Cheltenham & Tewkesbury Housing Market Partnership

Partnership Agreement & Protocol









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Partnership Agreement & Protocol

1. Background

The Cheltenham and Tewkesbury Housing Market Partnership (CTHMP) has been formed to maximise the opportunities to secure investment in the creation of sustainable balanced communities within new residential developments and sustain the existing communities within which such developments are located.

It brings together two adjoining local authorities in Gloucestershire, Cheltenham & Tewkesbury, in a partnership with the Housing Corporation and three selected housing associations working in the County.

- 2. It is intended that the Partnership will deliver up to 900 new homes for three Registered Social Landlords (RSLs) to provide affordable and good quality homes. In 2003/04 a joint commissioning selection process took place to select a lead RSL to deliver the units and partner RSLs to take ownership of a proportion.
- 3. The Cheltenham and Tewkesbury Housing Market Partnership aims to contribute in full or in part to meeting the key outcomes of the current Regional Housing Strategy and the Gloucestershire County Structure Plan. It recognizes the fact that the context and policy for investment of social housing grant by the Housing Corporation has changed radically in recent years. The changes include:
 - moving away from formulaic distribution based on the Housing Needs Index
 - increasingly 'strategically focussed' allocation programmes
 - the abolition of Local Authority Social Housing Grant (LASHG) as a Housing Corporation reimbursed funding stream
 - publication of 'Sustainable Communities' and the establishment of the South West Regional Housing Body (SWHB)
 - the Housing Corporation's 'Re-inventing Investment' and establishment of the Partnering Programme Approach (PPA)
 - the greater significance of the Regional Housing Strategy (RHS) and the expectation of a clearer Regional Spatial Strategy (RSS), with an associated pattern of sub-regional distribution of Social Housing Investment Programme (SHIP) funding in the 2005/06 RHS
 - the advent of 'Supporting People' and the disappearance of Supported Housing Management Grant
 - publication of the Planning and Compulsory Purchase Act 2004

4. Mission Statement:

To work in collaborative partnership across political boundaries extending to the whole development and allocations process within the two districts, to jointly procure up to 900 new affordable multi-tenure homes on a range of development sites coming forward through the planning system.

To work with landowners, developers, planners, stakeholders and local people to create genuinely inclusive mixed communities with a high quality of design, build and energy efficiency, together with associated facilities that provide suitable affordable housing choices for all households seeking housing solutions within the catchment area.

5. Partnership Objectives

- To maximise the resources available to create sustainable communities within strategic housing sites in the operational areas of the Cheltenham/Tewkesbury Housing Market (see Appendix 1 for a plan indicating the Partnership area and current site list) in order to develop up to 900 new affordable homes.
- To provide a framework within which a newly formed Project Board can deliver and sustain the provision of new affordable homes through land supply via the planning system and provide the mechanism to promote the creation of sustainable communities through the delivery of initiatives to tackle social exclusion.
- To provide the benefit of and achieve within the development of the affordable housing, the improvements in efficiency and cost in the procurement and construction process through the adoption of Egan principles.
- To achieve affordable housing costs for prospective households through the rent regime within the rent restructuring regime, together with affordable home ownership options
- To follow good practice in 'Cross Boundary Joint Commissioning' of new affordable housing and the creation of sustainable communities in the long term through a co-ordinated 'joined up' approach to tackling social exclusion.
- To develop and extend models of cross municipal boundary working wherever possible in relation to the planning, allocations, nomination and waiting list processes within the housing market, to give increased benefit to the end users from each local authority area.

- To extend the market approach to future social housing issues such as common joint waiting lists, joint choice-based lettings schemes and housing need surveys for the market.
- Wherever practicable, to provide a reasonable number of units that are full mobility adapted and units for letting to those with support needs prior to independent living.

6. The Way Forward – key requirements

Acquisition

In order to achieve the provision of affordable housing to meet identified needs, it is expected that developers will transfer the required proportion of affordable housing to the nominated RSL at a cost which reflects the supportable deficit that the RSL can reasonably fund in order to provide that mix of affordable housing at nil public subsidy.

Both local authority partners will seek to ensure the negotiation of seamless integration of the affordable housing into the overall urban design of the developments to avoid the creation of ghettos of social housing.

Arrangements for selling-on into management

GHA will lead the production of a CTHMP Consortium Agreement with the other RSL partners. This Agreement will cover the terms under which properties will be sold by GHA to the subsidiary RSL partners on completion.

Rent commitment

Initial letting rents on new developments will be set in line with target rents as defined by the Housing Corporation's Rent Restructuring Regime.

Service charges

To ensure that the overall affordability of dwellings is not compromised by high levels of service charges, where appropriate, developers will be required to ensure that the initial level of service charge/ground rent and provision for increases is controlled. This will be done through provisions in a Section106 agreement.

Low cost sale commitment

Low cost home ownership will be provided in line with local affordability levels as defined by the Councils through regularly updated housing needs surveys.

Proposed sites

The sites covered by this agreement will be those listed in Appendix 1, plus any variations agreed by the Partnership from time to time.

Public Subsidy

Where required, any bids for allocations from the Housing Corporation Approved Development Programme (ADP) will be made through the Programme Partnering Arrangements (PPA)

7. Operating Process

- A Project Board comprising representatives from Cheltenham and Tewkesbury Councils, the Housing Corporation and GHA will be established to oversee developments and ensure that the homes can be developed within agreed timescales. (See Appendix 2 for terms of reference)
- The three RSLs GHA, Bromford Housing Group (BHG) and Severn Vale Housing Society (SVHS) will work through a Consortium which will be set up, chaired and administered by GHA. This consortium will consider the development potential of sites and potential funding and make recommendations to the Project Board on funding bids and the recipient RSL(s) for each site.
- GHA will lead on negotiations with developers, liaising with recipient RSLs as necessary and representing the RSL Consortium at Project Board meetings.

8. Key Duties of the Parties

The Borough Councils will:

- assess housing need in the Partnership area
- identify resources
- develop local housing strategies
- promote low cost home ownership
- consult and work with the community, housing providers, health and social services and a wide range of local organisations to inform the design and planning process
- work closely with Gloucestershire Housing Association and the selected partnership RSLs (BHG and SVHS) to realise the full potential of all social housing developments within the Partnership area
- Negotiate the terms of Section 106 agreements

GHA will:

- produce a long term costed development programme within the Partnership area
- play a key role in both the project management of the delivery of the proposed affordable housing and in the strategic planning of that housing, including involvement with the current and future residents of the new communities
- ensure that the housing provided meets identified needs through its type and mix and is accessible to all members of the community

- propose a Framework Lettings Plan for approval by the local authorities
- Develop local labour and training initiatives, local purchasing and service contracts and supply chain partnering (subject to the co-operation of developers in the case of Section 106 sites)
- Set up and facilitate a Community Investment group which will produce a Community Investment Strategy for approval by the Project Board; and provide regular progress reports
- work along Egan principles, maximising energy conservation and reducing fuel bills and harmful emissions
- work with the police architectural liaison officer to design out crime on all new developments wherever possible
- maximise accessibility to all new homes
- seek to achieve zero defects at handover
- aim to improve the entire project's productivity by 10% from start to end (subject to the co-operation of developers in the case of Section 106 sites)
- seek to achieve a minimum of 75% customer satisfaction rates on post move-in surveys
- represent the interests of the recipient RSLs through the RSL Consortium to the Project Board
- be responsible for the maintenance of PPA status for gaining funding through the Housing Corporation ADP.

The Housing Corporation will:

- Advise on the availability of Social Housing Grant, where required, and other subsidy which may be appropriate
- Agree a programme of funding for the lead RSL following proposals from the Project Board through the normal biennial bidding process and as additional funds may be available

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Cheltenham Borough Council	HELTENHAM BOROUGH COUNCIL
Date	
Tewkesbury Borough Council Date	Tewkesbury Borough Council
Gloucestershire Housing Association Date	GLOUCESTERSHIRE HOUSING ASSOCIATION
The Housing Corporation Output Date	HOUSING CORPORATION

Appendix 1: List of Local Plan + potential housing sites

The following list sets out sites which, subject to current Local Plan issues, are expected to provide affordable housing for development by GHA on behalf of the RSL consortium. The list will be periodically updated by the Project Board.

An additional scheme at Dean Farm, Bishops Cleeve, which it is estimated may deliver 50 affordable units, is also funded as part of the Partnership but is being developed by Evesham + Pershore Housing Association (Rooftop Housing Group)

TEWKESBURY SITES	Total Units	Total Affordable	Rent	S/ownership
Woodmancote ph 1	82	25	13	12
Noverton Lane/Mill Lane, Southam Parish	120	36	18	18
Woodmancote ph 2	24	6	3	3
Woodmancote ph 3	24	7	4	3
Greenways, Winchcombe	35	10	0	10
St Barbaras Close Ashchurch		2	2	0
Up Hatherley 1 (sports ground)	120	36		
Up Hatherley 2 (Golden Egg farm)	90	27	45	45
Up Hatherley 3 (western end)	90	27		
Barbridge Nurseries, Tewkesbury Road / Hayden Road	70	21	11	10
Bredon Road Tewkesbury extra (not elderly)	40	20	15	5
Hillview Nurseries, Shurdington	12	4	3	1
St John's Ave/Parton Rd, Churchdown phase 2	42	14	10	4
Hucclecote Rd, Hucclecote	60	18	18	0
Brockworth District centre	150	37	18	19
Mill Lane, Brockworth	120	36	18	18
Longford / Innsworth	570	171	86	85
TOTAL Tewkesbury	1649	497	264	233
CHELTENHAM SITES	Total Units	Total Affordable	Rent	S/ownership
St James site Honeybourne Lane (Waitrose)	140	11	0	11
GCHQ Benhall	138	49	25	24
GCHQ Oakley	275	49	25	24
Springbank allotment site	60	24	12	12
Bethesda St / Commercial St Car park	7	7	7	0
Albion St / Gloucester Place (Baylis Haines + Strange)	110	40	20	20
Church Rd, Swindon Village	30	11	8	3
Hesters Way regen sites	60	60	40	20
Police HQ, Lansdown Road	75	30	23	7
Portland St	80	32	24	8
St Margarets	100	40	30	10
TOTAL Cheltenham	1075	353	214	139
CTHMP TOTAL	2724	850	478	372

Appendix 2: Project Board terms of reference

- 1. The Project Board will comprise of a senior representative from:
 - Cheltenham Borough Council
 - Tewkesbury Borough Council
 - The Housing Corporation
 - Gloucestershire Housing Association
 - The CTHMP Strategic Project Manager (if appointed)
 - supported by other staff as appropriate.
- 2. The Board may, at its discretion, co-opt other key stakeholders from time to time to sit on the Board as non-voting members and advise it accordingly.
- 3. The Board will meet bi-monthly unless otherwise agreed.
- 4. Meetings will be chaired by one of the local authority representatives.
- GHA will service the Board meetings until / unless a Strategic Project Manager is appointed. Agendas will be circulated 5 days before, and minutes within 7 days after each meeting.
- A Board meeting is quorate when at least 3 members are present, with both local authorities present and one representing the RSL consortium. This will normally be GHA, but if necessary GHA may delegate attendance to one of the other RSLs.
- 7. Decisions which cannot be made by the representative present at meetings must be made clear at the time, and duly minuted with a timetable agreed at the meeting. However it is expected that appropriately authorised officers will attend meetings and this clause will only be utilised occasionally.
- 8. Decisions will be made by consensus, but where this cannot be achieved, the Director / Chief Executive / Senior management of each organisation will confer to reach agreement on the course of action to be taken.
- 9. The Board will consider and approve at least annually the forward development programme of sites and recipient RSLs within the CTHMP, together with any funding requirements. It will make all key strategic decisions including the addition of new or replacement sites, tenure splits and associated funding, including approving bids to the Housing Corporation.
- 10. GHA, or the Strategic Project Manager when appointed will provide regular reports to the Board showing progress against the approved programme.
- 11. The Board will monitor the progress of the development programme and the performance of the RSL Consortium and individual members against the targets contained within it.

- 12. The Project Board will oversee the implementation of the CTHMP Community Investment Strategy
- 13. On completion of the 900th unit or sooner by agreement, the Project Board will disband and a Strategic Monitoring Group will be set up, consisting of the RSLs and local authorities, to monitor the ongoing management and community development issues as required. The brief, formation and agreeing its own terms of reference for this SMG will be agreed no later than completion of the 400th unit and will shadow the Project Board to tackle key issues on ongoing cross boundary work resulting from the CTHMP.
- 14. The Project Board will, when appropriate, undertake public relations exercises to promote the Partnership's good work.
- 15. All communication by the RSL consortium with the Project Board will be via GHA and its designated officers. GHA will set up and service regular meetings of the RSL consortium and generally act as a liaison channel between the Project Board and the subsidiary RSLs.
- 16. The Project Board does not constitute a legal body in its own right and all decisions made must be fully delegated from the represented organisation, voted for or deferred back accordingly. The members attend as representatives of their own organisation to agree a consensus, working on behalf of their own organisation to achieve the stated aims of the CTHMP.

Appendix 3: Nominations Agreement

Cheltenham + Tewkesbury Housing Market Partnership (CTHMP)

The Lettings, Sales, & Shared Ownership Plans Nominations Agreement & Monitoring Proposals

Introduction/Background

The CTHMP is founded on the concept of housing markets. The partnership's major housing developments in the Cheltenham/Tewkesbury area will serve the needs of the Principal Urban Area of Cheltenham and Tewkesbury.

Nominations to the affordable dwellings will reflect the local authority partners' proportionate level of housing need established by the 2004 Housing Need Assessment (HNA), and will currently be shared equally between the partners. If subsequent evidence from future HNA shows that these levels have changed significantly they will be reviewed by the two LA partners at their sole discretion and changed if they deem appropriate.

Legislation enables the local authority partners to secure Nomination rights so that eligible persons may be nominated to any affordable housing unit located within that partner's administrative area. The CTHMP constitution identifies the establishment of a Lettings Plan, to include a nomination agreement, which will ensure that the needs of both local authority partners are met.

Lettings Plans

Each site developed through CTHMP will have regard to a Lettings Plan designed to:

- Create, maintain, and contribute to a balanced, stable community, reflecting the
 natural or existing local community, with residents committed to the area recognising that it is Good Practice to offer dwellings to the full range of households
 and specifically not exclusively to those in the most acute of housing needs.
- Acknowledge Good Practice in allowing appropriate levels of under-occupation to assist in promoting long term sustainability.
- Maintain long-term sustainability by not supporting the nomination of a significant percentage of households in the most acute housing need, including the homeless and out of work.
- Take into account issues of family and care needs, child density, occupation levels, ethnicity and levels of unemployment that may have an effect on the overall community.
- Take into account the needs of Black & Minority Ethnic (BME) & other minority communities.
- Match families and individuals to the amenities and location offered by the development.

- Meet the aim of providing good quality homes at affordable prices to reflect identified housing needs.
- Promote policies that offer choice, promote social inclusion, help create sustainable communities and encourage the effective use and management of affordable housing.
- Maintain a balance between competing needs and client groups /working/nonworking households.
- Wherever practicable, provide a reasonable number of units that are full mobility adapted and units for letting to those with support needs prior to independent living.

Housing Need & Monitoring of Equitable Nominations

Each CTHMP site contains a range of dwellings of different types/sizes and tenures. The relative need for each of the house types, size and tenure differs between the local authority partners as determined through housing need survey(s). As a consequence of phased construction and respecting the relative needs of each local authority partner, it is acknowledged that at any one time a disproportionate number of nominations for a particular type size and tenure of affordable dwelling may need to be sought from one particular local authority partner at the expense of the other. To ensure that partners receive an equitable level of allocations, out of every two successful nominations sought from the local authority partners at least one nominee from each of them (on average) should be allocated an affordable dwelling.

Definitions

CTHMP Cheltenham & Tewkesbury Housing Market Partnership

RSL Registered Social Landlord

Affordable dwelling A property available for rent or shared ownership, or Low

Cost Sale or in some other way that is accepted by the partners as meeting the definition contained in their respective Local Plan policies and Supplementary

Planning Guidance on Affordable Housing.

Local Authority Partner Cheltenham Borough Council, Tewkesbury Borough

Council,

Qualifying person: For the purposes of nomination, a qualifying person is

someone who has a connection with the local authority partner in accordance with the Homelessness legislation and the Government's Homelessness Code of Guidance for Homelessness or who is accepted on one of the local

authority partners' Waiting List or Housing Register.

RSL Transfer Applicant A Transfer Applicant is a person who is an existing

RSL tenant, registered with that RSL as in need of

alternative accommodation, and who is also

registered as a qualifying person on one of the Local Authority partners' Waiting List or Housing Register.

LA Transfer applicant A Transfer Applicant is a person who is an existing tenant

of one of the Local Authority Partners and registered with

that Local Authority as in need of alternative accommodation on the Local Authority partners' Transfer/Waiting List or Housing Register.

Registered Registered means a person on the Transfer List/ Housing

Register / Waiting list, including new applicants and

transfer requests, whether Local Authority or RSL.

Housing Need From a strategic perspective, a person is in housing need

when a reasonable proportion of their income used for housing costs does not enable them to secure a home in

the open market that is appropriate to their needs.

Initial Nominations Nominations of qualifying persons to an affordable

dwelling becoming available for rent or shared ownership

sale for the first time.

Subsequent Nominations Nominations of qualifying persons to an affordable

dwelling becoming available subsequent to the first sale

or letting.

Sustainability The South West Regional Housing Body acknowledges

that the most widely used definition of sustainable development is the 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'. The ODPM defines sustainable development based on four broad objectives: social progress which recognises the needs of everyone; effective protection of the environment; prudent use of natural resources; and maintenance of high and stable

levels of economic growth and employment.

Housing Need & Monitoring of Nominations

The RSL will:

Before requesting nominations supply the LA's with:

- A site layout plan showing all the different house –types
- Floor plans of the individual dwellings inc internal Net Floor Area and room sizes
- Rent levels
- Proposed sale prices/ equity share and rent costs for shared ownership
- Details of provisional handover dates of each plot

Each month provide each local authority partner with:

- Details of allocations and sales
- The names of approved applicants with confirmed reservations
- The names of rejected applicants, and the reasons for rejection
- Details on contract handover dates and sales completions

Each quarter provide the local authority partners with:

- A schedule showing the balance of allocations achieved per local authority partner
- A forecast of expected dwelling availability in the forthcoming quarter together with any proposals for balancing the number of allocations per local authority partner

At each financial year end provide the local authority partners with:

- A summary of
 - All allocations and sales over the preceding 12 months
 - o balance of allocations achieved per local authority partner
 - the expected dwelling availability in the forthcoming twelve months
 - any proposals for balancing the number of allocations per local authority partner in the forthcoming 12 months

The Nominations Agreement

Initial Nominations Nominations of qualifying persons to an affordable

dwelling becoming available for rent or shared ownership sale for the first time. The local authority partners will

have 100% nomination rights.

Subsequent Nominations Nominations of qualifying persons to an affordable

dwelling becoming available subsequent to the first sale or letting. The local authority partners will have 75% nomination rights to those properties that become available for resale or re-letting. The RSL will have 25% nomination rights and allocations made by them will be fully in accord with the criteria laid down in this paper

Nominations procedure

- The RSL will request an initial nomination of a qualifying person from the local authority partner(s)
- The RSL will provide the Local Authority Partner(s) with property details e.t.c as set out above.

- To facilitate tenant's choice and ensure minimum void levels, the RSL will request initial nomination(s) at least 20 weeks before the estimated date of handover of the affordable dwelling provide that the RSL will use their best endeavour to conclude the allocation on each scheme no later than 12 weeks before handover.
- Using the agreed template, each local authority partner will provide the RSL with one initial nomination for each affordable dwelling for rent and at least three initial nominations for each affordable dwelling for shared ownership

The RSL will assess nominations in accordance with the lettings plan and with regard to relevant Government policy and best practice current at the time:

- The RSL will obtain the nominees written consent to investigate previous tenancies by approaching the respective landlord.
- The RSL will interview each nominee to determine whether there is evidence within the applicant's background in relation to factors what may lead to a refusal of the nomination.
- Guidance requires that applicants should only be excluded if their "unacceptable behaviour is serious enough to make them unsuitable as a tenant" and therefore there will be a presumption in favour of accepting nominations unless there are very exceptional circumstances.
- After full discussion with the nominating Council, factors that may lead to a refusal may include:
 - Breaches of current or previous tenancy agreement(s)
 - Poor conduct of previous tenancies (such as excessive damage, eviction or abandonment)
 - Anti-social or aggressive behaviour towards neighbours or staff (to include racial harassment, substance abuse or involvement in threatening behaviour)
 - A track record showing a demonstrable disregard of the responsibilities and obligations of rented units/ shared ownership.
 - Applicants who are able to afford to satisfy their housing need by accessing the open market.
- The RSL will inform nominees when they are not successful, stating the reasons why, and explaining the process available to them to challenge that decision.
- Where initial nominations do not provide a suitable eligible person, then the RSL will repeat the process and seek further nominations with all parties adhering to the same timescales.
- The RSL and the Local Authority Partners will pursue the nominations process in accordance with the following timescales:

New Affordable Dwellings

Prior to Handover: The nominations process will begin not earlier than twenty weeks prior to handover and the following maximum timescales (in weeks) are:

<u>Day 1</u> RSL requests initial nominations from Local

Authority

Within two weeks Local Authority return nominations

Within four weeks If not selected RSL requests further nominations

Within five weeks Local Authority return further nominations Within seven weeks RSL confirms nominations or transfer option

Eight weeks prior to Handover Unreserved properties will be sold as shared

ownership on the open market, using the criteria

set out in the shared ownership sales plan

After Handover: If the nominations process (above) has been unsuccessful:

Within two weeks and two days following Handover: the RSL may identify a Transfer Applicant, or other persons to apply for any other affordable dwelling for rent who meets the housing need criteria laid down by the Local Authority in its Housing Strategy

Relets

When re-lets occur, the RSL will approach the same LA that nominated the original applicant to that property. The property 'stays' with the same LA unless allocations / nominations imbalances have been identified and / or the nominating Council has no qualifying person eligible and seeking to be nominated in which case the RSL shall invite the other Council to put forward nominations in accordance with the timescale/rules and conditions mentioned earlier.

The nominations process will begin on the day that the RSL notifies the local authority partner(s) of a void property and the following maximum timescales (in working days) are:

Day 1 RSL requests initial nominations from both Local

Authorities

Within one week Local Authorities return nominations

Within two weeks If not selected RSL requests further nominations Within two and a half weeks Local Authorities return further nominations

Within four weeks RSL confirms nominations or transfer option/sales option

enabled

If the nominations process (above) has been unsuccessful:

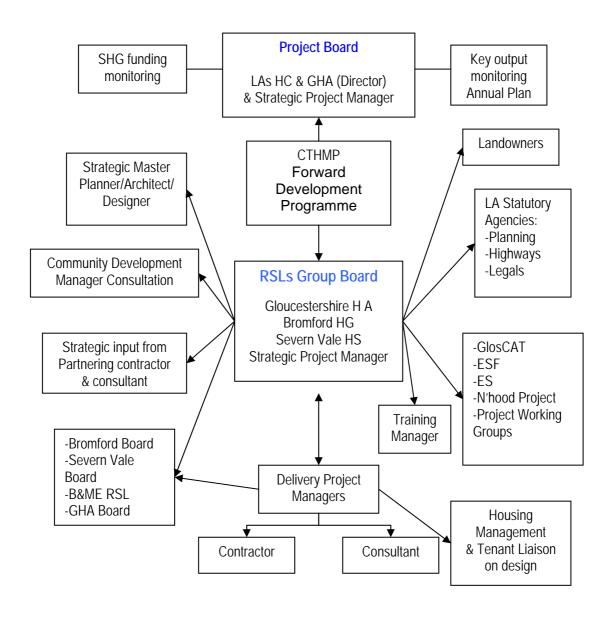
Within two weeks and two days following void notification by the RSL: the RSL may identify a Transfer Applicant, or other persons to apply for any affordable dwelling for rent.

Resales

Resales will be offered to both Local Authorities regardless of the initial sale, and will be in accordance with the terms of the lease.

Within six weeks following void notification by the RSL: the RSL will be free to sell any shared ownership dwelling for shared ownership sale to any applicant who fulfils the application criteria in the shared ownership sales plan.

Appendix 4: Inter-relationships Diagram



Appendix 5: Community Investment Strategy – Key points

Community Investment framework to support Cheltenham and Tewkesbury Housing Market Partnership.

In support of the Cheltenham and Tewkesbury Housing Market Partnership, Gloucestershire Housing Association will provide:

- A Community Investment service to the Project Board, supported by the RSL consortium.
- 2. A multi-agency Community Investment Sub-Group, meeting at least quarterly and reporting to the Project Board quarterly, serviced by Gloucestershire Housing Association.
- 3. A Community Investment Plan with actions to include:
 - Resources and funding strategy(s) to support local projects,
 - Research activities (including pre-planning work),
 - Site-based action plans,
 - Community stakeholder identification, relationship formation and partnership working,
 - Equalities and diversity action plan (including consideration of 'Creating Communities for All' report recommendations),
 - Training and learning actions (construction),
 - Targets and evaluation and review periods.

Appendix 6: Performance Management Targets

The Project Board will agree specific targets and monitoring processes for the following:

- Number of units delivered through the partnership
- Onward sales of completed units to partner RSLs
- Nominations and allocations information (as set out in the Nominations Agreement)
- Amounts of public subsidy per scheme and per annum
- Subsidy contributions from partner RSLs
- Details of shared ownership sales including the initial costs to purchasers
- Tenant satisfaction survey results
- Construction labour sources
- Periodic review of the Partnership