



## **Allocation Policy**

**November 2008 for implementation when  
choice based lettings introduced**

# Contents

	Page
<b>Statement of Choice</b>	5
<b>1 Greater Haven Gateway Housing Partnership</b>	
1.1 Greater Haven Gateway Housing Register	6
1.2 Introduction	6
1.3 Partner Organisations	7
1.4 Governance	7
1.5 Objectives of the Scheme	8
1.6 How the Scheme will operate	10
<b>2 Review of the Scheme</b>	10
<b>3 Legal Framework</b>	
3.1 Framework	11
3.2 Allocations covered by the policy where rules under Part 6 do not apply	11
3.3 Where the Policy does not apply	11
3.4 Legal context	12
3.5 Equal opportunities and diversity	13
3.6 Monitoring and reviewing the allocations policy	13
<b>Housing Allocations Policy</b>	
<b>4 The Housing Register</b>	
4.1 Who can go on the Register?	14
4.2 Joint Applications	14
4.3 Who may not qualify?	15
4.4 Circumstances when applicants not able to participate in CBL	15
<b>5 How the Register Works</b>	
5.1 Introduction	16
5.2 Multiple applications	16
5.3 Civil partnership	16
5.4 Applicants' consent and declaration	16
5.5 Data protection	17
5.6 Cancelling an application	17
5.7 False Information	17
5.8 Councillors and involvement in decision making	18
<b>6 Assessment of Housing Need</b>	
6.1 Legal background	18
6.2 Advice and information	18
6.3 Housing Needs Bands	18
6.4 Assessment of applications	19
6.5 Deciding the effective date	19
6.6 Local connection to the sub-region	20
6.7 Connection to the local authority area	20
6.8 Applicants from outside the sub-region who have no local Connection to the area	21
6.9 Special assessments of need	21
6.10 Applicants who have deliberately made their situation worse	22

6.11	Owner-Occupiers	23
6.12	Applicants living in “tied accommodation”	24
<b>7</b>	<b>Finding a Home under Choice Based Lettings Scheme</b>	
7.1	Advertising available homes	24
7.2	Labelling properties	25
7.3	Expressing an interest in available homes	26
7.4	Making an offer of accommodation	27
7.5	Feedback	27
7.6	Accompanied viewing	27
7.7	Refusals	28
7.8	Lower demand homes	28
<b>8</b>	<b>Offers of Accommodation</b>	
8.1	Choice of area	28
8.2	Offering properties to tenants who owe rent	29
8.3	Offers to homeless households and reviews of offers	30
<b>9</b>	<b>Type of property offered</b>	
9.1	Property size and household size	32
9.2	Parents with ‘staying access’ to dependent children or Shared residence orders	33
9.3	Applicants with a medical or social need for a larger property	33
9.4	Extra rooms for carers	33
9.5	Bungalows – age restricted	33
9.6	Bungalows – without age restrictions	34
9.7	Properties empty for major repairs and alterations (decants)	34
<b>10</b>	<b>Local Lettings Policies</b>	
10.1	Introduction	34
10.2	Local lettings policy – properties	35
10.3	Local lettings policy – people	35
10.4	Local lettings policy – connection to an area	35
<b>11</b>	<b>Allocation of properties designed for people with physical disabilities or properties for older people</b>	
11.1	Allocating sheltered housing	35
11.2	Allocation of extra-care sheltered housing or very sheltered housing	36
11.3	Properties designed or adapted for people with physical disabilities	36
11.4	Age restrictions on homes	36
<b>12</b>	<b>Types of Tenancies Offered</b>	
12.1	Introduction	36
12.2	Letting permanent housing on a temporary licence	37
<b>13</b>	<b>Checks to make sure housing is offered to those with the Greatest need</b>	
13.1	Re-registering applications on the register	37
13.2	Home Visits	37
<b>14</b>	<b>Making the best use of our housing stock</b>	
14.1	RSL tenants where we do not have an agreement with RSL	37

14.2	Council and RSL tenants from outside the sub-region	38
<b>15</b>	<b>Reviews</b>	
15.1	Rights to a review	38
15.2	How to request a review	38
15.3	Appealing against the reasonableness of an offer	38
15.4	Complaints procedure	39
15.5	The Local Government Ombudsman	39
<b>16</b>	<b>Banding Scheme</b>	40
<b>17</b>	<b>Housing Priority</b>	
17.1	Deciding who has priority on the register	43
17.2	Overcrowding	43
17.3	Children sharing bedrooms	43
17.4	Bedroom size	44
17.5	Applicants without children	44
17.6	Disrepair, poor design and lack of facilities	44
17.7	Sharing with another household	44
17.8	People living in mobile homes or caravans	45
17.9	Homelessness and temporary or insecure accommodation	45
17.10	Accepted homeless households in severe need	46
17.11	Other homeless households not owed a duty	46
17.12	Prevention of homelessness	46
17.13	Assured shorthold tenants under notice	47
17.14	Lodger under notice	47
17.15	Tenants of tied accommodation under notice	47
17.16	Protected tenants with a possession order	47
17.17	Qualifying Agricultural workers (and the Rent Agricultural Act 1976)	48
17.18	Fixed-term licensees	48
17.19	Applicants with no fixed address	48
17.20	Medical, welfare and hardship	48
17.21	Medical assessment	49
17.22	Welfare/Hardship assessment	49
17.23	Tenants with a home that is bigger than they need	50
17.24	Applicants offered housing because of a death of a secure tenant in the sub-region	50
17.25	Applicants offered housing because of a relationship breakdown of a secure tenant in the sub-region	51
17.26	Transfers which will release a property that is needed	52
17.27	Applicants where tenancy surrender has been negotiated	52
17.28	Nomination agreements with supported housing Providers (move on)	52
	<b>Appendix 1 – Contact details for each Partner Organisation</b>	54

## Statement of Choice

### **Fairness**

Our aim is to:

- *ensure the widest possible access to housing by offering choice of accommodation, this includes options in the private sector.*
- *give you the opportunity to express preferences about your accommodation whenever possible, whilst allowing us to meet the local needs of each authority in the sub-region*
- *prevent discrimination on the grounds of race, religion, sex or marital status, sexual orientation or disability.*
- *write our publications in plain English and offer translations, large print or a reading service where needed to help you make an informed housing choice*

### **Excellence**

Our aim is to;

- *be courteous and efficient*
- *respond to the needs of our customers and our partners and ensure the views of our customers are heard*
- *set out clear standards for services so that everyone knows what to expect.*
- *provide you with advice regarding access to social housing and other housing options, both over the phone and in person.*
- *direct you to the appropriate team or agency where specialist advice is required e.g. housing advice, welfare rights*
- *meet our legal and strategic requirements whilst considering the needs of the local community*
- *confirm in writing any decision made in relation to your application for housing*
- *ensure decisions reflect policy and are consistent and transparent*

### **Your Responsibilities:**

- *provide full and accurate details on all forms or correspondence in relation to your application for housing.*
- *tell us immediately if your circumstances change in any way, for example, your address, family details, medical condition*
- *respond to requests from us for information*
- *make a decision on viewed properties within the specified time scale agreed with the landlord.*

**Throughout this document we refer to people seeking access to social housing for rent or low cost home ownership options as “applicants”.**

# Greater Haven Gateway Housing Partnership

## 1.1 Greater Haven Gateway Housing Register

- 1.1.1 The Greater Haven Gateway Housing Register is intended to be a single register of housing need for all the Greater Haven Gateway sub-region, which includes the local authority areas of Babergh, Braintree, Colchester, Ipswich, Maldon, Mid-Suffolk and Suffolk Coastal. Tendring, although part of the Greater Haven Gateway Sub-region have deferred their decision to join the Gateway to Homechoice choice based lettings scheme.
- 1.1.2 The Register is the way in which all applicants must apply for social housing in the sub-region.
- 1.1.3 The demand for housing exceeds supply and the register exists to enable the scheme to prioritise those households who are in greatest need and to maximise their opportunities for rehousing.
- 1.1.4 The Register also provides information on needs which the sub region uses to develop new affordable housing.
- 1.1.5 The Allocations Policy sets out:
- The objectives of the Allocations Scheme
  - How the Housing Register operates
  - Who is eligible to be rehoused
  - How applicants' housing needs are assessed
  - How social rented homes across the sub-region are let
  - How the sub-regional choice based lettings allocations scheme operates.

## 1.2 Introduction

- 1.2.1 This section outlines the Greater Haven Gateway sub-regional Choice Based Lettings Scheme (CBL) – Gateway to Homechoice which it is anticipated will be implemented from February 2009.
- 1.2.2 The Greater Haven Gateway Sub-regional CBL scheme is a method of letting social housing across the sub-region.
- 1.2.3 The Greater Haven Gateway Sub-regional CBL scheme will be called **Gateway to Homechoice**.
- 1.2.4 The seven Local Authorities and their Large Scale Voluntary Transfers (LSVT) partners and Arms Length Management Organisation (ALMO), as detailed in Section 1.3 (**Partner Organisations – POs**) have agreed to operate a common sub-regional CBL scheme. Tendring Council have deferred their decision to join the sub-regional scheme at this time.

- 1.2.5 The scheme will operate through a shared CBL IT system and one common allocations policy across the sub-region. However there may be local variations in order to make best use of social housing, in which case eligibility for properties will be clearly labelled in the advertisement.
- 1.2.6 This new approach will give applicants greater choice in selecting where and in what property type and tenure they wish to live.
- 1.2.7 The system is designed to be easy to use, and allows applicants to have an understanding of their housing situation, enabling them to make the best choice from the full range of housing options available to them.

### **1.3 Partner Organisations (POs)**

1.3.1 The following local authorities are participating in the scheme:

- **Babergh District Council**
- **Braintree District Council who has transferred their homes to Greenfields Community Housing Association**
- **Colchester Borough Council whose homes are managed by Colchester Borough Homes**
- **Ipswich Borough Council**
- **Maldon District Council who has transferred their homes to Moat Homes Ltd**
- **Mid Suffolk District Council**
- **Suffolk Coastal District Council who has transferred their homes to Suffolk Heritage Housing Association**

1.3.2 Contact details for all POs are available in Appendix 1.

1.3.3 Within each authority there are other local housing associations who may advertise their available homes through the scheme. Where nomination agreements exist with local authorities the housing associations will advertise these vacancies through the scheme.

### **1.4 Governance**

1.4.1 The scheme is subject to a sub-regional agreement which ensures that the scheme is kept up to date and meets national best practice guidelines. It is managed by a sub-regional board made up of the Housing Managers from the participating local authorities, RSLs and other stakeholders.

1.4.2 All POs will contribute to monitoring, developing, funding and making policy decisions about the scheme.

## 1.5 Objectives of the Scheme

- **To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) Part VI as amended by the Homelessness Act (2002)**

The sub-region will ensure its allocation policy complies with all legislative requirements, related legislation, case law, local policies and strategies.

- **Provide a single system of choice in housing across the whole sub-region**

The POs will develop the allocation policy in accordance with the principles agreed sub-regionally. All assessments of need and allocations will be made according to the agreed sub-regional policy. The scheme will provide applicants with more choice and involvement in choosing the home and the area in which they wish to live.

The scheme aims to provide applicants with sufficient information to explain where homes are more likely to become available. This will allow them to make informed choices about their housing options.

- **Produce a system applicants can understand and which is both open and fair**

To ensure the scheme is consistent, fair and transparent it will include:

- Comprehensive feedback on homes let
- An allocation policy based on common principles
- Adoption of a common banding structure across the sub-region
- Sub-regional governance
- Clear labelling of properties
- Detailed procedures for needs assessment and allocations
- Performance management information
- A consistent review process.

- **Increase the sustainability of local communities**

Homes may be advertised with criteria aimed at improving the long-term stability of a community.

- **Facilitate genuine opportunities for mobility across the Sub-region**

In order to maximise choice and mobility for applicants within the sub-region, each PO will advertise their properties to applicants who have a local connection to any of the seven local authorities. Applicants who have no connection to the sub-region will still be able to take part but they will not have the same degree of priority

and therefore will be banded one band lower than if they had a local connection to the sub-region.

Inward and outward migration (also called 'cross border moves') between authorities will be monitored quarterly. If inward migration exceeds outward migration significantly then properties will be restricted to bidding by applicants with a local connection to a particular local authority.

In some areas homes will be restricted to people with a close local connection to a village. This is because special planning laws have been used to develop these homes. In such cases properties will be clearly advertised to show a local connection rule applies.

- **To assist in minimising homelessness and assist applicants in the highest assessed need**

All applicants will have their housing needs assessed and be placed in a housing needs band according to their circumstances. This will take into account the reasonable preference criteria outlined in the Housing Act (1996) as amended by the Homelessness Act (2002).

Homes will generally be let to the applicant in the highest housing needs who has been waiting the longest, having expressed an interest in the home and meeting the criteria advertised.

- **To ensure that vulnerable applicants are supported**

Vulnerable people will be appropriately supported to access the scheme. A number of measures will be taken to ensure that vulnerable applicants are not disadvantaged such as:

- Providing appropriate advice and assistance
- Translating documents on request
- Providing information in other formats on request
- Partnership working with support agencies
- Producing and publishing a sub-regional vulnerable people strategy
- Undertaking monitoring and regular reviews of the allocations policy
- An assisted applicants list will be held which will help us identify applicants who, due to their vulnerability, require additional help.
- To ensure vulnerable groups are not disadvantaged by the scheme, participating councils will put in place a full monitoring system to ensure they are successfully using the scheme.

- **Aim to provide a complete housing options service to increase the opportunity for all**

The scheme will be developed to enable the applicant to see all their housing options, including:

- Available homes from housing associations and POs in the Sub-region

- Low cost home ownership
- Mutual exchanges
- Rented accommodation with private landlords.
- **Ensure that the scheme allows POs to make best use of homes and in particular adapted properties**

Properties that have been adapted or developed for people with a disability will be advertised as such and preference will be given to households that need that adaptation because of the shortage of adapted properties

Due to the significant shortage of housing across the Sub-region POs will label available homes to indicate those groups who may express an interest in them.

## **1.6 How the Scheme will operate**

- 1.6.1 Applicants can apply to join the scheme via any of the POs; the PO contacted will assess the application and make the initial assessment of need.
- 1.6.2 If an applicant has a local connection with another PO they may make further checks and enquiries.
- 1.6.3 Applicants who join the housing register are placed in one of five bands to reflect their housing need.
- 1.6.4 Most vacant homes are advertised for a set period of time on a regular basis called an advertising cycle.
- 1.6.5 Applicants can only express an interest in homes advertised which they are eligible for. For instance, they must meet the criteria for the number of bedrooms in the home.
- 1.6.6 They may express an interest by mail, telephone, email, text message, through the website or by calling in person to a local office.
- 1.6.7 Once the deadline of the advertising cycle is reached, a shortlist of the applicants who have expressed an interest is provided by the IT system.
- 1.6.8 The allocations policy is then used to determine who is prioritised for housing from the shortlist.
- 1.6.9 Feedback on lettings is made when a property has been let.
- 1.6.10 It will include information about the priority and effective date of the selected applicant, but not any personal information relating to them.

## **2. Review of Scheme**

- 2.1 A Partnership Board comprised of representatives from the POs will meet quarterly to monitor the CBL Scheme and manage any changes needed.

## **3 LEGAL FRAMEWORK**

### **3.1 Framework**

- 3.1.1 This policy has been drafted to comply with the requirements of Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002.
- 3.1.2 Part 6 of the Housing Act 1996 covers:
- allocations of local authority housing to new tenants
  - transfers requested by local authority tenants
  - allocations of local authority housing to current tenants of registered social landlords (RSLs) and
  - nominations that the council makes to RSLs.
- 3.1.3 It sets out the circumstances of applicants to whom reasonable preference must be given when deciding who will be offered a property.
- 3.1.4 The policy has regard to the Allocation of Accommodation, Code of Guidance 2002 and the Allocation of Accommodation: Choice Based Lettings Code of Guidance 2007 (consultation document) for local housing authorities.

### **3.2 Allocations covered by the policy, where the rules under Part 6 do not apply**

- 3.2.1 Where a PO needs to provide alternative accommodation for a PO tenant in order to carry out repairs or improvements to their property.
- 3.2.2 Where the PO has a duty to re-house home owners following a compulsory purchase, provide suitable alternative accommodation under the Land Compensation Act 1973, s 39, or under the Rent Agricultural Act 1976. If it is not possible to provide a permanent tenancy immediately, the applicant will be registered within band A of the scheme.
- 3.2.3 Where the PO grants a secure tenancy to a former owner-occupier or statutory tenant of a defective home under the Housing Act 1985, s554 or s555.
- 3.2.4 Where the PO provides temporary accommodation for council employees under Para 5, Schedule 1 of the 1985 Housing Act (Temporary Accommodation for Persons Taking Up Employment).

### **3.3 The policy does not apply to the following situations, also not covered by the rules in Part 6:**

- 3.3.1 Temporary accommodation provided for homeless people under Part 7 of the Housing Act 1996. However applicants in this situation can apply to join the housing register and take part in the choice based lettings scheme.

- 3.3.2 Mutual exchanges between PO tenants or PO and RSL tenants under the Housing Act 1985, s92.
- 3.3.3 Where a secure tenant dies, the tenancy is a periodic one, and there is a person qualified to succeed the tenant under the Housing Act 1985, s89, then that person will be offered the secure tenancy. If the home is bigger than they reasonably need they may be offered a suitable alternative home better meeting their needs.
- 3.3.4 Where a secure tenant with a fixed term tenancy dies and the tenancy remains secure by virtue the Housing Act 1985, s90.
- 3.3.5 Where a secure tenancy is assigned to someone who would have qualified to succeed to the tenancy if the secure tenant died immediately before the assignment. That person becomes the secure tenant.
- 3.3.6 Where a court makes an order about who is to be the secure tenant under:
- a) the Matrimonial Causes Act 1973, s24 (property adjustment orders in connection with matrimonial proceedings);
  - b) the Matrimonial and Family Proceedings Act 1984, s17(1) (property adjustment orders after overseas divorce); or
  - c) the Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents).

### **3.4 Legal Context**

- 3.4.1. All applicants will be placed in the appropriate housing needs band based on an assessment of their needs. This will ensure that the POs let homes to those in the highest assessed need and ensure that they meet their legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002).
- 3.4.2 The law sets out five groups of applicants where reasonable preference must be considered:
- Applicants who are homeless (within the meaning of Part V11 (7) of the Housing Act 1996, as amended by the Homelessness Act 2002).
  - Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 192(3).
  - Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - Applicants who need to move on medical or welfare grounds (including grounds relating to a disability).

- Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

3.4.3 The Allocations Policy has been designed to ensure applicants who fall within the reasonable preference categories will be awarded the due reasonable preference.

3.4.4 Every application received by the POs will be considered according to its facts. Because every applicant's situation is different applications will be considered on an individual basis and individual circumstances taken into account.

### **3.5 Equal opportunities and diversity**

3.5.1 The POs will be responsive, accessible and sensitive to the needs of all applicants. The POs will not tolerate prejudice and discrimination and will actively promote equality.

### **3.6 Monitoring and reviewing the allocations policy**

3.6.1 The Partnership Board will monitor the operation of the sub-regional allocations policy by regularly reviewing the policy to ensure that it meets its stated objectives and complies with legislative changes.

# The Housing Allocations Policy

## 4 The Housing Register

### 4.1 Who can go on the Register?

- 4.1.1 Anyone can apply to the POs to join the register . However, not everyone will be eligible for housing.
- 4.1.2 POs cannot register people who are not eligible to be housed.
- 4.1.3 Applicants are advised that due to a high demand for available housing in the sub-region, many people who are eligible to become applicants may not obtain an offer of a home.
- 4.1.4 Applicants must:
- be aged 16 or over (some landlords will only offer tenancies to 16 and 17 year olds if they have a guarantor)
  - not be subject to immigration control or be a person from abroad, unless they are a 'qualifying person'. They must pass the 'habitual residence' test (as defined in Section 161 of The Housing Act 1996 and the Allocation of Housing Regulations 1996 (SI 1996 number 2753) as amended by Homeless Act 2002).
- 4.1.5 Anyone who is eligible may complete an on-line registration form and will be placed on the housing register.
- 4.1.6 They will be placed in the highest band that fits their need. Where applicants have 2 or more assessed band B needs they will move to band A. (This does not apply to those accepted as homeless as additional preference is dealt with in band A as 'accepted homeless in severe need'). (See Section 16 for how applicants are banded).
- 4.1.7 Where applicants have multiple needs, by this we mean 4 or more assessed band C needs they will move to band B.

### 4.2 Joint applications

- 4.2.1 An applicant may include anyone on their application form who may reasonably be expected to live with them. Where more than one eligible applicant wishes to have a shared application they will be joint applicants.
- 4.2.2 For a joint application both applicants have to qualify and meet the conditions on eligibility.

### **4.3 Who may not be eligible to join the register?**

4.3.1 Some applicants **may** not be able to join the register because:

- They, or a member of their household, have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant; for example if they have broken their conditions of tenancy because of anti-social behaviour, and this was either:
  - a) proven by their conviction of an offence, for example being a perpetrator of sexual or racial harassment, use of premises for illegal purposes e.g. drug offences
  - or**
  - b) backed up by evidence which would have been presented in a court action for possession, if they held a tenancy that had not ended before the action could be taken.

4.3.2 This decision will be based on the circumstances at the time of the application and the POs will consider these when reaching its decision, for example, the health of the applicant, any dependants or other factors. A decision that an applicant is unsuitable to be a tenant will be objective and will be taken with reference to relevant information such as Police or Environmental Services reports or by reviewing landlord's records.

4.3.3 An applicant who has been deemed ineligible due to unacceptable behaviour may make a fresh application if s/he considers their behaviour should no longer be a factor due to a change in circumstances. It will be the applicant's responsibility to show that his/her circumstances or behaviour have changed.

4.3.4 An applicant will be notified that he or she is ineligible and has the right to request a review of the decision.

### **4.4 Circumstances when eligible applicants will not be able to participate in choice based lettings**

4.4.1 Some applicants who qualify may not be allowed to participate in choice based lettings for a temporary period. These will include applicants if they;

- are housed temporarily in a PO's private lettings scheme. These applicants may have an assured shorthold tenancy with a private landlord with a mandatory six month period. Therefore, to ensure they do not incur financial liability for two tenancies, they will be restricted from taking part until the fixed term of their assured shorthold tenancy ends.
- are not considered ready to sustain a tenancy because of their age or need for specialist support
- if they have accepted an offer of housing but the property is not yet ready.
- in exceptional circumstances applicants can be suspended from taking part if they repeatedly select and or view properties which they have no intention of accepting. The PO will monitor these

cases very carefully and discuss whether it is appropriate to restrict participation with the applicant before action is taken.

4.4.2 The PO will decide on these cases explaining to the applicant:

- the reasons why they are temporarily not able to take part
- any conditions which will need to be met before they will be entitled to take part
- and**
- the date they may request a review of the decision not to be able to take part

## **5 How the register works**

### **5.1 Introduction**

5.1.1 To apply, fill in the on-line registration form 'Application to register for Housing in the Greater Haven Gateway Area', or telephone and we will complete the form with you.

### **5.2 Multiple applications**

5.2.1 Multiple applications are not allowed. An applicant may have only one active application on the housing register.

### **5.3 Civil partnership**

5.3.1 Civil partnership is a legal relationship, which can be registered by two people of the same sex. The Civil Partnership Act came into force on 5 December 2005.

5.3.2 Civil partners will be treated in the same way as married applicants:

- Parental responsibility for the other civil partner's child
- Succession and assignment of a tenancy agreement
- Protection from domestic violence
- Immigration and nationality purposes

5.3.3 Co-habiting couples will be treated in the same way as married applicants.

### **5.4 Applicants' consent and declaration**

5.4.1 When a applicant applies for housing, they must sign a declaration to confirm that:

- The information they have provided is complete, true and accurate.
- They will inform the POs immediately of any change in circumstances.

- They understand that information will be shared with all the POs and all participating Housing Associations together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.
- They consent to POs making enquiries of any relevant persons to confirm the information on the application form is correct or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.

## **5.5 Data protection**

5.5.1 The POs will make every effort to keep information provided by applicants safe and confidential. They will comply with policies on Data Protection, which can be viewed on their websites.

## **5.6 Cancelling an application**

5.6.1 An application will be cancelled from the housing register in the following circumstances:

- At the applicants' request.
- If the applicant becomes ineligible for housing.
- When the applicant has been housed through the scheme.
- When a tenant of social housing completes a mutual exchange.
- Where an applicant does not maintain their application through the re-registration process, or where they move and do not provide a contact address.
- If the applicant fails to respond to a request for further information within a reasonable time.

5.6.2 Should an applicant whose application has been cancelled wish to re-join the housing register they will receive a new effective date according to the rules in paragraph 6.5.

5.6.3 Where appropriate, a PO may agree to reinstate a removed application provided the applicant notifies them within 3 months of removal.

## **5.7 False Information**

5.7.1 Any applicant who deliberately attempts to deceive or defraud the POs in order to secure a home to which they are not entitled, may lose any home provided for them, and may also be prosecuted. The law imposes severe penalties, including substantial fines or imprisonment, where an offence is proved.

## **5.8 Councillors and Involvement in decision making**

- 5.8.1 Elected council members cannot take part in the assessment and allocation process but this does not prevent them seeking or providing information on behalf of their constituents or from being involved in future policy development.

## **6 Assessment of Housing Need**

### **6.1 Legal background**

- 6.1.1 All applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that the POs meet their legal obligations as set out in the Housing Act (1996), Part VI as amended by the Homelessness Act (2002).

### **6.2 Advice and information**

- 6.2.1 All POs will ensure that housing advice and options information is available free to everyone. This will include information on how to apply for housing, and where to get help to make an application where the applicant cannot do so without assistance.

### **6.3 Housing Needs Bands**

- 6.3.1 To apply for housing applicants must join the housing register by completing an on-line registration form which will be on the Gateway to Homechoice website and on all Local Authority websites. If you are unable to access this form you can telephone and we will complete the form with you. POs will assess each applicant's eligibility to join the housing register and may ask for further supporting evidence and documentation.

- 6.3.2 Applicants will be placed into one of the following five housing needs bands, based on the information provided:

Band A  
Band B  
Band C  
Band D  
Band E

- 6.3.3 Band A will contain those applicants in highest housing need and band E those applicants in lowest need.. (See section 16 for more information on banding).

- 6.3.4 Some allocations will be dealt with outside the scheme; these are explained in Section 3.3.

6.3.5 Where any PO makes an assessment of need and places an applicant in one of the five housing needs bands, this band applies to the whole scheme. Different POs will not place applicants in different bands, even if they have a local connection to more than one authority.

## **6.4 Assessment of Applications**

6.4.1 Once an application has been received it will be assessed and entered onto the Housing Register; the applicant will receive an acknowledgement letter. The letter will:

- Explain which band the applicant has been placed in on initial assessment. If they are subsequently assessed as having a medical or welfare need they will be advised separately after the assessment has been made.
- Confirm the size (and if applicable the type) of property the applicant is eligible for.
- Confirm the applicants' effective date.
- Include a reminder about informing us of any change in circumstances.
- Give details of appeal and review procedures.
- Give a registration number.
- If an applicant is temporarily restricted from bidding or has reduced preference it will explain the reasons why.
- Give details of the authorities where they have a local connection.

6.4.2 If an applicant moves home they must advise the PO either by telephone, email or by sending in a change of address form so that their level of housing need can be re-assessed to reflect their new circumstances.

6.4.3 If an applicant's circumstances change (but their address remains the same), they must advise the PO either by telephone, email or sending in a change of circumstances form to enable their application to be reassessed. A change of circumstances could include the birth of a child, a change in medical condition or threat of homelessness.

## **6.5 Deciding the effective date**

6.5.1 Priority within bands relates to an applicant's effective date. The effective date is usually the date the application is received, except;

- Where an applicant is moved from one band to a higher band. Their new effective date will be the date their circumstances changed.

- Where an applicant receives priority on medical or welfare grounds their effective date will be the date they applied for this award.
- Where an applicant has been accepted as Homeless their effective date will be the date they applied as homeless; unless they already qualify for band B with an earlier date.

## **6.6 Local Connection to the sub-region**

6.6.1 The applicant will have a local connection to the sub region if:

Their only or principle home is within the boundaries of the district covered by the sub-region.

**or**

They were placed in specialised housing which is not available in the sub-region, but had a local connection previously through residence

**or**

They (not a member of their household) are in **permanent paid work** in the sub region

**or**

They have a son, daughter, brother, sister, mother or father, who is over 18 and lives in the sub-region, and has done so for at least five years before the date of application.

6.6.2 Applicants will lose their local connection if:

- since applying to join the register they have moved outside the sub-region and no longer meet any other local connection conditions.
- they had a local connection through a close relative but the relative no longer resides in the area.
- they had a local connection through their employment but this no longer applies .

## **6.7 Connection to the local authority area**

6.7.1 To ensure local housing needs are met some properties advertised through the CBL scheme may be advertised as available only to applicants with a local connection to an individual borough or district.

6.7.2 The criteria for local connection to an individual borough or district will be the same as the criteria for local connection to the sub-region but will relate to that district or borough only.

6.7.3 Applicants will be asked to identify their local connection to the sub-region and an individual PO in that sub-region. If they have a local connection to more than one PO they should mention this on their application form.

## **6.8 Applicants from outside the sub-region who have no local connection to the area**

- 6.8.1 The sub-region is a high demand area where demand for social housing is in excess of supply.
- 6.8.2 For this reason applicants, who live outside the sub-region with no local connection to it, cannot expect the same priority for housing as those with a local connection.
- 6.8.3 Applicants living outside the sub-region will be assessed in the same way as others to establish their band. If the applicant has no local connection to the sub-region the application will then be placed one band lower than the assessment, except, that, an application assessed as in band E will stay in band E but will be shortlisted below those people in Band E who do have a local connection.

## **6.9 Special Assessments of Need**

- 6.9.1 Applicants placed in temporary accommodation by other boroughs not in the sub-region are entitled to reasonable preference and will be placed in band C.
- 6.9.1 **Reduced Preference** - Section 167 (2A) of the Housing Act (1966) as amended by the Homelessness Act 2002 allows allocation schemes to give reduced preference to the following groups of applicants:
- A applicant with significant financial resources “where the applicant was financially able to secure alternative accommodation at market rent for himself”
  - Where the “behaviour of the applicant (or member of his household) affects his suitability to be a tenant”.
- 6.9.2 **Significant financial resources** - Where an applicant with reasonable preference and sufficient resources to buy applies to the register, their housing need will be assessed as usual, however their priority may be restricted due to their financial resources.
- 6.9.3 The applicant’s income, capital and/or interest held (and which could be redeemed) in a current home or other property would be taken into account along with their ability to get a mortgage and the size and type of property needed.
- 6.9.4 Those who cannot afford to buy a property on the open market but who could afford to buy through a low-cost home ownership scheme will be placed in band D under reduced preference if they have an assessed need.
- 6.9.5 **Suitability to be a tenant** - An applicant will be given reduced preference if they:

- owe any PO, or another local authority or RSL, money from a former tenancy either because of not paying rent or charges for use and occupation or through damaging the property. Debts with private landlords could also be taken into account. If it can be demonstrated that the applicant has entered into and maintained effective arrangements for repaying this debt it may not necessarily result in reduced preference criteria.
- have been evicted from a home owned by a council or RSL.
- have assaulted or harassed an employee or agent of a council or RSL.
- have (or members of their prospective household) committed acts causing or likely to cause a nuisance or annoyance to their neighbours or others in the locality of where they live or where they have previously lived.
- have failed to maintain a rented property in a proper and reasonable condition.
- have deliberately damaged a property.
- have committed acts of anti-social behaviour.

6.9.6 In these circumstances generally an applicant will be placed in band D to reflect reduced preference if they hold another assessed housing need. If they have no assessed housing need they will be placed in band E.

6.9.7 A PO will notify applicants given reduced preference. Applicants can ask for the decision to be reviewed. The PO will inform applicants in writing, if there is action they can take to improve their assessment. Decisions will be reviewed each year.

6.9.8 This is not a blanket policy. In exceptional circumstances, applicants will be given additional preference despite meeting one of the criteria outlined above. This may occur, for example, where an owner-occupier has a severe medical need and needs sheltered housing, or a person fleeing domestic violence has rent arrears; each case will be considered on its merits.

## **6.10 Applicants who have deliberately made their housing situation worse**

6.10.1 The PO will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of rehousing through the register.

6.10.2 If it is decided that the applicant has made their housing situation worse, they will remain in the band that reflects their housing need in their previous accommodation.

6.10.3 If the applicant was not registered from their previous address, the assessment of housing need will be based on the accommodation occupied before their accommodation changed.

6.10.4 The assessment will be reviewed after 12 months, on request. If the restriction is removed, the application will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new band.

## 6.11 Owner-occupiers

6.11.1 Owner-occupiers or applicants who own other residential property will be placed in band E. Applicants who previously owned a property and have sold it will be asked to provide proof of the sale and evidence of any proceeds received.

6.11.2 Owner-occupiers generally will not be able to move to another band or be awarded medical or welfare priority (but see 6.11.4).

6.11.3 Owner-occupiers will be able to express an interest for a property if they wish to do so, however, because a council or RSL tenancy can only be held as a main home, homes are not usually offered to applicants who still own their home or are paying a residential mortgage. An exception may be considered where an elderly owner-occupier wants to express an interest in low demand sheltered accommodation.

6.11.4 Property owners may be able to be moved to a higher band and awarded medical or welfare priority if:

- they are over 60 **and**;
- have been assessed as being **unable to meet their housing need from their own resources.**
- or**
- they have a disability and need an adapted property **and** have also been assessed as being unable to meet their housing needs from their own resources **and** the home they need is not available in the housing market.

6.11.5 The PO will assess whether an applicant can meet their housing needs from their own resources. To make this assessment they will need details of the applicant's income and savings.

6.11.6 Based on information received there may be one of three outcomes:

- That the applicant could buy suitable accommodation outright.
- That the applicant may be able to buy suitable accommodation with an affordable mortgage (with assistance from the welfare benefit system if appropriate).
- the applicant is unable to buy suitable accommodation.

6.11.7 If it is decided that the applicant is unable to buy suitable accommodation, it will be recommended they qualify to move to a higher band if they are awarded priority on medical or welfare grounds.

## **6.12 Applicants in ‘tied’ accommodation which is suitable for their needs**

6.12.1 Applicants are considered to be in tied accommodation if the occupation of their home is essential for the performance of their duties as an employee. This includes applicants who are accommodated by HM Forces.

6.12.2 Applicants in ‘tied’ accommodation will be placed in band E. They will be moved to band C if:

- they are six months away from retirement
- or**
- they have received a legally binding notice asking them to leave their accommodation.

6.12.3 Applicants who are qualifying agricultural workers may be covered by the Rent Agricultural Act 1976. Please see section 17.17.

## **7 Finding a Home under Choice Based Lettings Scheme**

### **7.1 Advertising available homes**

7.1.1 All social landlords within the scheme will advertise their homes as widely as possible.

7.1.2 In exceptional cases a home may be excluded from the advertising scheme. For example: it is needed urgently to deal with an emergency, facilitate a decant, meet the needs of those with specific housing needs, or it is specifically adapted and meets a particular need of an applicant, or it is needed to provide temporary accommodation to fulfil a statutory duty. This will include “extra care” and very sheltered accommodation.

Direct Lets may apply in the following circumstances:

- Extra care and very extra care properties
- If a property is needed to house someone in council property temporarily
- In cases of where someone has to be moved immediately a direct let may be made
- In the case of a specially adapted property built for a specific person
- Decants
- Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- If there is no alternative for temporary accommodation and the council would be breaching their duty.

**Where a direct let is made the property will not be advertised under choice based lettings but we will report that that property has been used as a direct let to ensure transparency.**

7.1.3 Some partner RSLs may decide not to advertise all their homes through the scheme. This will depend upon the level of nomination rights agreed with each PO.

7.1.4 To ensure applicants are aware of homes available, they will be advertised:

- On a website – [www.Gatewaytohomechoice.org.uk](http://www.Gatewaytohomechoice.org.uk)
- At local offices.
- In a property newsletter sent to all Housing Associations, voluntary agencies and other agencies who request it.
- Applicants in bands A and B, or those who require sheltered accommodation, may be sent the property newsletter on request.

7.1.5 Advertisements will include a description of the home and any other relevant information, for example the rent, size and any special facilities or adaptations.

7.1.6 The home will be labelled to show who is able to express an interest in it, for example, should a local connection be required or if only applicants of a certain age may apply.

## **7.2 Labelling properties**

7.2.1 POs will label advertised homes to provide as much information as possible about the property and who is eligible to express an interest.

7.2.2 Where an applicant does not meet the criteria outlined, they will not be considered for the home.

7.2.3 Labelling criteria will include:

- **Local connection:** if the home is only available to households with a local connection to a village or local authority, or with the sub-region.
- **Transferring tenant:** Sometimes housing associations or POs may decide that a home will only be available for their own existing tenants.
- **Property size:** applicants must be eligible for the size/type of property – they will be advised their eligibility when they join the scheme.

- **Housing needs bands:** Some homes may only be offered to applicants in particular bands.
- **Adapted homes:** Homes particularly suitable for people with disabilities will have special symbols to help applicants with those needs identify them. Adverts for adapted or accessible homes (for example those with wheelchair access) will specify that they are only available for people assessed as needing them.
- **Supported Housing:** Homes which have been developed for vulnerable groups who require support will be advertised to those applicants who are eligible for such support – this will include homes in sheltered housing schemes.
- **Age Restrictions:** Some homes may have a minimum age requirement.
- **Local Lettings Policy:** to promote sustainable and settled communities, POs may introduce specific lettings policies in some areas which will vary from this allocations policy. For example, where there is a need to balance the child to adult ratio or there are too many vulnerable residents in an area.
- **Pets:** The advert will identify whether pets are allowed.
- **Home type and facilities:** the advert will show the home type, floor level, heating, service charges and any other relevant details.

### 7.3 Expressing an interest in available homes

7.3.1 To be considered for an available home, applicants must apply for the home by the publicised deadline and meet the labelling criteria.

7.3.2 Applicants will generally be able to make expressions of interest each advertising cycle. The bidding cycle will be weekly.

7.3.3 Applicants will be able to express an interest in two eligible properties per cycle.

7.3.4 The number of homes in which an applicant may express an interest each bidding cycle and the length of the bidding cycle may be changed after monitoring of the scheme and applicant consultation.

7.3.5 Support will be offered to applicants who require assistance in using the scheme.

7.3.6 Applicants will be able to register an interest in a home by several methods:

- Interactive telephone (24 hours) – 0845 2700724
- Website – [www.Gatewaytohomechoice.org.uk](http://www.Gatewaytohomechoice.org.uk)

- Email – see individual council email addresses at end of document
- In person at their local office
- Text by mobile phone – 07781 486643
- Using an advocate

## **7.4 Making an offer of accommodation**

- 7.4.1 Once the advert deadline has passed a shortlist of applicants expressing an interest in the home will be produced from those who met the labelling criteria.
- 7.4.2 The successful applicant for each home will usually be the one who is eligible, meets any labelling criteria, in the highest band, and with the earliest effective date.
- 7.4.3 If an applicant's circumstances are found to be different to those stated, they are found to have made false claims, or problems have been identified which may make them unsuitable as a tenant it may be decided that a viewing should not be offered. In such cases the applicant will be told why they were not being put forward for viewing. If false information has been given deliberately, action will be taken by the POs and may have serious consequences for the applicant.

## **7.5 Feedback**

- 7.5.1 After each advertising cycle, feedback will be publicised on:
- Home size and type
  - Location
  - Number of applicants who made a bid for each property
  - Band of successful applicant
  - Effective date of successful applicant
- 7.5.2 Feedback will also include any homes that were not advertised as part of the scheme, for example, properties used to decant tenants, to ensure transparency.
- 7.5.3 Feedback is important, as it will help applicants to see where their best chances of housing are.

## **7.6 Accompanied Viewing**

- 7.6.1 Once the top applicants have been identified, arrangements will be made by the appropriate partner landlord for them to see the property as quickly as possible.
- 7.6.2 The landlord will decide whether or not they take multiple applicants to view at the same time or make individual appointments.
- 7.6.3 At the viewing or on the phone, the applicants will be given further information about the property, repairs to be carried out, the date when the

property is expected to be available, and any special conditions of tenancy etc.

- 7.6.4 After the viewing the applicant highest in the shortlist and interested after viewing the home will be offered its tenancy.
- 7.6.5 The selected applicant will have up to 24 hours to make up their mind as to whether or not to accept the offer. In exceptional circumstances this period of time may be increased.

## **7.7 Refusals**

- 7.7.1 When an applicant rejects a home after viewing, the applicant next on the shortlist will be considered.
- 7.7.2 Applicants may need to complete a viewing feedback form, if requested by the landlord, so any special issues with a property or area can be identified.
- 7.7.3 If an applicant refuses a property there will usually be no penalties except in certain circumstances (see 8.3).
- 7.7.4 If an applicant signs a tenancy agreement and then rejects the property, this does not count as a refusal. At this stage, they are legally a tenant. If they have given notice on a previous property it may not be possible to withdraw the notice.
- 7.7.5 Should an applicant accept a tenancy but then decide they do not wish to go ahead, it is likely that their landlord will insist on four weeks notice. However even if they are allowed to withdraw their notice they may still be suspended from the scheme and not allowed to participate for 12 months. The POs will decide if they need to complete a new application. Each situation will be considered on the individual circumstances.

## **7.8 Lower Demand homes**

- 7.8.1 Where there are no expressions of interest from eligible applicants, a home will be re-advertised or the criteria for selection will be reviewed.

# **8 Offers of accommodation**

## **8.1 Choice of area**

- 8.1.1 All applicants can say where in the sub-region they would like to live. Applicants' areas of choice may be monitored for statistical information and to help inform new development, although applicants are not restricted to their stated areas when selecting properties through the scheme.
- 8.1.2 In order to maximise choice and mobility for applicants within the sub-region, each PO will advertise their properties to applicants who have a

local connection to any of the seven local authorities. Inward and outward migration between authorities will be monitored quarterly. If inward migration exceeds outward migration significantly then properties may be restricted to bidding by applicants with a local connection to a particular local authority. In such cases properties will be clearly advertised to show a local connection rule applies. Cross border applications will be reviewed regularly by the sub-regional board.

- 8.1.3 Certain areas or homes may be restricted to people with a local connection to a village or local area. In such cases properties will be clearly advertised to show a local connection rule applies.
- 8.1.4 The homelessness law requires that an applicant must have a local connection to a particular area, and meet other statutory tests, before a full duty arises. A homeless applicant may also challenge the decision of a PO on the suitability of accommodation offered if it offers accommodation outside their boundaries. For these reasons all homeless applicants owed a main duty will be restricted to bidding for homes in that local authority area where they have been accepted as homeless. However in the case where an applicant has been accepted through homelessness because of violence their case will be assessed and the restriction on whether they can bid on all properties will be considered.
- 8.1.5 When applicants accepted as homeless, or those people who need to move urgently, do not bid for homes within a reasonable time or bid but then refuse homes, POs reserve the power to bid for them on any suitable property in an appropriate area. If they are the successful bidder and still refuse the offered home the duty owed to them under homelessness legislation may be considered discharged. For other applicants, priority will be reassessed.
- 8.1.6 Applicants who have been placed in band A because they have been assessed as needing to move on from supported housing accommodation will also be restricted to bidding in their own local authority area because ongoing support will usually be a condition of their tenancy. In certain cases cross boundary bidding will be allowed but only in agreement with the local authority and Supporting People teams.
- 8.1.7 Applicants that have been given a priority under welfare or medical grounds to move to a local authority area to give or receive support will be restricted to bidding for properties in that local authority area.

## **8.2 Offering properties to tenants who owe rent**

- 8.2.1 Tenants on the register will not normally be offered a new tenancy if they are in arrears with their rent. An offer is possible if:
- the rent owed is no more than four times the weekly rent (less any Housing Benefit payable). Any rent owing must be paid **before** the tenant signs to accept the new tenancy. *Note: This may not always apply to housing association tenants, as the rent account*

*may need to be clear before making the offer. This is checked with the Housing Association at the time.*

- A PO has accepted a duty to house the applicant under the Homelessness legislation. However the applicant will still be expected to agree to pay outstanding rent. *If court action is being taken to gain **possession or other legal action**, no offers of housing will be made without the agreement of the PO.*
- the applicant is a council or housing association tenant who has a high priority because they:
  - have been temporarily moved from their property by the council or housing association to allow repairs or re-development work to take place.
  - are moving under the Transfer Incentive Scheme. In this case the rent they owe cannot be more than any payment due from the scheme. An exception may be made if a move would benefit both housing needs in the area and the POs housing management work. The PO and the Landlord must agree this.
  - have a 'high' medical, welfare or hardship assessment. No offers of housing will be made without the agreement of the PO.
  - tenants who are at significant risk due to violence or harassment. No offers of housing will be made without the agreement of the PO.

8.2.2 Sometimes a new tenancy will be approved if there is rent owing. These cases will be agreed by the PO and the landlord involved. Generally these cases will include a strong social or housing management need for the household to move.

### **8.3 Offers to Homeless Households & Reviews of Offers (duties under the Housing Act 1996 part VII section 193, as amended by Homeless Act 2002)**

8.3.1 All Homelessness applicants will be able to take part in the scheme. However those applicants accepted through homelessness legislation are restricted to bid in the local authority area where they were accepted as homeless.

8.3.2 If they do not express an interest for any suitable homes, or refuse any suitable homes they are subsequently offered, they will be interviewed and a bid may be made on their behalf or a direct offer made. If an expression of interest is made on their behalf and is successful, or a direct offer is made, this will be their only offer. If they refuse it the rules below will apply.

- 8.3.3 These applicants are entitled to one reasonable offer of housing. If they refuse or do not reply to the offer, the council's duty under part VII of the legislation may be ended. If so, the Council will explain the applicants' right to appeal against the reasonableness of the offer of accommodation. They will also explain that the applicant may lose their right to temporary accommodation and that the duty towards them under part VII may end.
- 8.3.4 While an appeal is considered, the property may be held until a decision is made as to whether the property is suitable. A homelessness officer will interview the applicant (where possible) to discuss the offer and explain how they can seek a review.
- 8.3.5 If the appeal is unsuccessful the applicant will be offered the property again. If this is refused the applicant will be referred to the Homelessness Team Leader to confirm that the duty has ended.
- 8.3.6 Applicants to whom a homelessness duty has ended may stay on the register. If so, they must make a new application that will be reassessed and banded based on their current situation.

## **9 Type of property offered**

### **9.1 Property size and household size**

9.1.1 The POs will always aim to make the best use of their housing stock.

9.1.2 Sometimes the applicant with the highest priority may not be allocated a home if this would result in either overcrowding or under-occupation or if it would not make best use of ground floor or specially adapted accommodation.

9.1.3 In exceptional circumstances, and with the agreement of the landlord, an applicant will be allowed to move into a home that is smaller than their needs, if doing so improves their situation. For example, if an applicant has 4 children and is entitled to a four bedroom property, but is living in a 2 bedroom flat, their application for a 3 bedroom property may be considered.

9.1.4 The following table advises how many bedrooms an applicant should have.

<b>Household size</b>	<b>Lowest number of bedrooms needed</b>
1 adult	bed-sitting room
2 adults living together as a couple	1 bedroom
2 adults living together but not as a couple	2 bedrooms
1 adult (or 2 adults living together as a couple) with 1 child or expecting their 1 <sup>st</sup> child	1 or 2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the same sex, if less than 8 years between children	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: 2 children of the opposite sex where both children are under 5 years of age	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: - 2 children of the opposite sex where one child is aged 5 years or more - 2 children of the same sex, where there is an age gap of at least eight years between the children - 2 children, and the applicant or their partner is pregnant - 3 children - 4 children (all of 1 sex or 2 boys and 2 girls)	3 bedrooms
1 adult (or 2 adults living together as a couple) with 4 children (3 of 1 sex, and 1 of the other), or up to 6 children	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

## **9.2 Parents with ‘staying access’ to dependent children or shared residence orders**

9.2.1 Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the POs will not accept responsibility for providing a second home for children. The POs will make an assessment based on the individual circumstances.

## **9.3 Applicants with a medical or social need for a larger property**

9.3.1 Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

## **9.4 Extra rooms for carers**

9.4.1 If an applicant needs an extra room for a carer, the PO will investigate and offer advice on the need for an extra room. The PO will make the decision. The guidelines are as follows:

- Social Services should be able to give supporting evidence that a ‘live in’ carer is needed, and that if the support was not given voluntarily or paid for by the client, they would qualify for funding for a ‘live in’ carer.
- If one person has two carers working on a rota to cover 24 hours we would assume that they only needed one bedroom.
- In most cases only one extra bedroom for a carer will be considered. Extra rooms for a carer’s dependents cannot usually be considered.

9.4.2 If the applicant does not need 24 hour care or intensive support an additional bedroom would not normally be considered, however an individual assessment will be made.

## **9.5 Bungalows – Age restricted**

9.5.1 Many of the bungalows advertised are designed for older people, or people with disabilities. In areas where there is high demand and limited availability of bungalows, preference will be given to

- Those aged 60 or over.
- Those under 60 with band B medical assessment for mobility who require this type of accommodation.
- Those who will release a property that is needed by the council (as decided by the Transfer Incentive Scheme) aged between 40 and 60.

The advert will stipulate if there is an age restriction.

## **9.6 Bungalows – without age restrictions**

- 9.6.1 Due to differing demand in certain localities some of the POs have bungalows they let to applicants of any age. It will be clearly stated on the advertisement who is able to apply for the properties.
- 9.6.2 Bungalows adapted to meet the needs of wheelchair users or severe mobility problems will be offered to those who have been assessed as needing that type of property.

## **9.7 Properties empty for major repairs and alterations (decants)**

- 9.7.1 A decant is where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out.
- 9.7.2 This will only apply to tenants of local authorities or tenants of housing associations who allocate 100% of their properties through the Scheme. This is usually a temporary move.
- 9.7.3 All such cases will be dealt with outside the Choice Based Lettings Scheme to enable the landlord to move applicants as quickly as possible. These moves will be featured in the scheme feedback to ensure full transparency.

# **10 Local Lettings Policies**

## **10.1 Introduction**

- 10.1.1 In exceptional circumstances, the partnership may decide to let properties on a slightly different basis from normal, in the interests of building a strong and sustainable community or to deal with particular local issues. The set of criteria where this applies will be called a “local lettings scheme”.
- 10.1.2 The decision to apply a local lettings scheme will be jointly made by the landlord of the property and the PO.
- 10.1.3 For existing developments there will need to be clear evidence of the need for a variation in the normal policy, and a time limit for review of not more than 2 years. The implications for equal opportunities and for the ‘reasonable preference’ criteria of the law will be considered.
- 10.1.4 On new developments, the partnership may consider widening the eligible bands for home types on first lettings, again taking equal opportunities and legal issues into account.
- 10.1.5 Sometimes housing associations may have agreed that they will allow a certain amount of their stock go to their own tenants. If so homes may be advertised accordingly.

## **10.2 Local lettings policy – *properties***

10.2.1 Local lettings policies may be used in an area or a block of flats with significant management problems, which put other tenants at significant risk and where other action has failed. In these circumstances action may be taken against the perpetrators and a decision made as to whether a local lettings procedure should apply.

10.2.2 Although applicants will only apply once to the sub-region some RSLs will still operate their own allocations policies and in such circumstances the highest bidder may not always fit the criteria for the letting. Some RSLs may keep transfer registers for their tenants and use this to find tenants for some homes.

## **10.3 Local lettings policy – *people***

10.3.1 The local lettings policy will also be used if a PO knows that an applicant has committed serious offences, which restrict where they can live. This could include Registered Sex Offenders or those identified as posing a serious risk to a specific community. In such cases the PO will consult fully with the Police, Probation Service and other interested parties.

## **10.4 Local lettings policy – connection to an area (normally villages)**

10.4.1 Some housing developments, particularly in villages, have been designated for people with a local connection to that area. This means that only applicants with a local connection to the area will be given preference for that property. (see Section 6.7).

# ***11 Allocating properties designed for people with physical disabilities or properties for older people***

## **11.1 Allocating sheltered housing**

11.1.1 When allocating sheltered housing the same general principles as for other property types are followed, apart from the following:

- An assessment of the applicant's suitability and need for support must be completed before any tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.
- When assessing the applicant's suitability for sheltered housing they will also be given advice about the scheme and how to bid. If they need help this will be noted and appropriate arrangements made. All applicants requesting sheltered housing will be monitored to ensure that they are participating in the scheme.

## **11.2 Allocation of extra-care sheltered housing or very sheltered housing**

11.2.1 The choice based lettings scheme will not be used for extra care or very sheltered housing schemes. This means that the properties will not be advertised.

11.2.2 These schemes have been commissioned with Social Services and RSL partners and the eligibility rules mean that applicants are assessed both on their housing and support needs. For more information on these schemes please contact your PO.

## **11.3 Properties designed or adapted for people with physical disabilities**

11.3.1 All applicants who need a home suitable for wheelchair users will usually be assessed by an Occupational Therapist report before an offer can be considered.

11.3.2 Homes particularly designed for, or accessible to, people with disabilities will be advertised as such to help applicants with those needs identify them.

11.3.3 Properties which have been adapted to a very high standard may not be included in the scheme and will be directly allocated. The appropriate officer in the PO will make the decision whether the home is to be part of the scheme.

## **11.4 Age restrictions on homes**

11.4.1 Except in special circumstances, sheltered housing and linked accommodation is let to people over the state retirement age (60 years for both men and women) or to those aged 55 and over in receipt of disability allowance and who need supported housing. Some landlords may offer sheltered accommodation to those aged 55 or over who are not in receipt of disability allowance. This will be stated in the individual advert. (See paragraphs 11.1 and 11.2 for information about how we allocate sheltered housing and extra-care, sheltered housing).

11.4.2 Bungalows are reserved for applicants as determined in section 9.5 and 9.6.

## **12 Types of Tenancies offered**

### **12.1 Introduction**

12.1.1 Applicants are normally offered permanent housing on either an introductory or secure tenancy if the property is a council property. If the property is provided by an RSL they will offer an assured or starter tenancy.

12.1.2 Introductory tenancies and starter tenancies give reduced security of tenure in their first year.

12.1.3 Tenants with an introductory or starter tenancy cannot mutually exchange their home or assign their tenancy but are eligible to transfer.

## **12.2 Letting permanent housing on a temporary licence**

12.2.1 Homes are sometimes temporarily let to homeless applicants under a licence agreement or non-secure tenancies. This accommodation will not be let through choice based lettings.

## **13 Checks to make sure housing is offered to those with the greatest need**

### **13.1 Re-registering applications on the register**

13.1.1 To keep the register up to date applicants may be contacted to see if they still want help with housing.

13.1.2 Applicants may be removed from the register if they do not respond to a written request for information needed to assess their housing application.

### **13.2 Home visits before we make an offer of housing**

13.2.1 POs and other landlords may visit applicants at the address given on their application form or conduct a telephone interview before actively considering them for an offer of tenancy.

13.2.2 The officer visiting will need to be satisfied that the details given by the applicant are correct. The failure of an applicant to disclose relevant information to the PO may result in the application being suspended or withdrawn. The PO may also seek to prosecute the applicant.

13.2.3 If application details are not accurate or circumstances have changed significantly the application will be re-assessed.

13.2.4 The PO may ask for a tenancy reference from their current landlord.

## **14 Making the best use of our housing stock**

### **14.1 Tenants of Registered Social Landlords (RSL) where no nomination rights exist**

14.1.1 There are some RSLs within the sub region that are not subject to nomination agreements and can therefore choose to let their homes according to their own rules. Applications from tenants with these landlords will be treated in the same way as an application from a tenant in the private sector.

## **14.2 Council and RSL tenants from outside the sub-region**

14.2.1 Should an RSL tenant or council tenant from outside the sub-region apply for housing, they will be treated the same way as an application from a private sector tenant.

14.2.2 This recognises that their current home will not become available to meet needs in the sub region.

14.2.3 These tenants will be placed in band E if adequately housed. They are able to apply for medical or welfare priority, but any overcrowding priority would be assessed as if they were a private sector tenant.

14.2.4 Where there is no local connection to the sub-region applicants will be placed in band E unless they have a medical or welfare need. After assessment they will be assigned one band lower than if they had a local connection to the sub-region.

## **15 Reviews**

### **15.1 Rights to a review**

15.1.1 Applicants have the right to ask for a review of decisions made about your application for housing or offer of accommodation. This includes:

- Decisions about refusing an application to join the register
- Removing an application from the register
- Assessment of bands
- Offers of housing

### **15.2 How to request a review**

15.2.1 Applicants who disagree with a decision a PO has made may request a review of that decision. This may include the assessment of priority.

15.2.2 The appeal must be in writing within 21 days of the decision to the PO that made the decision. It must outline the reasons for the appeal. If an applicant is unable to appeal in writing an interview appeal may be offered.

15.2.3 The PO will reply in writing, giving the reasons for changing or upholding the original decision. Although the PO will aim to reply within 5 – 10 working days, they are legally obliged to reply within 56 days of receiving a request for a review.

### **15.3 Appealing against the reasonableness of an offer of housing**

15.3.1 Under choice based lettings there are generally no penalties for refusals of permanent accommodation. However, if applicants receive a direct offer and refuse the offer their priority may be reduced. For information on how to appeal against the reduced priority please see 15.2 above.

15.3.2 If an applicant wishes to appeal against the offer of housing they must appeal in writing to the PO within two working days of the offer being refused. The PO will normally confirm the outcome of the appeal within ten working days.

15.3.3 The written reply will explain the right to take the appeal further if the applicant is not satisfied with the decision.

15.3.4 On refusing an offer of accommodation the PO may ask applicants to complete a form to record the reasons why the property has not been accepted. This will be used to monitor the choice based lettings scheme and allow them to make improvements where possible.

15.3.5 Section 8.3 explains the right of appeal against an offer for homeless applicants accepted under the Housing Act 1996 part VII section 193, as amended by Homelessness Act 2002.

## **15.4 Complaints procedure**

15.4.1 If an applicant is dissatisfied with any aspect of the management of their application, other than when a review can be made, they should contact the PO and ask for a complaints form.

## **15.5 The Local Government Ombudsman**

15.5.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

15.5.2 If a complainant is not satisfied with the action the particular scheme council takes, he or she can send a written complaint to the Ombudsman. A complainant must give the organisation an opportunity to deal with a complaint first, using its complaints procedure.

15.5.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
10<sup>th</sup> Floor  
Millbank Tower  
Millbank  
London, SW1P 4QP  
**Tel:** 020 7217 4620  
**Email:** [www.lgo.org.uk](http://www.lgo.org.uk)

15.5.4 If an applicant wishes to make a complaint against a scheme landlord (Housing Association) they should contact:

The Housing Ombudsman Service  
81 Aldwych  
London, WC2B 4HN  
**Tel:** 020 7421 3800 **Email:** [www.ihos.org.uk](http://www.ihos.org.uk)

## **16 Banding Scheme**

Each application will be assessed and placed in a band based on the individual circumstances of each case. Further details of how each band has been assessed is provided below:

### **DIRECT LETS**

Direct Lets may apply in the following circumstances:

- Extra care and very extra care properties
- If a property is needed to house someone in council property temporarily
- In cases of where someone has to be moved immediately a direct let may be made
- In the case of a specially adapted property built for a specific person
- Decants
- Where a homeless applicant has failed to bid or accept a property and needs to move on from temporary accommodation
- If there is no alternative for temporary accommodation and the council would be breaching their duty.

**Direct Lets will not be part of the choice based lettings scheme and will not be able to bid on properties**

### **BAND A**

- Negotiated Surrender of a tenancy within the sub-region
- Retiring Scheme Managers in Council or RSL properties where accommodation was a condition of their employment within the sub-region
- Accepted Homeless in severe need
- Critical Medical/Welfare award – to include emergency situations
- Nominations (move-on) from specified agencies
- Qualifying Agricultural workers within the sub-region
- Relationship breakdowns (council properties where they are under-occupying but have been assessed as having housing need) within the sub-region
- Successions (council properties where they are under-occupying but have been assessed as having housing need) within the sub-region
- Releasing a property in need (council or RSL property) or where it prevents the Council making expensive alterations to the property within the sub-region
- Those applicants required to leave their homes as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004 within the sub-region
- Tenants Incentive Scheme currently in three or four bed accommodation releasing one or two bedrooms within the sub-region
- Multiple needs - If someone has two or more needs in band B they will be moved to band A (accepted homeless cases do not come under this category – if additional preference is needed for homeless cases they will be assessed as accepted homeless in particular need).

Retiring Scheme Managers, Accepted Homeless in particular need, relationship breakdowns and successions would be expected to express an interest within six months.

High welfare and multiple needs in band A would be expected to express an interest within 2 cycles of available properties otherwise priority may be reduced

## **BAND B**

- Serious Medical/Welfare award
- Tenants Incentive Scheme currently in one or two bedroom accommodation releasing one or two bedrooms within sub-region
- Overcrowding in permanent social housing within the sub-region
- Accepted homeless cases
- Applicants threatened with homeless who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme council as likely to be in priority need and who are receiving housing advice from the particular scheme council to prevent homelessness (this would require a homelessness prevention referral from the particular scheme council's advice and homelessness service.)
- A prohibition order or demolition order has been served, or is about to be served in relation to the applicant's dwelling by the Private Sector Housing Team of the particular scheme council. This indicates that the property contains one or more category 1 hazards that probably cannot be remedied.
- An improvement notice has been, or is about to be, served in relation to the applicant's dwelling by the Private Sector Housing Team of the particular scheme council and:
  - The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time
  - The cost of the remedies are beyond the means of the applicant (where applicable)
  - The remedies will make the property unsuitable for occupation by the applicant.
- Applicants assessed as meeting band A criteria but with no local connection to the sub-region.
- Multiple needs – Applicants with four or more needs in band C will move to band B.

## **BAND C**

- Moderate medical/welfare award
- Notice to quit
- Applicants who are homeless or threatened with homelessness who are assessed by the particular scheme council as not in priority need
- Applicants who following a homelessness application have been deemed by the particular scheme council to be in priority need but intentionally homelessness
- No fixed abode
- Overcrowded in private rented accommodation or social housing outside sub-region
- Fixed term licensees
- Shared facilities
- Lacking facilities
- A hazard awareness notice has been served by the Private Sector Housing Team of the particular scheme council. In relation to a category 1 or 2 hazard at the applicant's dwelling and
  - the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or
  - the cost of the remedies are beyond the means of the applicant (where applicable); or
  - the remedies will make the property unsuitable for occupation by the applicant
- A suspended improvement notice or prohibition order exists but a foreseeable change in the applicant's circumstances will cause it to become active and result in a high priority situation.
- Applicants assessed as meeting band B criteria but with no local connection to the sub-region.

## **Band D**

- Applicants assessed as meeting band C criteria but with no local connection to the sub-region.
- Reduced preference

## **Band E**

- Caravan or mobile home but no housing need
- Tied accommodation but no housing need
- Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities.
- In prison
- A suspended prohibition order or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme council in relation to the applicant's dwelling but the criteria leading to it becoming active are not met by the applicant.
- A hazard awareness notice or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme council in relation to the applicant's dwelling but the specified remedies are low cost and straight-forward to achieve.
- Owner occupiers (note: owner occupiers will only be offered tenancies in sheltered accommodation or where there is no other demand)

## **17 Housing Priority**

### **17.1 Deciding who has priority on the register**

17.1.1 Applicants will be placed in the relevant band defined by their specific circumstances. Reasonable preference, where appropriate, is awarded in accordance with legal responsibilities.

### **17.2 Overcrowding**

17.2.1 Homeless applicants cannot fulfil the overcrowding criteria.

17.2.2 Applicants will be placed in band B if they are overcrowded by one or more bedrooms and live in Council or Housing Association properties where there is a reciprocal agreement with the RSL in the sub-region. (see Section 9.1 for how overcrowding is assessed).

17.2.3 Applicants will be placed in band C if they are overcrowded in private rented accommodation or living with relatives or friends.

17.2.4 Overcrowded applicants with a local connection to the sub-region, but living in Council or Housing Association properties outside the sub-region will be in band C.

17.2.5 Overcrowded applicants with no local connection to the sub-region living in either private rented or social housing will be placed in band D.

17.2.6 Rooms which do not meet the standards for use as living accommodation for one person (the standards are given in the Housing Act 1985 Part X) will not be counted.

17.2.7 If applicants need an extra room for medical or welfare/hardship reasons they will not be considered overcrowded but will be assessed for medical or welfare priority.

17.2.8 Overcrowding priority will not be given if someone moved into the applicants' household making them overcrowded. This will be looked at on welfare grounds.

17.2.9 Where an applicant is pregnant and they are entitled to a larger property they will not receive overcrowded priority until that baby is born.

### **17.3 Children sharing bedrooms**

17.3.1 Children of the same sex are expected to share a bedroom unless:

- there is an age gap of at least 8 years between the two children
- or**
- there is a medical or social reason why the children cannot share a bedroom.

17.3.2 Applications will only be considered for overcrowding priority if the applicant is the main person who cares for the children named on the

application. Welfare or medical grounds may be considered in other circumstances.

17.3.3 Applicants who have two children of opposite sex in a two bedroom council or RSL property who need a three bedroom property will be placed in band B when one of their children is 5 or over.

## **17.4 Bedroom size**

17.4.1 Bedrooms of less than 6.7 square metres are not considered for use by more than 1 child.

17.4.2 Rooms of less than 8 square metres are not seen as suitable for use by more than one 'non-dependent' adult (aged 16 or over), usually being the son or daughter.

17.4.3 Rooms between 6.7 – 8 m<sup>2</sup> are not considered suitable for more than 2 children and a second bedroom occupied by 4 or more children is considered unreasonable.

## **17.5 Applicants without children**

17.5.1 Single applicants and couples without children who are living in overcrowded conditions will not be given priority for overcrowding unless they are in self-contained accommodation which is too small, for example a couple in a one person bed-sit. For example, young adults living with their parents, or people temporarily sharing with friends will not get overcrowding priority.

## **17.6 Disrepair, poor design and lack of facilities**

17.6.1 Any complaint about poor repair within Council or RSL properties must be reported to the applicant's landlord's Repairs service.

17.6.2 Applicants living in private sector accommodation in poor condition must be referred to the Council's Private Sector Housing team who will assess the situation and then make their recommendations according to the Banding Scheme (see Section 16).

17.6.3 If an applicant lacks facilities such as cooking facilities, washing facilities, toilet facilities or heating they will be placed in band C.

## **17.7 Sharing with another household**

17.7.1 Applicants will be placed in band C if they share any of the following facilities with either people they are not related to or their family.

- living room
- kitchen
- bathroom or toilet.

## **17.8 People living in mobile homes or caravans**

17.8.1 Applicants living in a caravan, mobile home or houseboat will be placed in band E if there is no other housing need, reflecting parity with other private sector applicants.

17.8.2 It does not matter if the caravan is on a site or not or if they own or rent the property.

17.8.3 If their accommodation lacks facilities (see 17.6.3) they will be placed in band C.

## **17.9 Homelessness and temporary or insecure accommodation**

17.9.1 Accepted homeless households are applicants to whom:

- a PO has accepted a duty under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless)
- and**
- the PO accepts a duty to provide permanent council or RSL housing.

17.9.2 All accepted homeless applicants housed in temporary accommodation, including Bed & Breakfast accommodation, hostels, homeless at home provided by the Council will be placed in band B.

17.9.3 Accepted Homeless applicants placed in self-contained temporary accommodation under a Council's private sector lettings schemes will be placed in band B. However their application may be suspended from taking part in choice based lettings for a period (they will be advised of this when they are placed in that accommodation).

17.9.4 Under the Choice Based Lettings Scheme all homeless applicants will be expected to make expressions of interest for any suitable property in the areas of their choice. Homeless applicants will not be able to express an interest while their application is suspended. Applicants will be monitored to make sure they are participating. Homeless applicants will be restricted to bidding within their own local authority area.

17.9.5 If a homeless applicant does not express an interest within three months of their application date they will be contacted to find out why they are not participating. They will be given help to make expressions of interest if this is needed. If they still do not make any expressions of interest, the Council reserve the right to express an interest on behalf of them for any suitable property in their local authority area. If that expression of interest is successful an offer will be made to the applicant and any refusal will be dealt with under Section 8.3. This is because POs have to make sure that homeless applicants do not remain in temporary accommodation longer than is necessary.

## **17.10 Accepted homeless households in severe need**

17.10.1 These are applicants to whom:

- the PO has accepted a duty under the Homelessness legislation  
**and**
- the PO accepts a duty to provide permanent council or RSL housing  
**and**
- are elderly and vulnerable due to frailty\*.
- have a terminal or long-term illness.
- have severe mental health problems, have been unable to cope in temporary accommodation, and have been 'sectioned' or are likely to be admitted under the Mental Health Act.
- are permanent wheelchair users.
- are council or RSL tenants who have an urgent need to transfer as they are suffering from violence or threats of violence and are considered to be at significant risk.
- if the council is unable to provide any suitable temporary accommodation.

17.10.2 Where the above circumstances apply these applicants will be placed in band A.

17.10.3 The PO will decide who will be placed in band A. Recommendations will be made by the Homelessness team because they have the most accurate and up-to-date information on the applicant, due to the investigations done before an applicant is accepted as homeless.

17.10.4 \*Elderly non-frail applicants may still be placed in band A, however clear supporting evidence will be required to support their application.

## **17.11 Other Homeless households not owed a duty**

17.11.1 Other homeless applicants who are not owed a duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 (the duty towards households who are in priority need and unintentionally homeless) are still entitled to reasonable preference and will be placed in band C of the scheme.

## **17.12 Prevention of homelessness**

17.12.1 Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme council as likely to be in priority need and who are receiving housing advice from the particular scheme council to prevent homelessness (this would require a homelessness prevention referral from the particular scheme council's advice and homelessness service) will be placed in band B.

17.12.2 If they are subsequently accepted as homeless they will remain in band B but their earlier effective date will remain.

### **17.13 Assured shorthold tenants under notice**

- 17.13.1 Assured shorthold tenants who have received a 'Notice Requiring Possession' from their landlord will be placed in band C if there is less than three months before the notice expires.
- 17.13.2 All applicants will be offered advice regarding their housing options.

### **17.14 Lodger under notice**

- 17.14.1 This applies to applicants living in the same property as their landlord.
- 17.14.2 They must be renting a room that is for their own use only, and be paying a market rent.
- 17.14.3 Proof that notice has been served is required.
- 17.14.4 They will be placed in band C if there is less than three months before the notice expires.
- 17.14.5 The PO will then check to see whether the notice will be enforced.

### **17.15 Tenants of tied accommodation under notice**

- 17.15.1 Tenants in tied accommodation with no need to move will be placed in band E.
- 17.15.2 If they have received a legal notice asking to leave that accommodation they will be placed in band C.

### **17.16 Protected tenants with a possession order**

- 17.16.1 This applies to a tenant with a 'protected' tenancy (that is a tenancy with protection from eviction, but not an assured shorthold tenancy).
- 17.16.2 They must have been served with a court order for possession and then will be placed in band C.

**Important:** Section 6.10 says that applicants will not get extra priority if '*we consider they have made their housing situation worse, and that their actions have been unreasonable in this respect*'. If a possession order has been granted because of a breach of tenancy, an applicant may be placed in band D instead (reduced preference).

## **17.17 Qualifying Agricultural workers (protection under the Rent Agricultural Act 1976)**

17.17.1 Certain categories of agricultural workers who are provided with accommodation as a condition of their employment, may be protected against eviction even if their employment comes to an end.

17.17.2 The worker can only be asked to leave their accommodation if an Agricultural Dwelling House Advisory Committee (ADHAC) decides that the accommodation will be required by a successor or that the property is no longer in the interest of efficient agriculture

17.17.3 If ADHAC decides that a worker must leave their accommodation, the local housing authority must use their best endeavours to offer housing to the worker.

17.17.4 An authority would not be properly carrying out its duty if it were to refuse to offer suitable accommodation to the worker because they did not have enough priority on the register.

17.17.5 In such cases this applicant will be placed in band A.

## **17.18 Fixed-term licensee**

17.18.1 This applies to applicants living in supported housing schemes.

17.18.2 Applicants in these schemes will be placed in band C.

17.18.3 Applicants in supported housing schemes may apply for medical/welfare priority if they are ready to move onto permanent accommodation.

17.18.4 If they receive a welfare/medical priority they will be placed in the highest band that applies.

## **17.19 Applicants with no fixed address**

17.19.1 This applies to applicants who have no fixed address.

17.19.2 They will be placed in band C.

17.19.3 If they are in prison they will be placed in band E.

## **17.20 Medical, welfare and hardship**

17.20.1 **Important:** priority can be awarded under **one** heading: medical, welfare, hardship or harassment.

17.20.2 Applicants can be assessed under all headings, but get awarded priority under only one heading.

17.20.3 Any medical or welfare priority can be reassessed if an applicant's circumstances change.

17.20.4 Applicants that have been given a priority under welfare or medical grounds to move to a local authority area to give or receive support will be restricted to bidding for properties in that local authority area.

## 17.21 Medical assessments

17.21.1 This applies if an applicant's present housing is detrimental to their health, or if a move to more suitable accommodation would have a positive effect on their health.

17.21.2 Applicants may also be awarded priority if the applicant is asking to be rehoused so they can receive care or specialist support

17.21.3 Extra information may be sought from private sector landlords, housing officers, GPs, health visitors and other parties.

17.21.4 The table below is used to act as a guide to priority:

Effect on housing	Medical problem			
	Very Serious 1	Serious 2	Moderate 3	Low 4
Very Serious 1	Band A	Band B	Band C	No award
Serious 2	Band B	Band B	Band C	No award
Moderate 3	Band C	Band C	Band C	No award
Low 4	No award	No award	No award	No award

17.21.5 Applicants accepted under Homelessness legislation will not be eligible for medical priority. If a homeless applicant's temporary accommodation is unsuitable on medical grounds the PO will first look to see if alternative temporary accommodation can be found.

17.21.6 Homeless households can be considered through a medical assessment if an extra room is required on medical grounds.

## 17.22 Welfare/Hardship assessments

17.22.1 This applies if at least one person in the household is vulnerable and less able to find settled or suitable accommodation.

17.22.2 These people will have a need to move but may not get medical priority because their present housing may be suitable for their needs.

17.22.3 The table below is used to act as a guide to priority:  
:

Need for settled suitable accommodation	Level of vulnerability		
	High 1	Medium 2	Low 3
High 1	Band A	Band B	Band C
Medium 2	Band B	Band B	Band C
Low 3	Band C	Band C	Band C

17.22.4 Homeless applicants will not be looked at under welfare issues. If a homeless applicant's temporary accommodation is unsuitable on welfare grounds the PO will first look to see if alternative temporary accommodation can be found.

17.22.5 If a homeless applicant or household is particularly vulnerable and they may be at significant risk in temporary accommodation the PO can consider the category of 'accepted homeless applicants in particular need' to increase them to band A (see under section 17.10).

## 17.23 Tenants with a home that is bigger than they need

17.23.1 This applies to sub-regional secure tenants or tenants of RSLs (where the sub-region has nomination rights), who are 'under-occupying' their homes and want to move to a smaller property. These applicants are given high priority because it enables a household with high need to move into the freed up larger home.

17.23.2 Applicants who are currently in 4 or 3 bedroom accommodation and will be releasing one or two bedrooms will be placed in band A.

17.23.3 Applicants who are in 2 bedrooms or less and wish to move to smaller accommodation will be placed in band B.

17.23.4 Some Local Authorities may also provide some financial incentives to move and can provide further information on request.

17.23.6 A tenant wishing to move into smaller accommodation from within a sheltered housing scheme, or linked to another linked sheltered scheme will not be entitled to priority under the transfer incentive scheme. This is because sheltered accommodation is not in high demand.

## 17.24 Applicants offered housing because of the death of a secure tenant in the sub-region

17.24.1 This applies if the applicant qualifies to 'succeed' to a tenancy when the tenant dies.

- 17.24.2 To be a 'successor tenant' the applicant has to meet certain rules – usually must be related to the tenant, or be their partner, and have lived in the property a certain time.
- 17.24.3 The rules for this are in the tenancy conditions for the property. In such circumstances the applicant will be placed in band A.
- 17.24.4 If the successor tenant does not need the property because of its size, or the adaptations or services in the property, they may be served a notice seeking possession under Schedule 2, Ground 16 of The Housing Act 1985.
- 17.24.5 If the applicant has no legal right to succeed but has lived in the property for the last 12 months the PO may decide to offer a move to more suitable accommodation. Each case will be individually assessed.
- 17.24.6 Under Choice Based Lettings applicants are able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed and the PO may reserve the right to express an interest for them on suitable properties.
- 17.24.7 If the offer of a new home is refused the applicant may lose their right to remain in their present property.

## **17.25 Applicants offered housing because of a Relationship breakdown of a secure tenant in the sub-region**

- 17.25.1 This category applies to secure tenants only.
- 17.25.2 Applicants will be placed in band A when there is a relationship breakdown and the joint tenant moves out and ends the tenancy and the other tenant either:
- qualifies to be offered the property
  - or**
  - qualifies to be offered a smaller property.
- 17.25.3 If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining.
- 17.25.4 If an applicant qualifies to be offered the same property we will make them an offer of that property.
- 17.25.5 This property will not be part of the choice based lettings scheme.
- 17.25.6 If an applicant qualifies to be offered a smaller property they will be placed in band A.
- 17.25.7 They will be able to express an interest for properties under the scheme but if they have not expressed an interest within six months of their application their case will be reviewed. The POs reserve the right to express an interest for them on suitable properties.

17.25.7 If a property is then subsequently refused they may lose their right to remain in their current property.

## **17.26 Transfers which will release a property that is needed**

17.26.1 Applicants will be placed in band A of the scheme if they wish to move and:

- the property they would leave is needed to meet the urgent housing needs of another household on the register *which otherwise would not be met within a reasonable time*
- *or* where it prevents the Council making expensive alterations to the property and
- there is not a serious shortage of the types of home they want to move to.

## **17.27 Applicants where tenancy surrender has been negotiated**

17.27.1 Applicants in this category would be placed in band A if a tenancy surrender has been negotiated and meets these conditions:

- they were a council or RSL tenant when taken into custody **and** the offence did not mean that they had broken their tenancy **and**
- they have, or are likely, to be sent to prison for more than 13 weeks (including the time spent on remand) **and**
- they have conducted their tenancy in a reasonable way and have not broken their tenancy agreement **and**
- their rent is up to date **and**
- they have not been served with a 'notice seeking possession' **and**
- they offer to end their tenancy.

17.27.2 Before agreeing to a tenancy surrender, the landlord will agree this with the PO. Tenancy surrenders will not go ahead until the PO gives their written confirmation.

17.27.3 Tenancy surrenders are only applicable in the sub-region.

## **17.28 Nomination agreements with supported housing providers (move on)**

17.28.1 To help local authorities retain spaces within specialist or supported accommodation, POs have agreed to house a certain number of clients every year from this accommodation

- 17.28.2 Each PO in the sub-region will have their own individual nomination agreements or move on agreements and further details are available from each PO.
- 17.28.3 This arrangement does not apply to people who have been accepted under homelessness legislation.
- 17.28.4 These applicants would be placed in band A of the scheme.
- 17.28.5 They would remain in this band for six months.
- 17.28.6 If no expression of interest had been received in that time their case would be reviewed and their priority could be removed.
- 17.28.7 These applicants are restricted to bidding in their own local authority as that is where their support is provided.
- 17.28.8 In certain cases cross boundary bidding will be allowed but agreement will be required from the local authority first.

## Appendix 1

### Contact details for each PO

Babergh District Council  
Corks Lane  
Hadleigh  
Ipswich  
Suffolk  
IP7 6SJ  
Telephone: 01473 825757  
Website: [www.babergh.gov.uk](http://www.babergh.gov.uk)  
Email: [homechoice@babergh.gov.uk](mailto:homechoice@babergh.gov.uk)

Braintree District Council                      LSVT  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB  
Telephone: 01376 552525  
Website: [www.braintree.gov.uk](http://www.braintree.gov.uk)  
Email: [homechoice@braintree.gov.uk](mailto:homechoice@braintree.gov.uk)

Greenfields Community Housing  
Suites 1 and 2  
Unit F  
Warners Mill  
Silks Way  
Braintree  
Essex  
CM7 3GB

Homechoice @ Colchester                      ALMO  
Colchester Borough Council  
PO Box 887  
Town Hall  
Colchester  
Essex  
CO1 1ZG  
Telephone: 01206 282569  
Website: [www.colchester.gov.uk](http://www.colchester.gov.uk)  
Email: [homechoice@colchester.gov.uk](mailto:homechoice@colchester.gov.uk)

Colchester Borough Homes  
P O Box 788  
Colchester  
CO3 3YB

Ipswich Borough Council  
Grafton House  
15-17 Russell Road  
Ipswich  
Suffolk  
IP1 2DE  
Telephone: 01473 433123  
Website: [www.ipswich.gov.uk](http://www.ipswich.gov.uk)  
Email: [homechoice@ipswich.gov.uk](mailto:homechoice@ipswich.gov.uk)

Maldon District Council                      LSVT  
Princes Road  
Maldon  
Essex  
CM9 5DL  
Telephone: 01621 854477  
Website: [www.maldon.gov.uk](http://www.maldon.gov.uk)  
Email: [homechoice@maldon.gov.uk](mailto:homechoice@maldon.gov.uk)

Moat (Head Office)  
Mariner House  
Galleon Boulevard  
Crossways  
Dartford  
Kent  
DA2 6QE

Mid Suffolk District Council  
131 High Street  
Needham Market  
Suffolk  
IP6 8DL  
Telephone: 01449 724760  
Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)  
Email: [homechoice@midsuffolk.gov.uk](mailto:homechoice@midsuffolk.gov.uk)

Suffolk Coastal District Council    LSVT  
Melton Hill  
Woodbridge  
Suffolk  
IP12 1AU  
Telephone: 01728 727524  
Website: [www.suffolkcoastal.gov.uk](http://www.suffolkcoastal.gov.uk)  
Email: [homechoice@suffolkcoastal.gov.uk](mailto:homechoice@suffolkcoastal.gov.uk)

Suffolk Heritage Housing Ass  
Avocet House  
Station Road  
Framlingham  
Woodbridge  
Suffolk IP13 9EE