



Bracknell Forest Preferred Partner Protocol

for

Registered Providers (Registered Social Landlords)



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1. Introduction

- 1.1 The purpose of this protocol is to set out the nature of a Preferred Partner arrangement between Bracknell Forest Council and the selected Preferred RP Partners. Registered Providers (RPs) were previously known as Registered Social Landlord.
- 1.2 This agreement is intended to focus on the delivery of affordable housing in the borough and ensure that the selected Preferred Partners can contribute to the strategic aims of Bracknell Forest Council.
- 1.3 The strategic function will be taken forward by the Strategic Housing Partnership which is a multi agency sub group of the Local Strategic Partnership.
- 1.4 This agreement is a statement of intent by all parties involved in the Partnership, to undertake to use all reasonable endeavours to meet the principles through partnership working. No intention exists of creating legally binding relationships and partnerships in the legal sense between the parties to the Protocol. The proposed arrangements are not affected by public procurement considerations or by the Competition Act.

2. Objectives

- 2.1 The main objectives of the Preferred Partner arrangement is to:
 - Deliver affordable housing targets set in the Housing Strategy.
 - Develop and maintain a range of affordable rented housing and low cost home ownership options to meet identified needs within Bracknell Forest.
 - Optimise resources to develop affordable housing in the borough.
 - Maximise the investment of public and private funding.
 - Identify land and buildings for new housing development in accordance with the Council's Core Strategy and principles.
 - Create balanced, sustainable communities which encourage community cohesion.
 - Contribute towards the delivery of the Council's Strategic aims.

3. The Parties

- 3.1 The parties to this Agreement are:
 - **Bracknell Forest Council**
 - **The Preferred RP Partners for Bracknell Forest Council**

4. Duration and review of the agreement

- 4.1 This Agreement will come into effect on 1st April 2010, or as soon as ratified by the parties. It will last for an initial period of 3 years and will be subject to an annual review at the end of each financial year in consultation with all parties and will be determined by the targets set. The targets are set out later in this Agreement in Appendix B.
- 4.2 Subject to the outcome of the annual review, the parties are expected to remain the same. However, poor performance by a Preferred RP Partner will be addressed in accordance with the detail in section 19 below "Performance review and monitoring". Preferred RP Partners will also be able to use the appeal process if necessary which is set out in more detail in section 20 of this agreement and the appeal form is attached as appendix D.
- 4.3 In the event of an RP having to withdraw from the Partnership, the reserve Preferred RP Partner will be invited to join the Partnership for the remaining duration of the Agreement.
- 4.4 Subject to the monitoring and review of this agreement, if any changes are required these will be discussed and agreed by all parties prior to implementing the changes.
- 4.5 The parties will meet on a quarterly basis as the 'Preferred Partner Forum' to review progress and consider any difficulties in implementing the Agreement.

5. Summary of Roles

5.1 Bracknell Forest Council will:-

- Be the lead agency in identifying local housing needs and developing an overall housing strategy.
- Support agreed bids from RPs to the Homes and Community Agency for social housing grant funds.
- Develop affordable housing opportunities by negotiating with developers on sites that qualify for an affordable housing provision and fund via transfer receipt/land.
- Maintain a sites register for the Preferred Partner Protocol for the borough.
- Monitor and review the performance of RP partners.
- Review the effectiveness of the Preferred Partnering arrangement.
- Co-ordinate partnership meetings and the dissemination of information.
- Consult RP partners on a number of Council functions, particularly around the Local Development Framework and the Housing Strategy.

5.2 The Preferred Registered Provider Partners will:-

- Achieve targets agreed on an annual basis for delivery of affordable housing in Bracknell Forest.
- Work with Bracknell Forest Council to bring forward bids for funding from the South East Regional Housing Board Allocation which meet regional, sub-regional and local priorities, offer value for money and are deliverable.
- Ensure that any public funding allocated is taken up effectively and to agreed timetables with the Homes and Communities Agency and the Local Authority.
- Seek to maximise the housing investment in Bracknell Forest from private finance and other sources. This includes willingness to land bank, and forward fund schemes as possible.
- Seek to reinvest Recycled Capital Grant Funding proceeds from the sale of Bracknell Forest properties within the borough.
- To advise Bracknell Forest Council when it becomes aware of a development opportunity, so that the strategic objectives may be better met through effective communication.
- Regularly keep Bracknell Forest Council up to date with any changes on timescales and programmes for spend at the earliest opportunity so as to avoid duplication of effort.
- Work to development programmes and timetables agreed with the Council's housing enabling officers, wherever practical.
- Agree to negotiate on-site provision under the guidance of the Council's housing and planning officers and in any case to ensure that this is in line with SPD and the provisions of the model Section 106 Agreement as set out in the Council's documents.
- Consider joint development with other RPs, where this is considered appropriate in order to achieve wider Council objectives.
- Build new homes to meet the appropriate standard of Code for Sustainable Homes and any future changes to this code at affordable rents and prices for the residents of Bracknell Forest.
- Optimise value for money in the design, procurement and development of new homes, endeavouring to achieve continuous improvement in the time, cost, quality and customer satisfaction of construction projects.
- Work in partnership with the HCA and Regional Development Agencies to optimise the amount of funding available for the District.
- Manage accommodation to at least the minimum standards set out in the revised framework from the Tenant Services Authority (TSA), and those reasonably required by the local authority.

- Provide the information necessary for the local authority to evaluate their performance within the Agreement.
- Promote social inclusion, and sustainable communities through participation in housing activities to benefit RP tenants, and the communities they live in.
- Promote local labour opportunities, and work with Bracknell Forest Council to develop new initiatives to promote local training and employment.
- Co-operate with and support each other as appropriate and share good practice, expertise and knowledge about the development, management and provision of affordable housing and care and support services.
- Fully engage in and promote Bracknell Forest Council's Choice Based Lettings Scheme, BFC My choice.
- Comply with best practice equality and diversity policies and procedures.
- Send senior staff to regular briefing sessions and relevant partnering groups as and when requested by Bracknell Forest Council. In addition, the RSL will endeavour to meet with enabling staff throughout the year as agreed individually.

5.3 Bracknell Forest Council and RPs (subject to this agreement) will:-

- Endeavour to agree openly, and in keeping with Best Value principles, the best use of resources to meet partnership aims.
- Contribute to the monitoring and review of the Preferred Partner agreement.
- Strive to exceed minimum HCA standards of design and management.
- Seek ways to meaningfully involve residents and potential residents in the monitoring and review of the Preferred Partner agreement.
- Be open and accountable to other relevant bodies not involved in the partnership directly.
- Facilitate innovation in affordable housing delivery through sharing of experience.

6. Benefits of operating a Preferred Partner RP Agreement:-

6.1 The development of a Preferred Partner RP Agreement can provide a number of benefits such as:-

- Enhancing professional standards for the RPs by achieving Preferred Partner Status through the Council's selection process.
- Proven track record in delivering affordable housing and management skills.
- Enable the development of common performance standards.
- Shared knowledge and understanding of the priorities required to meet local need.

- Familiarity with the Borough as Preferred Partner RPs who already have housing stock in the area and are known to local residents.
- Improve communication between partners.
- Minimise unnecessary competition between selected Preferred Partners
- Under the Agreement, Preferred Partners may reasonably expect to receive a proportion of the Council's development funding available as a result of that selection.
- Co-ordinated and partnership approach to bids on sites to avoid duplication.
- An equal proportion of the development programme for the allocation of S106 sites among the Preferred Partners.
- Local residents will benefit through joint working on tenant involvement and community initiatives.
- Preferred Partners are actively developing in the area thus contributing to the needs and aspirations of the community within Bracknell Forest.

7. Allocation of funding to Registered Providers

7.1 The Government makes specific grants available to assist the Council with its housing programmes and the Housing Strategy incorporates an estimate of the grants available for the next 3 years.

7.2 In addition to the grants, 75% of the one off capital receipt from the transfer of the Council's housing stock to Bracknell Forest Homes will be made available to fund affordable housing over the next 5 years. The proposed allocation of that funding is set out in the Council's housing strategy and this will be regularly updated.

7.3 It is intended that the RSL partners subject to this agreement will have access to approximately 75% of the local development programme over the duration of this agreement, through investment of funds available from the Homes and Communities Agency and the local authority.

7.4 The remaining 25% of the programme will be available to RPs (including those not party to this agreement) to bid within approved procedures for the remainder of the investment resources. This will help create a degree of flexibility and a shared commitment to Best Value and equal opportunities.

7.5 The Preferred Partner Forum will be used to consider how to make the best use of funding resources for housing development and to support other initiatives that will benefit the local community.

7.6 All parties to this agreement will do their best to ensure full take up of the funding available and explore alternative sources of finance. The local authority will ensure that a coordinated and effective service is delivered corporately to assist in this process.

8. Allocation of Development Sites

8.1 Section 106 sites (S106)

Bracknell Forest will seek to allocate the section 106 sites ensuring that the development programme is balanced amongst the Preferred Partner RPs where possible. Where RPs are approached by a developer regarding affordable housing provision on a S106 site, they must advise Bracknell

Forest Council. This site will then be allocated by Bracknell Forest Council. Where RPs have strategic partnership arrangements with private developers these will be respected wherever possible within the spirit of the agreement, where housing need is being met.

When allocating S106 sites, consideration will be given to the location and proximity of the RPs other stock and the aim of achieving a reasonable balance in the numbers of homes allocated to each RP over the lifetime of this Agreement.

S106 sites cannot be registered by a RP; these will be allocated by Bracknell Forest Council. Once a site has been allocated, this will remain with the particular RP and reviewed on a 6 monthly basis. Bracknell Forest Council reserves the right to allocate to another RP where satisfactory progress has not been made. This review process will take into account all factors affecting the development and will be done in a fair and transparent manner.

Where there are large strategic sites involving significant amounts of affordable housing, the same principle will remain whereby sites will be allocated amongst the preferred partners to ensure balanced allocations. Where the Homes and Communities Agency has expressly specified that the site be opened up to a competitive process it will be allocated on this basis.

If a site is already in the ownership of a developer, partners should not bid against each other if a Preferred Partner RP has already been awarded the site. If an RP is contacted by the developer then they will refer the developer to the appropriate RP on the site allocation.

If an RP is of the opinion that a developer is strongly opposed to this way of working then the respective RP should contact the council so that a joint approach can be taken, involving the nominated RP, developer and the council.

Bracknell Forest Council will ensure that all partner RPs are aware of the basis upon which offers should be made to developers (in line with Planning Policy) to ensure that there is a 'level playing field'.

8.2 Private Sites

Some partner RPs may be more proactive or successful than others in seeking out potential development opportunities regarding property owned by private or other public sector bodies within Bracknell Forest. It is recognised that particular efforts should be reflected in support for public funding, provided that performance standards and priority housing needs would be met.

Bracknell Forest Council will set-up, maintain and review a sites register, to enable RPs to register such sites, to ensure that unnecessary competition between RPs is avoided. RPs seeking to register a site must complete the necessary site registration form (attached), and be able to demonstrate on a six monthly basis what action they have taken to secure the site and bring it forward for development. Bracknell Forest Council reserves the right to allow another RP to register the same site, if satisfactory progress has not been made within six months to acquire the site by the registering RP.

8.3 Council Sites

Council owned sites will be dealt with through the Council's Corporate Capital Strategy and Asset Management Plan. Where opportunities arise to develop Council-owned sites for affordable housing, partner selection will be discussed at Preferred Partner meetings, to ensure a fair and transparent process. Again, sites will be allocated to ensure a fair balance amongst all the Preferred Partners.

9. Development

9.1 Development Standards

It is agreed that RPs undertaking developments under this Agreement will meet or exceed the requirements and recommendations set out by the Homes and Communities Agency and the Council's current planning policies.

RPs subject to this agreement will build new homes that meet or preferably exceed the Code of Sustainable Homes particularly on energy efficiency.

Bracknell Forest Council reserves the right to propose additional standards such as Lifetime Homes, and to seek agreement from the parties to this Agreement to implement them. This might relate for example, to the provision of homes designed for wheelchair users or other residents with special needs; to the achievement of space standards acceptable for long-term usage, or to minimise harmful environmental impact. The provision of wheelchair units will be built to meet the requirements of the wheelchair housing design guide 2nd edition or revised versions in the future.

The Council is committed to prioritising environmental sustainability and energy efficiency and expects Preferred Partner RPs to pursue these principles wherever possible in affordable housing delivery.

9.2 Site Register

A more formal system of site/land registration is now in place using a Site Register. RSLs will have an informal discussion with the Housing Enabling Team regarding a scheme, and then apply for a pre-app via the Planning Team. Appendix C, Site Registration Application Form will be completed for each site.

9.3 Development Contribution Fund

Preferred Partner RPs will be expected to make a financial contribution to the Development contribution fund each year and this will be set at £5,000 per Partner and Bracknell Forest Council will match fund the contribution of £5,000. All parties subject to this agreement will meet to decide the initiative or project the funds will be used to deliver but will include viability assessment work if necessary.

10. Intermediate Housing

10.1 All RP Partners operating in the borough are expected to meet the housing needs in the borough and in doing so will endeavour to deliver Intermediate Housing Products as part of the development programme.

11. Rent and Service Charge Levels

- 11.1 The Parties to this Agreement acknowledge the importance of achieving and maintaining rent levels which are affordable to tenants on low incomes and do not discriminate against unemployed persons.
- 11.2 RP partners are expected to develop new homes within rent caps and / or rent restructuring criteria as may be revised in the future.

12. Lettings and Nominations

- 12.1 The lettings and sale of properties under this Agreement will be carried out in accordance with the Global Nomination Agreement between Bracknell Forest Council and the RP for each development.
- 12.2 Bracknell Forest Council expects maximum nomination rights to all properties owned and managed by RPs, and that the properties are placed on Bracknell Forest Council's Choice Based Lettings Scheme.
- 12.3 Bracknell Forest will offer nominations within agreed timescales to limit RP void rates.
- 12.4 RP partners will operate in accordance with the nominations procedure for Bracknell Forest Council and ensure that information on properties such as location, rent, service charge, accessibility, council tax and any other important information is provided. RP partners are also expected to provide confirmation of new tenancies to Bracknell Forest Council as part of the sign up procedure for any new tenancy.
- 12.5 RP partners are expected to work in partnership to help meet the housing need of the residents of Bracknell and by doing so should not unreasonably refuse nominations made by Bracknell Forest Council. RPs must discuss nominations with Bracknell Forest Council if they do not meet their requirements to become an RP tenant.
- 12.6 The marketing and allocation of homes developed for Low Cost Home Ownership or intermediate rent will be carried out in conjunction with the Borough's Homebuy Agent for the Region.

13. Tenant Involvement

- 13.1 All parties to this Agreement recognise the importance and value of effective consultation with tenants and residents, and will seek to promote active tenant participation in the provision and management of social housing, and in wider community based regeneration initiatives. Particular attention should be given to ensuring that the views of BME tenants and hard to reach groups are sought. Where required, RPs will hold or participate in events, or local steering groups to consult on, and oversee new developments.

14. Supported Housing

- 14.1 It is expected that an element of supported housing will be included in the

development programme related to this Agreement, as specified by Bracknell Forest Council. In addition, RP partners may be asked to work in Partnership with specialist housing providers to deliver new provision.

15. Social Inclusion and Community Development

15.1 All parties to this Agreement are committed to creating and sustaining balanced communities, and will work together to develop local lettings policies and sensitive lets where necessary and other management policies and procedure to ensure that this is achieved.

16. Existing stock

16.1 It acknowledged that there will be occasions when it is appropriate for an RP to rationalise their housing stock which can result in disposal of some of its existing stock. It is agreed that the partner RPs will consult the local authority prior to any disposals within the Borough, and make reasonable endeavours to ensure that the proceeds of any sales will be reinvested in social housing within the Borough.

17. Bracknell Forest Preferred Partner Forum

17.1 All Parties subject to this Agreement will participate in the working of the Preferred Partner Forum and any sub-groups that develop. Meetings will be held quarterly by the local authority. The group is also recognised as an important means of ensuring communication with RPs that is not part of this Agreement so that they are not excluded from carrying out an informed and positive role in the Borough.

18. Cross Boundary working

18.1 Bracknell Forest Council plays a key role in the development and delivery of the sub-regional agenda in both chairing and facilitating cross boundary meetings. Preferred Partners are expected to actively participate in the development of this agenda in partnership with all the sub-regional partners.

19. Performance Review and Monitoring

19.1 Bracknell Forest Council will carry out an annual review of the performance of all preferred partners operating in the borough that are subject to this agreement.

19.2 The preferred partners undertake to co-operate fully with this process. They will provide the information required by the local authority to enable it to make an informed judgement of their performance in the development and management of their accommodation.

19.3 The RPs that are party to this agreement were selected according to the criteria set out in Appendix A. These criteria together with the development targets will form the basis of the evaluation of the RPs performance in this Agreement and is set out in Appendix B.

19.4 The Preferred Partners will provide the Council with monthly monitoring information on the progress of development sites that they are working on.

- 19.5 The progress of the development sites will also be monitored and discussed at the Preferred Partner Forum, where each partner will be expected to provide an update on each of the sites that they are working on. The development sites will also be cross referenced with the site register to ensure accuracy of the delivery and stages of each development site.
- 19.6 RPs will be invited to regularly provide feedback and review the performance of the Council in terms of progressing this agreement and joint working arrangements.
- 19.7 All parties subject to this agreement will bring to the attention of the Council any areas of poor performance as soon as they become aware of it.
- 19.8 If there is evidence that a Preferred Partner is not performing to a standard consistent with the status of a preferred partner, the Council will bring this promptly to the attention of the RP and agreement will be sought to achieve a positive resolution of the matter. Unsatisfactory performance will result in the local authority suspending or if necessary excluding the RP from participating as a preferred partner in this agreement. If any preferred partners are subject to this action and feel that they have not been dealt with fairly then they can appeal against the decision via the appeal process.

20. Appeal Process

- 20.1 If a Preferred Partner has been suspended due to unsatisfactory performance, then they have a right of appeal within 14 days of the suspension. The Preferred Partner must complete an appeal form stating why they should be reinstated and provide evidence to substantiate their case. The appeal form can be found as Appendix D in this document. The officer panel that carried out the preferred partner recruitment and selection competition will hear the case and provide the decision within 14 days.
- 20.2 If Preferred Partners feel that the Council is not performing, then in the first instance they should notify the Housing Strategy and Needs Manager and the Chief Officer who will investigate the case. If the case cannot be dealt with by the Housing Strategy and Needs Manager and the Chief Officer, the Council will ask a Neighbouring Local Authority to carry out the investigation.

21. Disputes

- 21.1 Any dispute that cannot be resolved will be referred to an independent arbitrator.

22. Variations to the Agreement

- 22.1 Variations will only be made in writing and be carried out following consultation and agreement of all members of the partnership.

23. Signatories

Bracknell Forest Council:

Signature:

Job Title

Bracknell Forest Homes & Thames Valley Housing Association:

Signature:

Job Title:

One Housing Group:

Signature:

Job Title:

Radian Group:

Signature:

Job Title:

Sovereign Housing Group & Ability Housing:

Signature:

Job Title

Appendices

- A. Selection criteria for RP partners**
- B. Development Targets**
- C. Site Registration Application form**
- D. Appeal Form**

Appendix A – Selection criteria for RSL partners

Table 1 – Scoring the assessed criteria

Score	Rating of response
5	Excellent or fully compliant submission which meets all requirements and is fully explained in comprehensive detail.
4	Very Good or fully compliant submission which meets all the requirements and is explained in reasonable detail.
3	Good or compliant which meets essential requirements and is explained in adequate detail.
2	Weak or partially compliant (minor issues) submission which in some areas falls sort of requirements and is poorly explained
1	Poor or non complaint (major issues) submission fails to meet requirements and is not explained.

Table 2. Assessment Criteria for preferred partners

Categories	Section	Questions	Weighting
Professional	A	1-6	5
Quality of housing product	B	7-15	4
Quality of housing service	C	16-28	1
Financial Robustness	D	29-33	2
Sustainable Communities	E	34-37	3

Weight in priority	Weight
33	100
27	80
20	60
13	40
6	20
Total	300

Sections for preferred partners – Weighting

(A) Professional

Registered with HCA
HCA Development Partner
Strategic partnerships
Equality and diversity
Ownership of properties in the Borough/Local knowledge
Stock rationalisation

(B) Quality of housing product

Track record in delivering affordable homes
Flagship schemes developed (Ecohome, Lifetime home, self funding new affordable homes, partnering and partnership working to deliver a special needs scheme, i.e. Older Persons/Sheltered scheme.)
Experience of being a Preferred Partner elsewhere.
Involvement in Town Centre Regeneration schemes.
Design and driving forward the sustainability agenda with outcomes.
Partnership working to deliver developments

(C) Quality of Housing Service

Neighbourhood management – policies and service standards
Initiatives to promote Community Development
Rent levels and Rent arrears management
Partnership working to maintain balanced communities
Local presence and service provided to tenants in the borough
Voids activity and turnaround time.
Range of satisfaction surveys carried out to determine how the organisation is performing.
Resident Involvement – number of tenant groups or representatives involved with your organisation in the area.
Experience of engaging with hard to reach groups e.g. BME/Gypsies and Travellers.
Management Practices – Safeguarding/risk assessments/Local working practices
CRB checks etc.

(D) Financial Robustness

No of land bank sites achieved in the last 2 years & annual capacity to land bank.
Overview of finance strategy including VFM, SHG rates, level of subsidy and RCGF.
Capacity to forward fund schemes ahead of SHG funding rounds
Exit strategy if funding is not forthcoming including schemes developed for Private Sales and subsidy created.
Details of development targets from Organisations business plan.

(E) Sustainable Communities

Mixed tenure and innovation
Sub-regional initiatives
Sustainability agenda including the commitment to CBL and nominations.

Appendix B – Development Targets

The supply of affordable housing in the Borough over the next five years will be delivered on a combination of s106 affordable housing sites and 100% affordable housing schemes which have been assembled by housing associations in partnership with the Council. The estimated supply over the next three years is as follows:

Year	Rent	Low cost home ownership	Total
2009/10	74	31	105
2010/11	88	37	125
2011/12	91	39	130
Total	253	107	360

The partnership will aim to enable at least 292 units of affordable rented housing over the life of the housing strategy. The total number of units actually delivered/completed over the strategy period is likely to be less reflecting the time delay in development and the current economic climate.

The Council's preferred property size mix for affordable rented housing is set out in the table below. That is an idealised mix and discussion will take place on a site by site basis to achieve as close as possible across the programme.

	One bedroom	Two bedroom	Three bedroom	Four bedroom
General needs	30%	40%	26%	4%

Low cost home ownership housing

Bracknell Forest Council supports an active housing market enabling first time buyers to purchase homes in the area. The Council works in partnership with RPs to deliver new build HomeBuy (part rent part buy) low cost homes ownership properties in the Borough. In addition Catalyst Housing Group is currently the Homebuy agent for the whole of Berkshire, Oxfordshire and Buckinghamshire responsible for promoting the low cost home ownership opportunities in the Borough.

The current market conditions may mean that some households will find it difficult to get a mortgage to buy shared ownership products and RPs may be reluctant to develop on that basis. The Council will seek to enable shared ownership sales where possible as set out below. We will also offer Council mortgages in partnership with RPs that develop shared ownership products in the borough to encourage movement in the market and shared ownership sales. However, if it can be demonstrated that there is not strong demand for shared ownership products on a particular development the Council would support the development of intermediate rented products which would in time come back to the market as shared ownership. This should ensure the development of balanced sustainable communities.

The partnership should aim to deliver at least 150 units of low cost home ownership over the life of the strategy. The type of product and property sizes is set out in the table below. Again the property size mix will be sought across the programme during the life of the strategy and may not be applied to every site.

	One bedroom	Two bedroom	Three bedroom
New build homebuy	27%	52%	20%
Open market homebuy	27%	52%	20%
Intermediate rent	27%	52%	20%

Appendix C

Site Registration Application Form	
Site Location/Address	
Site Ownership	
Developer	
Total no of units	
Total AH units	
Breakdown of tenure and type	
Next steps e.g. Development Agreement/Pre-app	
Additional Information	

Appendix D

Appeal Form	
Name of Registered Provider	
Date of original decision	
Date of appeal	
Reasons for the appeal	