings in order to assist persons with special needs, there is no longer such a person in occupation of the dwelling house and the landlord requires it for such a person.

In these instances, we will offer the successor suitable alternative accommodation.

7.2 Succession rights where the tenancy start date was on or after 2nd April 2012

The Localism Act 2011 reduced the statutory right of succession for all secure and fixed term tenants whose tenancy start date was on or after 2nd April 2012, so that one succession is still allowed but only to the spouse (i.e. husband, wife, common law partner or partner by way of a civil partnership). All other rights and discretions remain the same as for secure tenants with a tenancy start date prior to 2nd April 2012.

Tamworth Borough Council will continue to apply Succession rights in the same way as previously, after 2nd April 2012, and as set out at 7.1

7.3 Discretionary successions

We consider requests to succeed to a tenancy by someone left in occupation that is not otherwise entitled to succeed, because

- The one statutory succession has already taken place, and / or
- They have not lived in the home for the required period, and / or
- They are not a member of the deceased tenant's family.

The considerations that may indicate that we may allow succession include:

- The occupant is over the age of 18, is related to the tenant and has lived there as their sole home for a minimum of the previous 12 months

And one of the following

- They moved in to the property care for the tenant and in doing so gave up their home and this was a permanent move
- The property has been adapted, or has special facilities or service provision to meet the remaining occupant's needs
- They have no other reasonable property to occupy
- They would qualify for this property under the Allocation Policy

Where there are multiple persons left in occupation then the tenancy will be determined on the merits of individual cases.

Where we are minded to agree a discretionary succession but the occupant:

- Would under-occupy the home, or
- They have no need of specialist features, or
- The property is designated for older people and they are under the qualifying age

They will be allowed to remain there temporarily until one offer of suitable accommodation can be made within the terms of the Council's Allocations Policy. While an occupant remains they will be charged for their use and occupation of the property at the same rate as the current rent charge. Non-payment will result in possession proceedings being taken. If the remaining occupant declines the offer of accommodation that is made, we will not make any further offers and will take steps to regain possession the property.

8. Tenancy assignment

In some circumstances a tenant may assign their tenancy to another person who complies with certain criteria as laid out in their tenancy agreement and within this Policy.

Applications for assignment are only permitted by statute in the following limited circumstances:

1. By way of mutual exchange;
2. Where a court has made an order to transfer the tenancy under either:
 - a. Matrimonial Causes Act 1973, Section 24;
 - b. Matrimonial and Family Proceedings Act 1984, Section 17(1);
 - c. Paragraph 1 of Schedule 1 to the Children Act 1989;
 - d. Part 2 of Schedule 5 or Paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004;
3. To a potential qualifying successor if the tenancy agreement gives this right.

9. Tenancy Changes

9.1 Tenants that change their name

Tamworth Borough Council will agree to amend the tenancy following a name change as long as the tenant provides sufficient legal evidence of the change. This will usually be evidenced by a Deed Poll, marriage certificate or civil partnership documentation.

9.2 Sole to Joint Tenancies

Generally we will agree to the creation of a joint tenancy between spouse/partner. Each case will be considered on its own merits. Permission will normally be granted unless:

- There has been a breach of the tenancy agreement especially if this is due to rent (or other charge) arrears or anti social behaviour, where a Notice of Seeking Possession has been served, where proceedings have been commenced or where a Court has made an order for possession whether this be outright, suspended or postponed.
- The spouse/partner is under 18 years of age.
- The partner has lived in the property for less than 12 months.

The tenant's partner/spouse must be able to provide sufficient evidence of occupancy.

9.3 Joint to Sole Tenancies

If we receive a valid Notice to Quit this will end a tenancy when the four weeks notice period expires. In the case of a joint tenancy this will end it for both parties.

Where a joint tenancy is due to be terminated, but the partner of the outgoing tenant wishes to remain in the property, we can consider whether or not to grant a fresh sole tenancy. The circumstances that may indicate that a sole tenancy may be granted are:

- a) The property is suitable for the remaining occupant/s within the terms of the Council's Allocation Policy and it is likely that the Council would have a duty to rehouse the occupant/s left in the property.

And / or

- b) There is evidence that removing the household from the property would cause a significant impact on the health & wellbeing of one or more occupants.

If the property is not suitable for the remaining occupants within the terms of the Council's Allocation Policy we (with the exception of point b above) will allow the occupants to remain temporarily in the property until one suitable offer of accommodation can be made within the terms of the Allocations Policy. Whilst the occupant/s remain they will be charged for their use and occupation of the property at the same rate as the current rent charge. Non-payment will result in possession proceedings been taken.

If the remaining occupant declines an offer of accommodation that is suitable for their needs, the Council will not consider a further offer and will start proceedings to regain possession of the property.

10. Rights to take in a Lodger

The Council will act in such a way as to ensure that secure tenants are able to exercise their right to take in lodgers.

Tenants wishing to take in lodgers [tenants do not need consent to take in a lodger, although contractually they must advise the Council in writing, they do need consent to sublet] prior to entering into any arrangement.

On receipt of a written notification from a tenant that they intend to take in a lodger, we will contact the tenant to arrange to visit them in their home.

Where we consider that taking in a lodger will lead to overcrowding, we will notify the tenant and may take possession proceedings.

11. Tenants' rights to terminate their tenancy

11.1 Secure tenants

Full secure tenants are able to terminate their tenancy by providing us with four weeks notice in writing. We will complete a property inspection during the notice period to ensure that:

- The property does not breach tenancy conditions
- Any rent arrears or other outstanding payments are advised and the tenant has an opportunity to pay up to the notice expiry date
- We are able to re-let the property as quickly as possible

Trowers & Hamlins amends: 12 September 2012

- The tenant must return all the property keys at latest on the date the notice expires.

Fixed term tenants who wish to end their tenancy prior to the fixed term should apply to surrender their tenancy in accordance with the procedure outlined at paragraph 6.3.4 above.

12. Allocating our homes and helping people to live in homes that suit their requirements

12.1 Allocations to homes that will become vacant

We will contribute to the Council's overall objectives for Tamworth by ensuring that our approach to letting homes works towards achieving:

- Greater choice, housing options, homelessness prevention and mobility
- Mixed, cohesive and sustainable communities
- Efficient use of stock
- An open, transparent and equitable service
- Value for money through customer satisfaction and tenancy sustainment

We will therefore advertise most homes, including any homes let at affordable rents, on Tamworth Borough Council's choice-based lettings system 'Finding a Home' and will offer homes using the Council's Allocations Policy. Advertisements for homes will always include the rent (and any service or other charges) and the length of tenancy we would usually offer if the successful bidder isn't a secure or assured tenant with protected tenancy rights.

In order to make best use of homes and maximise rental income, we will advertise and offer homes as soon as possible after the occupying tenant gives notice that they intend to vacate. This will mean that sometimes an offer will be made while the home is still tenanted, or while post-tenancy repairs are being completed. We will therefore:

- Agree with repairs contractors how the property will be made available to prospective tenants for safe viewing
- Always accompany prospective tenants as they view the home, and
 - Explain features and facilities
 - Be clear what standard they can expect of a ready to let home
 - Tell them about decoration allowances for the home, including the amount on offer
- Tell those who have been offered a property:
 - The anticipated date the property should be available for them to move in, promptly informing them of any variation to this date and
 - What work they can expect to be completed prior to their occupation

12.2 Specialist housing

We will let specialist homes, including sheltered and adapted properties, to people on the Council's waiting list using the Council's Allocations Policy, but these may not be advertised on 'Finding a Home'. This is to ensure that these properties are occupied by people who

Trowers & Hamblins amends: 12 September 2012

have a specific need for the facilities and features, and because we know that older people and disabled people can find it more difficult to use a bidding system.

12.3 Mobility within and across the Council's boundary

We will participate in arrangements to maximise opportunities for tenants who need to move home, either because their household circumstances have changed, or because they need to move area for employment or other reasons.

Tamworth Borough Council is currently in partnership with the national "homeswapper" scheme and will continue to promote this internet based option as a way to market and maximise housing options.

As part of this we will proactively support:

- Valid mutual exchanges between tenants of our stock or between our tenants and those of other registered providers.
- Transfers of our tenants where their home no longer meets the household's needs, for example they:
 - Under-occupy by at least one bedroom
 - Are overcrowded
 - No longer need adaptations, facilities or services
 - Now require adaptations, facilities or services
 - Would benefit from more specialist accommodation, eg, sheltered housing

12.4 Mutual Exchanges

All secure and fixed term tenants (this does not include those on licence agreements) have the right to exchange, as laid out in Section 92 of the Housing Act 1985. Consent to an exchange will be withheld on the grounds laid out at Schedule 3 of the Housing Act 1985. In summary these are:-

Ground 1

The tenant or the proposed assignee is subject to an order of the court for the possession of the dwelling-house of which he is the secure tenant and or fixed term tenant

Ground 2

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 6 in Part I of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under section 83 (notice of proceedings for possession) which specifies one or more of those grounds and is still in force.

Ground 3

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee. In assessing this the council will have regard to its current allocations policy.

Ground 4

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

Ground 5

The dwelling-house—

(a) forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, and

(b) was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of—

the landlord,

a local authority,

Ground 6

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

Ground 7

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 8

The landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 9

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

Ground 10

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half the members are tenants of dwelling-houses subject to the agreement, at least half the tenants of the dwelling-houses are members of the association and the proposed assignee is not, and is not willing to become, a member of the association.]

Trowers & Hamblins amends: 12 September 2012

Consent to an exchange can be withdrawn if any of the above grounds become relevant during the course of the proposed exchange.

Refusals of exchanges will only be valid where the notice specifying the ground for refusal is sent to the tenant within 42 days of the tenant's application for consent.

Where a secure tenant is exchanging with another secure or assured tenant of an equivalent tenure level (for example two lifetime tenancies), the tenancies will be assigned on completion of the exchange. Where a protected tenant is exchanging with a tenant that is on a fixed term tenancy however, the tenancies will be brought to an end (surrendered) and each tenancy will be reissued so that each tenant keeps their pre-existing tenancy type and term. Where the exchanging tenants are both on fixed term tenancies, and they are therefore exchanging to homes which are usually let on fixed term tenancies, the period of tenancy offered on the home to which they have exchanged will usually be no more than the remaining portion of their previous fixed term tenancy.

Where a mutual exchange takes place by way of assignment, all obligations and entitlements attached to the existing tenancy are assigned with it. The exception is the right to succession. Any rights to succeed to a tenancy will remain with the tenant, so that if one of the parties succeeded to their tenancy, there will be no further right of succession to the tenancy of their new home.

13. 5 Transfer

Where a protected secure tenant is transferring to a new home, the existing tenancy will be brought to an end and they will be reissued a new full secure tenancy at their new property

Where a tenant is on a fixed term tenancy and they are transferring to a home which would usually be let on a new fixed term tenancy. If the tenant is however transferring to a one bed room property without disabled adaptations or sheltered housing whereby they will be issued a secure tenancy.

14. Preventing and addressing tenancy fraud

Tamworth Borough Council has a tenancy fraud policy which defines housing fraud, what we will do to prevent it, and what actions will be taken where housing fraud is identified (see Tenancy Fraud Policy).

Tamworth Borough Council is in partnership with Birmingham City Council and Midland Heart who have developed a strategy for identifying, measuring and managing levels of social housing fraud. One of the key elements of the strategy is the sharing of information and comparing of data. This data can then be compared generally to identify potential cases of should housing fraud that then require investigation.

15. Provisions for appeals on or reviews of tenancy matters

All tenants or prospective tenants have the right to appeal any decision made relating to:

- The tenancy they have been offered
- Non-reissue of a tenancy at the end of a fixed term
- Who is allowed to be on the tenancy agreement

Trowers & Hamblins amends: 12 September 2012

- Matters relating to succession to a tenancy

The right to appeal will be included in all letters to tenants about the matters above and will include the following process and timescales.

- Tenants or prospective tenants have [21] days of receipt of the tenancy-related decision to request a review of, or appeal the decision
- Requests for an appeal or a review can be made verbally, or in writing or on the tenant's behalf by a nominated representative but if the request is made verbally it is the tenant's responsibility to ensure that the request is written down on their behalf.
- Reviews and appeals will not require the tenant's or prospective tenant's presence unless they specifically request an oral hearing.
- The person who determines the review or appeal, or who conducts an oral hearing will be senior to, and separate from any person who participated in making the original decision
- Tenants or prospective tenants will be given 5 working days notice of the date of the review (counted from the day after a letter is delivered by hand to their address, or from the date after the letter is posted to their address in the first class mail.
- If the appellant has requested an oral hearing, they can be present at the hearing and make representations on their own behalf, or can nominate someone to act as their representative and make representations on their behalf.
- Decisions following an appeal or view will be notified to the appellant within 5 working days of the date of the review or hearing.

Our processes for reviewing tenancies and for appeals are laid out in our *Tenancy Review Procedure* and *Tenancy Appeals Procedure*, copies of which will be provided to every fixed term tenant as part of their tenancy pack, and at the start of each review.

16. Helping our customers to sustain their tenancies

We would like all our tenants to be successful householders and settle into their local community but we know that for some people this isn't easy. We will therefore take a supportive approach to helping tenants to:

- Settle into their home
- Pay their rent and other charges on time and keep a clear rent account from the beginning of their tenancy
- Abide by their tenancy agreement, and keep their home in good order
- Be a good neighbour

Our work will start when prospective tenants view a property. Where the customer has identified that they already have a support worker, we will suggest that they accompany the customer to the viewing, and also to the sign-up. We will encourage the customer to tell us if they feel they need support, and if they do we will refer them to one of the agencies who provide housing-related support. We will tell the customer about the features of their prospective neighbourhood including local shops, schools and public transport.

Trowers & Hamblins amends: 12 September 2012

We will complete a benefits entitlement check as part of the sign-up procedure and refer the customer to our welfare benefits adviser if they have debt they are struggling to manage, or may be entitled to benefits that they don't receive. We will also offer to help the customer to complete a Housing Benefits application form.

We will provide a welcome pack that advises the customer on the things they need to do when they move into their new home and will refer them to the furniture store if they need household goods and don't have the resources to buy these.

We will complete a new tenant visit within six weeks of the tenancy start date, and will check that the customer is settling into their home, that they are paying their rent (and / or that Housing Benefit is in payment) and that they fully understand the main features of their home (for example, the water stopcock, the heating system, the fuse box etc). We will check that the customer feels they are managing in their home and will, if this is indicated and the customer agrees, refer them for housing-related support.

We will take an early prevention approach to rent (or other charge) debt and nuisance, so that customers are quickly informed if they are in breach of their tenancy agreement and are given help to rectify this. If they need help to tackle nuisance that is adversely affecting them we will support them and take prompt action to address the issues.

17. Tenancy Policy Review

This tenancy policy will be reviewed every year to ensure it is up to date and continues to meet the needs and aspirations of existing and potential tenants.

Fixed Term Tenancies & Tenancy Management Policy June 27th 2012

Lesley Healey – Consultant

Tina Mustafa – Head of Council Housing

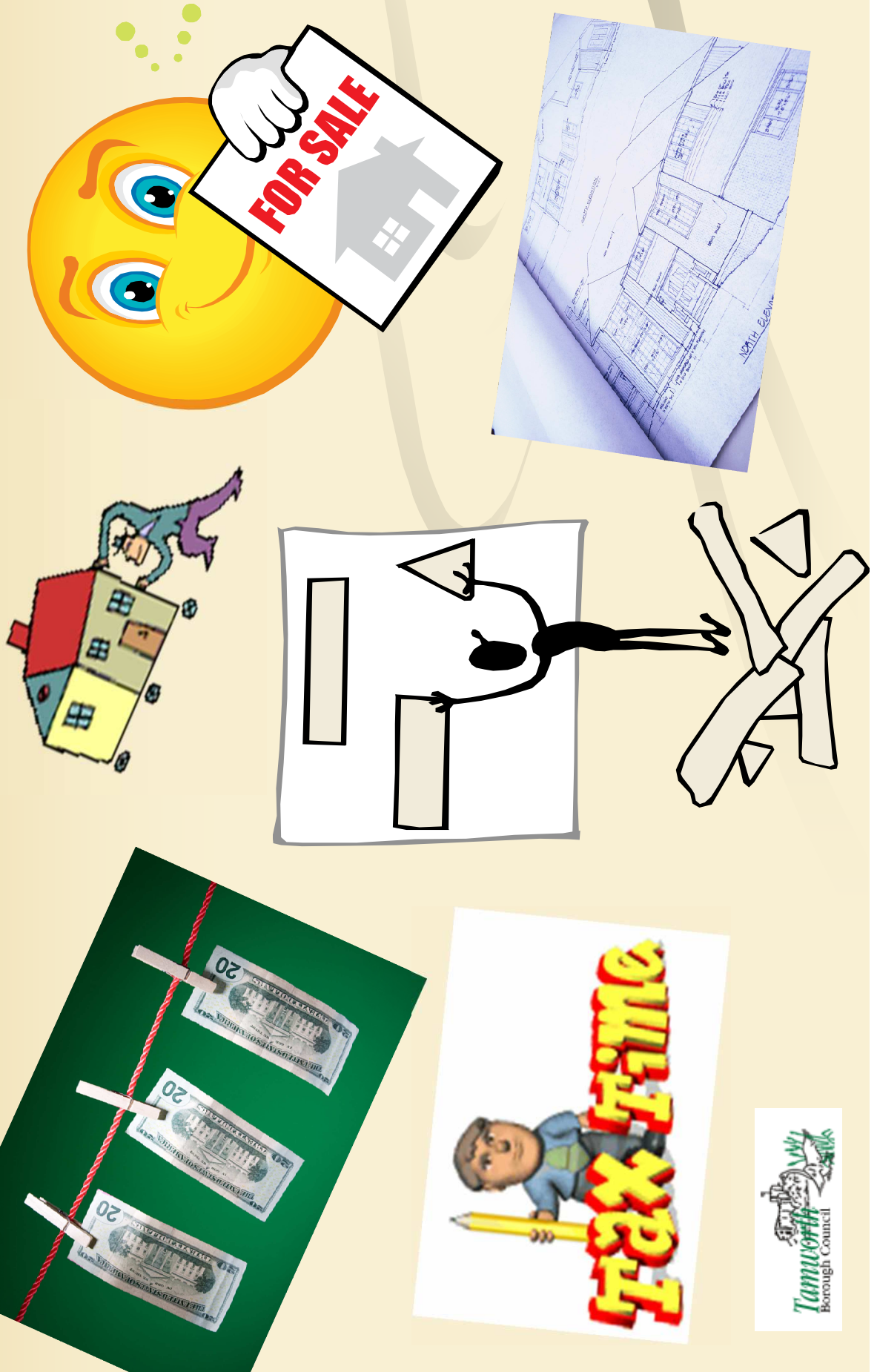
Lee Birch – Housing Options Manager

Where shall we start?

- Summary of Changes
- Why these are being proposed
- Strategic Relevance
- Look at each of the proposals and discuss the impact
- Further opportunities for Consultation



Summary of Coalition Changes



What is it and Why?

- Tenancy Policy – basis for which properties are let
- Localism Act 2011 – Statutory Requirement to have Tenancy Management Policy (2012)
- Improve Choices around key policy arrangements (fixed-term tenancies; succession; introductory; affordable and target rents)
- Tenancy Policy clear regard for Wider Tenancy Strategy and reference to other landlords (2012)



Debate Continues?

Opportunities

- Make Best use of stock
- Tackle acute housing crisis – waiting lists
- Encourage Social Mobility
- Fits with Broader Strategic Framework – Welfare Reform (521 potentially under-occupying)
- Pay to Stay – level playing field – support when need it. Consultation ends 12/9/12
- HRA – Self financing and opportunities through charging affordable rent (80% market value) – Money to re-invest for regeneration

Challenges

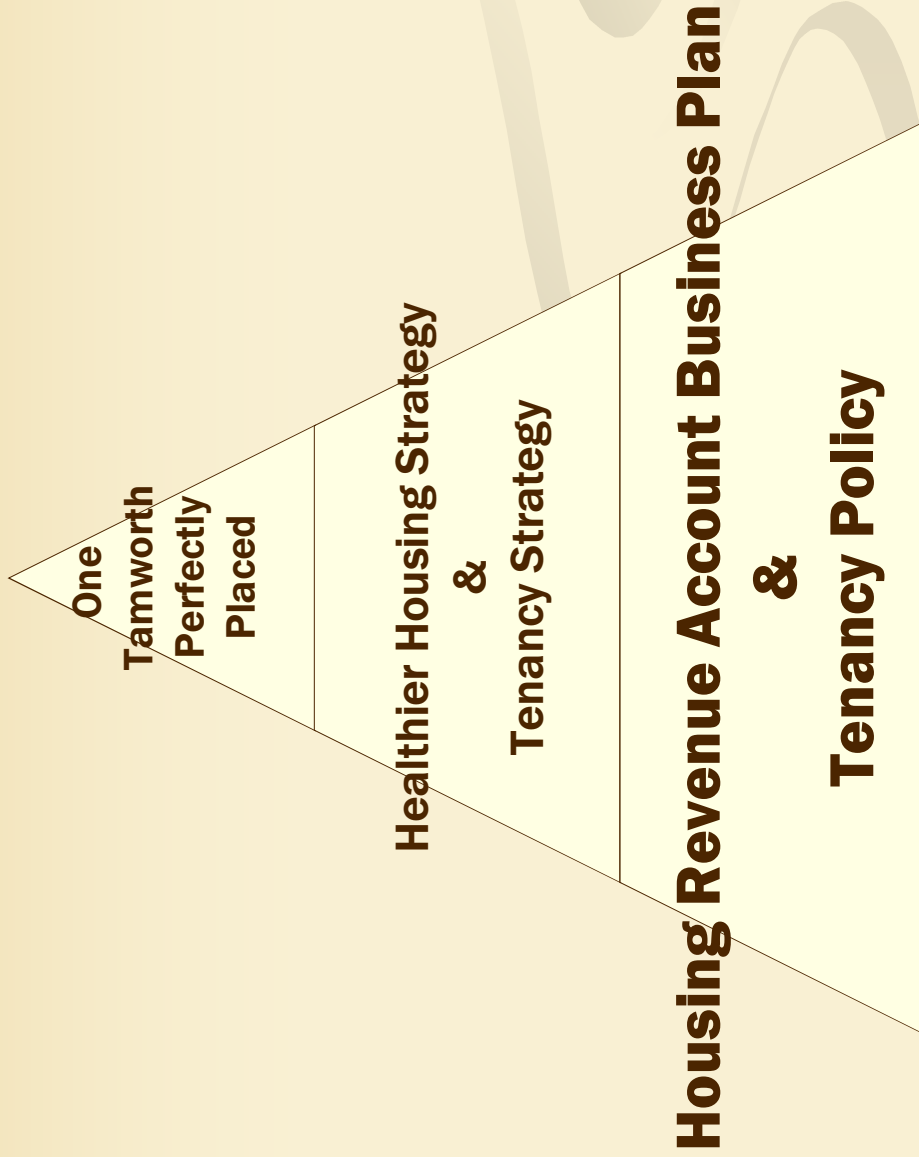
- Shortage of 1 bed – strategic impact
- Waiting list static around 2000-2100 in Tamworth
- Will it? Links to wider allocation review including review of local connection (e.g. Bham)
- Ensuring all social sector work together to ensure housing options are met
- Welfare Housing could lead to unsustainable communities
- Wider Affordability issues at a time when people are facing economic hardship



*Housing
cornerstone of
economic
recovery*

Strategic Relevance

Impact of TSP



Core
Strategy



For every 100,000 new
affordable homes = 1%
GDP, focus for CSR in 2015



Required Content - Tenancy Policy

Essentially lays out landlord's approach to tenancies

- Tenure form and length used for:
 - Different properties
 - Different customer groups
- If flexible tenancies used, circumstances where we won't reissue on either current or another home
- Arrangements for appeals and complaints against a tenancy offered or not issued
- Specific arrangements for more vulnerable households
- How we'll provide advice and assistance to those whose tenancy is not being reissued
- Any discretionary succession rights

Discretionary (but advisable)

- How we'll help tenants to sustain their tenancies
- Arrangements for tackling tenancy fraud
- Procedure for (flexible) tenancy reviews
- Plans for properties at affordable rents, particularly conversions (if relevant), and how these will be let
- How properties will be allocated and let
- How we will support tenants to move both locally and more widely.

Our choices

Tenancy requirements

- Tenancies granted must be compatible with :
 - The purpose of the accommodation
 - The needs of individual households
 - The sustainability of the community, and
 - The efficient use of our housing stock
- Note: Existing tenants' rights are maintained:
 - Even if they transfer or exchange
 - Unless they *choose* an affordable rent home that is let on a fixed term

1) Tenure choice – flexible tenancies

- 1a) Stay as we are – secure (lifetime) tenancies for all (excludes temporary/short term supported)
- 1b) Issue flexible (fixed term) tenancies to all new tenants
- 1c) Use a mix of flexible and secure tenancies dictated by the type of accommodation and customers' needs
 - Flexible tenancies should be at least 5 years (aligning with our tenancy strategy) but could be longer (eg, aligned with youngest child's age group)
 - 2 years only in 'exceptional' circumstances
 - **Note** - TBC tenancy strategy suggests five-year for all except OP and adapted homes

1) Tenancy flexibility

CHOICE	ADVANTAGES	DISADVANTAGES
a) Secure (lifetime) for all	<ul style="list-style-type: none"> ■ Simple ■ No additional staff inputs ■ No additional appeals ■ Community stability ■ Family stability and certainty ■ Minimised void turnover 	<ul style="list-style-type: none"> ■ Not best use of all stock ■ Fewer voids ■ Can help fewer people
b) Fixed term for all (GN tenants)	<ul style="list-style-type: none"> ■ Simple ■ May help more people ■ Better use of stock ■ Increased turnover 	<ul style="list-style-type: none"> ■ Administratively burdensome ■ Instability (all tenants) ■ May decrease 'community' ■ Increased void spend
c) Fixed term for some, secure for remainder	<ul style="list-style-type: none"> ■ Best use of scarce/high demand stock ■ Balances increased admin ■ Protects more vulnerable customers ■ Stability where important ■ Some increased turnover 	<ul style="list-style-type: none"> ■ Potential for confusion Ⓣ Increased resources on: Ⓣ Tenancy reviews Ⓣ Appeals Ⓣ Some increased void spend

Targeting fixed term tenancies

- Regulations expect default that tenancies are renewed at the end of term
- Important therefore to balance benefits with costs
- Tenancy reviews:
 - Time-intensive
 - Require significant resources
 - Lead to appeals, both of tenancy type offered and non-renewal
 - Easy to get wrong without excellent administrative processes
- Choice of property-based and customer-based approaches

Criteria must be unambiguous and equitable

Basing on property

- Family homes:
 - Left under-occupied as children move out
 - Need to decide level of under-occ that triggers non-renewal
- Adapted homes:
 - Adaptations no longer required by household
 - Exclude non-family homes where remaining tenant is older, to balance duty towards vulnerable people
- Homes planned for regeneration/redevelopment:
 - Our intentions clear from tenancy start
 - Fulfil responsibility to rehouse, but at lower costs
 - Opportunity to let replacements/regenerated homes at higher rents
- Advantages of f.t. in other stock unclear
- May want to offer secure tenancies (via Local Lettings Policy) in areas where we want more community stability

Basing on customer characteristics

In general, this approach leaves more room for debate, uncertainty and appeals

- 'Higher risk' tenants
 - Inappropriate to use fixed terms to deal with tenancy breaches
 - Introductory tenancies more efficient / effective against early breaches
- Older people
 - No benefit from fixed term tenancies, as expectation of renewal
 - Duty to consider vulnerability
- Younger people
 - Experience/ studies show will voluntarily move when can meet aspirations or needs change (eg, relocation)
- Accepted homeless/ move-on supported
 - Best managed via property type, avoiding discrimination

Basing on customer characteristics

Higher income tenants:

- Govt consultation (13th June) and draft LA guidance (Pay to Stay)
- Proposing additional rent rather than ending tenancy
 - Additional income towards development
- ‘Household’ or tenant (& partner?) income?
 - ‘Two highest earners’ would embrace adult children, lodgers, people living with & cared for by tenant
 - Deterrent to work, particularly for adult children
 - Potential unintended consequences for vulnerable people and housing supply
- What if income changes year-on-year?
- Currently no right to access income records
 - Govt intends to address (if possible)
- Will need to align with allocations policy on new lets
- Alternative to use fixed term for all new (GN) tenants, and not reissue if tenant (and partner?) income exceeded a set amount in the preceding financial year
 - Impacts similar to option b)

Impact of Fixed Term Tenancies

- 276 New lets (2011/12) Down from 400 pre-CBL
- General needs (229) & Sheltered (47)
- 80 Transfers –if existing tenant protected with existing security any new build
- New Applicants with new tenancies (c175 less the transfers and sheltered).
Of 175 c10% would not meet criteria to stay so would be expected to move – c 17-18 per year. Guess Work based on existing patterns
- in 5 years (start at 4years 6months- looking to review 875 tenancies with a potential 87 being required to move)
- Balancing churn with best use of stock and potential for income at affordable rent
- Opportunities for local lettings planning – regional under and over occupation - different approach to matching – **WM Bus**
- Areas highest churn / turnover - Number of empty properties during 2011 / 12 - Stonydelph39; Amington34; Bolehall 29; Leyfields27; Glascote 24; Town centre 23; Wilnecote 22; Belgrave 14; Gillway 12; Kettlebrook 11; Dosthill8; Fazeley 7; Coton Green 6
- Support with move on – combination solutions
- IT Resources and Staffing – fundamental to ongoing management and will be part of delivery plan – estimated at £30-50k per annum

2) Tenure choice – introductory (probationary)

- 2a) Don't use at all (as now)
- 2b) For all new tenants, whatever the tenancy type
- 2c) For fixed term tenants only
 - Option to use only for certain fixed term tenants, provided carefully defined in Tenancy Policy
 - If we use introductory tenancies, the 12 months (could be 18 if there are problems) will be added to any fixed tenancy term

2) Introductory tenancies

CHOICE	ADVANTAGES	DISADVANTAGES
a) Don't use at all	<ul style="list-style-type: none"> ■ Simple ■ No additional staff inputs 	<ul style="list-style-type: none"> ■ Opportunities lost to: <ul style="list-style-type: none"> ⑩ Tackle management issues ⑩ Improve tenancy sustainment
b) Use for all new tenants	<ul style="list-style-type: none"> ■ Simple ■ Contributes to: <ul style="list-style-type: none"> ⑩ Tenancy sustainment ⑩ Robust housing management ■ Additional year of stability for tenants 	<ul style="list-style-type: none"> ■ Very resource-intensive ■ Unnecessary for most new tenants ■ Disproportionate - not VfM
c&d) Use for all or some fixed term tenants only	<ul style="list-style-type: none"> ■ Simple ■ Can be targeted effectively ■ Proportionate ■ Additional year of stability for tenants 	<ul style="list-style-type: none"> ■ Requires additional staff inputs ■ Potential for confusion (if not all new f.t. tenants)

Impact of Introductory Tenancies

- Different to fixed term
- 12 month probationary – 85% sustained in 2010/11 and 84% in 2011/12. Review ongoing for why terminated (affordability and rent) and feed into allocations policy and tenancy sustainment work
- Case load & Possessions Proceedings in 1st year – less than 20 cases in the first year and not all proceed to court
- People most dissatisfied in year 1-2 as per status survey
- Disproportionate response and not best value for money in terms of ending tenancies
- Raft of measures exist for ASB– strengthened through accreditation



3) Tenancy succession

- New statutory minimum - 1 succession only to spouse or partner
- Currently all LA tenants have slightly wider rights:
 - 1 succession only to any family member provided has been living with the tenant in that home continuously for at least 12 months
- All current secure tenants retain the above succession rights

Succession - choices

CHOICE	ADVANTAGES	DISADVANTAGES
Offer statutory minimum dependant on tenancy start date	<ul style="list-style-type: none"> ■ Aligns with legislation ■ Removes any risk of manipulation by family members 	<ul style="list-style-type: none"> ■ Potential confusion for HO's and customers ■ Complexity increases when tenants have transferred (secure tenants prior to April 2012 retain their rights) ■ From experience: <ul style="list-style-type: none"> ⑩ Few non-partner successions ⑩ No evidence of abuse
Offer discretionary succession rights aligned to secure tenants	<ul style="list-style-type: none"> ■ Removes any confusion ■ No additional admin pressures ■ No evidence tighter control required 	<ul style="list-style-type: none"> ■ Risk of more under-occupied properties ■ Potential for abuse as housing pressures increase
Extend discretionary succession rights	<ul style="list-style-type: none"> ■ None identified 	<ul style="list-style-type: none"> ■ More under-occupied properties likely ■ More potential for abuse

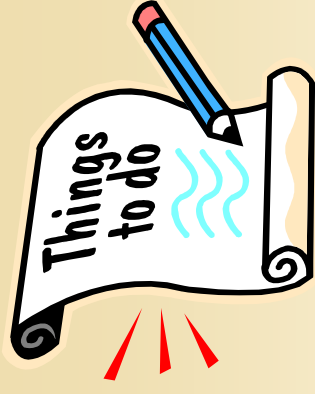
Impact Succession

- 2011/12 – on Average 36 Successions per annum
- Break down between spouse and/ or next of kin
- Discretion used where value for money and best use of stock
- Balancing sustainable solutions with demand for stock

Other Tenancy Management Requirements in the Policy

- Appeals
- Vulnerability
- Tenancy Sustainment
- Tenancy Fraud

Next steps



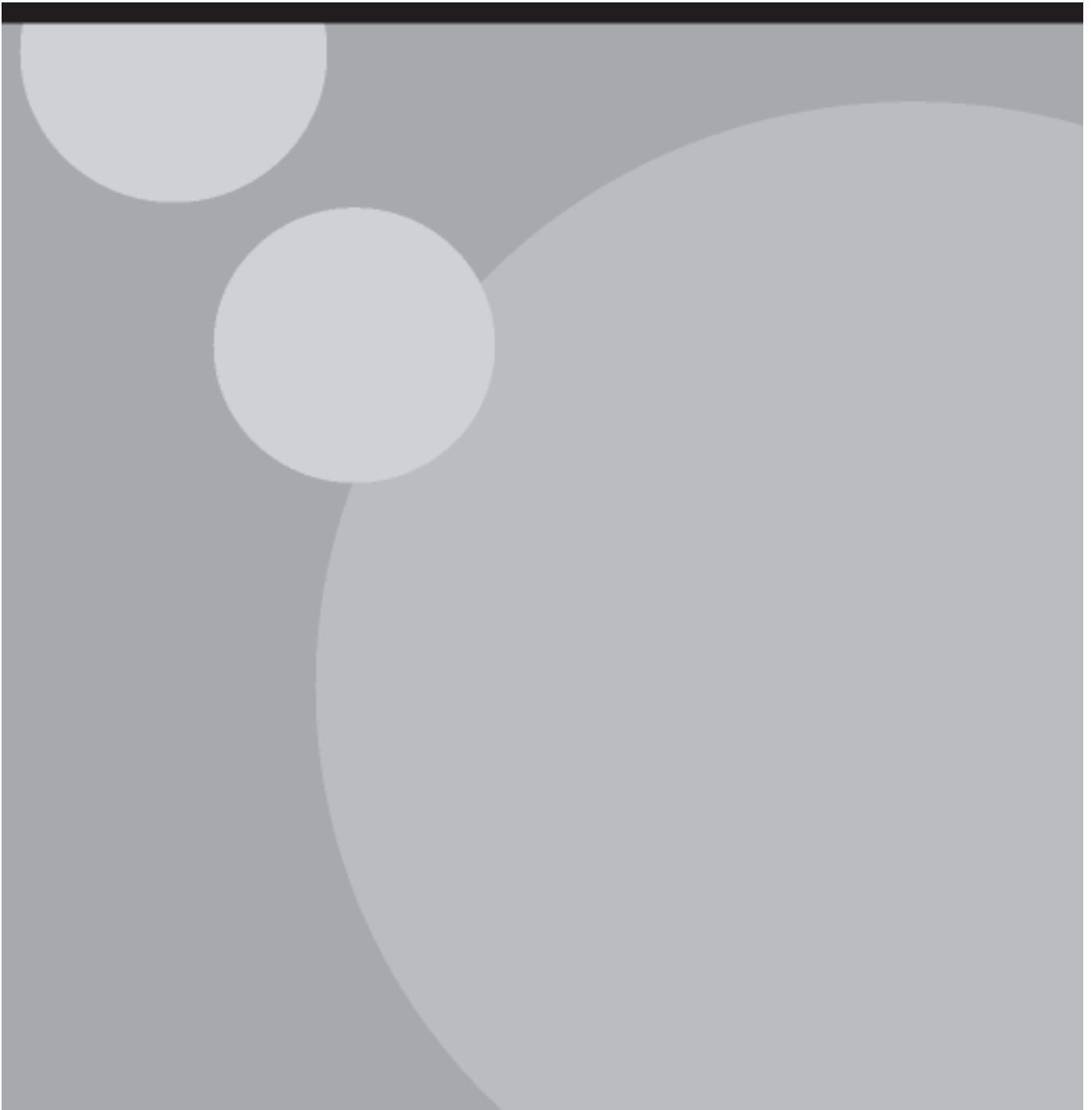
- Comments through Portfolio Holder for Housing
- Work Shop with Tenants' (TCG) on the 3rd July 2012
- Stakeholder Event Summer to inform
- Cabinet Paper September 2012
- Implementation Tenancy Policy April 2013
- Review of those offered fixed term tenancies 2017-2018

This page is intentionally left blank



High Income Social Tenants

Pay to Stay Consultation paper





High Income Social Tenants

Pay to Stay Consultation paper

June 2012
Department for Communities and Local Government

© Crown copyright, 2012

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

June 2012

ISBN: 978-1-4098- 3547-9

Contents

Introduction	1
The consultation process and how to respond	2
The case for reform	4
Delivering reform	4
Annex A Draft guidance to Local Authorities	12

Introduction

1. In times of economic hardship it is more important than ever that social housing helps the most vulnerable in society. In November, the Prime Minister and the Deputy Prime Minister launched our radical new strategy for housing, *Laying the Foundations: A Housing Strategy for England*¹. This includes major reforms to social housing that will give landlords far greater freedom to target their resources at those who need it for as long as they need it. In particular, our tenure reforms will allow social landlords to offer lifetime security where it is needed but also to set shorter terms for new tenants where that makes more sense. And reforms to social housing allocations will give councils the freedom to manage their own waiting list and allow them to give more priority to long-standing local residents.
2. In addition, our new statutory guidance on social housing allocations will make clear that we expect councils to avoid providing social housing to people who already own a property. We are also changing the law to ensure that former service men and women with urgent housing needs receive high priority on waiting lists, and to ensure that those who move from base to base do not lose their qualification rights.
3. However these reforms will not fully address the problem of precious social housing resources being occupied by high income households. The Government is committed to take action to tackle this problem and give social landlords the tools to target support at those who need it. Following on from the commitment made in the Housing Strategy² to tackle the problem of households earning high incomes who continue to occupy subsidised housing, we now propose to introduce a 'Pay to Stay' scheme whereby landlords could charge higher rents to tenants on high incomes who want to stay in their social homes.
4. This is an issue of principle and fairness. The Government believes that it is right that landlords should be able to require high income social households to pay a higher rent. This consultation invites views on how this policy could be delivered. The Government plans to bring forward more detailed proposals following this consultation.

¹ <http://www.communities.gov.uk/documents/housing/pdf/2033676.pdf>

² 'Laying the Foundations, A Housing Strategy for England' p29, November 2011

The consultation process and how to respond

Topic of this consultation:	This consultation invites views on the proposal that social landlords should be able to require tenants in social rented housing on high incomes to pay higher rents.
Scope of this consultation:	The consultation invites views on how this proposal might be delivered. Specific delivery issues include: <ul style="list-style-type: none"> • The income threshold above which high income tenants might be asked to pay a higher rent • What the higher level of rent should be • Disclosure of income by tenants • Whether the policy should be voluntary or compulsory for social landlords
Geographical scope:	England.

Basic information

To:	This consultation is aimed primarily at local authorities, registered providers of social housing, tenants and representative organisations. The Department will of course consider any consultation responses received from other interested bodies and individuals.
Body/bodies responsible for the consultation:	The Housing Growth and Affordable Housing Directorate in the Department for Communities and Local Government is responsible for this consultation.
Duration:	The consultation starts on 13 June 2012 and finishes on 12 September 2012.
Enquiries:	For further information on this consultation document please email [paytostay@communities.gsi.gov.uk] or telephone 0303 444 3724.
How to respond:	Consultation responses should be submitted by email to: [paytostay@communities.gsi.gov.uk] Or by post to: Pay to Stay Consultation Department for Communities and Local Government [Zone 1/D1]

	Eland House Bressenden Place London SW1E 5DU
After the consultation:	The Department for Communities and Local Government will publish a summary of the responses to the consultation.
Compliance with the code of practice on consultation:	This consultation document and consultation process have been planned to adhere to the Government code of practice on consultation. The period of consultation will be 12 weeks.

The case for reform

5. It is estimated that in social rented housing in England there are between 1,000 and 6,000 households where the Household Reference Person and partner have a combined income over £100,000 per annum; and 12,000 to 34,000 earning £60,000 or more.

Income threshold	% of top earners ³	Estimate of number of households	
		Low	High
£100,000	5%	1000	6000
£80,000	5%	2000	11000
£60,000	10%	12000	34000

6. Figures suggest that on average across England the economic subsidy provided by sub-market rents on social housing is worth an estimated £3,600 per annum. These subsidies are significant and the Government is concerned that they are unfair when provided to those on high incomes, both to taxpayers and to those in housing need on waiting lists. Social housing should go to those who genuinely need and deserve it the most. The Government believes that there is no case for very high earners to be benefiting from significant annual housing subsidies, even taking account of the case in favour of a mix of incomes in social housing. As the table above shows, our proposals target only the very richest, so any reduction in income mix is likely to be very minor. In a comparable move, the Government has already taken action to restore fairness by limiting Housing Benefit so that claimants are faced with the same types of housing choices as ordinary working families. This consultation considers options for tackling the situation so that tenants earning high incomes can be asked to pay more to stay in their homes.

Question 1: *Do you agree with the principle that very high earners living in social housing should pay higher than social rents?*

Delivering reform

7. The Government has taken forward a package of social housing reforms to provide greater freedom for social landlords to target support at those who most need it. In common with this approach, and with regard to rents, we therefore wish to focus on options that enable landlords to charge a higher rent to high-income households, by which we mean a single tenant earning at or above the agreed threshold or the two highest earning individuals whose joint income is at or above that threshold.

³ http://www.hmrc.gov.uk/stats/income_distribution/3-1table-feb2012.pdf

8. While we wish to formulate a common policy for all social housing, the differing nature of the local authority and housing association sectors will necessitate some differences in approach.
9. For **local authorities**, central Government's current social rent policy establishes local authority rent increases according to a formula linked to the property rather than to the individual tenant's income. The Government's rental policy statements have the status of non-statutory guidance. Authorities have the flexibility to set rents at another level, or using another basis, if that appears to them more appropriate to local circumstances.
10. Nevertheless, many local authorities follow rent policy. To bring this new policy into effect, we would therefore issue supplementary guidance, setting out a framework for local authorities to charge certain Higher Income Social Tenants a higher rent. We would also revise published policy statements on rents in the local authority sector to include this change. (A draft illustration of a revised statement of local authority social rent policy is at [Annex A](#).) This approach would allow councils to choose to implement the policy according to local circumstances. Subject to feedback on this consultation, we propose to issue the supplementary guidance as soon as possible after the end of the consultation period. This would immediately give local authorities more support if they wanted to increase rents for high-income households.
11. **Private registered providers of social housing** are subject to regulatory controls on the level of rent they may charge and maximum annual rent increases. In order to allow housing associations to charge higher rents to high income households which meet the criteria specified above, the Secretary of State would need to direct the Social Housing Regulator to amend its standard on rent. The Secretary of State's direction and the resulting standard would be subject to statutory consultation. The detail of how this will work is more complex, and we are seeking your views on these issues in the section below.

Question 2: *Do you agree that this approach would be the best way of delivering additional flexibility for local authorities and private registered providers?*

Question 3: *What are your views on the guidance at Annex A?*

Question 4: *Do you think that landlords should be required to charge high income households a higher rent?*

12. There are a range of practical and, potentially, legal barriers that would need to be overcome in order to implement the Government's final proposals. These include decisions on the income threshold, the need for landlords to know about the income of the tenant, the level of rent that should be charged and the impact of income changes.

13. The key issues are set out below and your views are invited on them.

The income threshold

14. In setting the income threshold, the Government wants to strike the right balance without penalising aspiration or creating work disincentives. However, as has been shown in the debate around Welfare Reform, people believe it is wrong for hard working taxpayers to subsidise those who are easily able to support themselves. That is why we believe it is fair to seek views on possible options for an income threshold, and wish to hear views on the potential to set the threshold at £60,000, £80,000 or £100,000.
15. We consider that it is most likely that £80,000 or £100,000 would be the level which would best avoid perverse incentives. However, we believe there could also be a case for setting the threshold at £60,000, which would do more to achieve our aims in terms of fairness and is in line with the current maximum household income of £60,000 (or £74,000 in London) for access to Government funded affordable home ownership schemes, such as First Buy, in most parts of the country. Setting the threshold at £60,000 would therefore be consistent with the level below which people trying to get onto the housing ladder would be eligible to receive Government support to access housing.
16. We also invite comments on whether there is a case for setting the threshold below £60,000. The proposed policy could create disincentives to work, if people reduce hours worked in order to fall under a threshold, and thus avoid the higher rent levels we propose. There is increased risk the lower the threshold particularly where two tenants' incomes are taken account of.
17. Any incentive to reduce work, together with increased rents, could lead to higher benefit costs. The Government's policy is to maintain downward pressure on the welfare bill. We are keen, therefore, in setting the threshold to find a balance so the tipping point is not reached where avoiding triggering the threshold becomes a significant consideration.
18. While we remain open to views about whether there is a sound case for lowering the income threshold below £60,000, low income tenants are excluded from these proposals and the Government is committed to protecting the rents of those on low incomes and the vulnerable.

Question 5: *Do you consider that £60,000, £80,000 or £100,000 would be an appropriate threshold, avoiding the impacts referred to above?*

Question 6: *Could levels below £60,000 be considered without disadvantaging other households on low incomes or the vulnerable? Where should the line be drawn?*

Question 7: *At what level do you think the income threshold could start impacting on welfare or affecting work incentives?*

Question 8: *Should the policy apply only to those whose names are on the tenancy agreement?*

Question 9: *Should income other than pay be included in the threshold amount, such as Lottery windfalls or inheritances?*

Question 10: *Should certain groups be exempted from higher rents, such as disabled people, or pensioners? If so, please set out your reasoning.*

How high should rents for high income social tenants be set?

19. There is a very strong case to allow rents to be increased to full market rents for high income households. However, in the housing association sector, it may be problematic to immediately introduce market rents in view of the charitable status and objectives of providers; although, equally, charitable providers have a clear interest in avoiding giving support to those who do not need it. In this context we propose to look at these issues further and to encourage landlords to increase rents to 80% of market rents in the interim, with the aim of introducing full market rents for higher income tenants as soon as possible.

Question 11: *Do you agree that landlords should be able to charge 80% of market rates to high income households which meet the proposed criteria, that is an individual or two individuals with a high joint income?*

Question 12: *Would allowing landlords to charge full market rents be appropriate in your area in your view?*

Question 13: *Are there any practical barriers to charging full market rents?*

Question 14: *If the power to charge a higher rent was optional for landlords, would you be likely to make use of it?*

Disclosure of income

20. Social sector landlords currently have no powers to require tenants to disclose income for the purpose of setting their rents.
21. Linking rents to income would be breaking new ground. Our present view is that primary legislation will be required to enable landlords to access tenant income data if this policy is to be fully effective.
22. We intend to explore what such legislation might look like, with the aim of introducing it at a suitable opportunity. In the interim, we intend to

explore how we could support landlords by providing them with greater flexibility to charge higher rents to high income households; for example, through supplementary guidance for local authority landlords.

23. We also intend to fully explore timing issues including the “income” year to which the new rent should be applied. There may be arguments for introducing the higher rent based on either the previous year’s income, or the forthcoming year. Your views are invited on the period to which the new rent should apply.

Question 15: *Your views are invited on how we could best enable landlords to set higher rents to high income households in advance of any legislation.*

Question 16: *We would also welcome your views on the practicalities of requiring income disclosure; and specifically, what kind of mechanism would be needed and how this would best work.*

Question 17: *Do you already hold or have access to information about tenants’ income levels that could be used to support a “pay to stay” approach?*

Question 18: *Would you be likely to make use of any new statutory powers to require tenants to disclose their income?*

Question 19: *Should the income year be the tax year, the calendar year or a rolling year? Do you see difficulties with adjusting a tenant’s rent based on a previous year?*

Applying the policy to existing and new tenants

24. Existing local authority tenants are largely secure tenants under the Housing Act 1985, whose terms and conditions of tenure are set out in their tenancy agreements, which would have been agreed prior to the introduction of the policy proposed here. Local authority landlords are able to renegotiate tenancy agreements and they generally set rent levels each year, but not generally in relation to tenants' incomes. Existing social tenants will have legitimate expectations of existing arrangements continuing, and would need to be given adequate notice of any proposed changes in rent levels. The high incomes of the affected tenants and their corresponding capacity to make alternative arrangements if needed would clearly be a major factor in determining the amount of notice that would be sufficient in particular cases.
25. The vast majority of tenants of private registered providers have assured tenancies under the Housing Act 1988. Usually rent increases are a matter for the terms of the tenancy. Such tenancies will often give landlords discretion to vary rents, subject to giving tenants adequate notice. However, if rent provisions in tenancies make promises as to the level of future increases, private registered providers would have to renegotiate those tenancies in order to charge existing tenants a higher

rent.

26. The position for new tenants should be more straightforward. There are reforms in the Localism Act to provide that local choice for social landlords and new tenancies moving forward. For new tenants with fixed term tenancies it may be possible at review time for agreement to be reached on a different level of rent suited to the tenant's circumstances. It may also be easier to make further adjustments where those circumstances changed.

Question 20: *What practical issues do you see in charging existing high income tenants a higher rent?*

Moves and income changes

27. A new system would need to be sufficiently sensitive to respond to changed circumstances quickly, for instance where a tenant's income was abruptly reduced due to a redundancy, a failed business, or where the tenant moved out; or conversely where a new partner moved in and income significantly increased.

Question 21: *How quickly could local authority and housing association rent processes respond to changed tenant circumstances? What issues might arise? For instance would there be a need to seek regular updates from tenants on their circumstances? Would this just be in relation to known high income social tenants, or all tenants?*

Tenant protections

28. Landlords may need to have a review/appeal mechanism so that tenants can challenge decisions to put them onto a higher rent. This would not need to be a statutory procedure, but could be introduced as an internal arrangement for each social landlord. We envisage that landlords will be able to make use of their existing internal and external complaint procedures for this purpose.

Question 22: *Is an internal appeal or complaint process the best way of allowing tenants to appeal against decisions to put them onto a higher rent? Are there existing appeal or complaint mechanisms within your structures that could be adapted for this purpose?*

Question 23: *Should there be a uniform set of rules across the social housing sector on how any appeals should be handled? If so, who should make these rules?*

Administrative implications and costs

29. Charging rents for some tenants on a different basis than the majority could create additional administrative work for the landlord, such as

collecting information on incomes, and assessing tenants to adjust rents where their circumstances change. However, the new policy also provides the opportunity for additional income generation and for ensuring that the valuable housing stock is being used effectively.

30. As noted above, the maximum amount by which private registered providers can raise social rents is controlled by regulation. We could amend these controls, via a direction to the Social Housing Regulator, in order to give providers the option to charge higher rents to high income households. This change could create additional costs for the Regulator. It would be up to the Regulator to decide how to monitor landlords' decisions to charge higher rents and how to monitor and enforce compliance with the amended regulatory standard.

Question 24: *What is your view of the administrative costs that might be incurred in implementing these proposals? What opportunities do you see for minimising additional costs?*

Question 25: *Do you have any comments about the regulatory implications of giving private registered providers these additional flexibilities?*

Use of increased rental income

31. Increasing rents for high income social tenants would lead to additional income for landlords. The extent of this additional income would depend on the income threshold, definition of income and to what level rents were increased. We welcome views on how the additional income generated should be used.

Question 26: *How should additional income generated by this policy be used?*

Treatment of historic grant

32. Where a provider converts a grant-funded social rent property to a higher rent, some or all of the grant might need to be recovered by the Homes and Communities Agency or reinvested by the provider in new affordable housing supply. There are already mechanisms in place to ensure that developing providers will reinvest the grant in providing new affordable housing, but non-developers may need to pay grant back to the Homes and Communities Agency. This could become more complicated if the property subsequently reverts back to social rent (e.g. if the high income household moves on or its circumstances change).

Question 27: *What are the practical implications of requiring grant reinvestment / recovery when a property moves to a higher rent (or reverts back to social rent)?*

Other issues

Question 28: *Are there any other issues you wish to raise?*

Annex A: Draft Supplementary Guidance to Local Authorities in Setting Their Social Rents

Charging a Reasonable Rent for High Income Social Tenants

This guidance supplements the social rent policy statement issued in December 2000, which set out the rent restructuring policy, and approach for social rents. This guidance should be read alongside the existing guidance.

The Government believes that it is right in principle that landlords should be able to charge high-income households a higher rent to stay in their social homes. The consultation paper 'High Income Social Tenants: Pay to Stay' set out our intention to give councils and housing associations new powers to charge social tenants a higher rent where the household income of a sole occupier, or the two highest earning individuals whose joint income is at or above a threshold of [figure to be determined. See 'Income Threshold' section of consultation document]. We are committed to helping social landlords take action to tackle the problem of scarce social housing resources being occupied by high-income households by giving them the tools to charge a 'Pay to Stay' rent.

Local authorities have existing statutory powers, under section 24 of the Housing Act 1985, to charge reasonable rents. Each local authority would need to consider whether charging a high income-earning tenant a higher rent was appropriate, but the Government considers the existing statutory powers should allow for Higher Income Social Tenants rents.

The limits we would expect to see applied to Higher Income Social Tenants Rents would be full market rent, with an increase in rent to 80% of market rents in the interim, plus annual increases of no more than the level of Retail Price Index (RPI) inflation plus 0.5%. However, the Government is proposing to move to enable these rents to be set at market rates as soon as possible.

At present there is no requirement for tenants to disclose their incomes to their social landlords. We have said we may consider bringing in primary legislation in due course to make income disclosure a requirement.

Authorities should consider whether in local circumstances they want to use this new flexibility to charge tenants in the high income category a higher rent.

Under this policy the key elements are:-

- The new rents should apply to tenants with incomes of [figure to be determined. See 'Income threshold' section of consultation document];

- The policy applies to an individual tenant earning [figure to be determined. See 'Income Threshold' section of consultation document], or the two highest earners in the household with a joint income of [figure to be determined. See 'Income Threshold' section of consultation document];
- Tenants on low incomes should continue to be protected from unreasonable rent increases;
- For now the rent increase should be a maximum of 80% of local market rates, but with full market rents for high earning social tenants as soon as possible.

Where a tenant ceases to be subject to a Higher Income Social Tenant rent, and remains in the property, we would expect that tenant to revert to the social rent that would have been charged on the property if a Higher Income Social Tenant rent had not been applied.

This page is intentionally left blank

Consultation & Communications Plan
Consulting on the changes in Housing
- Welfare Reform & Tenancy Policy / Flexible Tenancies -

Method of Communication	Exiting Tenant	Customers on Waiting List	Members	Stakeholders	Timetable	Completed
Leaflet included in Offer letter advising tenants of changes to Housing Benefit & proposals for flexible tenancies	All new tenants	No	No	No	As from April 2012	Ongoing
Open House Update on : Welfare reform & flexible tenancies	Yes	No	No	No	Spring 2012 edition	Ongoing
Rent statements – welfare changes Information going out with quarterly rent statement	Yes	No	No	No	As from April 2012	Ongoing
Members Seminars Welfare & Flexible tenancy	No	No	Yes	No	May 2012 June 2012	Yes
Update at Tenants TCG Meeting Welfare & flexible tenancy	Yes	No	No	No	May 2012 June 2012	Yes
Voids & Allocations E-bulletin to partners update on flexible tenancies	No	No	No	Yes	April 2012	Ongoing
Tenant & Staff Workshops – Welfare Reform Flexible tenancies	Yes	No	Yes	No	July 2012	
Housing Register People and stakeholders sent summary of Tenancy policy, questionnaire and invite to drop in sessions	No	No	No	Yes	July 2012	
Cabinet Reports Welfare Reform Tenancy Policy – flexible tenancies	No	No	Yes	No	August 2012- September 2012	
Dedicated website to benefit Welfare: Forum Q&A	Yes	Yes	Yes	Yes	Design 22 Aug. Publish end Aug 2012	
Event at the Assembly rooms including: Viewing of the video by Tina giving a overview of the changes in housing	Yes	Yes	Yes	Yes	September 2012 December 2012	

<p>Tables around the room to assist people with their enquiries about :</p> <ul style="list-style-type: none"> * Changes to Benefits * Under or over occupying and want to move * Understanding Flexible tenancies <p>Press release Reception Screen</p>					March 2013	
<p>Locality Area Events at Hubs</p> <p>Visit to sheltered & Supported Housing</p>	Yes	Yes	Yes	Yes	September – March 2013	
<p>Website Home Page</p> <p>Page dedicated to updating tenants including:</p> <ul style="list-style-type: none"> * Video * Q&A's * Feedback sheet 	Yes	Yes	Yes	Yes	August 2012	
<p>Tweet: Advertise our events</p>	Yes	Yes	Yes	Yes	2 weeks prior to all events taking place	
<p>Live Blog giving opportunity to have their questions answered</p>	Yes	Yes	Yes	Yes	September 2012 December 2012 March 2013	
<p>Post out simply guide leaflet of all the changes including timetable</p>	Yes	Yes	Yes	Yes	October 2012 Feb 2012	
<p>Article next editions of Talkback</p>	Yes	Yes	Yes	Yes	November	
<p>Publish new Tenancy Policy:</p> <p>Website By post Tweet update</p>	Yes	Yes	Yes	Yes	?	

RISK ASSESSMENT

TENANCY POLICY SEPTEMBER 2012

Risk	Consequence	Controls Required
Failure to approve the Tenancy Policy	The Council will fail in its statutory duty and could be challenged.	Approve the Tenancy Policy
Creating New Tenancies	<p>The failure to create tenancies in accordance with legislation and policy will result in delays in securing possession where court action is initiated by the Council. This will increase delays in reletting accommodation, increase legal costs and cause damage to the Council's reputation.</p> <p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p>	The Council will need to ensure that the procedures it operates ensure that tenancies are created in the most efficient and cost effective manner possible.
<p>Fixed Term Tenancies</p> <p>High Cost of managing fixed term tenancies</p>	<p>The introduction of another form of tenure could lead to confusion; staff will need to be very careful when considering each case and will need to check the contractual position in all instances to ensure that they implement the correct procedures.</p> <p>It is estimated that the fundamental increase in administration in assessing whether tenancy should be extended and the information technology development costs to support this process will be between £30 – 50k</p> <p>Letting properties more often may prove to be more costly.</p>	<p>Staff will require training and the administration of fixed term tenancies will have to be monitored closely in order to minimise errors.</p> <p>Fixed Term tenancies will only be offered on family & adapted properties</p> <p>This will be mitigated by monthly monitoring of voids, should a steady increase be identified a review of the use of fixed term tenancies will be undertaken.</p>

<p>No alternative accommodation for tenant's to move including those with care and support needs</p>	<p>No alternative accommodation for tenants to move to.</p> <p>We could potentially spend a considerable amount of staff time reviewing all fixed term tenancies and in the end we simply don't have available properties to move tenants to which means we end up renewing all fixed term tenancies. Making the introduction of fixed term tenancies pointless.</p>	<p>Exceptions in the Tenancy Policy criteria for ending a fixed term tenancy are;</p> <ul style="list-style-type: none"> • The tenant has made reasonable attempts to secure alternative accommodation and there are no reasonable alternatives for the tenant to accept or pursue; • Care & support needs of the household can only be met if the tenant remained in the property <p>This will be mitigated by monitoring of fixed term tenancies & should this situation be identified a review of the use of fixed term tenancies will be undertaken.</p>
<p>Succession</p>	<p>The failure to assign tenancies to successors in accordance with legislation and policy will result in delays in securing possession where court action is initiated by the Council and cause confusion where the tenant has applied for the right to buy. It could also potentially lead to complaints of maladministration. This could increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p> <p>Failure to administer succession requests properly could result in expensive legal challenges.</p>	<p>The Council will need to ensure that the procedures it operates ensure that succession is determined and tenancies are assigned in the most efficient and cost effective manner possible.</p> <p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>Staff will require training.</p>

<p>Ending of Tenancies</p>	<p>The failure to end tenancies in accordance with legislation and policy could potentially result in delays in securing possession, in those cases where court action is initiated by the Council and result in possible claims for illegal eviction. This could potentially increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are ended in the most efficient and cost effective manner possible.</p> <p>Staff will require training.</p>
<p>Rent Levels & other charges</p>	<p>Tamworth Borough Council's Business Plan depends significantly upon generating revenue from the properties that it rents.</p> <p>Wider affordability issues at a times when people are facing economic hardship.</p>	<p>We seeks to mitigate against business risk through setting rent levels and service charges that are affordable, equitable, transparent and consistent, while ensuring that at all times that the Council is financially viable and sustainable.</p>
<p>Mutual Exchange</p>	<p>The failure to assign tenancies in accordance with legislation and policy could potentially result in delays in securing possession where court action is initiated by the Council, grant rights to those who do not have an entitlement to assign to the tenancy and could also potentially lead to complaints of maladministration. This could potentially increase delays in securing accommodation, increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively. The Council will need to ensure that the procedures it operates ensure that tenancies are assigned in the most efficient and cost effective manner possible.</p>
<p>Taking in a Lodger</p>	<p>The failure to enable a secure tenant to exercise their right to take in lodgers, in accordance with legislation and policy, could potentially result in complaints of maladministration against the Council. This could potentially increase legal costs, create an entitlement to compensation and cause damage to the Council's reputation.</p>	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures</p>

		it operates ensure that tenants requests to take in lodgers are responded to in the most efficient and cost effective manner.
Tenancy Fraud	The impact of fixed term tenancies on the provision of social housing could be great, particularly in view of the current financial climate and tenants wanting to remain in their family homes, it is recognised by Tamworth Borough Council that effective benefit fraud investigation is of high importance.	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are ended in the most efficient and cost effective manner possible.</p>
Appeals & Reviews	The failure to create process reviews and appeals in accordance with legislation and policy will result in delays in securing possession where court action is initiated by the Council. This will increase delays in reletting accommodation, increase legal costs and cause damage to the Council's reputation.	<p>The Council must be mindful of the need to ensure that its staffing levels are sufficient to implement the Council's policy effectively.</p> <p>The Council will need to ensure that the procedures it operates ensure that tenancies are created in the most efficient and cost effective manner possible.</p>
Judicial Review	The failure to create a tenancy policy in accordance with legislation could result in judicial review, legal costs and cause damage to the Council's reputation, similar to the Barnet case.	The Council will seek endorsement of the Policy from Legal Solicitors.

**COMMUNITY IMPACT
INTRODUCING FIXED TERM TENANCIES**

Risk	Community Impact	Controls required
Introducing Fixed Term Tenancies	Tenants feeling less of a commitment to the area they are living in.	This will be mitigated by offering 5 year tenancies in most cases, and providing clear guidelines in the tenancy policy on the circumstances in which we will extend these.
	Tenants subject to flexible tenancies will curtail their aspirations in order to keep their home.	This will be mitigated by ensuring that tenants will have access to a range of alternative accommodation including; council accommodation, mutual exchange, low cost home ownership and privately rented homes.
	Curtail tenants aspirations to go out to work and increase their earning if they know they have to pay more rent `Pay to Stay1 - increasing areas of social deprivation.	This will be mitigated by ensuring that tenants provided with information on the benefits of working and advice on how to maximise their income.

	<p>Tenants subject to fixed term tenancies and/or 'pay to stay' may choose to buy their own properties, putting at risk the Tamworth Borough Council housing stock and the Landlord Services Business Plan which depends on this revenue.</p>	<p>This will be mitigated by monthly monitoring of right to buy, should a steady increase be identified a review of the use of fixed term tenancies will be undertaken.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Equality Impact Assessment Toolkit

Section	Housing	Officer responsible for the Assessment	Mrs Lee Birch, Housing Options Manager
Name of Policy to be assessed	Tenancy Policy	Date of Assessment	20 August 2012
1. Briefly describe the aims, objectives and purpose of the policy/procedure/practice?	Is this a proposed new or existing policy/procedure/practice? New		
2. Are there any associated or specific objectives of the policy/procedure/practice? Please explain.	<p>The Policy sets out in broad terms how different tenancy types will be awarded, reviewed and the circumstances when tenancies may not be renewed and how we will ensure that the management of tenancies is consistent, transparent and fair to all tenants. The policy will also outline how Tamworth Borough Council will offer advice and assistance to tenants whose tenancies are not being renewed to access alternative housing options.</p> <p>This Policy fulfils the requirement on us, as a registered provider of social housing, to have a Tenancy Policy that clearly states what our customers can expect of us in relation was tenancy they will be awarded and how that tenancy will be managed.</p>		
3. Who is intended to benefit from this policy and in what way?	<ul style="list-style-type: none"> • Provide a high quality housing management service to prospective and actual tenants, in accordance with legislation, regulation, the Council's Allocations Policy and best practice. • Make best use of our stock and ensure it meets existing and future customers' needs • Ensure customers have the right home for as long as they need it • Support our customers to enable them to achieve their housing aspirations • Respond effectively to the demands placed on our limited social housing resource 		

	<p>The use of fixed term flexible tenancies in line with the policies set out in the Tenancy Policy will ensure that best use is made of Tamworth Borough Council's housing stock to meet residents' housing needs and aspirations and that residents are made aware of the full range of housing options and assisted to access them.</p> <p>It will enable the Council to under-occupation therefore freeing up.</p> <p>The rights of existing tenants will not be affected – If a tenant already has a secure tenancy, the tenancy will remain a secure tenancy.</p>	
<p>4. What outcomes are wanted from this policy/procedure/practice?</p>	<ul style="list-style-type: none"> • Make best use of our stock and ensure it meets existing and future customers' needs • Ensure customers have the right home for as long as they need it • Respond effectively to the demands placed on our limited social housing resource 	
<p>5. What factors/forces could contribute/detract from the outcomes?</p>	<p>Changes in legislation, lack of housing stock, changes to the Allocations Policy</p>	
<p>6. Who are the main stakeholders in relation to the policy?</p>	<p>Existing Tenants Applicants on housing register Councillors Support Agencies</p>	<p>7. Who implements the policy, and who is responsible for the policy?</p> <p>Implementation: Housing Officers Responsible: Housing Options Manager & Housing Tenancy Sustainment Manager</p>
<p>8. Which individuals/ groups are to be consulted with on this policy?</p>	<p>Applicants on Housing Register Stakeholders Councillors Staff Existing Tenants Tenants Consultative Group</p>	

<p>9. Are there concerns that the policy <u>could</u> have a differential impact on racial groups?</p>	Y	N	<p>Yes - for large families that live together in the family home as they are more likely to require more than on succession.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>Tenant data for large families that currently reside in our properties. Exceptional cases like these will be addressed on its own merits.</p>			
<p>10. Are there concerns that the policy <u>could</u> have a differential impact due to gender?</p>	Y	N	<p>Yes – in most cases where joint tenancies end leaving male in occupation they are moved to smaller accommodation</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>Recent cases show that there is a trend of males being left in occupation of larger properties that are no longer suitable, which results in males left in occupation of the family home being moved into smaller one bed accommodation inline with the allocations policy.</p> <p>As the policy will allow the Council to address issues of under-occupancy it will support the increased availability of larger family homes, which will particularly benefit women who make up a significant proportion of the applicants seeking family homes.</p> <p>Given the policy is concerned with making best use of stock, then it would be resource prohibitive to review 1 beds which are not going to be under occupied. Irrespective of gender, the overriding consideration is making best use of stock. Whilst the single person might end up having a lifetime tenancy of a 1 bedroomed property, clearly this is about housing need.</p>			
<p>11. Are there concerns that the policy <u>could</u> have a differential impact due to disability?</p>	Y	N	<p>No – if the property is suitable for the disabled person tenant or successor then they will be left in occupation.</p>
<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>Recent cases have shown the Council have taken reasonable and sensible approach to disabled persons left in occupation –</p>			

ensuring they are offered suitable accommodation.		
As the policy will make best use of adapted properties it will support the increased availability of adapted accommodation, which will particularly benefit applicants/existing tenants seeking disabled adapted homes.		
12. Are there concerns that the policy <u>could</u> have a differential impact due to sexual orientation?	Y N	No
What existing evidence (either presumed or otherwise) do you have for this?		
As will take account of civil partnerships inline with housing law requirements.		
13. Are there concerns that the policy <u>could</u> have a differential impact due to their age?	Y N	No
What existing evidence (either presumed or otherwise) do you have for this?		
As the policy will allow the Council to address issues of under-occupancy it will support the increased availability of larger family homes, which will particularly benefit children.		
Applicants aged 60 or over who wish or need to move to sheltered housing will usually be offered a secure tenancy; and Applicants who were already social housing tenants as at the implementation date and have remained social housing tenants since that date will, as required by the Regulatory Framework for Social Housing in England, be offered a secure tenancy where they are offered a Social Rent tenancy.		
14. Are there concerns that the policy <u>could</u> have a differential impact due to their religious belief?	Y N	No
What existing evidence (either presumed or otherwise) do you have for this?		
None		

15. Are there concerns that the policy <u>could</u> have a differential impact due to them having dependants/caring responsibilities?	Y	N	Yes
<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>The policy protects dependants and carers left in occupation.</p>			
16. Are there concerns that the policy <u>could</u> have a differential impact due to them having an offending past?	Y	N	Yes
<p>What existing evidence (either presumed or otherwise) do you have for this?</p> <p>Tamworth Borough Council Suspension Policy may stop them being allocated accommodation.</p>			
17. Are there concerns that the policy <u>could</u> have a differential impact due to them being Transgendered or transsexual?	Y	N	No
<p>What existing evidence (either presumed or otherwise) do you have for this?</p>			
18. Does any of the differential impact identified cut across the equality strands (e.g. elder BME groups)?	Y	N	Please explain - No
19. Could the differential impact identified in 9 – 17 amount to there being the potential for adverse impact in this policy/procedure/practice?	Y	N	No – officers log will be raised in exceptions circumstances

20. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Y	N	No
21. As a result of this EIA should this policy be recommended for implementation in it's current state?	Y	N	Yes

Action Plan

Complete the action plan demonstrating the changes required in order to meet TBC's commitment to equality and diversity. The Action plan must contain monitoring arrangements, the publishing of results and the review period required for this policy.

Action/ Activity	Responsibility	Target	Progress
Produce: fixed term tenancy agreement, review & appeal procedures			
Information put onto website for customer access			
Officers Log to be raised in exceptional circumstances			
Policies & Procedures to be loaded on netconsent			
Monitoring arrangements:			
Publication:			
Review Period:			

Expand as appropriate

Signed (Completing Officer)..... Date

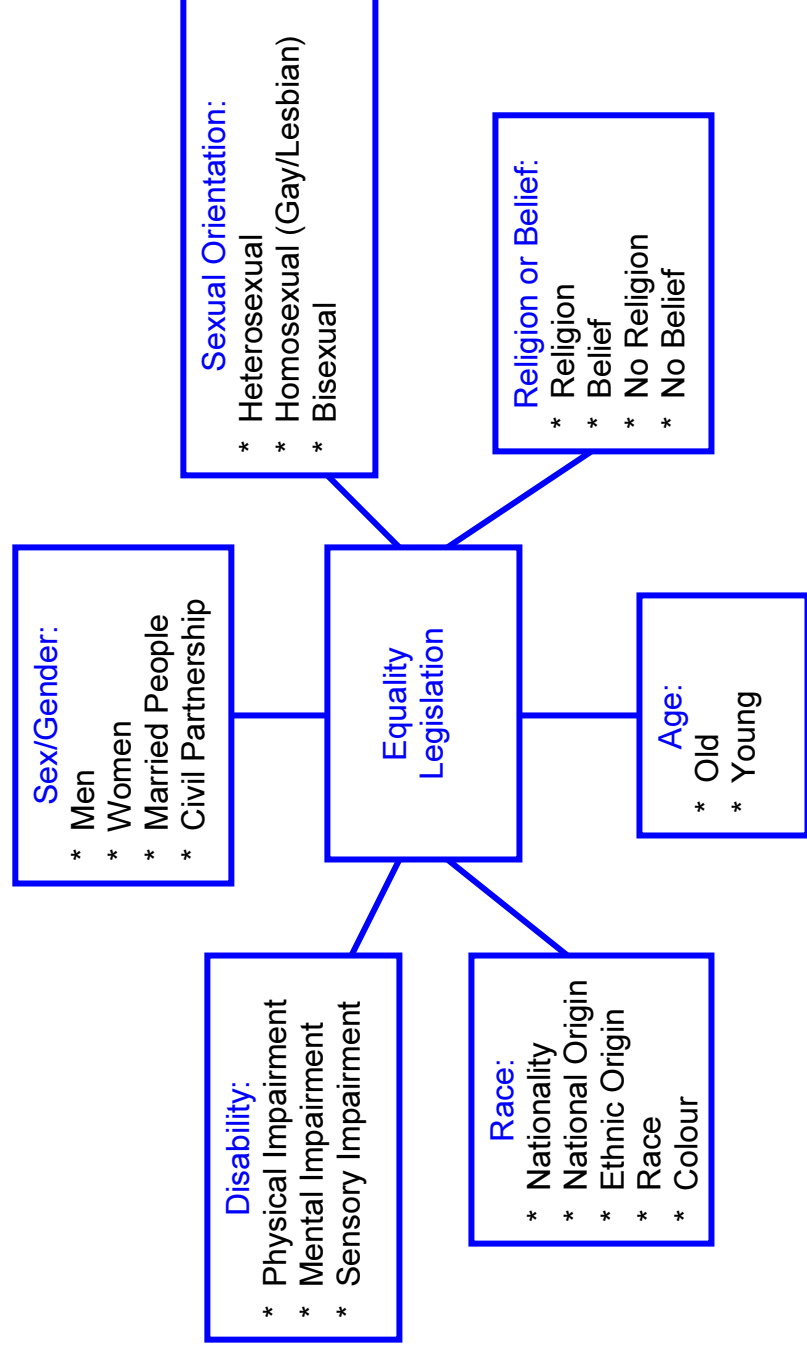
Signed (Head of Section) Date

Signed Corporate Diversity/ Equality Date

Quick guide to equality impact assessment

To assess your policies ask the following questions:

1. What is the aim of the policy/practice/procedure?
2. What outcomes do you want from the policy/procedure/practice?
3. Will this outcome be different if you are from a particular group 6 strands race, disability, gender, age, sexual orientation, religion or belief?
4. Is it adverse?
5. If yes, can you mitigate?
6. If no, consider alternatives.



26th September 2012

**REPORT OF THE PORTFOLIO HOLDER FOR THE ENVIRONMENT AND WASTE
MANAGEMENT****TITLE OF REPORT
Tamworth Local Air Quality Report 2011-12****EXEMPT INFORMATION**

None

PURPOSE

To advise Cabinet of the outcome of the updating and screening assessment for local air quality conducted in accordance with current and future Government requirements.

RECOMMENDATIONS

Cabinet Members are requested to:

- Approve the Updating and Screening Report (USA) and recommendations, as submitted to DEFRA, and by these actions take clear ownership of the final report and its conclusions.
- Further approve the release of revenue contingency of £10K to undertake necessary air quality assessments to comply with statutory requirements.

EXECUTIVE SUMMARY

The Local Air Quality Management (LAQM) process places an obligation on Tamworth Borough Council to regularly review and assess air quality in its area; a map of the locations is shown at **Appendix 1** and to determine whether or not air quality objectives will be achieved.

Where exceedences in results are considered likely the Local Authority must then declare an Air Quality Management Area and prepare an Air Quality Action Plan.

The conclusion of the 2012 (USA) report was that nitrogen dioxide is the only pollutant that the air quality standards might be exceeded and that this occurred at the A5 Dosthill, Two Gates Crossroads shown at **Appendix 2** and for ease and aerial photographs at **Appendix 3**. For all other pollutants recognised within air quality standards it has been previously established and confirmed by DEFRA that there are no exceedences likely to occur.

Given these results it is necessary to undertake additional monitoring at locations which may inform whether it is necessary to proceed to a detailed assessment for Nitrogen Dioxide (NO₂) for the Two Gates Crossroads area,

RESOURCE IMPLICATIONS

The cost of a detailed assessment of air quality is estimated to be £8-10K subject to formal Quotations being obtained and this would include recommendations and options to be undertaken within our boundary. Given there is no budgeted allowance to undertake this detailed work it is requested that £10,000 is released from the general fund contingency budget to ensure adequate funding is available.

LEGAL/RISK IMPLICATIONS

Consideration needs to be given to the potential blight of properties in an area where there have been exceedences of air quality objectives. There are no areas declared in Tamworth Borough Council's area therefore a pragmatic approach to managing all aspects of the process especially communication is needed.

Additionally, there are likely to be some key risks in the implementation and operation of the Local Air Quality regime if statutory deadlines are not met or adequate resources are not provided in discharging this statutory function.

SUSTAINABILITY IMPLICATIONS

The cost of air pollution on society and our future is high in terms of health and developing a sustainable environment. This fact is continued to be considered as part of the analysis process of many projects.

BACKGROUND INFORMATION

Members will be aware of the existence of a National Air Quality Strategy that is intended to control and reduce air pollution within the UK. This national strategy is derived from European Directives regarding Air Quality control and management and has been adopted within UK legislation. This National mechanism forms part of European controls on air quality as a whole.

Local Authorities in England have legal responsibility to review and assess air quality locally and to take steps to improve local air quality in consultation with the Environment Agency, the Highways Agency and other authorities as necessary. The Committee on the Medical Effects of Air Pollution (COMEAP) in it's submission to DEFRA speculated that it was more reasonable to consider that air pollution may have made some contribution to the earlier deaths of up to 200,000 people (the number dying of cardiovascular causes) with an average loss of life of about two years per death affected, though that actual amount would vary between individuals.

Tamworth Borough Councils review (Updating and Screening Assessment - USA) of local air quality has been submitted to the Department of Environment Food and Rural affairs (DEFRA) on an annual basis. Two recent reports have flagged up a concern regarding a potential breach of the air quality objective at Two Gates Crossroads. There are four monitoring points in the vicinity of which two have had exceedences of Nitrogen Dioxide. To put this figure into perspective, the concentrations at the nearest relevant exposures (i.e. residents living at properties that are terraced houses) were below the annual mean objective of $40 \mu\text{g}^{-3}$ micrograms per cubic metre using a fall-off with distance calculator. The levels that were obtained. Furthermore, an hourly objective of $200 \mu\text{g}^{-3}$ not to be exceeded

more than 18 times per year is laid out in the legislation. From the results to date, there have been no exceedences of the 200 μg^{-3} limit.

Further detailed monitoring at properties is being undertaken with the consent of residents and a further report will be submitted if the need to proceed to detailed monitoring is required.

Any potential fears concerning the possible generation of blight on properties located within the AQMAs does not arise because the inclusion of a premises within the area of an AQMA is not registerable for Land Charges purposes. It is recognised that this is an emotive issue given the potential health concern and personal property, therefore, any relevant information will be provided to Cabinet in subsequent reports.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

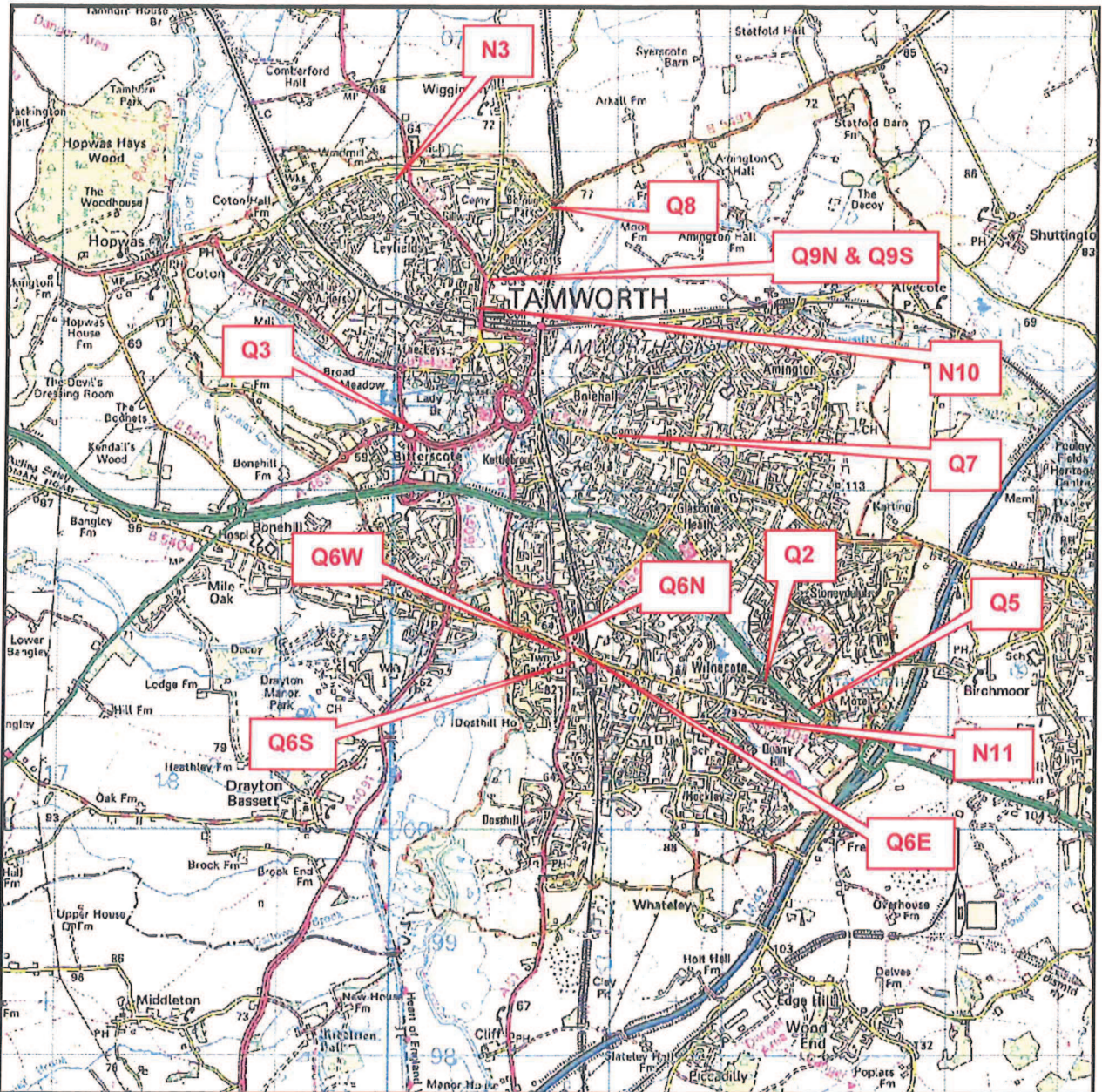
1. 2012 Air Quality Updating and Screening Assessment for Tamworth Borough Council.
2. Written evidence submitted by DEFRA – Parliamentary Session 2012-13.
3. The Air Quality (England) (Amendment) Regulations 2002 (SI 3043)

APPENDICES

1. Map Showing Monitoring Stations in Tamworth Borough.
2. Map Showing Monitoring Sites at Two Gates Cross Road.
3. Aerial Photograph showing Two-Gates Cross Roads.

This page is intentionally left blank

Figure 2.2 Map of Non-Automatic Monitoring Sites



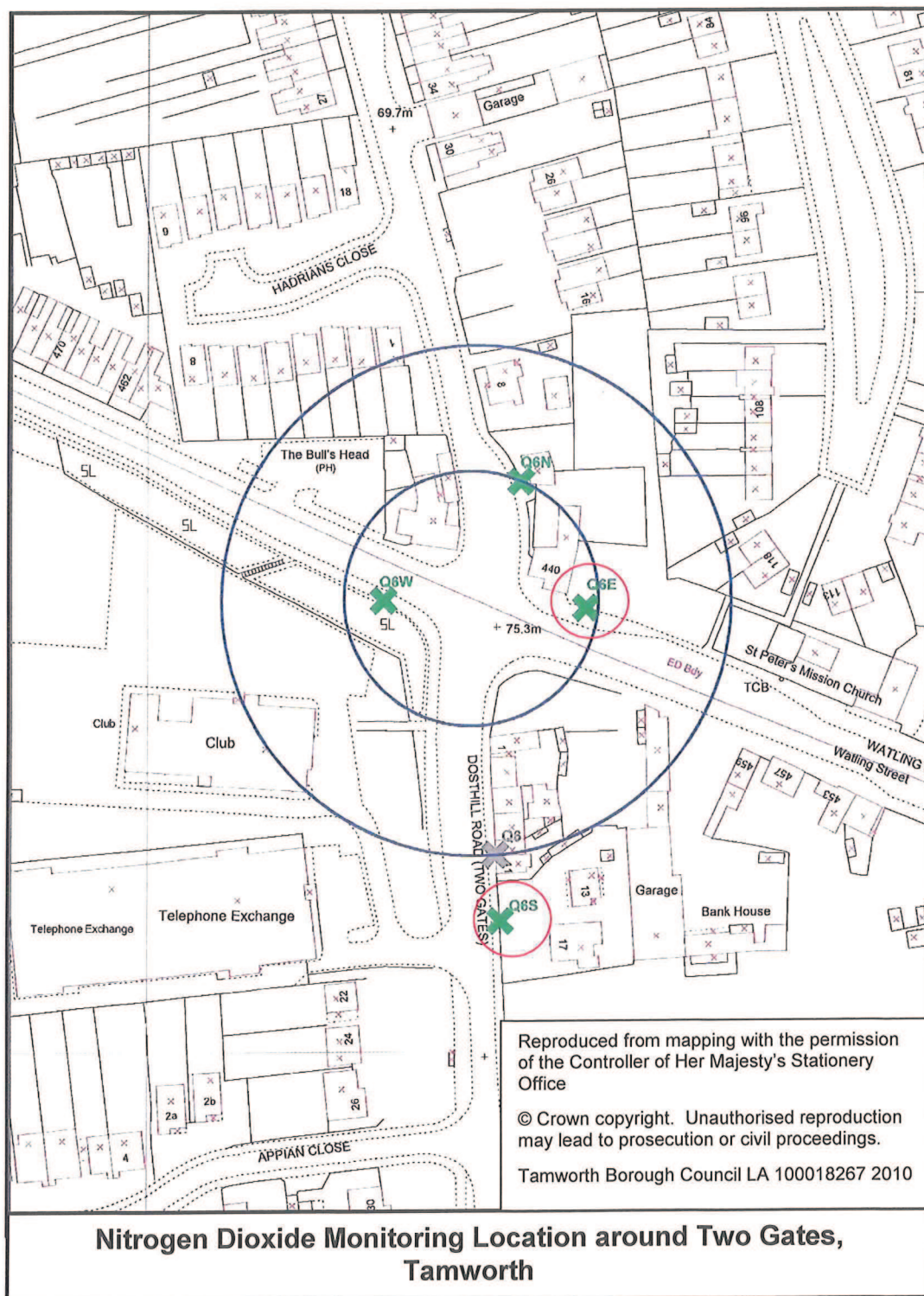
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of HMSO © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tamworth Borough Council Licence No. 100018267. (2010)

NB The TAM Q6 site has been moved 10m down the street and is now called TAM Q6s. The sites around the Two Gates crossroads are shown at Appendix B

This page is intentionally left blank

The tube locations relative to the junction are shown on the Plan at Figure 2.3.

Figure 2.3 Plan showing tube locations at the Two Gates Crossroads.
Locations circled in red are this where the AQ Objective is exceeded



This page is intentionally left blank

The aerial photograph of Two Gates Crossroads in Figure 2.4 highlights the building locations and the width of pavements and verges surrounding the crossroads.

Figure 2.4 Aerial photograph showing Two-gates cross roads.



Double glazing showroom

Tube location Q6E is not close to relevant receptors as the building next to tube Q6E is used as a double glazed windows showroom with no living accommodation. There is living accommodation above the Bulls Head public house on the opposite side of the road which is likely to have similar concentrations.

Tube Q6S is located close to relevant receptors (row of 6 terraced houses).

The previous Updating and Screening Assessment and the 2010 Progress Report highlighted this area as being at risk of an exceedence. It was recommended in the 2011 progress report that the Two Gates Crossroads site is examined in detail during the forthcoming 2012 Updating and Screening Assessment. An initial recommendation was made without pre-judging the outcome, which "it is

This page is intentionally left blank

**REPORT OF THE PORTFOLIO HOLDER FOR
ECONOMIC DEVELOPMENT AND ENTERPRISE**

Tamworth Town Centre Supplementary Planning Document (SPD)

EXEMPT INFORMATION

N/A

PURPOSE

The purpose of this report is to update Members on the response and feedback from the consultation events carried out for the Town Centre SPD and to consider an additional consultation phase, to take place before the final consultation and adoption by Cabinet of the SPD.

RECOMMENDATIONS

- 1. That Members note that the consultation events were well attended but that there was a notable small response from local businesses.**
- 2. That Members approve an additional consultation period to gather opinions from the private sector especially those based in the town centre, through a targeted consultation.**

EXECUTIVE SUMMARY

The consultation events were held in conjunction with the wider consultation on the Local Plan, and ran between 22nd June and 20th July. The consultation was advertised in the newspaper, on our website and via a radio interview with the Portfolio Holder for Economic Development and Enterprise.

The Development Plans Team held three events in total including an open day at the Council offices.

The first event took place for a morning on Wednesday 27th June at Tamworth Library. This was fairly well attended capturing footfall of people visiting the library. Approximately 75% of the attendees wanted to talk about the Town Centre. The attendees were predominantly residents however a statutory consultee representing Arriva also attended. The event generally went well with most people giving positive feedback about the concepts shown on the displays.

The second event was an open day in the Council offices. This was poorly attended with very little interest.

The third and final event was held on Saturday 30th June in a vacant retail unit within Ankerside. This was held on the day of the Olympic Torch relay. The turnout for the event was excellent; approximately 350 people discussed the information on display throughout the day. Most of the attendees were positive about the need for change within the Town Centre but some were concerned about certain images, specifically the indicative drawings for the extension to the Assembly Rooms. Although the event was well attended, this did not translate into responses. However, it is often the case that if someone is in general agreement they are unlikely to complete a response form.

In total 38 responses were received throughout the consultation period (see Appendix). The following is a general summary of the response: *Some good ideas, good start to stimulate ideas, an opportunity to regenerate the town centre; cultural infrastructure is key to success of the town, expand cultural infrastructure, have a cultural centre, more places to eat in the evening; sort out empty shop units, increase variety of shops, tidy up scruffy shop frontages, open shops later into the evening – vibrancy, sort out Gun Gate; low cost/free parking, shuttle bus to and from Rail Station and Ventura, increase car parking if existing is to be redeveloped, have a new bus/coach station, improve walking links to retail parks; take account of flood issues along river and improve use of Green Infrastructure within the town centre; increase amount of housing in the town centre; design of new development should reflect heritage of the town, need to take account of conservation areas and castle, maximise heritage assets – they play an important role in the future development, design of development should be sympathetic to town’s heritage.*

Although the events were well attended by the general public and some statutory consultees there was little representation from local businesses. As local businesses support is valuable to the vitality of the Town Centre, it is important to engage with them at the earliest opportunity. To remedy this it is suggested that an additional four week targeted consultation period is undertaken to present the information to local businesses. Through carrying out this additional consultation we will have a broader understanding of issues that concern those who use the Town Centre and also those who operate their business there.

This additional consultation will take place later this year; once this has been completed the Development Plan Team will draft a Town Centre SPD. The draft SPD will be presented to Members prior to a formal consultation for approval; once the consultation has been completed a final Town Centre SPD will be prepared for adoption by Council in early 2013.

RESOURCE IMPLICATIONS

In the Cabinet report dated 13th June 2012, the intention was given that the Town Centre SPD would be adopted in late Autumn 2012. As the Local Plan progresses towards submission to the Secretary of State, less staff resource is available to progress the Town Centre SPD. Because of this it is expected that there will be further slippage from the original timetable set out in the Local Development Scheme, which will result in the Town Centre SPD not being adopted until 2013.

There are no financial implications arising from this report, other than publication costs which are covered by the existing LDF budget.

LEGAL/RISK IMPLICATIONS BACKGROUND

There are no legislative or service delivery implications arising from this report and no associated risks arising directly from the report.

SUSTAINABILITY IMPLICATIONS

The Local Plan (on which this SPD expands upon) has been subject to a Sustainability Appraisal and Strategic Environmental Assessment. This has ensured that sustainability issues are given full consideration in the preparation and adoption of policies. The findings of the appraisal showed a positive scoring for policies which delivered town centre regeneration.

BACKGROUND INFORMATION

REPORT AUTHOR

Alex Roberts – Development Plan Manager (x279)

LIST OF BACKGROUND PAPERS

- Previous report for portfolio holder – 13th June 2012, Tamworth Town Centre Supplementary Planning Document

APPENDICES

- Town Centre SPD responses - full report

This page is intentionally left blank

ID Number: TC01TerrenceMatthews

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

My view regarding the Tamworth town centre development would be to provide a purpose built and user friendly bus and coach station. And user friendly low cost town centre car parks with better road access and signage.

4. Would you like to be involved in future consultation?

No Response

ID Number: TC02Fernando

1. What are your views on the Development and key Gateway sites?

Lots of opportunities and some great ideas

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Cultural centre would be great. Maximise beauty of the river and castle grounds

4. Would you like to be involved in future consultation?

No Response

ID Number: TC03Anon

1. What are your views on the Development and key Gateway sites?

The Assembly Rooms "add on" is incongruous and looks malicious. It would also mean there would be no parking for motorcycles or disabled

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No

2a. If not why and what else should be included?

Parking. Possibility of shuttle between R.Station and town centre. Empty retail units

3. Do you have any further comments on the Town Centre?

The Gungate Precinct etc needs to be sorted before thinking up extra ideas just to cow-tow to pressure to "develop" to full potential

4. Would you like to be involved in future consultation?

No Response

ID Number: TC04Forest

1. What are your views on the Development and key Gateway sites?

Exciting and stimulating ideas and proposals. Needs to encourage future ideas and innovation

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No

2a. If not why and what else should be included?

I consider these proposals to be a start, there may be options need to keep flexible

3. Do you have any further comments on the Town Centre?

Proposals in detail need to ensure that the design is to a high standard and respect Tamworth's important history, heritage and compliments adjacent buildings

4. Would you like to be involved in future consultation?

No Response

ID Number: TC05EnglishHeritage

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

Site 2 Spinning School Lane: This site is largely adjacent, but also includes a small part of the Victoria Road/Albert Road conservation area and as such any direct and indirect implications for the significance of the area will need to be carefully considered. Our records also show that the site includes a scheduled monument (Saxon defences listing entry 1006088) along the indicated course of Offa's Dyke. This record should be checked with the County Council's archaeologist and the completed Extensive Urban Survey. Potential implications for the scheduled site will need to be fully assessed prior to taking forward any proposal which might harm its significance.

Development Site 3: Bus Depot

Site 3 Lichfield Street: Given the location of this 'gateway' site within the town centre conservation area, any proposals would need to be informed by the conservation area appraisal and management plan, if available, and seek to enhance or better reveal the significance of the conservation area.

Development Site 4: Assembly Rooms Car Park (cultural quarter)

Site 4 Assembly Rooms: English Heritage is already involved in discussions with the Council regarding proposals for this site. We are generally supportive of proposals which will help to secure the future of the building and its ongoing use and management.

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

Site 6 Castle Holloway Car Park: This is a highly sensitive site due to its proximity to the scheduled Castle and grounds and the riverside views of the area, including the approach along the listed Lady Bridge. The Castle is one of the key assets of the town and its heritage and tourism offer. In this context and the potential for development to harm the significance of these assets, English Heritage is opposed to development on this site.

Development Site 7: Ankerside Centre (rear)

Site 7 Ankerside Centre: English Heritage regards this as a highly sensitive site due to its proximity to the scheduled area of the Castle and hence implications for its setting, and its location within the town centre conservation area as well as potential archaeological sensitivity. As such English Heritage has substantial concerns regarding further development in this area and would require early involvement if any proposal is pursued.

Development Site 8: Jewsons Site

Site 8 Jewson Site: Potential implications for the setting of the Victoria/Albert Road conservation area would need to be fully taken into account.

Development Site 9: Gungate Precinct

Site 9 Gungate Precinct: English Heritage has already had some involvement in proposals for the redevelopment of this site because of its location within the town centre conservation area and the potential implications for the character of the townscape. The scale of any redevelopment for this site is a key consideration in order to ensure that the significance of the conservation area is sustained and enhanced, together with the overall character of the town centre. English Heritage would welcome continuing early involvement in any redevelopment proposals for this site.

2. Are the outlined issues the correct ones to be addressed?

We broadly agree with the issues identified, and in particular making the most of the Town Centre's assets and improving the public realm.

2a. If not why and what else should be included?

3. Do you have any further comments on the Town Centre?

We are fully supportive of using the Town Centre's heritage assets and its history as a central part of promoting the future of town centre. The Extensive Urban Survey for the town offers a valuable evidence base in helping to take this forward in terms of informing future development as well as enthusing and harnessing interest in the town and its heritage. We would be happy to discuss further how the results and findings of the EUS can best be used to inform the SPD and future decision making.

4. Would you like to be involved in future consultation?

Yes

ID Number: TC06JPinkett

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

-Ensure the vision projects at least fifty years into the future. What heritage are we leaving?-
Is what is built manageable and easily maintained, eco friendly and in line with projected
population needs.-The changing nature of retail, increasing use of on line shopping means
we need less retail outlets and this need will continue to decline. Retail outlets in town
centres will produce less council income. What will take its place?-Increasing the number of
residents in the town centres is the best way of ensuring what retail, entertainment and
leisure facilities are in demand. There should be more housing for those in the over fifty age
group within the town, next the Alms houses is the most obvious place. Is there space for
more housing or conversion from retail to housing around George Street and Anchorside or
overlooking the Castle grounds.-Urban living is a sure way to reduce the need for cars but
requires improving the transport links between the station and the town and better facilities
for buses. -Links with Venturer using an electric bus service over Ladybridge or from the
Jolly Sailor car park.- A more obvious signed pedestrian route to Venturer from the town
centre.

4. Would you like to be involved in future consultation?

No Response

ID Number: TC07 Environment Agency

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

This site is identified as potentially being improved as a gateway for the town. It is not understood what this would entail, however flood risk should be taken into account at the earliest stage of its consideration and design. It is understood that although this location is subject to flooding from the River Tame, it has a good road network which is above flood levels. The flooding is extensive and the flood plain is essential and substantial due to the size of the river. Flooding takes place on a frequent basis and the functional floodplain (FZ3b) outline is likely to be very similar to the Flood Zone 3a outline. The car park flooding at this location is manageable but would become less so if an increase in car parking activity took place. Ideally we would like to see all car parking areas restricted to a maximum depth of flooding of 200mm. In order to reduce flood risk we would like to see a reduction in car parking spaces where flooding is greater than 200mm. It must be ensured that any works to this area would not result in loss of flood plain storage. Discussion should be undertaken with the Environment Agency for any works in this location. Larger scale works would require the support of a Level 2 SFRA, but any works at this location will need to take flood risk into account.

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

This area has been identified as a potential site for leisure use. Our records show that this site is located within Flood Zone 2, and as such any new development in this area will require a Sequential Test to be applied to ascertain whether there are any other options for such a development in areas at lower risk of flooding. The NPPF acknowledges that the Sequential Test is not required for applications for change of use or minor development. Development in this location will require a site-specific flood risk assessment (FRA) to be undertaken to ensure that it does not pose a risk of flooding to itself or to third party land or property. The Environment Agency hold good quality modelling data for this location which should be used within the FRA. Reference should be made to Tables 2 and 3 of the NPPF's Technical Guide for land uses which are considered appropriate for medium risk Flood Zone 2.

Development Site 7: Ankerside Centre (rear)

This site has also been identified as being potentially being developed for leisure use. The buildings here are all located outside of the floodplain and above flood levels with small areas to the rear also being shown to lie outside the floodplain. Despite this, any potential development to the rear would need to be supported by a FRA due to the close proximity to the river and its floodplain. This would need to be undertaken prior to any commitment to bring this site forward for development in order to ensure that flood risk was able to be managed. If upon completion of the FRA it is ascertained that development will be within the floodplain and it is still wished to bring this site forward, a sequential test will need to be undertaken to demonstrate that there are no other sites available for such a use which are at a lower risk of flooding. The FRA would need to demonstrate the site would be safe and not increase flood risk to third party land by the shifting of floodwaters. If development is proposed within the floodplain reference should be made to Tables 2 and 3 of the NPPF's Technical Guide for land uses which are considered appropriate for that flood zone. We have good modelling data for this location so the FRA would be based upon topographical survey data only.

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC08 CPRE

1. What are your views on the Development and key Gateway sites?

We are surprised that, even in such a small document as this brochure, mention was not made of the area's designation as a "Conservation Area" with all that this implies. The important issue for the successful development of the sites highlighted – and for all the town centre – is the extent to which they each contribute in their layout, massing, scale and detailed design to the cumulative effect, historic and aesthetic, on the town centre character. This seems to have been the intention behind its status as a Conservation Area.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC09 SCCBrotherton

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

Opportunity 2 identifies potential for residential development at Spinning School Lane. This development is noted in the 2012 Strategic Housing Land Availability Assessment as having a potential to provide up to 12 dwellings based on an apartment scheme.

Development Site 3: Bus Depot

Opportunity 3 identifies potential for residential development at the Arriva Bus Depot, Aldergate. This development is noted in the 2012 Strategic Housing Land Availability Assessment as having a potential to provide up to 40 dwellings and is likely to be apartments.

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No Response

ID Number: TC10NaturalEngland

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Natural England approves of the consultation undertaken and especially of the identified opportunity for improvement of the public realm and green spaces. Green Infrastructure can play an invaluable role in improving quality of life, including physical and mental wellbeing, and provide essential ecosystem services such as water management, urban cooling and aid climate change adaptation. We believe that development provides an opportunity to both protect and enhance green infrastructure. This can be achieved through a variety of initiatives, including but not limited to the provision of new green spaces, the improvement of the interconnectivity of open spaces and the enhancement of watercourses. We believe that these opportunities for improvement should be considered during the development of the Supplemental Planning Document.

4. Would you like to be involved in future consultation?

Yes

ID Number: TC11 NWBC

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

In relation to the Town Centre SPD, the Borough Council is keen to see where Tamworth will pursue housing developments. It is pleasing to see that the Tamworth is looking to use sites within the town centre for a range of uses. However more use could be made of mixed use sites so as to incorporate additional housing in to these schemes. This will of course maximise the number of houses that Tamworth will provide for its own needs but also help to create a vibrant town centre.

4. Would you like to be involved in future consultation?

ID Number: TC12DWells

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Only in the redevelopment of the Assembly Rooms has any consideration been given to the historic content of the town and this is the asset together with the market which sets Tamworth apart from other towns of a similar size. Redevelopment is essential but to image that more modern shops will attract people into the town is not looking realistically at how the young now make their purchases or what older people do with their leisure. Where is parking provision in all this, the elderly who currently are the big spenders need to be able to access shops easily, which is why the out of town shopping does so well. The town centre should move forward by trying to enhance its history and providing housing (as demonstrated in the spinning school lane development by having people live within the town centre.

4. Would you like to be involved in future consultation?

Yes

ID Number: TC13LesleyClarke

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC14Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

The availability and choice of shops should also be addressed to ensure a good variety of shops to attract more shoppers to the Town Centre.

4. Would you like to be involved in future consultation?

No

ID Number: TC15Anon

1. What are your views on the Development and key Gateway sites?

Good Choice of sites

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No

ID Number: TC16Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No

ID Number: TC17Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

It looks interesting, it would be good to get more shops, instead of travelling for shopping

4. Would you like to be involved in future consultation?

No Response

ID Number: TC18PaulaBagnall

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

The out lying areas around Tamworth need addressing as well, some areas are looking very scruffy lately but money never seems to be spent in these areas and that must look very unattractive to visitors to the town

4. Would you like to be involved in future consultation?

Yes

ID Number: TC19Anon

1. What are your views on the Development and key Gateway sites?

The bus depot has to go! There must be a more suitable site somewhere in or near Tamworth. Compulsoty tidying-up of the some of the more scruffy shop frontages wouldn't go amiss either.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

What is natural surveillance?

4. Would you like to be involved in future consultation?

No

ID Number: TC20Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No

2a. If not why and what else should be included?

Already we are faced with grid locked roads lack of parking etc. You now want to invest residents council tax into tourism etc, street furniture? with the vandals and the culture we have in Tamworth, i wouldn't enter the town in the evenings and i live here.

3. Do you have any further comments on the Town Centre?

I seemed to have missed the car parking that all and road network for all the visit's for all these new developments, Tamworth Centre is just not big enough.

4. Would you like to be involved in future consultation?

No



ID Number: TC21AngelaBell

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

No Response

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Having seen the consultation leaflet with development proposals, if all that did eventually materialise Tamworth would be vastly improved!

4. Would you like to be involved in future consultation?

Yes

ID Number: TC22SoniaFulford

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Tamworth needs a broader variety of shops

4. Would you like to be involved in future consultation?

Yes

ID Number: TC23Anon

1. What are your views on the Development and key Gateway sites?

both retail developments should be a priority to re-establish Tamworth Town centre

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No

ID Number: TC24Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No

ID Number: TC25Anon

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

No

ID Number: TC26AdrianHarrison

1. What are your views on the Development and key Gateway sites?

Not quite enough detail...'redefining'- what does that mean? Housing at Spinning School Lane...is the, now, car parking area where the Gungate Shopping Centre is planned? Car Parks - not enough for the general public as it is. Is this a way of losing a cost to the council by replacing them with better cost-driven uses?

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC27ThobaniSilempa

1. What are your views on the Development and key Gateway sites?

I agree with the proposal.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC28CliveJackson

1. What are your views on the Development and key Gateway sites?

Tamworth town centre is relatively small and compact, does it need to have a number of artificial 'Quarters' defined , in particular the so-called Cultural Quarter which is a handful of disparate buildings. Implications for signage clutter and image. Generally supportive of the identified development opportunities and gateway sites. I would comment that with the development of sites 2,3,4,6,9 a significant amount of town centre car parking will be taken ,will there be replacement provision such as being accommodated within Site 6 redevelopment. Loss of such car parking (especially on sites 3 and 4) may have adverse impact on Assembly Rooms,Carnegie Centre, local churches ,restaurants etc. which do not have specific on site parking provision. Site 6 is key opportunity for 'Saxon Mill'/riverside commercial activity. With reference to Site 3 what is your definition of EcoHousing and why

should it be flagged for this site in particular. Welcome stronger links to Ventura Park , an additional gateway with potential for redefining is the access from Ventura Park through the underpass under the ring road.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC29CoxheadStaffsPolice

1. What are your views on the Development and key Gateway sites?

The development opportunities seem to be correct except for the reservations I have already raised about the conflict between the development of residential housing and the extension of the licensing hours for the night time economy. The two issues clearly conflict with each other, yet both have been agreed to by local councillors. In respect of gateways, the real gateway work needed is from Ventura to the town centre, which does not appear to be referenced within the leaflet. There is reference to a gateway from the town to Ventura, but this appears to be the reverse of what is required as there is a need to draw people from Ventura to the town centre.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

The offer in respect of the night time economy seems to currently clash with the intention to build additional housing in Spinning School Lane. There is a real issue for me that licensing hours at the largest nightclub in the town have been granted until 04:30 hours when there are clear plans for residential development in the same street where the nightclub is based.

4. Would you like to be involved in future consultation?

Yes

ID Number: TC30TeresaWakeling

1. What are your views on the Development and key Gateway sites?

it appears that you are considering removal of a lot of parking in the town centre. this would put pressure on the remaining car parks and would also mean having to walk further to get to the shops. Add this to the fact that you have to pay for the car parks and it is a sure fire way to get people to shop at Ventura Park or in other towns! The gateways do need some smartening up but not necessarily by wholesale building of offices and flats. improved signs, flower beds etc would improve the gateways. regeneration of the existing buildings in the town centre could provide offices and flats without the disruption

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

do we really need more housing? car parking is valuable but leisure amenities would be a better alternative

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

the loss of public car parking so close to the Town Centre could be a bad thing as it would limit elderly and infirm access to the town

Development Site 5: Middle Entry

desperately need some regeneration here to spruce up the retail area

Development Site 6: Castle Holloway Car Park

loss of car parking would be detrimental. part of the attraction of Tamworth Town Centre is the ease of parking close to the shops and amenities

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

could be better used to replace some of the parking you are considering removing from the town centre

Development Site 9: Gungate Precinct

much needed redevelopment area

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

all of these are great issues to tackle and should all be considered together as you are doing rather than piecemeal

4. Would you like to be involved in future consultation?

Yes



ID Number: TC31JasonHutton

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC32DawnPerry

1. What are your views on the Development and key Gateway sites?

Please do not look at the concrete monstrosities of the 60's and try and replicate them, look at how Tamworth was in the 40's & 50's - look back even further and blend our history sympathetically with the new and if you can get it right we could rename the Old Drill Hall after someone who made a difference not a mess (Phil Dix centre) As at least a fifth generation Tammy and from a family that has been in Staffordshire since the 17th Century, I would like to see our heritage restored

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

Not spinning school lane but the railway station - have a look at the old photos and create something along those lines, let the past inform the future do not bury it.

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

How does a great glass and metal building enhance this grade II listed building can I suggest you visit Bath and see how they have maintained their heritage and history not murdered it!

Development Site 5: Middle Entry

Again look at the old photos bring back some of our heritage take inspiration from St Edithas Church, be sympathetic to our future - we will attract more people if we do, they will not come to take photos of glass and metal however well put together when

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

Before you consider building residential properties in or near the town centre, you need to consider the people who are leaving clubs and pubs in the early hours of the morning - the noise pollution and vandalism; ask the residents of the Alms houses or the people who live around the edge of the town about the nuisance that they cause. I live on the edge of town and I have had large flower pots taken from my front door and carried down the road with all the plants broken, only this morning I could not get out of my front door a flower pot that had stuck to the side of this door for 18 years was put in front of the door so I could not open it. Cars in the street have been damaged there is litter everywhere and often vomit, and if we are really lucky someone may urinate in the entry! When you are considering building anything think about how these buildings may be sympathetic to the history of the town - following the finding of the Staffordshire hoard suddenly we remembered we are the seat of Mercia - it was a shame this was not considered in the 60's. Only recently the council whether borough or county wanted to sell the castle, assembly rooms and town hall, good job they did not where would they have displayed the hoard?

4. Would you like to be involved in future consultation?

Yes

ID Number: TC33RonSalt

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

introduce river side amenities , visit STRATFORD UPON AVON !

4. Would you like to be involved in future consultation?

Yes

ID Number: TC34KayWright

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

Railway station arrangement appears to work as it is with no further expenditure

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

Too close to the town centre, an extension of shopping availability would be more appropriate. Attract public into town centre rather than Ventura etc. Town is losing its heart.

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC35GlenAustin

1. What are your views on the Development and key Gateway sites?

We should compliment ventura not compete with it, if I had friends to stay, where would I go for nice lunch, no decent cafe bars, what about coffee vars, and nice resturants at night, look at Little church lane that feels nice at night, again we have a lot of heritage, we have a lot of things we are famous for, why are we not exploring and indeed exploiting them. There is more to tamworth than Colin Grazier, What about Robert Peel founder of Police force, what about our Pigs?

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

Mixed view on this needs something doing to welcome people, will that scare them?

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

This is just dreadful we do not want designer apartments why would you put that kind of thing in next to a park, and on edge of cultural area please re think The bus depot looks MUCH MUCH better than this, why not make a bus station in thsi area, so not clog up corportation st, or that evil victoria road bus stops,

Development Site 4: Assembly Rooms Car Park (cultural quarter)

What on earth are you doing here, absolutly we need to do more with this building the frontage is spectacular, its INSIDE where the work is needed, why not develop something on that car park instead not attach to the building again exploit our heritage not abuse it

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

This is lovely idea, needs this kind of development, perhaps tweak the building so fits in with surrounds, a modern building next to gatehouse and castle, but like idea of cafe/bar

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

Really like this very much, why not put your offices or housing with this (see comments on bus depot

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

We have a lot of heritage, we have a lot of things we are famous for, why are we not exploring and indeed exploiting them. There is more to tamworth than Colin Grazier, What about Robert Peel founder of Police force, what about our Pigs? Nice pork butcher and Tamworth Pig sausages, pies,

4. Would you like to be involved in future consultation?

Yes

ID Number: TC36Anon

1. What are your views on the Development and key Gateway sites?

Tamworth had some beautiful buildings and could have been a tourist magnet like Canterbury or York. Much of this was destroyed in the 60s but there is an opportunity here to put some "old style" back into the town. E.g. could middle entry be developed into an old style arcade or perhaps try to reconstruct the original facade what was destroyed years ago.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

A regular low cost or free shuttle bus between the railway station, town centre and ventura would encourage more people to shop in both centres, would attract more to come to Tamworth and increase public transport use.

4. Would you like to be involved in future consultation?

No

ID Number: TC37RoseFreeman

1. What are your views on the Development and key Gateway sites?

No Response

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

A strong cultural sector is key in the creation of a vibrant town and we support the potential to improve the Assembly Rooms and surrounding public realm. Theatre and performing arts are required elements of a sustainable community, providing social, cultural, environmental and economic benefits. Theatres make a major contribution to the vitality of town centres and their evening economy, and are significant elements of any town's cultural infrastructure. Under our national remit, please consult us on your plans to expand the Assembly rooms.

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

No Response

4. Would you like to be involved in future consultation?

Yes

ID Number: TC38DPP

1. What are your views on the Development and key Gateway sites?

As discussed above we support the approach of allocating town centre sites only for bringing forward future retail development to meet the identified capacity. We support the inclusion of the Middle Entry site within the strategic sites for a potential future extension as outlined in red on the attached site title plan. As set out above, we also agree that the extension to Middle Entry should be brought forward as a second phase after the Gungate redevelopment. However, if the Gungate development experiences significant delays i.e. in the long term of the Local Plan, this should not preclude the possible redevelopment of the Middle Entry site if a viable opportunity arises.

Comments on Specific Gateway and Development Sites

Gateway 1: Upper Gungate

No Response

Gateway 2: Railway Station

No Response

Gateway 3: Lichfield Street

No Response

Gateway 4: Bolebridge Street

No Response

Gateway 5: Castle Grounds

No Response

Development Site 1: Upper Gungate

No Response

Development Site 2: Spinning School Lane

No Response

Development Site 3: Bus Depot

No Response

Development Site 4: Assembly Rooms Car Park (cultural quarter)

No Response

Development Site 5: Middle Entry

No Response

Development Site 6: Castle Holloway Car Park

No Response

Development Site 7: Ankerside Centre (rear)

No Response

Development Site 8: Jewsons Site

No Response

Development Site 9: Gungate Precinct

No Response

2. Are the outlined issues the correct ones to be addressed?

Yes

2a. If not why and what else should be included?

No Response

3. Do you have any further comments on the Town Centre?

We fully agree with the issues that have been identified to be addressed within the consultation leaflet. We particularly agree that there needs to be a focus on promoting the use of the town centre on an evening. Car parking strategies and public realm improvements are both key to achieving this. In terms of parking schemes such as the 'Alive at S' scheme in Newcastle could be introduced to encourage shops within the centre to open later with free parking available to compete with the out of centre retail parks. This could also have a knock on effect and benefit the restaurants and bars within the centre keeping people in the town centre creating a vibrant and active environment people want to visit. We will provide further comments at the next stage of consultation for this document when detailed proposals for dealing with these issues are put forward.

4. Would you like to be involved in future consultation?

Yes

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank