

VALUATION OFFICE AGENCY Broad Rental Market Area (BRMA) Review Protocol

What is a BRMA review?

A BRMA review is the process of considering the specific terms that constitute a BRMA. Those terms are set out in legislation and the responsibility to consider them rests with Rent Officers serving in the Valuation Office Agency (VOA). When satisfied that the statutory conditions are met, the Rent Officer (RO) determines the BRMA.

What triggers a BRMA review?

The legislation requires that Rent Officers review BRMAs periodically. In order to deliver this requirement, BRMA review programmes are planned by the Senior Rent Officer Managers.

Rent Officers have a rolling programme of regular monitoring of BRMAs, and any Rent Officer may notify Senior Rent Officer Managers about developments relevant to the reviewing of BRMAs. They will decide whether, and when, to add a BRMA to a review programme.

A Local Authority (LA) may request a review of any BRMA that impacts on its administrative area. The request needs to be made in writing to the VOA Team Leader - Local Housing Allowance, who will decide whether or not to accept it. The request must include relevant reasons. The applicant will be notified in writing of the decision.

What constitutes a relevant reason for requesting a BRMA review?

- *Significant change to the provision of facilities and services for health, education, recreation, personal banking and shopping*
- *Significant change to the transport infrastructure*
- *Significant change to the variety of housing types and tenures*
- *Significant change to the size of the private rented sector*

Is there a consultation process?

Although not required by legislation, Rent Officers are committed to providing an opportunity for stakeholders to be consulted during a BRMA review. The RO does this by advising affected Local Authorities, Citizens Advice, Shelter, and any other relevant stakeholders, of what the review is revealing. The RO sends this information to stakeholders in a written proposal. Each respondent has six weeks to consider the proposal and make a written representation. The RO must receive the representation no later than the closing date.

The RO considers the representations and, in due course, issues stakeholders with either a notice of conclusion of review, in the case of no change to the BRMA, or a determination of BRMA in the case of change. Either case will include a report of all representations received and an explanation of acceptance or rejection. The notice concludes the consultation process.

What else happens during a BRMA review?

In the interest of transparency, the RO ensures that the LA and other stakeholders are kept informed of what is taking place and why.

When a BRMA is being reviewed, the RO sends a letter to the LA Chief Executive (CE). The letter draws attention to the potential effect on the authority's housing benefit subsidy, sets out the review's terms of reference, includes a copy of the approved BRMA Guidance for Rent Officers, announces the opportunity for consultation and requests the name of the LA's nominated lead officer for correspondence. The RO meets with the lead officer to recap the terms of reference and answer any questions.

The RO sends a letter about the BRMA review to the local Member of Parliament; it contains the LA lead officer's contact details so that the MP may have an opportunity to comment on the forthcoming proposal.

After a month or so the RO returns to present the LA with the proposal and answer any questions. At the same time, the proposal is sent to the other stakeholders, together with a letter setting out the terms of reference, attaching the approved BRMA Guidance for Rent Officers and including an invitation to ask any questions.

Where a proposal impinges on an adjoining BRMA, the process continues by sending the proposal document to the adjoining LA and other stakeholders. The proposal may entail review of the adjoining BRMA. To accompany the proposal, the RO sends a letter to the adjoining LA CE and other stakeholders. It announces the consultation, includes the same information as above and invites any questions.

The RO involves appropriate RO colleagues in order to draw on their knowledge and experience when formulating the proposal.

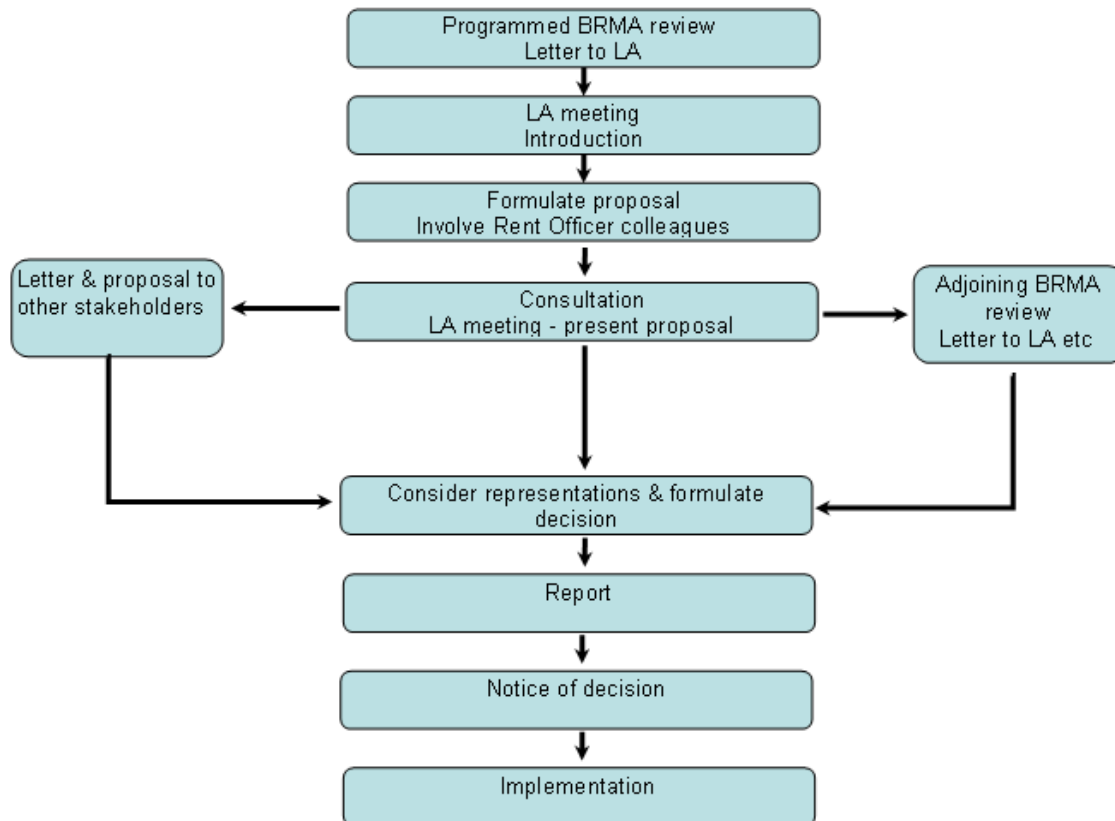
When does the review end?

The RO's Notice of Conclusion of BRMA Review or Notice of BRMA Determination brings the review to a close.

Is there a right to appeal the outcome of a review?

The legislation makes no provision for appealing a BRMA determination. As Rent Officers are supervised by the Courts, however, it is possible to seek judicial review of the way the decision has been made.

A BRMA review, therefore, can generally be represented as a series of stages on the following chart.



Further details

Stage 1 - Programmed BRMA review - Letter to LA

Signed by VOA Team Leader - Local Housing Allowance, and addressed to the LA CE, the letter is copied to the LA's Heads of Finance and Housing Benefits. The letter follows an approved template. It clearly demarcates the Rent Officer's decision making responsibility.

The introduction meeting is set up as soon as the lead officer's name is known, hopefully within two weeks of the letter.

Stage 2 – LA meeting – Introduction

It may prove efficient to hold a joint meeting with several LAs, either at a Local Authority or VOA venue, if the LA expresses a preference for such an arrangement.

Stage 3 – Formulate proposal – involve Rent Officer colleagues

The work of a review team includes examining past review material, LHA-Direct BRMA Information Documents, appropriate internet sites and other relevant published data.

The usual sources of information include: Geographical Information System/MapInfo; central and local government websites; Ordnance Survey; Office of National Statistics; transport websites.

The RO contacts other relevant Rent Officer managers asking for the names of those best placed to participate and for ongoing information to be cascaded to the team. The RO will meet with participating colleagues to recap the terms of reference and seek their views.

The RO leads the team in considering the terms of the legislation and in following the steps outlined in the BRMA Guidance to Rent Officers. The RO is responsible for deciding the eventual contents of the proposal – and ensuring the supporting information is structured according to the approved template.

In some cases, given the number of BRMAs that a proposal may affect, this task can present a considerable logistical challenge. In other cases, the RO may consider a return to Stage 1. In all cases, the RO decides on the most appropriate way of progressing.

Where change to a BRMA is proposed, an assessment of the indicative impact on Local Housing Allowance (LHA) and Local Reference Rent (LRR) is also drawn up to accompany the proposal document. This is to assist the LA in their management of potential change.

The RO shares the proposal document with the Senior Rent Officer Managers so that it can be quality assured before publication.

Stage 4 – Consultation – LA meeting - Presenting the proposal – Other stakeholders – Adjoining BRMA review

The RO ensures that all agreed stakeholders are given the opportunity to comment.

In some cases, given the number of LAs involved, this task can also present a considerable logistical challenge; again in all cases, the RO decides on the most effective way of progressing.

The RO and other colleagues are available for respondents to contact at any time within the consultation period should any query need to be addressed.

Stage 5 - Consider representations and formulate decision

The aim is for two weeks to be sufficient to consider representations, but the RO has the responsibility to formulate a decision earlier or later, depending on the circumstances.

The decision takes the form of either a Conclusion of BRMA Review or a BRMA Determination, using the approved templates. It will include summaries of all representations and the RO's reasons for accepting or rejecting them.

In the event that the determination differs from the proposal, the determination will contain the necessary revised information and be accompanied by a revised impact assessment.

Stage 6 - Report

The RO shares the decision with the Senior Rent Officer Managers so that, as at Stage 3, the documents are quality assured. The documents must demonstrate that the decision to be made complies with the legislation, follows the approved BRMA Guidance, conforms to the approved templates, considers the representations and provides appropriate reasons.

Where the decision is a BRMA determination, the VOA Team Leader – Local Housing Allowance sends a letter seeking agreement, plus copies of all the documents denoted in these Protocols, to the Secretary of State for Work & Pensions. The RO informs the relevant stakeholders that this has been done.

Stage 7 – Notice of Decision

The RO sends the Conclusion of BRMA Review to all those who received the proposal and shares it with the other appropriate Rent Officer Managers.

Whilst the BRMA (LRR) can be amended and implemented directly by the Rent Officer for the purposes of Housing Benefit (Local Reference Rent) determinations, the BRMA (for the purposes of Local Housing Allowance determinations) can only be amended with approval of the Secretary of State for Work and Pensions (SoS).

If the SoS agrees to the change in BRMA, the RO sends the Notice of BRMA Determination to all those who received the proposal and shares it with the other appropriate Rent Officer managers. The determination contains the dates of BRMA and consequent Local Housing Allowances implementation.

Stage 8 - Implementation

In the case of BRMA determination the RO prepares a new BRMA Information document for Gov.UK and makes arrangements for the VOA IT Department to be supplied with the necessary map layers.

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