

APPROVED POLICY

**South Oxfordshire District Council
Vale of White Horse District Council**

Part 6 Housing Allocations Policy

HOUSING ALLOCATIONS POLICY

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HOUSING ALLOCATIONS POLICY

1.0 INTRODUCTION

The housing allocations policy (HAP) describes the mechanisms by which the council assesses applications to join the housing register and makes allocations for social housing within the district.

The council has transferred its housing stock through a Large Scale Voluntary Transfer (LSVT) to its partner LSVT Housing Association. The council uses its nomination agreements with its housing association partners in order to meet housing need in the district and to discharge its statutory housing duties.

The majority of nominations are to rented homes, but nominations to shared ownership housing is also included in the HAP.

The HAP does not cover all lettings made by housing associations; some still manage transfers of existing tenants and/ or arrange their own decants and management moves. However, the council has partnerships with most local housing associations with the aim of providing a 'one-stop-shop' for those looking for affordable housing.

The council will continue to use a Choice Based Lettings (CBL) scheme to advertise and let social rented and shared ownership properties in the district. There will be limited circumstances where the council lets properties outside its CBL scheme. Further information is provided in section 16.

2.0 THE OBJECTIVES OF THE HOUSING ALLOCATIONS POLICY

2.1 Primary Objectives

In 2012, the government published "Allocation of Accommodation; guidance for local housing authorities in England." This confirmed that the council should in the main use the "reasonable preference" framework contained in the 1996 Housing Act (as amended) when determining priorities for the allocation of social housing in their district.

The principle objective of the council's HAP is to enable the council to meet its statutory responsibilities with regard to housing. The HAP will ensure that the properties, where the council has nomination rights, are let to those in housing need in a way that is fair, consistent and understandable, and that also supports the council's commitments to prevent homelessness.

2.2 Other Objectives

The Localism Act 2012 also introduced greater flexibility for councils to determine local priorities when drawing up their allocations policies.

Even with an active development programme, the demand for social housing in the district is far greater than the supply and the council's priority is to prevent homelessness by meeting housing need.

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However, the council will, where possible, endeavour to use its housing allocations policy to meet local priorities, whilst ensuring its primary objectives are met.

The other objectives of the HAP are:

- to ensure that the allocation of social housing is suitable for the future, as far as is reasonably practical
- to facilitate choice for people in housing need, where possible
- to encourage people back into work and enable them to become contributing members of their communities, where possible
- to increase the accessibility of local homes for local people, where possible
- to make the most effective use of the affordable housing stock in the district.

3.0 EQUALITY AND DIVERSITY

The council is committed to equality of opportunity and anti-discriminatory practice in service provision, and seeks to promote social inclusion. Applicants will not be discriminated against on the grounds of race, colour, nationality, ethnic or national origin, disability, age, sex, gender reassignment, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity.

The HAP will be amended and updated in order to conform with relevant legislation and case law, best practice and guidance issued by the Department of Communities & Local Government (DCLG) and other relevant bodies.

4.0 ADVICE AND INFORMATION

Because of the shortage of affordable rented housing in the district, few applicants will be able to quickly resolve their housing need through the housing register. It will usually, therefore, be necessary to explore other ways to meet their housing need.

The council will comply with legislative requirements to provide housing advice and prevent homelessness wherever possible. Any applicant who is at risk of becoming homeless will be given advice and information about the housing options available to them to prevent homelessness. There are many potential options, depending on the applicant's individual circumstances.

The council will provide advice and information on a full range of housing issues and options. They will do this by providing relevant and accurate information electronically and by publishing a range of leaflets. Officers will

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provide both telephone advice and an appointment based service where required. Council officers will also signpost and refer applicants to other agencies and services, where appropriate.

The council will also ensure that advice and assistance is available to enable applicants to apply to join the housing register, and to participate in its CBL scheme. The council will screen applications at the first point of contact to identify an applicant who may need support. Where possible the council will encourage applicants to act independently, or with the support of a relative or other person who is in a position to advise and help, for example, a care worker or volunteer agency. Where an applicant has asked a third party to bid on their behalf, the council will ensure that nominated person is given information about using the system. If necessary, help will be offered to an applicant who may be vulnerable and/or who may have difficulties applying for housing or using the CBL scheme.

Applicants will have their application confirmed by letter with full information on how their application has been assessed and how to apply for properties. Applicants who are not eligible for inclusion on the housing register will be provided with full reasons including their right to request a review.

Applicants will be given clear information about the availability and turnover of social housing, to help inform their choices. The council will publish the results of lettings outcomes on the CBL website and in the property newsletter. This information enables applicants to see how popular properties in particular areas are and what band the person at the top of the shortlist was in and how long they had been waiting. These results do not show personal details.

Applicants can also access copies of the housing allocations policy and a summary.

5.1 THE LEGISLATIVE FRAMEWORK

The 1996 Housing Act, as amended requires the council to allocate social housing in accordance with a defined and published allocations policy. The Act states that the allocations policy should aim to meet housing needs in the district and be framed to ensure that reasonable preference is given to the following groups:

- people who are homeless
- people who are owed a duty by the local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds, and
- people 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 others).

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The housing allocations policy may also be framed to take into account:

- the financial resources available to an applicant to meet their housing costs
- any behaviour of a person, or household member, which affects their suitability to be a tenant
- any local connection an applicant has with the district.

The Act also requires that the council states its policy with regard to offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

The Localism Act 2012 introduced greater flexibility for councils in determining their housing allocations policy,

The council's housing allocations policy takes into account the legal and regulatory framework governing allocations of housing, which includes the Codes of Guidance issued by government. The HAP will be amended and updated in order to conform with future relevant legislation and case law, best practice and guidance issued by the DCLG and other relevant bodies.

As required by law, both a summary and a full copy of the housing allocations policy is available on the council's websites at www.southoxon.gov.uk or www.whitehorsedc.gov.uk, and by request at housing@southandvale.gov.uk.

6.0 THE COUNCIL'S STATEMENT ON CHOICE

The Housing Act 1996 requires that the council state its policy with regard to offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

The demand for social housing in the district far outstrips the supply and this impacts on the amount of choice that the council is able to offer housing applicants. The council operates a CBL scheme which allows the majority of applicants to express preferences over the types of properties and the areas in which they want to live. It is the case that the more restrictive an applicant is with regard to their choices the more limited are their chances of being offered social housing.

The council operates a two-tier housing register made up of the active list, which includes people who do have a housing need as defined by its housing allocations policy. The council also holds a non-active list which includes applications from those without a defined housing need. Those on the non-active list are not eligible to apply for properties on the council's CBL scheme unless those properties are defined as hard to let, elderly designated or shared ownership. This is a response to the high demand for social housing in the district whilst also allowing eligible applicants to join the housing register.

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The majority of applicants on the active housing register can bid on properties for which they are eligible with no restrictions. There are some circumstances where this does not apply as follows:

- homeless applicants. Further information on what choice is available to applicants accepted as homeless under sections 193 and 195 of the 1996 Housing Act is contained in section 15.3
- where a time-limited priority is awarded to an application. Further information is contained on section 11.4
- where as part of the Multi-agency public protection arrangements (Mappa), a decision is made to disallow an applicant from choosing where they can live
- where advice is provided from another agency (e.g. Police, Probation, Social & Health Care) that leads the council to decide there would be a risk to another person or the wider community or the applicant themselves from allowing that applicant choice in what they can bid for.

In addition, the council will impose penalties for applicants who unreasonably refuse offers of accommodation. This means they will be suspended from the housing register for a defined period and so will not be able to participate in the CBL scheme. More detailed information is contained in section 17.1.

7.1 THE HOUSING REGISTER

The council will maintain a register of all people seeking accommodation in the district.

The housing register will be comprised of two separate lists, as follows:

- i) the active housing register

This includes applicants with a defined housing need, according to the housing allocations policy. Applicants on this register will normally be eligible to bid for properties for which they are eligible.

- ii) the inactive housing register

This list will include applicants who do not have a housing need according to the housing allocations policy. These applicants will only be able to bid for certain properties which are defined as hard to let, shared ownership properties, rural exception sites where the applicant meets the defined local connection requirement for that site, and elderly designated properties.

8.1 ELIGIBILITY AND QUALIFICATION TO JOIN THE HOUSING REGISTER

Anyone over the age of 16 can apply to join the housing register.

8.2 Transfer Applicants

Existing social tenants can apply to join the housing register and will be assessed in accordance with the stated housing allocations policy. Transfer applicants who do not have a housing need as defined by the housing allocations policy will be allowed to join the inactive housing register. Before being offered a property they will need to show a good tenancy record with their existing landlord and have maintained regular rent payments.

Housing association tenants wishing to move may also seek a mutual exchange, as well as a transfer, through the housing register. Many social landlords use the Homeswapper service to facilitate their exchanges at www.homeswapper.org.uk. Tenants should also contact their landlord for advice on seeking a mutual exchange.

8.3 Young People Under 18

Applicants to the housing register will be excluded from participating in CBL until reaching the age of 18. At 16 and 17 they will be eligible for supported housing. The council will maintain well-established links and protocols with Social & Health Care and supported housing providers to ensure that young people can access appropriate housing and support.

8.4 People Subject to Immigration Control

Certain classes of people subject to immigration control are ineligible for an allocation of housing, and therefore are ineligible to join the housing register.

The following persons are not eligible:

- i) people who are “subject to immigration control” within the meaning of the Asylum and Immigration Act 1996, unless they fall into a class prescribed by the regulations made by the Secretary of State, (Section 160ZA(20). Appendix 1 contains a list of those groups prescribed by the Secretary of State as being eligible.
- ii) people who are not subject to immigration control but are nevertheless prescribed by regulation as being “persons from abroad”. This may include British citizens and others who are not subject to immigration control who are not habitually resident in the UK.

British citizens and others from abroad that are not subject to immigration control but live abroad due to their service in the Armed Forces are classed as having residence in the UK and are eligible.

9.1 EXCLUSIONS FROM THE HOUSING REGISTER

The Localism Act 2012 allowed councils greater flexibility to exclude certain groups of applicants from the housing register.

The following groups of applicants will be excluded from the housing register, unless there are exceptional reasons as to why they should be included.

9.2 Applicants Guilty of “Unacceptable Behaviour”(or defined as not fit to be a social housing tenant)

This will include applicants and members of their household who, at the time of application or at any subsequent point when they are included on the housing register, are deemed to be guilty of unacceptable behaviour. This means that where applicants who are already on the housing register subsequently are responsible for the behaviours listed below, they will be removed from the Register.

Such behaviour will include:

- conviction/eviction or loss of tenancy for using premises for illegal or immoral purposes
- causing nuisance and ASB to neighbours and/or the wider community
- conviction for criminal offences in or around the home of a nature that indicates a risk or threat to neighbours or the wider community
- having been violent or abusive to a partner, family member or people in the neighbourhood
- obtaining a previous tenancy by deception or fraud, or being found to have made a fraudulent application for housing
- eviction or loss of tenancy for deliberate non-payment of rent
- persistent and deliberate non-payment of current rent
- history of having racially harassed someone
- history of harassment against partner, family members or member of the community

This list is not exhaustive and other behaviours may on occasion cause an applicant to be excluded from the housing register.

The council will take the following information into account when making a decision to exclude an applicant on these grounds:

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- whether the applicant or family member have been guilty of one or more of these behaviours
- information provided by partner agencies and other bodies working with that individual or household
- whether there is any evidence of changed behaviour so as to make the applicant, or household member now suitable to be a social tenant

Applicants excluded on this ground will normally be disqualified for 12 months. They can then re-apply and their circumstances will be reviewed to establish if there is evidence of changed behaviour that would allow them to be included on the Housing Register.

Applicants re-applying within 12 months will be included on the register only where they can show clear evidence of changed behaviour. This may include information that they are actively engaging with support providers to address the issues around their behaviour.

Those disqualified for rent arrears may re-apply at a point when those arrears are less than 8 weeks, and provided a further arrears reduction plan has been agreed with the landlord and is maintained.

Applicants can request a review of any decision to exclude them for the Housing Register on these grounds. Further details on the review processes are described in section 17.5.

9.3 Applicants with No Local Connection to the District

Applicants who do not have a local connection to the district will not be allowed to join the housing register, unless there are exceptional reasons.

This reflects the high demand for housing in the district and this measure will mean that the council is better placed to meet local needs.

For the purposes of inclusion to the housing register, local connection is defined as:

- current and permanent residence of choice, for at least six months
- previous residence of choice for either six months out of the last twelve or three years out of the last five
- current, permanent employment that is more than 15 hours per week
- current residence of choice of close family member for at least five years. Family members are defined as parent, adult children and siblings.

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A local connection is not established when the residence is not of choice. This includes when the applicant is in prison within the district or has been detained under the Mental Health Act.

The exception to this is members of the Armed Forces where legislation is in place which states they cannot be excluded from the housing register on grounds that they do not have a local connection. In addition to this people who are accepted as statutory homeless under Sections 193 or 195 of the Housing Act 1996 Part 7, or at risk of violence or harassment will be exempt. The council reserves the right to require evidence of the risk posed before including an applicant on the register in these circumstances.

9.4 Owner-occupiers

Due to the high demand for social housing in the district, those who own a home, freehold, leasehold, mortgaged, owned outright and shared ownership, will be excluded from the housing register.

The only exception to this is where there is clear evidence that the applicant is at risk of losing their home, e.g. possession proceedings have been commenced, or they cannot afford to meet mortgage obligations. This will be assessed by a full examination of their income and expenditure.

Where there has been a relationship breakdown and the courts have ordered either the sale of the home, or ordered that only one of the parties can reside at the owned home, the applicant(s) will be allowed to join the housing register.

9.5 Applicants who have Sufficient Financial Resources

Due to the high demand for social housing in the district, those who have sufficient financial resources to solve their housing issue will be excluded from the housing register.

Applicants who have a joint household income of over £60,000 gross will be excluded from the housing register. Applicants who have a household income lower than this but who have savings or other realisable assets which combined with their annual income would mean they had £60,000 gross available to them in that year will also be excluded from the housing register. This includes people with investments and those who have a legal or financial interest in a property that could be sold so as to resolve their situation.

The income of household members who are not part of the housing application will not be included as part of this calculation.

Whilst many applicants will meet the eligibility criteria for being included on the housing register, some of our Housing Association partners apply their own eligibility criteria in respect of the properties that they own. In particular, an applicant's level of savings and or/investments will be assessed according to their individual policy.

9.6 Eligibility to Participate in CBL

There are some applicants who are eligible to join the housing register but who will not be allowed to participate in CBL. This will usually be for reasons of public protection and community safety. Where appropriate, such decisions will be made in consultation with the relevant agencies, including Thames Valley Police, Probation, MAPPA, MARAC, etc. Such applicants will remain eligible for an offer of accommodation based on their relevant priority but its location will be restricted and subject to advice from the above agencies.

10.0 APPLICATIONS TO THE HOUSING REGISTER

Applicants to the housing register must complete an application form on-line.

Applicants who have difficulties applying on-line should contact the council by e-mailing housing@southandvale.org.uk or by telephoning 01235 547620/ 540383/ 540398.

Incomplete applications made on-line will be cancelled after 28 days. Incomplete paper applications will be returned to the applicant for completion.

Applicants will not normally be asked to provide proof of ID for household members and proof of residence until they are at the point of being made an offer. However the council reserves the right to request such information at any point during the application process, or at any point when the applicant is on the housing register. The council may require additional documentary evidence depending on the applicant's circumstances.

Applicants who do not provide the necessary proofs when requested may not be permitted to join the housing register, may have their application cancelled or they may be skipped for an offer.

Applicants must inform the council of any changes of address and changes to their circumstances which will affect their application. Examples of a change in circumstance include the following:

- changes in household members including pregnancy and births
- changes in medical conditions or disability
- changes in anything that may affect their priority, e.g. Notice to Quit.

Applicants will be required to re-register on an annual basis.

Applicants and household members can only be registered on one application at a time. Partners who apply together will normally be treated as joint applicants unless there are good reasons not to do so. Dependents, family members or other adults who are not a partner of the applicant cannot usually be a joint applicant.

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The people who can be included on an application must be immediate family members of the applicants who normally reside or could be expected to reside with the applicant. Other family members will not normally be permitted to join an application in circumstances which result in them needing a larger property, unless there are overriding reasons to do so. Lodgers are not allowed to be included on an application.

On receipt of a complete application, including any proofs or additional information requested, the council will aim to assess an application within 20 working days. In circumstances where the council is unable to meet these targets, information will be provided on the CBL website.

The council will write or e-mail all applicants informing them whether they are eligible to join the housing register. If they are eligible the following information will be provided: whether they are on the active or non-active register, what band they have been placed in, their registration date, the size of property they can bid for, and information on how to make bids.

Any decision regarding ineligibility to join the housing register will be made within 20 working days of completed receipt of an application. The applicant will be informed by letter setting out full reasons, and will have the right to a review. Section 17.6 contains further details on the review process.

11.1 THE PRIORITY SCHEME

Priority on the council's housing register is determined by a banding scheme. This scheme takes into account the "reasonable preference" categories of housing need as defined in Section 167 of the 1996 Housing Act (as amended).

Once accepted as eligible by the council to join the housing register, applicants will be placed into the active or non-active housing register.

Applicants placed onto the active housing register will be placed into one of three bands, which have been designed to reflect broad categories of housing need. These bands are:

- Band 1- Exceptional Reasons for Housing
- Band 2- Urgent Need for Housing
- Band 3- Significant Need for Housing

Applicants placed on the non-active housing register will be placed in Band 4- No Housing Need.

The banding scheme enables the councils and their partner housing associations to meet their legal responsibilities for housing and also provide a fair and easily understood way of selecting applicants to receive offers of accommodation.

Some applicant's circumstances may make them eligible to be placed in more than one band. In this case, they will normally be placed in the highest band for which they are eligible.

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11.2 The Priority Bands and Categories

The following table lists the categories of housing need and what band that places an applicant in. The table also contains explanation of the categories, including where a priority award is time limited and information regarding what evidence may be required.

Band 1

<p>Exceptional circumstances</p>	<p>This category is intended to be reserved for only the most urgent cases. This includes cases where there is a clear and immediate risk to the health and safety of the applicant, or members of their household and rehousing is the only way to protect their health and safety (place of safety cases). It also includes cases where there are complex needs, where there is an exceptional community safety need (e.g. via the Multi-Agency Public Protection Arrangements) or other emergency cases not covered by other categories within the housing allocations policy.</p> <p>The award of exceptional circumstances priority will normally be time limited (to 3 or 6 months) and priority will be reviewed at the end of the period.</p> <p>This priority will awarded in accordance with the allocations policy and relevant protocols of the council.</p>
<p>Under-occupying by two or more bedrooms</p>	<p>Housing association tenants in the district with an assured tenancy, who will be giving up permanent accommodation with at least two bedrooms more than they require , where that accommodation will be made available on CBL</p>
<p>Prohibition/demolition notices</p>	<p>Households where a statutory notice of prohibition or demolition has been issued by the Environmental Health department and it is not possible to remedy the defects in a reasonable time.</p>
<p>Statutory overcrowding</p>	<p>Households where the level of overcrowding exceeds the statutory limit.</p>
<p>Decants, successions and other management moves</p>	<p>Most partner housing associations provide all or the majority of their voids to the council for applicants on the housing register under lettings and nomination agreements.</p>

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The council recognises that there are situations where an existing housing association tenant will need move as a result of decants, successions and other management moves. Where the landlord identifies a suitable void within their stock to offer that tenant, they can submit a request to the council for permission to make a direct offer. Unless there are good reasons not to do so, the council will confirm its permission.

However, where it is unlikely that a void will become available within a reasonable timescale, applicants can apply to the housing register to be considered under this priority.

Where a housing association retains its own transfer list, the council would normally expect them to deal with their own decants, successions and management moves and so priority will not be awarded to tenants in these circumstances.

Decants: Housing association tenants in the district who need to move because refurbishment or repairs are due to be carried out, which cannot be done with the tenant living there or the property is due for sale or demolition.

Succession:

Legal successors, other than spouses or civil partners, and housing association policy successors, i.e. applicants who do not have the legal right to succeed but the landlord wishes to give them that right, will be awarded priority where:

- they are occupying a property with adaptations for a disabled person which they do not need, or
- they are occupying a property larger than they would qualify for under the allocation policy, or
- where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify.

Legal successors will qualify as transfer applicants and policy successors will be classified as general applicants for the

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	<p>purposes of the allocations policy</p> <p><u>Management Moves:</u> situations when a move is needed for a management reason, e.g. to address ASB.</p> <p>Awards of this priority will be time limited. Priority may be granted six months before they are required to vacate the property. At the end of the six months the district scheme may decide to make a direct offer, if the applicant has not been successful in bidding for a suitable property. If refused the priority award may be removed. This would not prevent an applicant from registering for a transfer at any time before this and being assessed on their current circumstances.</p> <p>If there is only a need to move temporarily, the applicant will be granted an assured shorthold tenancy, a licence or a non-secure tenancy.</p>
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Band 2

<p>Urgent health or disability needs</p>	<p>Applicants assessed as having an urgent need to move on health or disability grounds.</p> <p>Awarded in accordance with the allocations policy and relevant protocols of the district. Section 11.2 provides more detail and the matrix for assessing needs is contained in Appendix 3</p> <p>Award will normally be time limited for 3 or 6 months). Priority will be reviewed at the end of the period and may be removed if the applicant has failed to bid.</p>
<p>Urgent social or welfare needs</p>	<p>Applicants assessed as having an urgent need to move on social or welfare grounds.</p> <p>Awarded in accordance with the allocations policy and relevant protocols of the district. Section 11.2 provides more detail and the matrix for assessing needs is contained in Appendix 4.</p> <p>Award will normally be time limited for 3 or 6 months). Priority will be reviewed at the end of</p>

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	the period and may be removed if the applicant has failed to bid.
Under-occupation by one bedroom	Housing association assured tenants in the district, who will be giving up permanent general needs accommodation with one bedroom more than they require.
Move-on	<p>Applicants who have been assessed as ready to move on from supported accommodation, including:</p> <ul style="list-style-type: none"> - applicants from voluntary sector hostels, foyers and supported lodgings - Care leavers age 18, who are defined as former "relevant children" by the Children (Leaving Care) Act 2002 and are assessed as being ready to leave care. <p>Applicants will be awarded this band category in accordance with the move on protocol of the council, when the council is satisfied that the applicant is ready to move to secure independent housing and that on-going support will be in place where this is needed to sustain the tenancy. If they are assessed as meeting the move-on criteria they will be placed in band 2.</p> <p>Quota arrangements may be used to ensure a minimum supply of vacancies suitable for those ready to move on from supported housing.</p>
Overcrowding by 2 or more bedrooms short	Household assessed as being two or more bedrooms short of their needs. Section 11.3 provides details of bedroom standard used to assess overcrowding
Unsatisfactory housing: Level 1	<p>Where possible, disrepair and unfitness in an applicant's home should be remedied, rather than additional priority being awarded for poor housing conditions. No priority will be awarded for poor decoration or where the applicant has caused or contributed to the problems, or can remedy the situation by taking reasonable measures.</p> <p>Applicants whose housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases, or where</p>

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	<p>an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer.</p> <p>Where a Category 1 hazard is identified that cannot be resolved by the landlord or resident within a reasonable timescale, Band 2 will be awarded.</p> <p>A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example: accommodation lacking any bathroom facilities, cooking facilities, an electrical supply or a water supply. The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale.</p> <p>Where a landlord has been served with an improvement notice but remedial work has not been carried out, the district scheme may decide to award priority at its discretion.</p>
Priority homeless	This category is given when a section 184 letter has been issued under the relevant homeless legislation and where a full duty to offer housing has been accepted by the council under sections 193 or 195 of Part 7 of the Housing Act 1996(as amended).
Compound needs	Any applicant who qualifies for two or more compoundable categories in band 3.

Band 3

Significant disability needs health or	<p>Applicants assessed as having a significant level of health or disability need arising from their housing situation.</p> <p>Awarded in accordance with the allocations policy and relevant protocols of the district. Section 11.2 provides more detail and the matrix for assessing needs is contained in Appendix 3</p> <p>This award may be time-limited and subject to review and possible removal if the applicant doesn't bid.</p>
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<p>Significant welfare needs social or</p>	<p>Applicants assessed as having a significant need to move on social or welfare grounds.</p> <p>Awarded in accordance with the allocations policy and relevant protocols of the district. Section 11.2 provides more detail and the matrix for assessing needs is contained in Appendix 4.</p> <p>This award may be time-limited and subject to review and removal if applicant isn't bidding.</p>
<p>Unsatisfactory Level 2 housing:</p>	<p>Where possible, disrepair and unfitness in an applicant's homes should be remedied, rather than additional priority being awarded for poor housing conditions. No priority will be awarded for poor decoration or where the applicant has caused or contributed to the problems, or can remedy the situation by taking reasonable measures.</p> <p>Applicants whose housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer.</p> <p>Where a Category 2 hazard is identified that cannot be resolved by the landlord or resident within a reasonable timescale, Band 3 will be awarded.</p> <p>The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale.</p> <p>Where a landlord has been served with an improvement notice but remedial work has not been carried out, the district scheme may decide to award priority at its discretion.</p>
<p>Overcrowding by one bedroom short</p>	<p>Household assessed as being one bedroom short of their needs. Section 11.3 provides details of bedroom standard used to assess overcrowding</p>
<p>Insecure accommodation tied</p>	<p>Applicants who are living in accommodation</p>

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	<p> tied to their employment and who have received a formal notice to quit from their employer and where the loss of employment is through no fault of the applicant. This category includes members of the armed forces in married quarters and agricultural workers, where a Notice has been issued. </p> <p> Priority category will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future. </p> <p> In order to be given priority for insecure tied accommodation there must be less than three months to the date of discharge/end of employment. </p> <p> Evidence of a Court Order may be required. </p>
<p> Insecure private rented accommodation/owner occupied accommodation </p>	<p> Tenants of private landlords where the landlord is taking action to recover possession of the property and has demonstrated a real intention to proceed to eviction. The landlord must have shown a real intention to proceed with an eviction. Evidence of a Court Order for Possession may be required. Where Notice is served on a defendable ground and/ or the tenant can avoid eviction by complying with their tenancy agreement, priority will not be awarded. </p> <p> Owner- occupiers where the mortgage company has secured an outright Possession Order. </p> <p> Before priority for insecure accommodation can be given documentary evidence of the date of eviction will be needed by the council, depending on the type of tenancy or licence held. </p>
<p> Homeless and not in a priority group </p>	<p> Applicants who have No Fixed Abode (NFA) or who are given a Non-Priority Homeless decision. Sofa surfers are not included in this category; they are dealt with under the overcrowding priority. </p> <p> This category is given where a formal </p>

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	<p>assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in priority need.</p> <p>The category will also be given without a formal assessment, where the council is satisfied that the applicant is NFA. This includes those living in projects providing temporary accommodation for single homeless people within 3 months of their key worker stating they are ready to move on. This does include projects in other areas of Oxfordshire where there is clear evidence that immediately prior to residence in the hostel the applicant had a local connection with the district.</p> <p>This category is not compoundable with other factors.</p>
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Band 4

<p>No housing need/adequately housed</p>	<p>Applicants who are adequately housed.</p> <p>Applicants with no immediate need for rehousing.</p> <p>Applicants sharing where the accommodation is of sufficient quality and there is no overcrowding</p> <p>Applicants who do not qualify under any other category.</p> <p>This category includes applicants who may have a low level of housing need but where the circumstances do not give rise to any exceptional problems. This includes:</p> <ul style="list-style-type: none"> -formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there -those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there -families living in flats where the internal accommodation is adequate for the family's needs but where there is no private garden - some health or social needs but of such a low level that can manage in current accommodation.
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11.3 Social, Welfare, Health and Disability Priority

Applicants to the housing register can apply to be awarded additional priority on health or social grounds. It is important to be flexible and sensitive to the needs of people who are in very difficult situations, but it is also necessary to ensure equality of treatment with others who are waiting on the housing register in unsatisfactory accommodation and who are also under stress.

Decisions about health and social priority will be made objectively in relation to applicants' housing circumstances and where appropriate the council will seek information and advice from health professionals and other relevant agencies. The award of this priority is an assessment of housing needs as they relate to medical and social aspects and as such the council will make the final decision.

Serious disability or terminal illness does not in itself justify priority on health grounds. The health problem must be seen in the context of whether a move to different housing would make a significant difference to the applicant's quality of life.

Due to the high demand for housing in the district, priority on health and social grounds will only be awarded where there is an exceptional, urgent or significant need for the applicant to be re-housed due to these issues.

Assessments will take account of:

- the degree to which the existing housing exacerbates the problems being experienced
- the extent to which these problems could be alleviated by re-housing
- the extent to which the applicant(s) has in any way contributed to the situation
- whether any other options are available to the applicant, for example, adaptation of the existing property, or a court order against a perpetrator of violence.

Account will also be taken of whether the housing problem has already been dealt with elsewhere in the allocations policy, for example where additional priority has been awarded already for overcrowding and this is the source of the issue.

Where more than one household member applies for health or social priority, a composite assessment of the needs of the household will be made. It is not possible for two or more awards of medical priority to compound an application to a higher band.

Health or social priority may be reduced or withdrawn if there is evidence that the circumstances leading to the award of priority no longer apply.

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11.3.1 Health and Disability Needs

In order for an applicant to qualify for priority on health grounds, there must be evidence that the applicant's current property has a direct and serious impact on their physical and/or mental health, and that a move to alternative accommodation will alleviate the problem. Priority on health grounds will also be awarded in cases where an applicant has a serious disability, their home is unsuitable for their needs and cannot be easily adapted or improved.

Short-term illnesses or injuries, or convalescence from surgery where a good recovery is expected, will not qualify for health priority. Where an applicant is contributing to health problems, for example health priority is requested on the grounds of breathing difficulties such as asthma but the applicant or a member of their household smokes, then they may be awarded a lower level of health priority or no priority.

In most cases, applicants applying for priority on health grounds must complete a Health Assessment Form. They need to give the form to their GP or other health professional to add supporting information. The council will not pay any fees related to the provision of advice or information supporting a housing application.

Circumstances that can be considered include:

- where someone cannot be discharged from hospital because of the unsuitability of their home and this cannot be resolved in any other way
- where an applicant cannot access the home, parts of it or essential amenities within it, such as bathroom and kitchen
- where the home is having a significant detrimental effect on someone's mental health and well-being
- where the property is having a significant detrimental effect on the physical health of the applicant.

The following categories of priority on health grounds can be awarded:

Band 1	Exceptional Circumstances	Immediate or imminent risk of serious physical or mental harm
Band 2	Urgent health needs	Urgent and serious effect on physical or mental health
Band 3	Significant health needs	Significant effect on physical or mental health
Band 4	No housing need on health and disability grounds	No impact/ Low risk of harm

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Guidance on the assessment criteria is given in Appendix 3: Health and Disability Needs

Applicants will not normally be eligible for an offer of housing, if they need institutional care. However, if they are leaving institutional care, and appropriate support will be available to help them live independently, they may apply. They will need to have a health assessment completed.

11.3.2 Social and Welfare Needs

In order for an applicant to qualify for priority on social and welfare grounds, there must be evidence that the applicant's current property has a direct and serious impact on the stated issue, and that a move to alternative accommodation will alleviate the problem.

Most issues considered under this category will tend to be long-term. However, occasionally people will have issues which are short-term only; these will not qualify for social or welfare priority. Where an applicant is contributing to the issue then they may be awarded a lower level of priority or no priority.

Social and welfare needs priority will be assessed in consultation with appropriate agencies, e.g. Social Services, Probation Service, Police. Circumstances that can be considered include:

- Need to recover from violence or the threat of violence
- Harassment or ASB
- Need to safeguard children
- Need to move to independent living
- The effects of isolation/ Need for social inclusion
- Need to be near health or other facilities
- Other factors related to the environment around a home
- The need to give or receive care and /or support.
- Separated families (unless they have been awarded homeless priority)
- For community safety reasons

The following categories of priority on social and welfare grounds can be awarded:

Band 1	Exceptional Circumstances	Immediate or imminent need to move on social and welfare grounds
Band 2	Urgent social and welfare needs	Urgent need to move on social and welfare grounds
Band 3	Significant social and welfare needs	Significant need to move on social and welfare grounds
Band 4	No housing need on social and welfare grounds	No impact/ Low risk of harm

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Further guidance on the assessment criteria is given in Appendix 3: Social and Welfare Needs.

11.3.3 Harassment and ASB

The council will work with all relevant partner agencies to resolve situations involving harassment and ASB. Priority will be given to working with other agencies to deal with the perpetrator to resolve the problem, using mediation, police intervention or legal remedies such as injunctions rather than immediately moving the victim.

In many cases where a move is needed the housing association will seek to offer a management move. However, when this is not possible, additional priority may be awarded on health and social grounds.

The council must be satisfied that there is a real threat to the applicant or a member of their household. Evidence will usually be required from the applicant and/or independent agencies to support allegations of antisocial behaviour and to establish whether the applicant's own behaviour has caused or contributed to the situation. Applicants whose behaviour may have caused or continues to contribute to the harassment may be awarded a lower level of priority.

Where an applicant repeatedly reports harassment, nuisance or anti-social behaviour, the council will investigate whether the applicant has provoked this behaviour, or whether they are unusually sensitive to or liable to misinterpret others' behaviour. In these circumstances a move is unlikely to resolve the issues and support or treatment are more appropriate options.

11.3.4 Community Safety and Social Inclusion

In some very rare cases, to ensure safety of individuals or the community, it may be appropriate to move the perpetrator. However, priority will only be awarded to the perpetrator of antisocial, criminal or unacceptable behavior where the council is satisfied that a move is appropriate and will minimise or end the problem. The perpetrator will be expected to engage with support and other agencies to address their issues as a condition of being awarded priority.

It is important to balance the needs of the individual applicant with the needs and rights of neighbours and the local community. Housing staff will work closely with colleagues from Social Services, Probation, Health and voluntary agencies in order to minimise any risks. There will also be detailed discussions with housing association landlords to identify the most appropriate type and location of property.

Stable accommodation can play a significant role in minimising the risks of an individual offending, or of their mental or physical health deteriorating. It also facilitates the provision of care and support. In order to promote community safety and the wellbeing of vulnerable and socially excluded people, priority

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under health or social criteria may be awarded when applicants are leaving institutional or therapeutic care. Examples include:

- people leaving long term hospital care
- people leaving prison or a probation hostel
- people leaving drug or alcohol rehabilitation
- people leaving residential or nursing care.

For people leaving prison or drug/alcohol rehabilitation, priority will usually be given only if they have shown evidence of a commitment to addressing their criminal or ASB.

In cases where there is a significant risk to or from an applicant, and which have been considered by the multi-agency risk management procedures, a direct offer will be used to ensure the safety of the applicant and of the community.

11.3The Bedroom Standard- Calculation of Overcrowding and Under Occupation

The council will adopt the bedroom standard set out in the Allocation of Accommodation: guidance for local housing authorities in England (June 2012) along with housing benefit rules to determine what constitutes overcrowding. This will also be used to determine under occupation levels for existing social rented tenants in the district.

The following rules will be used to decide whether a household has either too many or too few bedrooms available for its use when assessing priority.

- Each couple or a single parent will require their own bedroom.
- Each additional adult (aged 16) will require their own bedroom.
- Two children may share a bedroom unless:
- Children of opposite sex have to share and the oldest child is aged ten or more.
- Where the household includes a pregnant woman the baby will only count in the bedroom need calculation once it has been born.

The rules will assume the optimum use of the accommodation available, even if this is different from actual use. Spare rooms not in use as bedrooms may be counted as bedrooms for the purposes of the calculation. The council will provide advice to applicants on the best use of the accommodation, when appropriate.

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The optimum use rule will only apply to rooms over which the applicant family has control. For example, where a family is sharing and a spare room that could be a bedroom is used for other purposes by the host family.

Priority for any level of overcrowding will not be awarded where the applicant has created the situation by inviting additional people to live in a home which was previously suitable, or where the applicant is allowing lodgers to live in the home which contributes to the overcrowding.

11.4 Armed Forces Personnel

The government has issued regulations which require council's to give "additional preference" in their housing allocations policy to the following groups of people where they fall within one of the existing "reasonable preference" categories and are assessed as being in urgent housing need:

- serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- former members of the regular forces (those who have served within the last 5 years)
- bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
- existing or former members (those who have served in the last 5 years) of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

The council will therefore prioritise applicants who are in one of the above categories, where they have a "reasonable preference" as determined by the Housing Act and who are in Band 2 because they have an urgent housing need ahead of applicants in Band 2 who do not fall within the above criteria at the shortlisting stage.

Applicants who fall within the above categories who have an urgent housing need due to under-occupation will not be prioritised ahead of applicants who do not fall within the above categories.

11.5 Time Limited Priority

In certain cases priority will be time limited. For example, a decision to grant a high band on the grounds of an urgent social or welfare need might be for a limited period. This will normally be six months. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, and the length of time may be adjusted according to the availability of suitable accommodation. Priority will be re-assessed at the end of the period.

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Applicants awarded exceptional status will be reviewed regularly. Applicants who do not bid when there are properties available for them may have their award of exceptional status removed.

The council will expect applicants to be realistic when making choices about available properties that they can bid on.

11.6 Compound Needs

Where applicants in band 3 have compound needs (that is, they qualify for more than one category in the band) they will usually be upgraded to the next band. Compounding is not available for those placed in band 2. The reason is that band 1 is reserved only for the most urgent need cases.

Those applicants in band 3 with a category of 'Homeless and not in a Priority Group' cannot compound this category to move up to band 2 because the assessment of their homelessness takes into account all other relevant circumstances. If they have additional needs then this would be reflected in a decision to award either an exceptional need category (band 1) or a priority homeless category (band 2).

12.1 THE PRIORITY ORDER

Once the advertising period has closed the database will automatically create a shortlist of applicants for each property in priority order. The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will be by date (see below).

However, the council and their housing association partners reserve the right not to offer the property to the person highest on the short-list, if the property offers a better match with the needs of another high priority applicant.

Short-lists will be created with the following priority order:

Priority Order:

- 1. Applicant Type (only if an applicant type preference is specified for property- see section 12 for more information)**
- 2. Parish/Village connection (only if a parish connection preference is specified for property- see section 13.2)**
- 3. Mobility Level (only if a mobility level preference is specified for the property- see section 2.3)**
- 4. Band – Band priority order is: 1, 2, 3, (and 4 for elderly, shared ownership and hard to let)**
- 5. Armed Forces personnel in Band 2 (see section 11.4 for more information)**
- 5. Working household (only if a preference for a working household is specified in the advert- see section 13.1)**
- 6. Size of household (only if a preference to larger families is specified for the property) – larger household has priority**
- 7. Effective Date (when Band 1 applicants are compared)**
- 8. Registration Date (when Bands 2 to 4 are compared)**

12.2 Applicant Type and Quotas

The council categorises each applicant for housing into one of 3 types:

- General register applicant; applicants accepted onto the housing register who are not social housing tenants. The majority of applications are made up of this category
- Transfer applicant; existing tenants of our partner housing associations
- Homeless applicants; applicants where the council has accepted a duty under sections 193 or 195 of the Housing Act Part 7 (as amended)

The council reserves the right to give preference to certain applicant types to meet local needs and comply with agreements with partner housing associations. Examples will include where the council has agreed with a landlord that a percentage of properties will be prioritised for transfer applicants.

This will be achieved by labelling some properties as available to particular categories of applicant only or by labelling a property to state that a preference will be given to a particular category of applicant. Where an applicant type is specified this will take priority over other factors in the shortlist order. Where the council chooses to use specific quotas this will be published on the CBL website at www.oxfordshirehomechoice.org.uk.

12.3 Priority within the Bands/ Date Order

Applicants within each band will be put in date order as follows:

When an applicant is placed in band 1, they will usually be ordered according to the date they were put into that band, called the 'effective date'. This will ensure that those with urgent needs will have those needs met in the order in which they arose.

Where two applicants with the same effective date in band 1 bid for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation.

When an applicant is placed in bands 2 to 3 on the active housing register, they will usually be ordered according to the date they originally applied to go on the housing register, called the 'registration date'. This will ensure that those who have had a need for housing over a longer period will have their waiting time taken into account.

If an applicant is moved into a different priority group due to a change in circumstances, their application will retain its registration date unless they are placed into band 1, in which case the date used will be the date that they were placed in that band. This is to ensure that those with immediate housing priority are considered in the order in which they were placed into band 1.

Applicants in the non-active list who are eligible to bid for hard to let, elderly designated and shared ownership properties will be sorted by their application date.

12.4 Priority for Adapted Properties

Properties that have been designed or adapted for use by people with physical disabilities are in short supply. When an adapted property becomes available for letting, the council will aim to ensure those who will benefit most from the adaptations are given priority.

To ensure that this happens, the council may choose to direct match suitable properties to applicant. This may be essential when a property has been identified on a new development to allow the adaptation to be part of the "build" process rather than install costly adaptations in an existing property. In this circumstance, a direct match will be required to ensure the suitable applicant is offered the property that has been adapted for them.

In most cases disabled adapted properties will be let through the CBL scheme. The council believes that it is important that disabled people can access this scheme along with other applicants and in so doing exercise choice over their housing.

We will do this by identifying four levels of access and mobility. Each accessible property will be identified on a scale of one to four. When

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applicants are awarded priority on grounds of their disability they will be told which of these levels of access and mobility they can apply for.

When short-listing priority will be given to applicants whose mobility level matched that of the property.

- Level 1 Level access into and throughout property, e.g. ground floor flat or bungalow
- Level 2 Built to Mobility Standards as defined within Building Regulations, i.e. level threshold, wider doorways, and convenient socket and switch heights
- Level 3 Some adaptations for disabled people included, e.g. walk in shower, stairlift, ramps, adapted kitchen etc
- Level 4 Built or adapted to meet full wheelchair standard.

13.0 LOCAL PRIORITIES FOR THE ALLOCATION OF HOUSING

13.1 Priority for Working Households

The council wishes to use the flexibilities granted in the Localism Act 2012 to where possible use its allocations policy to encourage people back into employment. The council will therefore adopt a target that aims to ensure that 20% of general need lettings are offered to working households who have a housing need as defined by the Allocations Policy (i.e. they are on the active Register). Property adverts will be clearly defined to show where this preference is being given. Where adverts are marked with this preference, priority will be determined first by Band, then by whether the applicant is defined as a working household and then by date of application, where no other criteria are specified. Please see section 12 for the shortlisting priority. The exact number of properties that are offered to working households will be monitored on a quarterly basis.

13.1.1 Definition of Work

It must be the applicant or joint applicant who is working. and the work must be of a permanent nature.

The applicant(s) must have a history of permanent work in the district and a reasonable expectation that this will continue. Permanent is defined as;

- An open contract. For open contracts the applicant must have completed either 6 months or a probationary period whichever is the longer.

- A fixed term contract . The council recognises that often work is of a fixed term nature. For fixed term contracts the applicant will be expected to demonstrate that they have completed any probationary period. In addition the council will look for a history of employment that leads the council to conclude that it is reasonable to expect that employment will continue into the future.

If the council is not satisfied that the work is of a permanent nature, the applicant may be skipped. Applicants given this priority will be offered 12 month starter tenancies and if they cease to work within this period the tenancy will be reviewed.

The location of work should be in the district. The number of hours worked will be determined by the eligibility levels for Working Families Tax Credit (WTC). At the time of writing this is

Single people	16 hours
Couples	24 hours which this can be split between the two applicants

Applicants will be required to provide documentary evidence specified by the council to confirm they meet the criteria before a nomination will be made.

13.2 Rural section 106 Exception Sites

For some parish/village housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a local connection with the village or parish.

Applicants must meet the eligibility criteria to join the housing register but they must also have a strong connection with the village/parish where these properties are.

Some schemes have distinct agreements setting out what the local connection requirements are for that scheme. These rules are often written into the Section 106 agreement.

For schemes that do not have a separate agreement, the definition contained in section 13.3.1 will be used to determine local connection for these schemes.

13.3 New Build Developments and “Strong” Local Connection

The councils will endeavour to use the flexibilities introduced by the Localism Act 2012 to enable local people to access developments in their parish whilst still giving due weight to the requirement to allocate housing in accordance with the reasonable preference categories.

To facilitate this, the council will adopt a target that aims to ensure that 20% of new build lettings, that are not rural exception sites or developed for a particular client group, are offered in the first instance to people with a strong local connection to that parish and who have a housing need as defined by the Allocations Policy (i.e. they are on the active Register). If there is more than one applicant who meets the criteria, band and date of application will be the determining factor.

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If there is no one that meets that criteria the property can be offered to applicants who do meet the criteria and have a strong local connection to the neighbouring parishes. The council will define the neighbouring parishes.

If there is no one who meets the criteria, the property will be offered to people with a local connection to the district.

Applicants will be asked on their application to list up to 6 parishes that they have a strong local connection to so that they can be considered for these properties. They will still be required to bid when the properties are advertised. Applicants will be required to provide proof of their local connection when requested. If they do not do so, they will not be made an offer.

Where a new development is located across more than one parish, applicants with a strong local connection to either parish will be able to bid. Where the number of eligible bidders exceeds the numbers of units, priority will be determined by band and date of application.

13.3.1 Definition of Strong Local Connection for Purposes of Determining Priority for New Build Schemes

For these purposes, a strong local connection is:

- where the applicant(s) have lived in the parish for five years out of the last 8 and are currently resident there
- where the applicant(s) had previously lived in the parish for at least 5 years and their parents or children still live there and have done for at least 10 years

14.1 PROPERTY SIZE ELIGIBILITY

14.1 The Eligibility Matrix

The table below shows the size of property that different sizes of household may place bids for.

Applicants will be eligible to apply for properties with the following sizes dependent on the size and make-up of the family.

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Household size	Number of bedrooms allowed
Single person under pension age	Studio or 1 bedroom flat
Couple with no children	Studio or 1 bedroom flat (see note 1)
Single person or couple over pensions age with no dependant	1 or 2 bedroom depending on policies of landlord
Household with 1 child	2 bedroom
Household with 2 children of same sex or opposite sex where both are under 10	2 bedroom
Household with 2 children of opposite sex and oldest child is 10 or over	3 bedroom
Household with 3 children	3 bedroom
Household with 4 children all of same sex or where different sexes all children are under 10	3 bedroom
Household with 4 children who are opposite sex and requires one over 10 to share with opposite sex child under 10	4 bedroom
Household with 5 or more children	4 bedroom (see note 2)

Note 1. There are exceptions to this eligibility criteria in circumstances where the HB rules on under-occupation in social housing (introduced in April 2013) do not apply. This will cover the following cases:

- where the applicant is an approved long-term foster carer
- where a member of the Armed Forces normally lives with the applicant but is currently on deployment
- where an extra bedroom is required due to a child or children in the household suffering a serious disability.

Note 2. Housing Benefit will only pay up to a maximum of 4 bedrooms

Note 3. Under occupation and the new HB under occupation rules. Applicants given priority for under occupation may be permitted to bid for properties one bedroom larger than they are entitled to in the above table, provided they will be moving to a smaller property than the one they currently

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occupy and provided that they are exempt from the new HB under-occupation rules (i.e. over pension age or see note 1 above for other reasons). Under occupation will also be allowed on small rural sites where the applicant is not reliant on HB and has a strong local connection – see section 13.4.

Note 4. Where a woman is pregnant, the baby will only be counted for the purpose of the bedroom eligibility table, once it is born.

Note 5. Where an applicant has adult children who are away at university they will be discounted for purposes of assessing eligibility unless they live in Halls of Residence that require them to vacate during holiday periods.

14.2 For Applicants who Require Carers

Where an applicant can only live in independent accommodation if they have a full-time carer they will be eligible for an additional bedroom. Applicants will need to provide documentary evidence of the need for a full time carer.

For applicants who require non-resident carers they may qualify for an extra bedroom. There must be evidence that the applicant needs overnight care and that this is being provided, i.e. the carer regularly stays overnight to provide such care. Such a person will normally be in receipt of DLA at the higher rate or Attendance Allowance, or any benefit which replaces these under Welfare Reform.

14.3 Foster Carers

If an applicant is an approved foster or adoptive parent, their application may be considered for additional priority on Social and Welfare grounds. This assessment will also consider whether they should be eligible to bid for accommodation that is larger than their immediate needs. Only in exceptional circumstances will consideration be given to award extra priority and/ or larger property size eligibility for short-term fosterers. In other any other circumstances only long term fosterers (fostering for 3 years or more; different children can be fostered). Written confirmation of fostering arrangements will be required from Social Services before any decision is taken. When deciding whether to award extra bedroom eligibility consideration will be given to the impact of the new HB under occupation rules which says that foster children cannot be taken into account when considering size of property applicants are eligible for, and the ability of the applicant to afford accommodation larger than their immediate needs.

14.4 Relationship Breakdown and Child Access and Care Arrangements

The HAP defines a child as someone who is under 16 or someone under 18 where they are still dependent, e.g. still in education.

Due to the high demand for housing in the district, it is not possible to provide family homes to both parents where they have separated and do not live

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together but share childcare responsibilities and/or have regular access or visits from children from a former relationship.

Where separated parents share childcare responsibilities and/or have regular access visits, those children will be treated as living with the parent who they are dependent on for the provision of their main home. This means they will not be included on the application of the other parent for the purposes of assessing priority and property size eligibility. The separated parent on whom the children are not dependant will only be eligible for smaller accommodation based on their needs and not the children's needs.

In making decisions on such matters, the council will assess the actuality of the situation. Receipt of Child benefit will be only one aspect of this decision, and not the determining factor. The council will seek supporting evidence from other relevant agencies such as schools, medical professionals, and Social & Health Care.

The council recognises that in very rare cases, there may be exceptional reasons where parental care is shared and both parents require a bedroom for that child. In these cases, a child or children may be included on two housing applications and each parent will be entitled to family sized accommodation. In such cases, the council will require detailed and clear evidence to support such a need.

14.5 Elderly Designated Housing and Applicants under Pension Age

Sheltered housing is normally restricted to applicants who are over pension age and who need the support available in a sheltered scheme.

Occasionally applicants below retirement age who are vulnerable and who would benefit from sheltered housing will also be considered.

In some cases, applicants applying for this type of accommodation will be able to bid for one bedroom more than they need. This will be at the discretion of the housing association in circumstances where the applicant(s) is above pension age.

14.6 Hard to Let Properties

Where a social landlord and the council agree that a property is hard to let the eligibility criteria for that particular property may be amended. Properties would not normally be considered hard to let unless they have been advertised for a full cycle and not been let. When relaxing eligibility requirements, whether an applicant can afford the rent level given Housing benefit rules can be used as a reason to not make an offer to a particular applicant.

15.1 THE CHOICE BASED LETTINGS SCHEME

As an LSVT Authority, the council does not own any permanent housing stock. For the purposes of the HAP, an allocation of accommodation is the nomination of a person to be an assured or an assured shorthold tenant (AST) of housing accommodation held by a housing association. This happens through the council's nominations and lettings agreements with its housing association partners.

Most landlords offer a 'starter tenancy' at the point of nomination whereby they grant an AST for a set 'probationary' period (usually 12 months) after which an assured tenancy will be granted subject to successful completion of the starter period. Some landlords will use fixed-term tenancies; in this case they usually offer a fixed term AST of five years after successful completion of the starter tenancy.

15.2 Applying for Properties

Once an applicant is accepted onto the active housing Register, they can start applying for properties. Applicants on the non-active register who are over pension age or who are interested in shared ownership can also start applying for properties for which they are eligible.

The council advertises the majority of properties available through its nomination agreements with partner housing association partners through its Choice Based Letting Scheme.

Properties are advertised on the CBL website. A newsletter is available for those who cannot access the internet by any means.

Properties are currently advertised on a fortnightly basis. The council reserves the right to advertise properties on a weekly basis. Applicants can submit up to 3 bids for social rented properties for which they are eligible. They can apply for any number of shared ownership properties. Applicants can withdraw bids and submit new bids during the course of each advertising cycle up to the maximum number of bids stated above.

Applicants can bid on the CBL website or by telephone. Where appropriate, the council can place an applicant on automatic bidding. This is where the database that runs the CBL scheme, using the information it holds on that application and where the client has specified area preferences, will make up to 3 automatic bids on behalf of the client. The database will select those properties where the applicant would have the best chance of re-housing, i.e. those lists on which they would be in the highest position.

Some properties will be advertised with preferences to a certain category. Where an applicant bids who does not meet the criteria specified in the preference they will be skipped for an offer of accommodation. This labelling is used to meet local priorities. Examples where preferences may be stated are:

- where a Local Lettings Plan (LLP) is in place
- where a property has adaptations
- where preference is to be given for working households
- where preference is given to an applicant type, e.g., transfer or homeless applicants

15.3 Nominations

At the end of the advertising period, the council will produce a shortlist of all bidders. An applicant will be selected, (normally the person at the top of the list unless preferences have been stated in the advert or there is a LLP, and the council will carry out checks to verify their situation.

Where an applicant comes top on more than one shortlist they can only be nominated for one property and will be asked to specify a preference. Where the properties are identical the council will select which one the applicant is nominated to.

At this point the council will require the applicant to provide documentary proofs and information in support of their application. If this information is not provided within 24 hours they may be skipped for an offer.

The council reserves the right to visit housing applicants to verify their circumstances. Where an applicant will not allow the council to visit they may be skipped for an offer of accommodation and their application suspended or cancelled.

Where a visit or any other checks identify that an applicant's housing situation is not as declared on their application, their application will be suspended pending further checks. Their case may be referred to the council's fraud department.

It is an offence under Section 171 of the 1996 Housing Act for anyone seeking assistance under Part 6 to knowingly or recklessly give false information to the council or to knowingly withhold information which the council has reasonably required them to provide.

This applies at all stages of the application. If there is a change in the applicant's housing circumstances then there is an obligation on them to inform the Housing Needs team of this.

It is also an offence if the applicant allows a third party to provide false information on their behalf or at their instigation.

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A person found guilty of such an offence is liable on summary conviction to a fine. They will also be excluded from the housing register for a period of at least 12 months.

Where there is a suspicion that information provided by an applicant is inaccurate or misleading, then the applicant may be suspended until accurate information is available. Applicants who obtain tenancy by means of a false statement can have action taken against them.

The council reserves the right to request references from housing applicants as part of the nomination process. This will usually be at the request of the landlord, often where there is ASB in a district, or where there is information to suggest an applicant may not be able to manage a tenancy. Applicants who do not provide satisfactory references may be skipped for an offer of accommodation.

Where the council has completed its verification checks, it will nominate the selected applicant to the landlord who can accept or reject the nomination in line with prevailing lettings or nomination agreements.

Where the landlord accepts the nomination they will then make an offer to the applicant. The applicant can accept or reject the offer. Section 17 contains information on penalties when the applicant refuses a reasonable offer of accommodation. Section 15.3 provides further information on homeless applicants who refuse a reasonable offer.

Where the landlord rejects the nomination they will provide full reasons to the council. If the council accepts the rejection, they will inform the applicant providing reasons. Where the landlord has indicated that there are conditions under which a future nomination would be accepted this will be passed on to the applicant.

Where the council does not agree the rejection, discussions will take place with the landlord in order to resolve this situation in accordance with the prevailing nomination/ lettings agreements.

The council will forward further nominations until such time as the property is successfully let. Where a shortlist is exhausted, it may be advertised on the next lettings cycle or the landlord may choose to make a direct offer under their own arrangements for lettings.

Such properties advertised in a subsequent lettings cycle will be labelled as hard to let. The landlord and council may choose to allow people on the non-active list to apply for such properties. Such properties can be withdrawn from advertising at any point in the second and subsequent cycles if the landlord receives a direct application under their own arrangements for letting hard to let properties.

15.4 Homeless Households

The council will do all it can to prevent homelessness.

Those households to whom the council has accepted a duty under sections 193(2) and 195(2) of the Housing Act Part 7 (as amended) will have their housing needs assessed in accordance with the HAP and will be placed in band 2. They will be eligible to submit bids under the CBL scheme.

However, the council reserves the right to end its duty to these homeless applicants by exercising its power to make a suitable offer of private rented accommodation under the powers introduced in the Localism Act 2012. Such an offer can be made at any point after the council has accepted the homeless duty under the sections described above.

Applicants will be advised of their rights to request a review of the suitability of this offer by a senior officer of the council not involved in the original decision.

If a homeless household refuses an offer of suitable private rented sector accommodation the council will have discharged its duty and so their priority on this ground will be removed. Their priority will be assessed according to their housing needs at the time.

Where the council chooses not to discharge its duty to a homeless applicant by exercising its power to make an offer of suitable private rented accommodation, and that applicant does not make a successful bid within 6 months, the council reserves the right to make a suitable offer of Part 6 accommodation by means of a direct match outside the CBL scheme.

This will mean that the council has discharged its duty to that applicant under the relevant Acts. Applicants will be advised of their rights to request a review of the suitability of this offer by a senior officer of the council not involved in the original offer. If the offer is found to be suitable, no further offers will be made to them as a homeless applicant, and their priority will be reduced according to their housing circumstances.

Where the council ends its duty by means of either a suitable private rented sector or social housing offer that is refused, the applicants will be required to leave the temporary accommodation that has been provided.

Applicants found to be homeless but not in priority need will be placed in band 3. Applicants found to be intentionally homeless will be assessed according to their housing need at the point of decision. If their housing circumstances subsequently change, their application will be re-assessed.

If the reasons for the intentionally homeless decision suggest they should be excluded for unacceptable behaviour, they will be ineligible to remain on the housing register.

15.5 Homebuy and other Low Cost Home Ownership Options

Shared ownership and other low-cost home ownership will be advertised through the council's CBL scheme. Applicants will also need to apply to the zone agent Catalyst at www.catalysthomebuy.org.uk.

These properties will be listed separately from properties for rent and they may be advertised for more than one cycle. They may also be advertised before they are ready to ensure that there is someone ready to move in when they are ready. This recognises that the process of purchasing a property takes some time.

Registered applicants may apply by bidding in the same way as for rented properties. Applicants on the non-active list will be eligible to apply for these properties.

At the end of the cycle, the short-list will be prioritised in the same way as for rented vacancies. This list will be supplied to the housing association or developer with the contact details of the applicants.

The housing association may choose to contact all or some of the people on the list to establish those that can proceed with shared ownership. The ability to proceed will usually be a financial decision. This means that the person offered the property may not necessarily be those highest on the list.

However the housing association once establishing who can proceed must make offers in the priority order. They will provide details of all offers made so that the council can verify offers have been made in priority order.

Applicants bidding for shared ownership will be allowed 1 bedroom more than they need as defined by the eligibility table.

15.6 Private Renting

From time to time there may be opportunities to advertise privately rented properties, with the agreement of the landlord. These are most likely to be properties being made available for lettings with the help of rent deposit assistance from the local authority.

16.1 ALLOCATIONS OUTSIDE THE CBL SCHEME

The council will make the majority of lettings within its CBL scheme. However there will always be circumstances where properties need to be let outside the CBL scheme. Where this happens, we will aim to publish details of these lettings, where appropriate.

16.2 Local Lettings Plans

The council is committed to support and sustain communities through the allocation of housing. The council retains discretion to develop local lettings

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plans to address identified issues in particular locations. The council and the relevant social landlord will agree the details of such schemes.

Where a property is advertised with a LLP, the letting will be made to an applicant with the highest priority who meets the requirements of the LLP. This means that the person at the top of the shortlist may be skipped if they do not meet these requirements.

16.3 Direct Match Properties

It is not always appropriate for applicants to be allowed to make bids. In some cases direct matches will be made. The properties will still be shown on adverts, but will be marked as already let by direct match. Examples of circumstances where direct matches will be made are:

- properties built or designated as being suitable for certain groups only, such as applicants with a disability
- homes which are particularly suitable for an applicant with special needs, and where alternative homes are unlikely to become available
- when the council needs to discharge a legal duty to house an applicant;
- where there are community safety considerations and there needs to be sensitivity in letting a property to a particular applicant.
- where the council wishes to make an allocation to an applicant who has been awarded Exceptional Status, e.g. an applicant who is ready to leave hospital and has no where to live.

16.4 Section 106 Exception Sites

Nominations to Section 106 Exception and rural sites may have separate allocation rules applied to them based on preference being given to people with a local connection. Section 13 provides further information.

16.5 Reciprocal Nominations

Very occasionally there will be circumstances where the council can only assist an applicant by requesting help from another council. This will usually be where there is a risk to the applicant from housing within district.

In such cases it is established practice for councils to agree to a reciprocal nomination, where the council who responds positively to a request for help by making one of their properties available will expect the other to commit to helping in the same way at a later date. Such nominations will be outside the CBL scheme.

16.6 Extra Care Housing

Extra care housing is for people aged 55 or over who have an identified care need, although someone below this age with a long term disability may also be considered if there is this evidence that they would benefit from the services provided at the scheme.

To be considered for such housing, applicants should be assessed as having a housing need in line with the Council's housing allocations policy and be on the housing register. They should also qualify for domiciliary care needs as assessed through the County Council's needs assessment process. Applicants for these units are considered by a panel which is usually made up of representatives from the District Council, County Council and the landlord.

16.7 Supported Housing

There is a limited supply of supported housing in the district. Vacancies that arise in supported housing schemes will usually be offered directly to those at risk of being homeless as part of the homelessness prevention initiatives. If a vacancy is not needed for this purpose then it may be advertised through the Choice Based Letting scheme.

When an applicant lacks skills to live independently without support, they can participate in CBL but will be expected to engage with support agencies in order to be offered a social tenancy. In some cases this support will be provided by statutory agencies, such as Probation, Social & Health Care or the CMHT. In some cases, the landlord will provide support. In other case, support will be provided by floating support agencies.

Applicants who need support but refuse to engage with support services may be skipped for an offer of accommodation or rejected by a landlord. The council will work with landlord, other agencies and floating support providers to ensure applicants have appropriate support to manage and sustain their tenancy. The actual assessment of whether an applicant needs support will be made by the council, in conjunction with those agencies. This category includes young adults in the care of Social Services who need to move on from foster care or other accommodation provided for them.

16.8 Temporary Accommodation

This is accommodation let to households to whom the council has a duty under the homeless legislation. It includes council-owned accommodation, housing association property and some private sector lets. This accommodation is let in accordance with the homeless legislation and so does not fall within the scope of the housing allocations policy.

17.1 OPERATIONAL MANAGEMENT OF THE CBL SCHEME

The following sections describe how we manage the Housing register and CBL scheme. There are documented working procedures that cover all

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aspects of processing applications to the housing register and applications to the CBL scheme.

The housing register and CBL scheme is run by the Abris Novalet ICT system.

17.2 Refusals of Offers and Penalties

The council wants people to have as much choice as possible in choosing properties to bid for. However, the council also is aware that refusals represent an inefficient use of resources for both the council and landlords.

All applicants who bid and subsequently come top for a property will be contacted by the council before nomination to confirm they wish to be nominated. Where an applicant confirms they want to be nominated but then refuses the landlord offer without even viewing the property they will be penalised. If they do this they will be suspended from the housing register for 12 months.

Applicants who view properties and then refuse them will be asked to specify their reasons for refusal. If these reasons are deemed as unreasonable it will count as an unreasonable refusal. Applicants who refuse one property on grounds that are unreasonable will be suspended from the housing register for 12 months.

For households accepted as homeless, different rules apply. Please see section 15.3 for more information.

Applicants who have a time limited priority who refuse a suitable offer on unreasonable grounds may have their priority removed.

17.3 Deliberate Worsening of Housing Situation

In assessing the relative priority of households to be rehoused through the CBL scheme, the council aims to fairly reflect the circumstances of housing applicants. However, if there is evidence that a household has knowingly acted in a way that will increase its priority banding, when there was an alternative option which would not have resulted in a higher priority, then the council reserves the right to ignore the current housing position and award a priority band as if the latest move had not happened.

For example, a household living in a rented flat may voluntarily surrender their tenancy to move in with their parents without good reason. If this results in overcrowding they could be entitled to move up from band 4 to a higher band. However, to provide fairness to other households who do not have that choice, the couple could be informed that although there has been a change in circumstances, the banding assessment remains the same. The situation will be reviewed after 12 months.

This principle may also be applied to those assessed as being homeless

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intentionally as defined by the Housing Acts.

The purpose of this policy is to provide a disincentive for households to worsen their housing circumstances in order to achieve a higher priority.

17.4 Area Preference

Applicants for housing may express as many or as few area preferences as they so choose. The council will seek to provide advice and information on the availability of stock in a particular area in the previous year to inform applicant choices. The wider a person's choice of areas, the greater will be their prospects of re-housing.

In order to be eligible for auto-bidding the applicant must provide a list of their area preferences.

17.5 Removal and Suspension from the Housing Register

Applicants may be removed from the housing register if they:

- are or become ineligible for an offer of social housing
- ask to be removed
- do not renew an application when they are asked or do not contact us when requested. The council will contact applicants on an annual basis asking them to renew their application
- are re-housed from the housing register
- change their address and do not tell us.

Applications removed from the register may be reinstated in cases where they did not respond to a renewal or a request for contact or where they change address and do not tell the council. However, this will only happen if they make contact within three months of their removal from the register; in such cases they will retain their original application date. After this time period has elapsed, applicants will need to make a fresh application.

In some circumstances, the council will suspend an application for housing. Applicants will be informed of the reason for this and given an indication for how long the suspension will last and what actions they need to take, where appropriate.

Situations where this will happen include:

- where applicants have been asked for information and this has not yet been provided. In most cases, where information is not provided within 20 days, the applicant will be removed from the housing register

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- where a visit or other information means the council has reason to believe that the applicant's circumstances are not as stated by them on their application. Further investigations will be conducted. Where an applicant is found to have given false information in order to access housing, they will be suspended from the register for 12 months.
- where information has been received that suggests an applicant may be ineligible or no longer qualifies to join the Register. Further enquiries will be made. Where an applicant is excluded as a result of those enquiries they will have the right to request a review
- pending the outcome of an event or meeting that will have a bearing on the assessment of their application.

17.6 Review Processes

An applicant has the right to request a review of any decision to either remove or exclude them from the housing register. There is no right to request a review of a decision regarding what priority is awarded.

This review will be made by an officer not involved in the decision to exclude them and who is senior to that officer. Requests for reviews should be made within 21 days of being notified of the decision to exclude them or remove them from the Register. The council will respond to the request for a review within 56 days and will inform the applicant of the decision in writing, with full reasons.

Homeless applicants have a number of rights to review under the homeless legislation. Such reviews will be conducted according to the provisions within the relevant legislation.

17.7 Rent Arrears and Housing Debt

Applicants who have not been excluded from the register for having former rent arrears or for deliberate and persistent non-payment of current rent will normally be allowed to participate in CBL when they join the Register.

However, they will be informed that the existence of arrears, or other housing related debts, will often mean that a landlord may not be prepared to offer them a tenancy. Applicants will be encouraged to address the situation by paying off the arrears where possible and/or making an arrangement with the landlord to pay the arrears or reduce them to an agreed level. The details of such arrangements will be determined by negotiation between the applicant and the landlord. Where appropriate, the council will refer applicants to debt advice agencies.

In cases where an applicant has not been excluded but still owes rent to a partner housing association, that landlord reserves the right to refuse to accept the applicant for a nomination.

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Where an applicant with rent arrears does come top of a shortlist for the first time, they will be advised that the arrears may lead to a rejected nomination, and given the opportunity to pay those arrears within 24 hours of the cycle end. The council and landlord will require proof that the arrears have been paid.

Where a third party has cleared the debt, that applicant will be treated as not having arrears for the purpose of a nomination.

Where an applicant with rent arrears makes a successful bid and a landlord rejects that nomination due to the arrears, the applicant may be suspended from bidding until they have reduced the arrears to a level where the landlord would accept a nomination, or where they are not suspended they may be skipped for an offer. This is to avoid situations where the council is regularly nominating applicants that it knows the landlord will refuse. Applicants will be informed of this situation, what action they need to take and any relevant issues.

Where an applicant is being suspended or skipped for these reasons and then pays the arrears or resolves the situation with the landlord it is the applicant's responsibility to inform the council of this and to provide evidence so that any suspension can be lifted and/ or skipping does not happen.

Housing debts will include current rent arrears, former tenancy arrears, and other charges, such as repair costs, cleaning costs and in some cases mortgage repayments.

Applicants will not be refused an offer, where there is evidence that they were not responsible for the debts accruing in the first place, a financial assessment has concluded that they genuinely could not afford to meet the rent/ mortgage or the landlord to whom the debt is owed is not pursuing the debt or has written it off.

17.8 Decision Making

All decisions in relation to applications to join the housing register and activity on the CBL scheme will be made by staff within the Housing Needs section of the council. The council will ensure that staff are suitably trained and competent to carry out these functions.

Unless there are exceptional reasons not to do so, a record of every assessment and contact with the council by the applicant will be held on the Abris Novalet database.

Any decision on a request for a review will be made by an officer at Team Leader level or above.

Any decision to penalise an applicant for refusing an offer, or for deliberately worsening their circumstances, will be made by an officer at Team Leader level or above.

The final decision on whether to offer a tenancy will rest with the relevant landlord, in line with any prevailing nominations or lettings agreements. Where quota percentages are used to give preference to working households and people with a strong local connection, the actual percentages will be reviewed at least every 6 months by the Cabinet Member for Housing in conjunction with the Shared Housing Needs Manager. A record of these decisions will be retained by the council

17.9 Personal Information and Data Protection

Applicants on the housing register have the right to see any entry relating to them that is held on the council's computerised systems. Applicants can also obtain copies of their paper file subject to any relevant charges. Where there is third party information held on file, the council will seek their permission before disclosing documents to the applicant.

Personal information provided to the council as part of an application for housing will be processed in accordance with the Data Protection Act 1998. Information provided will be used to process their application and may be passed to third parties involved in assessing their application and offering them accommodation.

17.10 Suspending CBL

In exceptional circumstances it may become necessary to suspend the CBL scheme as a means of allocating social housing. This could happen if:

- there is a failure of computer or telephone systems and the properties cannot be displayed on the website and/ or the telephone bidding line is not working
- there is a local or national emergency which requires a large number of people to be housed quickly.

In such circumstances the council reserves the right to make direct offers from the housing register. The council will publicise the suspension, the reason for it, and the estimated period of time.

17.11 Complaints Procedure

The Council operates a complaints procedure, which can be used by any applicant who is not satisfied with how their application has been dealt with. Full details can be found on the council's website or by telephoning the council.

Appendix 1- Classes of people subject to immigration control who are eligible

The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given). 3.8

The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement
- (iv) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive)
- (v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

Anyone else is a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations.

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- i) a person granted refugee status: granted 5 years' limited leave to remain in the UK
- ii) a person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds: granted for a limited period where there are compelling humanitarian or compassionate circumstances for allowing them to stay. However, if leave is granted on condition that the applicant and any dependants are not a charge on public funds, the applicant will not be eligible for an allocation of accommodation. Exceptional leave to remain (granted at the Secretary of State's discretion outside the Immigration Rules) now takes the form of 'discretionary leave'.
- iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the

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Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter (ILE) or remain (ILR) and is regarded as having settled status. However, where ILE or ILR status is granted as a result of an undertaking that a sponsor will be responsible for the applicant's maintenance and accommodation, the person must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later - to be eligible. Where all sponsors have died within the first five years, the applicant will be eligible for an allocation of accommodation.

iv) a person who has humanitarian protection granted under the Immigration Rules: a form of leave granted to persons who do not qualify for refugee status but would face a real risk of suffering serious harm if returned to their state of origin (see paragraphs 339C-344C of the Immigration Rules (HC 395)).

Appendix 2- Guidelines for assessing whether an applicant has sufficient financial resources to resolve their housing issue

Due to the high demand for social housing in the district, those who have sufficient financial resources to solve their housing issue by either buying or privately renting will be excluded from the housing register.

Applicants who have a joint household income of over £60,000 gross will be excluded from the housing register. Income can include earned and unearned income, benefits, and child support payments.

Applicants who have a household income lower than this but who have savings or other realisable assets which combined with their annual income would mean they had £60,000 gross available to them in that year will also be excluded from the housing register. This includes people with investments and those who have a legal or financial interest in a property that could be sold so as to resolve their situation.

The income of household members who are not part of the housing application will not be included as part of this calculation.

Each case will be considered on its merits and where there would otherwise be severe hardship, priority may be awarded in accordance with the policies and protocols of the district scheme.

The following guidance will be used to assess whether applicants can be classed in any of the above categories.

Applicants can be asked to provide evidence of their income, savings and other assets. They may also be asked to provide details regarding any mortgage they hold.

When assets include a property, the value of this property will be assessed.

Where an applicant states they will be caused undue hardship as a result of this Policy, they will be asked to provide reasons and evidence. This may include full income and expenditure details, medical information, etc.

If an applicant fails to provide this information their application will not be allowed to proceed.

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Appendix 3- Priority Assessment Matrix- Guide for assessing medical and disability priority

This matrix sets out the guidelines for assessing the housing need of an applicant, or a member of their household, where there is reason to believe their health is being adversely affected by their current housing circumstances. In all cases the assessment will focus on the extent to which existing housing exacerbates the problems being experienced and the extent to which these problems could be alleviated by a move to alternative more suitable accommodation.

The assessment will be made based on the evidence gathered from the applicant, occupational therapists and other health and social care professionals. Account will also be taken of whether the resultant housing problem has already been dealt with elsewhere in the allocations policy, for example where additional priority has already been awarded for overcrowding and this is the source of the medical issues.

Exceptional Need Band 1	This category is intended to be reserved for only the most urgent cases. This includes cases where there is a clear and immediate risk to the health of the applicant(s) and re-housing is the only solution.
Urgent Need Band 2	<p>There is a high risk of serious harm to an applicant or member or their household while their housing circumstances remain the same.</p> <p>The accommodation is totally unsuitable to meet the needs of the household and it is assessed as being unreasonable for them to continue to live in the property on a permanent basis.</p> <p>Only an urgent move to alternative accommodation will significantly reduce the risk and meet the households housing requirements.</p> <p>There is a risk to the safety of others living in the home, or in the vicinity, resulting from the mental illness of the applicant.</p>
Significant Need Band 3	<p>There is a significant effect on the health or well-being of an applicant or a member of their household while they continue to live in their current accommodation (or their housing circumstances remain the same).</p> <p>The accommodation is only considered reasonable to occupy in the short term because there is a significant risk to the health or safety of the applicant or a household member while their circumstances remain the same and they continue to live in the property.</p>

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	<p>A move in the near future to more suitable accommodation will have a significant impact on resolving the health issues identified.</p> <p>The mental health of the applicant or household member could be significantly improved by a move to alternative accommodation.</p>
<p>No Need Band 4</p>	<p>There is some impact on the health or well-being of the applicant from living in the existing accommodation but it would be reasonable for the applicant to take steps to remedy the problem themselves without the need to be rehoused.</p> <p>There is some identified impact on the health and well-being of the applicant, but there would be no significant improvement made by moving to alternative housing.</p> <p>The health or well-being of the applicant would not be improved by a move to alternative accommodation.</p> <p>There is no identified impact on the health or well-being of the applicant.</p>

EXAMPLES:

Some typical scenarios are listed below. These are for illustration only and the list is not exhaustive.

URGENT NEED: BAND 2

- Someone cannot be discharged from hospital because of the unsuitability of their home circumstances
- Someone cannot manage the stairs in the property and has to sleep downstairs in a room with a gas appliance
- Someone cannot get access to toilet or bathing facilities in the home
- The home cannot be adapted to provide safe access or internal mobility for a wheelchair
- It is not possible to adapt the home at reasonable cost to facilitate the provision of necessary care and support
- A consultant psychiatrist has assessed that the existing home has a major detrimental effect on the mental health of someone and they cannot return there
- Features of, or the condition of the property have a severe detrimental effect on the physical health of someone and they cannot live there

SIGNIFICANT NEED: BAND 3

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- Someone has significant difficulty in managing stairs in their current property (even after adaptations) and has difficulty in accessing toilet and bathing facilities
- Someone has difficulty in using bathing facilities in the home, which cannot be improved at reasonable cost with adaptations
- Someone cannot manage stairs in the home and has to sleep in an unsuitable downstairs room
- The current home is a significant contributory factor in someone's poor mental health
- Features of, or the condition of the property have a significant detrimental effect on the physical health of someone

NO NEED: BAND 4

- The impact of the home on the health or mobility of someone can be sufficiently alleviated by alteration to the property at reasonable cost or with the help of grants
- The condition or layout of the home is not a factor in someone's health or mobility problems

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Appendix 4- Priority Assessment Matrix- Guide for assessing social and welfare priority

This matrix sets out the guidelines for assessing an applicant, or a member of their household's, housing need where there is reason to believe they have exceptional social and welfare circumstances, not covered elsewhere in the allocations policy, where it would be considered appropriate to recognise additional priority for an applicant to move. Where an applicant's circumstances are considered exceptional and a social and welfare assessment is undertaken priority can be awarded in order to recognise housing needs that arise as a result of (but not exclusively):

- Violence or the threat of violence
- Harassment by neighbours or others
- The need to safeguard children
- The need to move to independent living
- The effects of isolation
- Other factors related to the environment around a home

Account will be taken of whether the resultant housing problem has already been dealt with elsewhere in the allocations policy. Where a priority category has already been awarded for the same factors, then no additional priority will be given under this category. For example, if the applicant has already been assessed as statutorily homeless or has been given priority under the health and disability category for the same problem.

<u>Exceptional Need Band 1</u>	This category is intended to be reserved for only the most urgent cases. This includes cases where there is a clear and immediate risk to the welfare of the applicant(s) and re-housing is the only solution.
Urgent Need Band 2	<p>There is a need to move to avoid further violence.</p> <p>The applicant is a victim of serious harassment and is considered to be at serious risk of harm and moving is the only realistic remedy to prevent this.</p> <p>There is a need to safeguard children and moving is the only realistic remedy.</p> <p>There is an urgent need to move to independent accommodation and clear evidence of this need.</p> <p>There is an urgent need to move in order to receive or give essential care and support from or to a relative.</p> <p>The applicant or a member of their household is incapable of living independently and needs supported housing.</p> <p>The environment around the home has a serious</p>

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	<p>detrimental effect on the quality of life of the household.</p>
<p>Significant Need Band 3</p>	<p>There is a need to move to recover from the effects of violence.</p> <p>The applicant is a victim of significant level of harassment and move in the near future is considered the best remedy.</p> <p>There is evidence that the applicant would benefit from a move to independent accommodation in the near future.</p> <p>The existing home limits the care and support that can be provided to the applicant or someone in their household.</p> <p>The applicant or a member of their household experiences significant difficulty in living independently and needs to move to supported housing.</p> <p>The lack of amenities and facilities in the area has a significant impact upon the welfare of the applicant.</p> <p>The environment around the home has a some detrimental effect on the quality of life of the household</p>
<p>No Need Band 4</p>	<p>A move to other accommodation would have no impact on the threat of violence</p> <p>A move to other accommodation would have no impact upon the level of harassment being experienced</p> <p>The existing home has no impact on the ability of relatives or services to give or receive care</p> <p>Environmental factors have no significant impact upon the quality of life of the household</p>

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Appendix 5- Definition of Terms

<p>The housing register</p>	<p>The housing register is the list of eligible applicants who have applied to be considered for an offer of social housing. It is made up of an active list which includes people with a housing need and a non-active list of people without a defined housing need. It is administered by the council.</p>
<p>Housing Need</p>	<p>This is a category of housing need as defined by the housing allocations policy.</p>
<p>Allocation</p>	<p>The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority; or the nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by housing associations.</p>
<p>CBL</p>	<p>The system used by the council for advertising properties so that applicants on the housing register can submit bids which are then sorted into priority order and an applicant selected for an allocation.</p>
<p>Social housing</p>	<p>This is housing that applicants rent or part buy from a council, housing association, charity or faith organisation</p>
<p>Registered Provider</p>	<p>A Registered Provider is the name used for housing associations, housing cooperatives and housing companies that are registered with the Housing Corporation/ Tenants Services Authority</p>

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<p>Disabled adapted properties</p>	<p>Properties that have been specially built or adapted for people with disabilities</p>
<p>General need properties</p>	<p>This term is used to describe properties that are suitable for families and single applicants under pension age without a need for any adaptations. This includes houses, flats, bedsits, maisonettes, bungalows of any size. This includes both new build and existing properties.</p>
<p>Elderly or sheltered properties</p>	<p>These are properties designated by the landlord as being for people over a certain age. This will usually be pension age, but in some circumstances may be lower. In many cases, applicants will also need to have a support need to be considered for such accommodation. Most accommodation of this type is flats, bedsits or bungalows. Some will have a visiting warden scheme.</p>
<p>Extra Care Housing</p>	<p>Housing for people over 55 that has care services provided.</p>
<p>Supported Housing</p>	<p>This is housing with support. In some cases that support will be office hours with provision to cover emergencies. It may be 24-hour provision. This type of accommodation is provided by a number of different providers for a range of client groups, often with Supporting People funding arrangements. Such housing is for people with an assessed support need and allocation to such accommodation will be outside the allocations Policy. The council will have separate procedures with providers and partners to ensure people who need such accommodation can access it.</p>

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Temporary Accommodation	Accommodation provided to an applicant as part of the council's homeless duties.
Application to the housing register	This is an application made by an applicant to join the housing register. This includes new applications, change of circumstances and renewals. This includes applications made on-line, on paper form, by phone or in person.
Joint Applicants	<p>Joint applicants may be:</p> <ul style="list-style-type: none"> • married couples • partners living together • others who wish to set up home together
Registration date	The date used for prioritising order within Bands 2 to 3. For applications added to the housing register, this is the date their completed application was received.
Transfer Applicant	<p>A transfer applicant is a secure or assured tenant of one of our partner RPs who lives in the district and whose application has been accepted onto the housing register. Where a RP choose to use fixed term tenancies a transfer applicant will also be one that holds an Assured Shorthold Tenancy that has been converted from a starter tenancy. Tenants who have an starter tenancy will not be considered as transfer applicants until their tenancy has been converted by their landlord; this will usually be after 12 months.</p> <p>This means that an applicant will not be classed as a transfer applicant unless they have been a tenant for at least 12 months.</p>

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