

## Appendix 2: Changes to Self and Custom-build Register Eligibility Criteria 2020 - Summary of Consultation Responses

Organisation	Response summary	Officer comments	Proposed changes to eligibility criteria?
Northwood Residents' Association	Regarding point 2a - retain the ten year residency requirement rather than reducing it to five years.	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Northwood Residents' Association	Ownership of a property in LBH but without occupation of it by the applicant should not be included in the residency test.	Agreed.	No change.
Northwood Residents' Association	Do not include period of employment in the borough as a test as that is hard to enforce given places of employment could be different to the office location.	The Council is not currently proposing including employment in the borough as part of the local connection test.	No change.
Northwood Residents' Association	Regarding point 2c and 24 of the Cabinet Report: there should not just be evidence of the ability to pay £225,000 for the land, but as important is proof of the ability to immediately cover the construction costs. That avoids the ability to purchase the land and then hold it undeveloped for an unlimited period, and there should be a maximum period to carry out the development before the land has to be handed back because this is a preferential scheme.	Government guidance allows for a financial solvency test and suggests that local authorities may wish to assess whether the applicant can afford to purchase the land. The Council has followed this guidance in reaching the figure of £225,000 as set out in the May Cabinet Report.	No change.
Northwood Residents' Association	Regarding point 2d - either all of the members of the association should satisfy the residency test, or only those members who do satisfy the residency test should be allowed to occupy the development once constructed.	This is intended to allow for some flexibility for associations and it is considered reasonable that a minimum of 75% of members meet the local connection criteria rather than all.	No change.
Northwood Residents' Association	Residency should be for those who have paid Council Tax as the test, or can show the rent they paid is specifically stated to be inclusive of Council Tax - such as a rented room in a ratepayer's home. If they cannot show this, then the £225,000 should be increased proportionately as otherwise an incentive will be given to claim residency but without having paid the costs involved in living in the Borough. It would also be a quandary if one claimed to be an LBH resident, didn't pay Council Tax or an inclusive rent, and yet claimed to have access to the £225,000 and the construction costs.	Government guidance allows for a financial solvency test and suggests that local authorities may wish to assess whether the applicant can afford to purchase the land. The Council has followed this guidance in reaching the figure of £225,000 as set out in the May Cabinet Report.	No change.
Northwood Residents' Association	Any development should fully comply with LBH planning policy and building control for type and materials and design for the sake of the neighbours who are already LBH residents and ratepayers.	All development which does not fall within permitted development rights is required to be in accordance with LBH planning policy and Building Control legislation.	No change.
Northwood Residents' Association	There should be a minimum period of occupation of the new property as the sole or main residence, with a penalty imposed to avoid those who satisfy the residency test re-selling to those who don't, to get around the residency test, and to help avoid the system being used for property speculation.	check legislation, CIL point	No change.
Northwood Residents' Association	Regarding point 31 - restrict those on the register to those who satisfy the residency test. The only exception should be those who served in the UK armed forces, but otherwise there should be no exceptions, including the exceptions proposed (in the Cabinet Report).	The residency requirements are intended to ensure applicants have a strong local connection whilst enabling some limited exceptions for temporary work or study.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Northwood Residents' Association	The fees proposed seem low for the benefits offered.	The fees should only be charged as a cost recover measure and have been set to cover the administrative costs associated with the new eligibility criteria only.	No change.

Gatehill Residents' Association	This is a preferential scheme, so we support criteria for being added to the list to be tightened and carefully scrutinised for residents to become eligible.	n/a	No change.
Gatehill Residents' Association	We support the retention of the ten-year residency test rather than the reduction to five years.	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Gatehill Residents' Association	It would be helpful to clarify what is meant by 'residency' and suggest that the payment of Council Tax in Hillingdon by that individual would be one of the criteria. Checks that the person actually lives in the property seem essential. Simply working in the borough is not sufficient. Some property developers own several properties across several boroughs so it would seem prudent to ensure that the individual (who must not be a company) is only registered on a list in one borough in the UK.	Noted	No change.
Gatehill Residents' Association	Regarding point 2d, we suggest that all the members of an association should satisfy the residency test, not a lesser percentage. The only exceptions to the residency test should be people who served in the British armed forces and we do not agree that there should be any other exceptions, including the exceptions proposed in this consultation document (point 31).	Noted	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Gatehill Residents' Association	We believe that the requirement to provide evidence of the ability to purchase the land at a cost of £225,000 does not go far enough and suggest that sufficient evidence that the resident has the ability to pay for the construction costs of the proposed property should also be provided. This is to ensure that the land is used to build a property in good time rather than being held as an investment and depriving a genuine applicant of the right to build their home.	Government guidance allows for a financial solvency test and suggests that local authorities may wish to assess whether the applicant can afford to purchase the land. The Council has followed this guidance in reaching the figure of £225,000 as set out in the May Cabinet Report.	No change.
Gatehill Residents' Association	We would like to see a time limit for submission of acceptable plans and the finished construction of the property once a piece of land has been allocated. Any development should fully comply with Hillingdon's published planning policy and building control requirements which exist for the benefit of all residents in the borough.	Sites suitable for self-build properties will need to be allocated through a future Local Plan review. Applicants will then be required to seek planning permission for their developments and the normal statutory timelines for the commencement of development would apply.	No change.
Gatehill Residents' Association	To avoid this scheme being misused, we suggest that a condition that the property has to be resided in by the new owner for a minimum period of 5 years and not sublet or sold or the applicant should suffer a substantial financial penalty. Once a resident has been allocated a piece of land they should become ineligible to join the list again.	Noted. Such properties are likely to be subject to Legal agreements regarding future occupancy requirements.	No change.
Gatehill Residents' Association	We believe that the fee for all the checks which officers would need to undertake each year may well need to be higher so as to completely cover the Council's costs.	The Council has based the fee on expected officer time to carry out additional administrative tasks.	No change.
Individual	No issues but would like some idea about timescales and types of plots that would be available.	Noted	The Council will seek to publish this information as it becomes available.
Individual	It does not appear clear how the policies will work in practice, how they will be administered and what subsequent effects the proposed policy changes are expected to have.	The Council is following the relevant legislation and government guidance which sets out the process which can be followed to introduce local eligibility criteria.	No change.

Individual	In general the proposals do not seem to be accompanied by a thorough and verifiable analysis. More might need to be done in order to robustly justify the proposed measures, outline expectations and ensure they are effective. If the rationale is not robust the proposals may suppress the rights and interests of local people, which may not be consistent with the relevant government guidelines.	Noted	No change.
Individual	<p>The residency requirement of 10 years - double the highest other example (Camden) - seems unduly long. The rationale for aligning with the social housing policy list seems arbitrary beyond the discussion being centred around homes. It is not clear how these lists serve the same purpose or people. As such the comparison seems tenuous and given the unprecedented residency duration that is being proposed, it seems, serves little purpose beyond deterrence.</p> <p>Do the two lists serve the same people for similar purposes (the sufficient resources criteria would imply not). If comparing with neighbouring councils then the comparison is worse - the residency criterion is 5 times longer than comparable authorities.</p>	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Individual	The residency criteria are less flexible than any other local authority's criteria (e.g. non-continuous residence or local employment).	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Individual	There is the potential to discriminate against a small but not inconsequential portion of the local community. As much as it may be convenient to think of communities lying wholly within borough boundaries, they generally do not. There is a risk that those with deep and existing connections to the borough may be excluded simply because the best current home they could find happened to be a few streets over in a neighbouring borough. They may have lived inside a small radius for their entire lives, but a move within the last 10 years just over the borough boundary (but still in their community) would exclude them from part 1 of the register.	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.
Individual	It is not untypical for younger people to move away from their familial homes for the purposes of education and establishing a career, only to return when they are ready to start a family. Those people will have a fragmented history of living in the borough even if they have demonstrably deep roots to the place. Excluding such people would seem unfair and has the potential to introduce a significant age related bias to the register.	The Council is seeking to manage the objective of ensuring a strong local connection and addressing potential impacts on protected groups identified in the Equalities Impact Assessment.	The Council is proposing the residency requirements be reduced to five years, with some flexibility allowed for people who leave the borough temporarily for studies/work.

Individual	<p>There is a potential concern that the sufficient resources criteria are not specific enough and may set out conditions that are difficult and costly to administer.</p> <p>How will the Council seek to satisfy themselves that the criteria is met? Not many people would have that amount of liquid funds sitting conveniently in an account with a corresponding bank statement.</p> <p>The cabinet report suggests 'loan agreements' as a proof of resources. If too simplistic, the proposal might also discriminate against those who have the realistic expectation of seeking a self-buil mortgage, or other form of loan. How realistic or reasonable is it to expect a potential registrant to have the mortgage in place at the point of registration? This should be considered as a comparison between the length of time the Council expects registrants to be on the register and the typical length of time of mortgage offers/loan agreements.</p>	<p>Noted. The Council will assess applications on a case-by-case basis and amend the requirements if necessary. The Council is open to different ways of satisfying the sufficient resources criteria including through savings, agreements in principle on loans and mortgages which can be sought before registering and potentially through the owning of a home in the borough.</p>	No change.
Individual	<p>There is little justification for the proposed fees. There is no specific costing outlined in the cabinet report. I appreciate that there will undoubtedly be a genuine administrative cost to keeping and maintaining the register. While the rationale for the proposed fee (charging 90% of neighbouring boroughs) is likely sensible under general local authority activities, it is not clear how the application of a blanket charging policy would satisfy the specific requirement for genuine and proportionate cost recovery.</p> <p>Setting 90% of Harrow's registration fee may be consistent with Hillingdon's charging policy, but if Harrow fee is unjustified should the council or residents accept 90% of unjustified? Would this satisfy government guidelines?</p> <p>The fees of Harrow, Hounslow and Ealing are £100, £0 and £0 respectively, the average of this is £33.33. I appreciate that there is a semantic difference between 'not applicable' fees and zero-rated fees, but I hope that my point is clear - the basis of the proposed fee is far from being clearly proportionate within the context of genuine costs.</p>	<p>The October 2020 Cabinet Report builds on the justification for the fees provided in the May 2020 Cabinet Report.</p>	No change.
Individual	<p>Of the other local authorities listed only Harrow and Westminster have annual retention fees. It is not clear from the proposals associated documents what specific rationale LBH is invoking when leaning on Harrow's example.</p>	<p>Noted. The Regulations allow fees for re-registration to be charged on a cost recovery basis.</p>	No change.
Individual	<p>There is a concern that unless fees are properly costed, justified and kept under control, they will act as a deterrent to registrants, especially if there is no realistic or tangible benefit for registrants. Fees may deter younger registrants more than others who do not have a family to establish/sustain.</p>	<p>The October 2020 Cabinet Report builds on the justification for the fees provided in the May 2020 Cabinet Report. The Council has based the fee on expected officer time to carry out additional administrative tasks.</p>	No change
Individual	<p>It may be true that the register at present overestimates local demand, but it's not clear if this is significant.</p>	<p>Noted.</p>	No change.
Individual	<p>While 66% of current registrants are from within LBH, it is not clear what links the remaining 34% of registrants may have to the borough. It may be that a good proportion of those registrants have strong family ties to the borough, are part of boundary communities or have some other reasonable connection to LBH. The size of the overestimate is not currently apparent or justified, which could impact on the necessity and thus justification of restrictive eligibility criteria.</p>	<p>The residency requirements are intended to ensure that all those that apply to be on the self-built register have a strong local connection. Those on the existing register that meet the relevant requirements will be invited to reapply.</p>	No change.

Individual	Some analysis in order to better understand those on the list, their links to LBH and their motives to build would contextualise the potential consequences of implementing the proposed measures.	Noted. The Council's objective is to ensure that Hillingdon's register reflects the needs of our residents.	No change.
Individual	<p>Would an overestimate be a bad thing? If LBH was to perfectly meet or fall short of granting premissions in any base period, what would that say of registrants on part 2 of the register?</p> <p>A manageable overestimate could help LBH to ensure they are always capable of meeting the requirements of the register within any base period.</p>	<p>The Council is seeking to meet housing need for all types of housing, which means a more accurate picture of demand for self and custom-build housing will help better meet demand for all types of housing given that there are significant land supply issues across London with demand for housing far exceeding land supply, as noted in the London Plan.</p> <p>The Council will be undertaking a review of the Local Plan which will explore self-build housing in more detail and in the context of broader housing policy. It will explore further how all housing needs in the borough can be met.</p>	No change.
Individual	More information is needed to contextualise the concerns raised around housing density, affordable housing and desirability of self-build developments and justify the introduction of eligibility criteria.	A lot of these issues are raised in Hillingdon's Local Plan as well as the evidence base that sits behind this. Links to this can be forward to the consultee. The Council will be undertaking a review of the Local Plan which will explore self-build housing in more detail and in the context of broader housing policy.	No change.
Individual	It does not appear concomitant that the requirements of the self-build register should be completely counter to broader housing policy. It would be good for the public to understand what steps LBH has actively taken in resolving the demands of the register within broader housing policy requirements and what definite problems have arisen and what other solutions have been proposed.	Broader issues of planning for local housing need are address through the Local Plan. The Council will be undertaking a review of the Local Plan which will explore self-build housing in more detail and in the context of broader housing policy.	No change.
Individual	The focus of the cabinet report is clearly upon the current "shortfall" of granted permissions when compared to number of registrants. There is a real concern that unless polocy changes are properly justified that it may lead to the legitimate interpretation that the main motive behind the proposed changes is to deter registration purely to keep numbers low - not to better serve local communities or fairly balance register requirements against other local issues.	The point of introducing eligibility criteria is to ensure that applicants have a strong local connection so that they can be prioritised and the self-build demands balanced with other housing needs.	No change.
Individual	The government guidance clearly stipulates that measures should not act as a deterrent. Has LBH performed any analysis to determine whether or not measures will act to fairly discriminate in favour of local residents, rather than act as an indiscriminate deterrent.	LBH has completed an Equality Impact Assessment to help determine the effects of the proposed eligibility criteria on different groups. This assessment was published for consultation and will be presented to the Council's Cabinet to inform their decision making.	No change.
Individual	The self-build and custom housing register requirements have a seemingly broad definition of what constitutes self/custom build. One possible way of aligning requirements would be for LBH to encourage larger developers to engage with customised development. This could help satisfy concerns around housing density and affordable housing, while simultaneously generating a larger proportion of granted permissions that qualify against the register.	Your comments are noted. The Council will be undertaking a review of the Local Plan which will explore self-build housing and the issues around it in more detail and in the context of broader housing policy.	No change.
Individual	Some automated or semi-automated mechanism for determining registrants' continued interest in the register could be set up.	Noted	No change.

Individual	Regarding the sufficient resources criteria, has the council considered other forms of validation that might be used to determine resources - e.g. owning an average home within the borough means they have already proven at some stage that they have sufficient resources in place. The criteria is close to being self-fulfilling under the local connection test and a relatively simple land-registry search may be sufficient for the basic purposes of the self-build registration process.	The Council has considered this and will seek to be more flexible in how it determines meeting of the sufficient resources criteria.	No change.
Individual	Given that the register is a register of no specified benefit, could the fee (or the bulk of it) be levied at the other end? Ongoing charges of the kind proposed may seem a lot as a recurring annual expense, however they may quickly appear trivial for those who are involved with the inherently costly purchases of land or house building. i.e. Let those who have tangibly benefitted from the register bear the greater burden of the cost when they already have their wallets open.	Government guidance allows for the charging of fees for entrants onto the Self Build and Custom Build Register on a costs recovery basis. The Council's justification is set out in the May and October 2020 Cabinet Reports.	No change.