

Draft Housing Allocations Policy

Document Control

Document Ref:		Date Created:	17 October 2012
Version:	2.0	Date Modified:	
Revision due			
Author:	Mel Brain	Sign & Date:	
Owning Service	Care Commissioning, Housing & Safeguarding		
Equality Impact Assessment: (EIA)	Date undertaken:		
	Issues (if any):		

Chief Executive	Sign & Date:	
Corporate Director (Community Services)	Sign & Date:	
Corporate Director (Children & Young People)	Sign & Date:	
Corporate Director (Environment)	Sign & Date:	

Change History

Version	Date	Description	Change ID
1	16/01/2013	Amendments following officer and Member comments	
2	23/08/2013	Amendments following public consultation and OSMC Task Group comments	
3			



Contents

4	
1. Purpose	4
2. Applicability	4
3. Roles and Responsibilities	4
4. Review	5
5. Housing in West Berkshire	5
6. Eligibility to join the register	7
7. Qualification	9
8. Treatment of applicants in specific circumstances	12
9. Transfer Applicants	13
10. Homebuy/Keyworker Accommodation	14
11. Reasonable and Additional Preference	14
12. Additional Preference & the Armed Forces	15
13. Adjusting Preference	16
14. Housing Need Assessment	21
15. Who can be included on a CHR Application?	26
16. Eligible property sizes:	27
17. Assessment of Application	28
18. Notification of points awarded	28
19. Changes in circumstances	28
20. Annual Re-Registration	29
21. Homeless Households	29
22. Decanting	30
23. False or misleading information and fraud prevention	30
24. Cancelling, Suspending and Deferring Applications	30
25. Advertising Properties	31

26. Bidding	32
27. Assisted Bidding	32
28. Assessment of Bids	33
29. Making an offer	33
30. Bypassing Applicants.....	34
31. Refusals.....	34
32. Discharge of Duty	34
33. Housing for applicants in need of specialist accommodation.....	34
34. Equality and Diversity	35
35. Right to Review.....	36
36. Complaints.....	36
37. Monitoring	38
Glossary	39
Other Relevant Documentation	40

Part One: Purpose and Context

1. Purpose

- 1.1 The purpose of this policy is to explain the framework by which the Council will allocate social and affordable rent homes in West Berkshire. There are large numbers of people looking for accommodation in West Berkshire. The Council can only offer practical help to a very limited number of households. This document sets out the Council's priorities for assistance with finding a home.
- 1.2 The Executive approved the Housing Allocations Policy on [DATE TO BE INSERTED].

2. Applicability

- 2.1 This Policy applies to:
 - All applicants or potential applicants seeking housing through the Council's Common Housing Register (CHR) in West Berkshire
 - All Council Officers, Elected Members, Consultants, Agency staff and Contractors working for the Council, and external organisations working with the Council, who are involved in administering the Council's CHR or who are supporting applicants to make applications for housing through the CHR.
- 2.2 It is the responsibility of each CHR applicant, employee and other person mentioned in Section 2.1 to familiarise themselves with and adhere to this Policy.
- 2.3 This document is published and is publicly available for reference and viewing.
- 2.4 This Policy has had consultation with applicants on the CHR, West Berkshire residents, relevant stakeholders, including Registered Providers; Social Services, and other agencies who are engaged in supporting applicants on the CHR; Elected Members; and relevant Council Officers.

3. Roles and Responsibilities

- 3.1 The overall responsibility for the allocation of social and affordable rented accommodation through the Choice Based Lettings (CBL) system within WBC rests with the Head of Care Commissioning, Housing & Safeguarding. Whilst this Housing Allocations Policy provides an over-arching framework, it should be noted that each Registered Provider (RP) will have their own Allocations Policy which they will have regard to when deciding whether or not to make an offer of accommodation.
- 3.2 The responsibility for day-to-day management of the Housing Allocations Policy throughout West Berkshire Council rests with the Head of Care Commissioning, Housing & Safeguarding. They are also responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.
- 3.3 All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (See Section 2.1).

- 3.4 All personnel detailed at 2.1 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

4. Review

- 4.1 WBC will review this Allocations Policy every five years or sooner if there is a legislative or policy impetus to do so. All material changes (i.e. changes that are not minor but constitute a significant change that could have an adverse impact on applicants) will be subject to formal consultation and Executive approval.

5. Housing in West Berkshire

- 5.1 West Berkshire is a very popular place to live. There are many different types of homes in the district, including homes to buy on the open market or through affordable home ownership schemes; homes to rent from a private landlord or housing associations; homes designed for particular groups, for example, sheltered housing for older people, or housing with on-site support.
- 5.2 Many people are looking for housing provided for rent by social landlords. We have an extremely limited supply of social and affordable rented housing: each year we expect there to be fewer than 10% of households on the CHR housed into social or affordable rented housing. There is also high turnover on the CHR, with around 50% of applications being removed every year and a similar number of new applications being added.
- 5.3 Of the properties let each year, usually many are suitable only for single people and couples, and there is a shortage of family homes with three or more bedrooms. The majority of people on the register will unfortunately not be offered a social housing tenancy, however long they wait; for them, waiting for a social or affordable rented home is unrealistic, and other options must be considered. This might include privately rented property, or moving out of the district.
- 5.4 West Berkshire is a non-stockholding local authority and we work with a variety of RPs. In order to allocate the properties fairly, West Berkshire operates a Common Housing Register (CHR), called Home Choice West Berkshire. All of the RPs participate in Home Choice West Berkshire so there is a single point of access for social and affordable rented accommodation within the district.
- 5.5 Affordable homes in West Berkshire are allocated through a choice based lettings (CBL) system. This advertises vacant homes and applicants can then bid for properties that they are interested in. Bids are then shortlisted according to assessed housing needs points.
- 5.6 This Housing Allocations Policy aims to ensure West Berkshire District Council's Common Housing Register meets the needs of the housing applicants across the district. The scheme will be open and transparent allowing applicants to express choice and preference over where they live, which will promote the development of safer and more sustainable communities.
- 5.7 This Policy meets the legal requirement for the Council to provide a statement on choice and it adheres to the "Allocation of accommodation: guidance for local housing authorities in England" (CLG, June 2012). For more information, go to <http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>

5.8 The West Berkshire Housing Allocations Policy also sits within the framework of the West Berkshire Sustainable Community Strategy and Council Strategy.

Part Two: Eligibility and Qualification

6. Eligibility to join the register

6.1 Eligibility for an allocation of accommodation is set nationally. The Secretary of State has the power to determine who is an eligible person and the regulations setting out which classes of person from abroad are eligible or ineligible for an allocation are set out in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) (the Eligibility Regulations).

6.2 The following categories of people are currently **ineligible**:

- A person subject to immigration control, unless s/he comes within a class prescribed in regulations made by the Secretary of State
- A person from abroad other than a person subject to immigration control.

6.3 Persons Subject to Immigration Control

A 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who requires leave to enter or remain in the United Kingdom under the Immigration Act 1976 (whether or not such leave has been given).

6.3.1 The following categories of people do NOT require leave to enter or remain in the UK:

- i. British Citizens
- ii. Certain Commonwealth citizens with 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
- iv. EEA nationals (i.e. nationals of any EU state (except the UK) and nationals of Iceland, Norway, Liechtenstein and Switzerland), and their family members, who have the right to reside in the UK derived from EU law. Whether an EEA national has the right to reside in the UK (or another Member State) will depend upon the circumstances, particularly their economic status (e.g. whether s/he is a worker, self-employed, a student or economically inactive)
- v. Persons exempt from immigration control under the Immigrations Acts, including diplomats and their family members based in the UK, and some military personnel

6.3.2 All other people will be 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 as set out below:

- i. *A person granted refugee status*: granted five years limited leave to remain in the UK
- ii. *A person granted exceptional or discretionary leave to enter or remain in the UK without condition that they or any dependents 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.
- 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 Isle of Man or the Republic of Ireland (the Common Travel Area)*: such a person will have indefinite leave to enter (ILE) or indefinite leave to remain (ILR) and is regarded as having settled status. However, where the ILE or ILR 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 sponsorship undertaking, whichever is later. Where all sponsors have died within the first five years, the applicant will be eligible.
- 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.

6.4 Other persons from abroad who may be ineligible for an allocation

A person who is not subject to immigration control but who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- I. A person who is not habitually resident in the Common Travel Area unless they are:
 - i. An EEA national who is in the UK as a worker
 - ii. An EEA national who is in the UK as a self-employed person
 - iii. A person who is treated as a worker for the purposes of regulation 6(1) of the EEA Regulations, pursuant to the Accession (Immigration and Worker Authorisation) Regulations 2006 (i.e. nationals of Bulgaria and Romania required to be authorised by the Home Office to work until they have accrued 12 months uninterrupted authorised work)
 - iv. A person who is a family member of one of the three categories i-iii above
 - v. A person with a right to reside in the UK by virtue of Regulation 15(c), (d), or (e) of the EEA Regulations

vi. A person who left Montserrat after 1 November 1995 because of the effect of volcanic activity there

vii. A person who is in the UK as a result of his or her deportation, expulsion or other removal by compulsion of law from another country to the UK.

II. A person whose only right to reside in the UK is derived from his/her status as a jobseeker (or his status as the family of a jobseeker).

III. A person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under Regulation 13 of the EEA Regulations

IV. A person whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned in II or III above and which is derived from EU Treaty Rights.

6.4.1 A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. Accession state workers requiring authorisation will generally only be treated as a worker when they are actually working as authorised and will not retain 'worker' status between jobs until they have accrued 12 months continuous authorised employment. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7 (3) of the EEA regulations.

6.4.2 The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area. It implies an association between the individual and the place of residence and relies substantially on fact. Where it is suspected that an applicant has not been habitually resident in the Common Travel Area, the Housing Service will carry out an Habitual Residence Test to determine eligibility for an allocation of housing.

6.5 Further detail and information relating to eligibility can be found in the "Allocation of accommodation: guidance for local housing authorities in England" (CLG, June 2012). For more information, go to <http://www.communities.gov.uk/publications/housing/allocationaccommodationguide>. The Housing Service will have regard to this guidance, and any subsequent guidance, when determining an applicant's eligibility for acceptance onto the CHR.

7. Qualification

7.1 As a result of the high demand for housing in the district, set against the limited supply, the Council has chosen to make use of the freedoms offered in the Localism Act 2011. In particular, the Council wishes to increase access for households who have a defined local connection to West Berkshire and who have insufficient financial resources to secure accommodation in the private sector themselves (whether in rented, part-owned or full home ownership).

7.2 *Qualifying households*

Subject to being eligible for an offer of accommodation (see Section 8 above), an applicant will qualify for the CHR if:

- They have been resident in West Berkshire for 6 months out of the last 12 months OR they have been resident in West Berkshire for 3 years out of the last five OR they have a parent or sibling or adult child who has lived in West Berkshire for 5 consecutive years OR they have been employed in meaningful paid employment within the district, for 16 hours or more a week, for at least the last 6 months

AND

- They have insufficient resources to secure accommodation, whether rented, part-owned or owned in the private sector. This will normally mean that the household has an income of £60,000 or less or capital of £16,000 or less. Owner-occupiers will be considered to have sufficient resources to secure accommodation unless they are able to provide appropriate evidence that this is not the case

AND

- They are assessed as having a housing need that places them within one of the reasonable preference categories (see Section 11)

7.3 For the purposes of reporting, it is the Council's intention only to report on the number of applicants who are classed as 'qualifying applicants'.

7.4 *Deferred Households*

The Council has decided not to close the CHR, however, households who do not meet the qualifying criteria above will be classed as deferred households. They will be accepted onto the CHR and will be pointed, however, they will not be considered for an offer of accommodation until, and unless, all qualifying applicants have been exhausted on any particular shortlist.

7.5 *Sanctions*

The Council wishes to encourage financial responsibility and good neighbourliness. It will therefore apply the following sanctions in the following circumstances:

7.5.1 *Behaviour serious enough to make the applicant unsuitable to be a tenant:* If an applicant, or a member of their household, has committed an indictable offence in, or in the locality of, their home or have admitted (or have a finding of act made against them in a civil Court) that they have behaved in a way which is capable of causing nuisance and annoyance to other people in the locality, the application will be deferred. The applicant will need to demonstrate that there has been a significant change in circumstances, and be able to evidence that their behaviour has been suitably amended over a reasonable period of time (usually 12 months or five years in serious circumstances) and that there have been no repeat occurrences in order for the deferment to be lifted. The Council may seek a Police Disclosure Request as part of the assessment to determine whether an applicant or a member of their household is unsuitable to be a tenant or as part of the assessment to determine whether the deferment should be lifted.

- 7.5.2 *Money is owed to the Council for a Rent-In-Advance and/or Rent Deposit Guarantee where no regular payments are being made:* if the applicant has been given financial assistance by the Council to facilitate access to private rented accommodation and is failing to adhere to the repayment plan, their application will be deferred. Applicants will need to demonstrate that they have made and adhered to an agreed payment plan for a period of at least three months before the deferment will be lifted.
- 7.5.3 *Rent arrears that exceed eight weeks rent OR where no regular repayments are being made:* if the applicant has rent arrears that exceed eight weeks, or has rent arrears below eight weeks rent but has failed to enter into and adhere to a repayment plan, their application will be deferred. Applicants will need to demonstrate that they have made and adhered to an agreed payment plan for a period of at least three months and/or that the arrears have been cleared or have been reduced below eight weeks rent before the deferment will be lifted.
- 7.5.4 *Deliberate Worsening of Circumstances:* where it is considered that an applicant has deliberately worsened their housing circumstances, their application will be pointed in accordance with the circumstances applicable before the worsening took place and will be deferred for a period of 12 months. At the end of the 12 month period, the application will be reassessed in accordance with the current circumstances and the deferment will be lifted.
- 7.5.5 *Refusal of three reasonable offers of accommodation:* where an applicant is made three reasonable offers of accommodation and refuses each offer, the application will be deferred for 12 months. An applicant is considered to refuse the property if they made the bid for it (either themselves or upon request via a member of staff) and a) they have been made a formal offer of accommodation which they then decline; or b) they would receive the formal offer of accommodation but tell the RP they do not wish to be considered, whether or not they have attended a viewing, before the RP has an opportunity to make the offer.
- 7.5.6 *Violence and Abuse Towards Staff:* Violence and abuse towards staff (including staff of a partner Register Provider) is not acceptable. If a customer, or someone acting on their behalf, abuses or harasses a member of staff (including staff of a partner Registered Provider) in any way, including using offensive language, the Housing Service will stop dealing with them, or will restrict the types of contact that they have. In addition, the application will be deferred for a minimum of 12 months or, in extreme circumstances, removed. Registered Providers will be expected to provide evidence to the Housing Service of the violence, abuse or harassment to support any request to apply this sanction.
- 7.5.7 *Providing false or misleading information:* If an applicant knowingly provides false or misleading information on their housing application in order to gain an advantage over other applicants, the Council will remove their application. The applicant will be entitled to reapply after a minimum of 12 months. In addition, consideration will be given to whether prosecution or other legal action is appropriate.

7.6 *Exceptions to Qualifying Criteria*

In order to comply with the provisions of the legislation and in order to make provision for exceptional circumstances, the following exceptions to the qualifying criteria will be applied:

7.6.1 *Armed Forces Personnel*: subject to verification, the following groups will be exempt from the local connection qualifying criteria and will be treated as qualifying applicants, subject to meeting all of the other qualifying criteria:

- Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application to the CHR;
- Bereaved spouses or civil partners of those serving in regular forces where (i) the bereaved spouses 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 of the reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

7.6.2 *Fleeing violence and/or threats of violence*: in exceptional circumstances, an applicant may be fleeing violence, or threats of violence. In such cases, the Council may decide to exempt the household from the local connection criteria, and treat them as qualifying applicants, subject to meeting all of the other qualifying criteria. This could be due to domestic abuse or racial violence, for example. This will normally be the case where the applicant is working with the Housing Options Service to resolve their issues and will be in accordance with homelessness provisions under Part VII of the Housing Act 1996 (as amended).

7.6.3 *Witness programmes*: in exceptional circumstances the housing authority may be approached to assist a household who are witness in a serious criminal case and who need to be moved to an alternative area for their own protection. In such cases, the housing authority will seek to cooperate with the relevant agencies and may decide to exempt the household from any or all of the qualifying criteria.

7.6.4 *Looked After Children*: for the purposes of local connection, a looked after child for whom West Berkshire Council has responsibility and who has resided in a placement outside of West Berkshire, will be deemed to have lived within West Berkshire for the length of the placement.

8. Treatment of applicants in specific circumstances

8.1 *16 and 17 year olds*

Applicants who are 16 or 17 years of age are able, subject to meeting the eligibility and qualifying criteria, to join the CHR. However, they will not normally be granted a tenancy by a RP without a Guarantor, usually an adult relative or friend acceptable to the RP, or the Head of Children's Services if the applicant has been looked after,

accommodated or fostered by West Berkshire Council Social Services. In addition, if a tenancy or Deed of Trust accompanied by a Guarantor is offered by the RP, the young person may still need to agree to engage with an agreed support plan. Please refer to individual RPs for individual allocations policies regarding 16 and 17 year olds.

8.2 *Applicants who are residing in HM prisons*

Applicants who are residing in HM prison are able, subject to meeting the eligibility and qualifying criteria, to join the CHR but will be unable to bid for properties until one month before their release. To manage this process, their application will be registered from the date of receipt but will be deferred until the Housing Service is notified of the release date and it is one month before the notified date. Any bids made during the deferral period will be disregarded until the release notification period is activated.

8.3 *Applicants subject to MAPP*

Serious offenders, including applicants who are the subject of MAPP (Multi Agency Public Protection Arrangements) will be allowed onto the housing register, subject to meeting the eligibility and qualifying criteria, but will only receive an offer of accommodation after an appropriate risk assessment, which will take account of all factors, not just the legal conditions they may be subject to. This may restrict the choice of locations for which they can bid. Bids made for properties that are deemed inappropriate following risk assessment will be disregarded.

9. **Transfer Applicants**

- 9.1 Existing tenants of RPs or local authorities are entitled to apply to the CHR, subject to meeting the qualifying criteria and will be subject to the same rules as non-tenants.
- 9.2 Existing social tenants will be identified on the CHR as 'Transfers'. Non-social tenants will be identified as 'Homeseekers'. All applications will be assessed using the housing needs assessment.
- 9.3 The Housing Service may approach the applicant's landlord for a reference, particularly to confirm that the social tenant is not in breach of their tenancy agreement, either for reasons of behaviour or rent arrears, and to confirm the household details in order to verify over- or under-occupancy.
- 9.4 All RPs participating in the scheme will complete a landlord's reference form for all their tenants applying for re-housing, upon request. This is to ensure applicants are correctly pointed but also to reduce void times and former tenant arrears. In the majority of cases the applicant will not be made active on the register until the landlord reference has been completed. In exceptional circumstances, the Housing Service may point an applicant without a landlord's reference
- 9.5 Where a RP is seeking to make an offer to a Transfer applicant, they are responsible for seeking a reference from the current landlord, at the point of offer, to confirm:
- The current property is in a good state of repair and cleanliness
 - The property has a well maintained garden (if applicable)
 - There is a clear rent account

- There is no outstanding possession action for breach of tenancy (notice seeking possession or notice to quit served, or a suspended possession order) injunction, ASBO or acceptable behaviour agreement
- No other outstanding debts are owed to the landlord (e.g. rechargeable repairs) or the Council (e.g. Rent Deposit Guarantee Scheme)

9.6 Offers will not be made if there is an issue with any of the above.

9.7 The Housing Service, in discussion with the relevant RPs, may give its consent to an offer of accommodation proceeding in circumstances where the above conditions are not met if there is a good management reason or exceptional circumstance (e.g. racial harassment, domestic violence). The Housing Service will consider each case on its merits.

10. Homebuy/Keyworker Accommodation

10.1 Various products are available for applicants that wish to buy or part-buy their home. These products are often branded as 'homebuy' but include a variety of options from traditional shared ownership (where the purchaser buys part of the property and pays rent on the remainder) to equity loan models.

10.2 All homebuy and keyworker living schemes are managed by the Zone Agent for West Berkshire and monitored by the Housing Strategy & Enabling Team at West Berkshire. Catalyst Housing Group is the Zone Agent for West Berkshire.

10.3 All applicants applying for homebuy/keyworker accommodation must also be registered and assessed on the Common Housing Register to be eligible for assistance.

10.4 The exception is the Council's 'First Step, Next Step' equity loan deposit scheme. Further information on this scheme can be found on the Council's website www.westberks.gov.uk or by contacting the Council's Housing Strategy Department.

11. Reasonable and Additional Preference

11.1 The Council operates a points-based housing needs assessment (see Appendix One). The assessment awards points for specific housing needs and each application is assessed in accordance with their specific circumstances.

11.2 The housing needs assessment has been framed to ensure that certain applicants, as defined in the Housing Act 1996, are given 'reasonable preference'. In addition, the Council has determined that some applicants should receive 'additional preference'.

11.3 The Housing Act 1996 provides that applicants who fall within the following groups should be given 'reasonable preference':

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) (including those who are intentionally homeless and those not in priority need)

- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended) or who are occupying accommodation secured by any housing authority under s.192(3)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to a disability
- People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship (to themselves or others).

11.4 In addition to those groups of people to whom the Council must give reasonable preference, the Council believes that priority should be given to households who do not have the financial resources to secure accommodation in the private sector, whether rented, part-owned or owned and to applicants who have a defined local connection to West Berkshire.

11.5 The Council has determined that the following groups of people who fall within the reasonable preference groups should receive 'additional preference':

- Households who currently occupy social or affordable housing within West Berkshire that is too large for their current needs and who have expressed a desire to move
- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remain in their current homes
- Households that contain a member who needs to move as a matter of child or adult protection
- Households who need to move urgently because a member of the household requires substantial care that cannot be provided or received unless they move or who requires adaptations that cannot be made unless they move
- Households who are experiencing multiple problems, which can only be resolved by a move, and who have a care or support plan in place supported by relevant agencies

11.6 Where two or more households have the same level of assessed housing need (i.e. they have the same number of housing need points) priority between them will be determined by their CHR registration date.

12. Additional Preference & the Armed Forces

12.1 The Government has published regulations requiring local housing authorities to give certain groups of the Armed Forces additional preference where they fall within a reasonable group and have an urgent housing need. To give effect to this, the Council will make an award of housing need points to members of the Armed

Forces who fall within the following groups and who are in a reasonable preference group and who are deemed to have an urgent housing need:

i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,

(ii) formerly served in the regular forces,

(iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or

(iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

12.2 For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

12.3 In order to be awarded the additional housing need points, the applicant must either be homeless (within the meaning of Part 7 of the Housing Act 1996) OR be owed a duty under section 190(2), 193(2) or 195(2) of the 1996 Act OR have overcrowding or disrepair points OR have medical or social needs points AND need to move urgently due to a life threatening illness or disability or be statutorily overcrowded or be homeless or at risk of homelessness as a result of violence or threats of violence.

13. Adjusting Preference

13.1 In certain circumstances, some applicants may be given more or less preference than others. The following are examples of the circumstances in which the preference given for a property may be adjusted:

13.2 *Rural Exception Sites*

Rural Exception Sites are small developments in rural settlements that have been developed as an exception to normal planning policy. To qualify as a rural exception site, a local housing need must be established via the results of a recent local housing needs survey and occupancy of the dwellings must be reserved for local people. The scheme must be available for affordable housing in perpetuity and must not adversely affect the rural character of the area. All households who wish to be considered for housing in a rural exception site will be required to register on the West Berkshire Common Housing Register.

13.3 To ensure that the occupancy of rural exception sites is prioritised for local people, the following cascade mechanism is applied:

1. Applicants who meet the following criteria who require the bedroom size available and would not under-occupy, namely:

Applicants who are resident within the Parish and have lived there for at least the last three years continuous residence or five years out of previous ten

OR

Applicants who have immediate family or close dependents resident in the Parish who have lived there for at least the last three years continuous residence or five years out of the previous ten and intend to remain in the parish. "Immediate family" means parents, child, children, and siblings.

OR

Applicants who were resident in the Parish for the last three continuous years, or five years out of the previous ten but were unable to remain due to affordability

OR

Applicants who have been in paid employment within the Parish for at least 6 months, for a minimum of 16 hours each week.

2. Applicants currently living and/or working in the Parish who require the bedroom size available and would not under-occupy, but who do not fulfil the criteria detailed in 1 above in respect of length of residency or minimum hours of work.
3. Applicants who meet the criteria detailed in (1) above but who do not require the bedroom size available and would therefore under-occupy by 1-bedroom.
4. Applicants who meet the criteria detailed in (2) above but who do not require the bedroom size available and would therefore under-occupy by 1-bedroom.
5. Applicants living and/or working in named adjacent Parishes who require the bedroom size available and who would not under-occupy, and who fulfil the following criteria, namely:

Applicants who are resident within the adjacent named Parishes and have lived there for at least the last three years continuous residence or five years out of previous ten

OR

Applicants who have immediate family or close dependents resident in the named adjacent Parishes who have lived there for at least the last three years continuous residence or five years out of the previous ten and intend to remain in the named adjacent Parishes. "Immediate family" means parents, child,

children, and siblings.

OR

Applicants who were resident in the named adjacent Parishes for the least the last three continuous years, or five years out of the previous ten but were unable to remain due to affordability

OR

Applicants who have been in paid employment for at least 6 months for a minimum of 16 hours each week, within a named adjacent parish.

6. Any other applicants resident in West Berkshire registered on the Common Housing Register with a housing need.
7. Any other households registered on the Common Housing Register.

13.4 There are a number of older Section 106 Agreements that apply a different cascade mechanism. Where this is the case, the shortlist will be worked in accordance with the Section 106 Agreement rather than the above policy.

13.5 The cascade mechanism allows for under-occupation in certain parts of the cascade. Given the welfare benefit reforms that restrict occupation of social tenancies on the basis of household need, and the potential financial implications that this will have for tenants, RPs will carry out a financial appraisal for the household before an offer of accommodation is made that allows under-occupation. Where it is deemed that the household may be eligible but could not afford the accommodation, a bypass will be applied.

13.6 Local Letting Plans

Local Letting Plans serve to achieve agreed objectives, such as reducing high levels of anti-social behaviour, reducing family densities in certain areas or to improve the success rate of integrating young or vulnerable people into general needs housing.

13.7 Local Letting Plans are developed on a site by site basis to address the requirements of that specific area, development or block of accommodation.

13.8 Where these plans are in place, the lettings will be carefully monitored by the Housing Service to ensure that allocations across the whole Allocations Scheme continue to give reasonable preference to the identified categories and that the policies do not discriminate, directly or indirectly, on racial or other equality grounds. Information about particular local letting schemes will be available from the relevant RP and will appear on the CBL advert for individual properties.

13.9 A Local Letting Plan will identify particular needs of a small area within West Berkshire, or of a new housing scheme or redevelopment, and seeks to use the allocation of housing to ensure that the community will be as sustainable as possible, for example, that there will be a mixture of ages of children.

13.10 The Council will work with RPs across the District to identify neighbourhoods, areas and schemes which would benefit from a Local Letting Plan.

13.11 Local lettings may be used to:

- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community
- Enable an existing community to become more sustainable, for example, by encouraging more working families to move into the area
- Enable sensitive lettings on schemes which have had high levels of anti-social behaviour
- Enable households to return to an area they left for redevelopment to take place.

13.12 This list is not exhaustive and Local Letting Plans may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan and there is no significant adverse impact on other communities. The equalities impact of local lettings schemes will be considered before they are agreed.

13.13 All Local Letting Plans will have clear criteria, which are openly published. When a property which is being advertised under the Home Choice scheme is subject to a Local Letting Plan, this will be stated clearly on the advert.

13.14 The adoption of this Policy has delegated authority to agree Local Letting Plans to the Head of Care Commissioning, Housing and Safeguarding, in consultation with the Portfolio Holder.

13.15 Any Local Letting Plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main policy if possible.

13.16 Sensitive Lets

Occasionally, an individual property may be identified as a 'sensitive let'. This may be because the landlord is seeking to address the balance of occupants in the local area in order to create a sustainable community or it could be due to the need to protect and enhance the local demographic. For example, if there has been significant anti-social behaviour in the locality and a property becomes available for re-let, it may be advertised as a sensitive let to try and prevent further issues arising. The reasons are likely to be similar to those applied for a Local Letting Plan but are applicable just to one property.

13.17 The Housing Service will seek to develop a Local Letting Plan that specifically allows for sensitive lets, however, until this is completed, a RP may, with the Housing Service's prior agreement, advertise a property as a sensitive let, giving preference to particular households, where there is evidence that this would be beneficial to the neighbourhood. The property advert will clearly state that the property is being treated as a sensitive let.

13.18 Adapted Homes

If a property becomes available for let and has been adapted to meet the needs of a

disabled person, it will be advertised as giving preference to a household who have need of those adaptations.

13.19 *Preference to Over/Under-Occupying Social Tenants*

In order to make best use of stock and to ensure that the housing needs of applicants are met appropriately, a property that becomes available for let may be advertised as giving preference to social tenants living in West Berkshire who are either over- or under-occupying their accommodation. It is expected that the home they would free up should they move will be released back into CBL.

Part Four: Housing Need Assessments

14. Housing Need Assessment

- 14.1 The assessment of housing need is made upon receipt of an application, in accordance with the published housing needs assessment (Appendix One). Section 11 explains how the housing needs assessment has been framed. This section provides additional detail on each specific housing need identified within the housing needs assessment.
- 14.2 Assessments of housing need are primarily based upon the information provided within the application. However, further information may be sought from the applicant and/or relevant professionals. The Housing Service may also undertake visits to verify information.
- 14.3 Overcrowding
This assessment is included as it relates to the reasonable preference groups. The Council uses a bedroom standard as an appropriate measure of overcrowding for allocation purposes. The bedroom standard allocates a separate bedroom to:
- ~ every adult couple (married or unmarried)
 - ~ any other adult aged 16 or over
 - ~ any two children of the same sex aged 16 or under
 - ~ any two children aged under 10
 - ~ any other child.
- 14.4 The assessment will be made on the basis of the rooms available for use as a bedroom, regardless of how the household chooses to use those rooms. For example, it may be reasonable to class a dining room as a room usable as a bedroom.
- 14.5 Points are awarded for each bedroom that a household is short of, as determined by the bedroom standard, capped to a maximum of two bedrooms short.
- 14.6 Under-Occupancy
The Council has decided that applicants who currently occupy social or affordable rented housing within West Berkshire that is too large for their current needs and who have expressed a desire to move should be given additional preference.
- 14.7 The reasons for this are two-fold: firstly, the Government is introducing under-occupancy sanctions for social tenants of working age and the consequence of them being unable to move may be increased rent arrears and potentially, eviction; secondly, the Council wishes to free up family-sized accommodation which is in short supply and high demand, thus making best use of existing resources.
- 14.8 A set award of housing needs points is applied to anyone who meets the criteria set out in 14.6 above, regardless of the number of rooms that they are over-accommodated by.
- 14.9 Lacking or Sharing Amenities
Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. Lack of access to essential

amenities, for example, a toilet, bath or shower, kitchen, clean drinking water or electricity, would fall within this category.

14.10 If an applicant is completely lacking one or more of the above-named essential amenities, they will be awarded a set amount of 'lacking' points. In order to be awarded these points, a verification visit will need to be completed.

14.11 If an applicant has access to the essential amenities but has to share them with persons who are not on their housing application, they will be awarded a set amount of 'sharing' points.

14.12 Security of Tenure

The reasonable preference groups include applicants who may be subject to a duty under Part VII of the Housing Act 1996 (as amended) and in addition, the Council focuses on the prevention of homelessness through its housing options work. The award of Security of Tenure points reflects both of these requirements.

14.13 Security of Tenure points are awarded in four categories, dependent upon the level of security that the applicant has:

14.13.1 *At Risk of Homelessness*: this includes applicants who are in private rented, forces or tied accommodation who have been served notice that will expire within the next 2 months and where the local authority believes the Landlord will act; owner-occupiers who have been issued with a possession order by the court; Care leavers who are ready to move on and whose current accommodation will end within the next two months, as confirmed by Childrens Services. Wherever possible, Childrens Services are encouraged to provide Housing Services with 6 months notice that a young person will be leaving care and to ensure that the young person has a Leaving Care Plan.

14.13.2 *Homeless or Supported Housing*: this includes applicants to whom a housing authority owes a duty under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended); applicants who are occupying accommodation secured by a housing authority under section 192(3) of the Housing Act 1996 (as amended); applicants who are 'homeless at home' (subject to confirmation by the Housing Options Team); applicants who live in a hostel, supported lodgings, refuge; applicants who live in supported independent living who are ready for move-on; applicants who are awaiting discharge from hospital but whose home is not longer suitable and cannot be made suitable either through a care package or adaptations; applicants who are street homeless (subject to verification).

14.13.3 *Family & Friends or NFA*: this includes applicants who are living with family or friends or who are deemed to be no fixed abode (potentially sofa-surfing).

14.13.4 *Other*: applicants who live in private rented accommodation, armed forces accommodation, social or affordable rented (whether Council or RP) and owner-occupiers (whether shared or full) who are not subject to a notice and who do not fall into one of the groups identified above.

14.14 Applicants can only receive one award of security of tenure points. Each category has a set award of points.

14.15 Families

It is recognised that for some families, particularly those with young children, some accommodation may make day-to-day life difficult. This does not fall within either the reasonable or additional preference groups. It should be noted that whilst these awards are made and whilst such accommodation may not be ideal, given the prevailing housing circumstances of the district, it is still deemed reasonable and suitable for a family with young children to be accommodated in such accommodation.

14.15.1 *Accommodation with no garden:* families with children aged under 10 years, living in accommodation with no garden, will be made a small set award of points. Families with children aged 10 or over, or who have children aged under 10 but who have shared access to a garden, will not be awarded these points.

14.15.2 *Accommodation above or below ground floor:* families with children aged under 5, living in accommodation that is above ground floor level, or which has external access and is below ground floor level (e.g. a basement flat), will be made a small set award of points. Families with children aged 5 or above will not be awarded these points.

14.5.3 *Disabled Children and accommodation above or below ground floor and/or with no garden:* Managers within the Housing Service have discretion, on a case-by-case basis dependent upon relevant evidence, to award 5 points for a child who is over the age 10 and who is disabled and who has no access to a garden; and to award 5 points for a child over the age of 5 and who is disabled and who lives in accommodation above and below ground floor. For garden points, matters that will be considered will include the risk of the child running away, whether they have a lack of stranger danger awareness or a lack of road safety awareness and the need for an enclosed safe play area. For above/below ground floor points, matters that will be considered will include whether the child is non-ambulant (a wheelchair user) or has a mobility impairment that affects their ability to manage stairs or steps.

14.16 Medical Needs

The Council is required to give reasonable preference to people who need to move due to their health, disability or access needs.

14.17 Points in this category not awarded simply because an applicant has a medical condition. The assessment will consider:

- The degree to which the health condition of the applicant, or a member of their household, affects their ability to cope with normal daily living activities in relation to his/her housing circumstances
- The degree to which a change in housing circumstances would enable the applicant, or a member of their household living with mental

distress, to maximise their recovery potential and achieve enhanced social inclusion

- 14.18 Medical needs points will be assessed and awarded by the Housing Register Supervisor and countersigned by another Housing Manager. Where appropriate, evidence will be sought from the applicant's GP or other medical practitioner who has knowledge of their health condition. The award of medical needs points may be accompanied by a condition that the applicant is only considered for certain types of accommodation (for example, ground floor or adapted accommodation).
- 14.19 A medical form may be submitted for each member of a household who has a health condition that would be relieved by a move to alternative accommodation.
- 14.20 Welfare & Social Needs
The Council is required to give reasonable preference, and in some cases would wish to give additional preference, to people who need to move on welfare grounds, for example, to allow someone to give or receive care or support, to address child or adult protection concerns, to move-on from supported housing where support is no longer required, or to address urgent multiple issues that can only be resolved by a move.
- 14.21 Applicants who consider that they may fall into the category of welfare and social needs should discuss this with their Housing Options Officer or other professional with whom they are working. A separate Welfare & Social Needs Form must be completed by the Housing Options Officer or other appropriate professional (including but not limited to social workers, family support workers and CMHT staff) and should have evidence attached where appropriate. Forms that are incorrectly completed will not be assessed and will be returned to the submitting officer for correction: this is due to the high volume of applications received and the additional work that an incorrect form creates for housing staff.
- 14.22 Where Medical Needs Points may be appropriate, Welfare & Social Needs will only be considered after the Medical Needs assessment has been completed.
- 14.23 Welfare & Social Needs applications will be assessed by a panel of two Housing Managers. Points are awarded on a scale from 0 points to 50 points. Due to the reasons for which Welfare & Social Needs points may be applied, the award of points may be time-limited or include conditions (for example, that the applicant can only be considered for property in a certain area or for ground floor/adapted accommodation).
- 14.24 Disrepair
Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. A set award of points is given for disrepair.
- 14.25 Applicants who consider that their home is in disrepair should send photographs and any other relevant evidence (for example, if they have had an enforcement notice served by Environmental Health) to the Housing Register Team, who will review it and determine whether an award is appropriate.
- 14.26 One of the most common issues raised by applicants is damp and mould. In the majority of cases, this is due to lifestyle and the Housing Register Team will send

advice to the applicant on how to manage this. Disrepair points will not be awarded for damp and mould arising from lifestyle but if the problem is extreme, the Housing Register Team may consult with Environmental Health to confirm whether it is a more serious underlying problem that would warrant an award.

14.27 *Armed Forces Personnel*

This additional preference award is made to applicants who meet the criteria set out in Section 12.

14.28 *Discretionary Points*

The Service Manager, in consultation with the Head of Care Commissioning, Housing & Safeguarding, is able to award discretionary points to an application in exceptional circumstances only. This would usually be in rare and extreme circumstances, for example, if a household needed to be urgently moved as part of a witness programme.

14.29 Discretionary points are not awarded at the request of applicants and will usually be requested by a relevant professional for circumstances that cannot be ordinarily be covered by the housing needs assessment.

Part Five: Management of Allocations

15. Who can be included on a CHR Application?

- 15.1 We will only consider applications to house the applicant, their partner, their immediate family, and anyone else with an exceptional need to live as part of the household. This is because we have such shortage of larger properties, so families need to consider whether other people living in their household could move into smaller properties of their own. All applicants must be currently living in the Common Travel Area at the time of, and for the duration of, the application.
- 15.2 Partner means someone who lives with the applicant as a partner, or who would live with them if they were able to. This includes mixed-gender and same-sex couples, whether or not they are married or in a civil partnership.
- 15.3 Immediate family means the applicant's children or their partner's children, aged 20 or less, who live with the applicant all the time, or for four or more nights every week. If a child is living with a partner or has his/her own children, s/he may not be included on the application unless they have an exceptional need to live with the applicant. Young people living away from home as students will not be included on the application. If you have children aged 21 or over who are living at home, we can advise them on housing options. They may apply to the Housing Register in their own right, but may have low priority, in which case they will need to consider all other options (see Section 2 on housing options).
- 15.4 Applicants who have shared responsibility for children will only have them considered as part of their household if it is determined that the children reside with them for at least 50 per cent of the week or more. In particular, the Housing Service will seek to confirm with which parent the children have their main or principle home and the children will only be considered on the application of this parent. Where the 'main carer' cannot be identified, the Council will have regard to which parent receives benefits in respect of each child. Each case will be assessed on its own merits and determined alongside current legislation and case law.
- 15.5 If members of the immediate family live elsewhere in the UK, they can be included on the application, but we encourage families to consider applying to be re-housed where they live, especially if the demand for housing is lower there.
- 15.6 Immediate family does not include the applicant's (or their partner's) parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends, or lodgers, unless they have an exceptional need to live as part of the household. If the applicant and partner are separating, they must provide us with evidence of who is legally allowed to remain in the property, such as a court property order detailing to whom the property is assigned. Accommodation for children will be allowed for with only one parent, on whom the children are dependent.
- 15.7 People who have an exceptional need to live with you means people who are not included in the definition of 'immediate family', but who have a real need to live as part of the household in order to give or to receive care or support. This may include:

- A child (of the applicant or partner) aged 21 or over, who cannot live independently because of a disability or care need
- A carer, if someone in the household needs full-time care and no one in their immediate family is able to provide this
- An adult (or elderly) relative who needs to receive care. For some elderly people, moving to sheltered or extra care accommodation is the best alternative.

15.8 If you wish to include people not in your immediate family on your housing application, you must explain on your application why it is necessary for them to live with you. We may also require you to provide evidence such as: a court order, a social services or occupational therapy assessment, or evidence that you are in receipt of carer's allowances. If you have not had a care assessment for a relative, we may require you to arrange one. If the person coming to live with you is moving from abroad, we will require evidence that they have recourse to public funds or of a sufficient sponsorship undertaking in place.

15.9 Where a household has been accepted as statutorily homeless by the Council, the application can include anyone who we accepted as part of the original homelessness application. For families with adult children, the Council will encourage them to seek independent housing if possible, to increase the chance of the applicant being re-housed in a reasonable time.

15.10 If you are a social housing tenant, and we agree to re-house your immediate family but not everyone who is currently living with you, you will be asked to make sure that none of them remain in the property once you have left.

16. Eligible property sizes:

16.1 The policy on property size (bedroom allocation), is as follows:

You are entitled to one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex aged 16 or under
- any two children aged under 10
- any other child

16.2 For households that include a pregnant woman, the calculation will not make allowance for the baby until it is born and the birth certificate has been provided.

16.3 Housing Benefit provisions permit an extra bedroom to be included in the Housing Benefit assessment for tenants in the private rented sector who have care provided by someone who lives elsewhere. This will apply where a customer or their partner has a recognised need for overnight care and has a bedroom that is used by a carer, or carers, for overnight stays as part of caring for the customer or partner. The Housing Allocation Policy makes provision for an extra bedroom to be awarded in exceptional circumstances, in line with this policy, and only after discussion with the Benefits Service. All such exceptions will be approved by a Care Commissioning, Housing & Safeguarding Service Manager in consultation with the Head of Care Commissioning, Housing & Safeguarding.

- 16.4 Managers within the Housing Service have discretion to award an additional bedroom in exceptional circumstances where there is a severely disabled child who cannot share with siblings, subject to consideration of the following:
- Medical evidence
 - Whether the child is in receipt of Disability Living Allowance (or in future Personal Independence Payment)
 - The nature and severity of the disability
 - The nature and frequency of care required during the night
 - The extent and regularity of the disturbance to the sleep of the child who would normally be expected to share the bedroom.
- 16.5 A decision to award an additional bedroom for the purposes of the CHR is not an indication that Housing Benefit will be paid. Applicants will therefore need to ensure that they are able to meet any potential rental shortfall arising through Social Sector Size Criteria before accepting an offer of accommodation.

17. Assessment of Application

- 17.1 Upon verification of a new application or receipt of an Update Form or Annual Review Form, the applicant's housing need will be assessed and priority awarded by means of the housing needs assessment scheme (Appendix One). The applicant's living circumstances, security of tenure, medical and social needs, condition of property, length of time in housing and local connection will be taken into account.
- 17.2 It should be noted that points may be time limited or have conditions attached. If conditions are not met, they may be removed.

18. Notification of points awarded

- 18.1 All applicants will be verified, assessed and entered onto the Home Choice Register. The applicant will be notified in writing of this and will be told of the outcome of the assessment, including whether or not their application is eligible, qualifying or deferred, what points they have and any information about bidding, the registration date and details about how to bid.
- 18.2 Applicants on the CHR have a right to request certain general information such as whether the application will fall into the reasonable preference category, whether a bid is likely to be successful, and the likely waiting time. This information will be available through the reporting function on the bidding process and included on the weekly advert sheets.

19. Changes in circumstances

- 19.1 Applicants are required to keep their application up to date. Some minor changes can be made online by the applicant, other changes need to be notified to the Council, and the applicant will need to complete an update form.
- 19.2 If an applicant's circumstances change, for example, they move house, have a baby, or someone moves in/out of their home, they must update their application. If the Housing Service needs more information to reassess the applicant's housing needs, they will contact the applicant. The Housing Service will not reassess needs

if it is unlikely to change the applicant's points level: for example, medical needs will not be reassessed if the applicant has developed another minor illness but will be reassessed if the applicant has moved to alternative accommodation.

- 19.3 If the Housing Service becomes aware, or have reason to believe, that an applicant's circumstances have changed, the application will be suspended until the Housing Service has been able to verify the applicant's circumstances or an update form is received.
- 19.4 If the update form is not received, or verification has not been possible, within 28 days of the Housing Service becoming aware of a change in an applicant's circumstances, the application will be removed.

20. Annual Re-Registration

- 20.1 Applicants will be contacted annually on the anniversary of the date of their application and asked to complete an Annual Review Form confirming their basic details and any changes in their circumstances. They will be advised to return the completed Annual Review Form within 28 days and that if they fail to do so, their application will be cancelled and removed.
- 20.2 Removed applications can be re-instated for up to 3 months after removal, upon contact from the applicant, subject to the applicant being able to provide a reasonable explanation of their failure to return the Annual Review Form.
- 20.3 If applicants wish to cancel their application at any time, they must submit this in writing to the Housing Service.

21. Homeless Households

- 21.1 Applicants who have been accepted under the Housing Act 1996, amended by the Homelessness Act 2002, as being homeless or threatened with homelessness will qualify to join the register, subject to meeting the other criteria.
- 21.2 Applicants will not be considered for accommodation whilst any homelessness application is being investigated and the CHR application will be suspended pending a decision on the homelessness application.
- 21.3 The allocation of non-secure accommodation under Part 7 of the Housing Act 1996, amended by the Homelessness Act 2002 (s195(2)) (providing temporary accommodation to accepted homeless families) is outside the scope of this policy.
- 21.4 The Housing Service reserves the right to place bids on behalf of applicants to whom it owes a s.193 Homelessness Duty, in order to discharge the duty. In making such an offer, the Housing Service will need to be satisfied that it is suitable for the applicant and that it is reasonable for the applicant to occupy. Applicants have the right to request a review of suitability of accommodation made to discharge a s.193 duty and are therefore advised to accept the offer, rather than refuse it, and to request a review if they do not consider it to be suitable or reasonable to occupy.
- 21.5 The Housing Service will consider all options to discharge s.193 duties, including discharge into the private rented sector. This will not prevent an eligible and qualifying applicant from remaining on the CHR.

22. Decanting

- 22.1 The Housing Service will seek to agree a decant programme with the relevant RP where tenants have to leave their existing accommodation permanently because it is being demolished for redevelopment or significantly refurbished. The terms of any moves will be set out in a separate offer to affected tenants and leaseholders. Decanting tenants will be supported to find alternative accommodation, and where necessary direct offers of accommodation will be made. If the tenant is on an assured shorthold tenancy with the RP, rather than an assured tenancy, the Housing Service will seek to find the tenant alternative private rented accommodation.

23. False or misleading information and fraud prevention

- 23.1 It is an offence to make a false statement and/or knowingly withhold information when making an application for the Housing Register. The maximum fine is £5,000
- 23.2 Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.
- 23.3 The Housing Service may visit applicants at home to verify details of an application. Visits may be undertaken without notice. If an applicant cancels or misses two or more pre-arranged appointments for verification visits, the application will be awarded nil points and deferred until the Housing Service is able to verify the application.
- 23.4 Ground 5 in Schedule 2 of the Housing Act 1985 as amended by Section 146 of the Housing Act 1996 enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or person acting at the tenant's instigation.
- 23.5 If an applicant knowingly provides false or misleading information on their housing application in order to gain an advantage over other applicants, the Council will defer their application for a minimum of 12 months. In addition, consideration will be given to whether prosecution or other legal action is appropriate

24. Cancelling, Suspending and Deferring Applications

- 24.1 A housing application may be cancelled and removed if the applicant:
- has asked in writing for it to be cancelled
 - has been housed by a RP in an assured or an introductory tenancy
 - has moved and not informed the Housing Service of any new address or circumstances, and the Housing Service is unable to contact the applicant
 - has not responded to a written request for information needed to assess the application, within 28 days
 - has given false or misleading information on the application form
 - has not replied to an annual review letter
 - has provided false or misleading information

24.2 A housing application may be suspended, if

- the applicant has asked for it to be suspended until a later date
- the applicant is temporarily unable to move, for example due to be admitted to hospital
- the applicant requires housing with support and is refusing a support package required to sustain the tenancy
- the applicant has had a change in circumstances and the Housing Service are awaiting an update form
- information has been requested from the applicant
- information has been requested from a third party
- the applicant has made a homelessness application that is pending a decision
- the applicant has requested a review of a homeless decision
- it is pending CHR Team assessment for deferral.

24.3 A housing application may be deferred, if the applicant

- does not meet the qualifying criteria
- or a member of their household is deemed to have displayed behaviour serious enough to make the applicant unsuitable to be a tenant
- owes money to the Council for a Rent-In-Advance and/or Rent Deposit Guarantee where no regular payments are being made
- has rent arrears that exceed eight weeks rent OR where no regular repayments are being made
- has deliberately worsened their circumstances
- has refused three reasonable offers of accommodation
- is in HM Prison, until one month prior to release date
- has been violent or abusive to staff (including RP staff).

25. Advertising Properties

25.1 Properties will be advertised on a weekly basis, with new properties advertised on a Thursday and bidding closing at noon on the following Wednesday.

25.2 The adverts will be placed:

- On the website
- In the advert sheet
- In the reception areas of West Berkshire Council and Registered Providers with office space within the district
- Other local facilities, as appropriate

25.3 Applicants have the right to request general information from local housing authorities that will enable them to assess whether accommodation appropriate to their needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available. To facilitate such requests, the weekly Property Sheets will provide information on previous adverts, including:

- The date of the property sheet
- The advert reference
- The property type
- The location

- The number of bids received
- The number of points on which the property was let
- The registration date of the successful applicant.

26. Bidding

- 26.1 The Council seeks to offer applicants on the CHR a choice over the areas and properties in which they wish to live. In order to be considered for an allocation of a particular property, applicants must bid via Choice Based Lettings. In certain circumstances, for example, where the Council has accepted a homelessness duty to an applicant or where a risk assessment is required (e.g. for an applicant subject to MAPPA), choice may be restricted.
- 26.2 Applicants can only register bids for properties for which they meet the eligibility criteria specified in the advert. Any bids that are ineligible for the property advertised will be disregarded.
- 26.3 Applicants can make as many bids as they wish in any weekly cycle, subject to being eligible for the properties advertised. There is no need to bid more than once for any one property.
- 26.4 Applicants must view the advert prior to placing a bid and should be sure that they would accept an offer if made. Applicants who refuse three reasonable offers of accommodation will be deferred for 12 months (see Section 7.4.5).
- 26.5 In the case of new developments where there are a number of properties with the same characteristics only one advert will be placed, and each applicant will need to submit one bid only.
- 26.6 The bidding cycle will start at 12.00 noon on a Thursday and close on 12.00 noon on the following Wednesday. Bids received after this deadline will not be accepted.
- 26.7 Applicants (or the applicant's advocate) can register a bid for the property by:
- Telephoning the Housing Office (during office hours)
 - Telephoning 0870 727 6919 (7p per minute)
 - Using the website www.homechoicewb.org.uk
 - In person at West Berkshire District Council Offices
- 26.8 To register a bid, the applicant will need to supply the following information:
- Registration number
 - Name
 - Date of birth
 - Property reference number

27. Assisted Bidding

- 27.1 Vulnerable applicants will be identified from the application process. Housing Service staff will contact potentially vulnerable clients and seek to establish what their support needs are in relation to bidding for properties, and identify ways of enabling the applicant to participate in the bidding process.

- 27.2 Vulnerable applicants will be able to nominate a person to bid on their behalf or to help them bid for suitable properties. The applicant can also nominate a family member or friend to receive correspondence or make applications for vacancies on their behalf.
- 27.3 If an applicant is receiving support from another professional or voluntary agency or organisation, the Housing Service will, with the applicant's agreement, contact the worker to ensure that they understand the procedures and that necessary support is provided. All agencies funded through Supporting People should be able to provide their clients with help on housing issues. If appropriate, training will be given to external agencies that would also be in a position to help their clients with bidding.
- 27.4 Applicants can also receive support from Housing Services staff with bidding by:
- Visiting the reception desk at the West Street House Offices, open from 10am-2pm each weekday.
 - Phoning the Housing Office between 8.30am-5pm Monday to Thursday and 8.30am-4.30pm on Fridays

28. Assessment of Bids

- 28.1 Once bidding has closed, a shortlist will be produced that lists applicants in order of the highest housing need points followed by registration date.
- 28.2 Where an advert has been advertised with adjusted preference (see Section 13), the shortlist will prioritise those applicants who meet the preference criteria by order of housing needs points and then registration date, followed by those who do not meet the preference criteria by order of housing needs points and registration date. The Housing Service may verify applicants' circumstances prior to forwarding the shortlist to the RP. The RP will be expected to carry out their own verification checks prior to making an offer.

29. Making an offer

- 29.1 The relevant RP will contact up to the top three applicants for each property, arrange a home visit as necessary to complete a pre-tenancy assessment, and offer the applicant a viewing date and time. The offer of a viewing does not constitute an offer of accommodation.
- 29.2 The RP will ensure each applicant is aware of their priority place i.e. 1st, 2nd or 3rd and the applicant must inform the RP at the viewing whether they are interested in the property. The RP will then send a formal offer to the applicant with highest priority who has expressed an interest in that property.
- 29.3 Applicants who advise a RP that they no longer wish to be considered for a property, and who would potentially have been made an offer, should be aware that this will be classed as a refusal. If three reasonable offers of accommodation are refused, the applicant may be deferred (see Section 7.5.5).

30. Bypassing Applicants

- 30.1 In all cases when a RP elects not to offer a property to the highest priority applicant on the shortlist, who has expressed their interest in the property, the landlord must seek agreement from the Local Authority to bypass the applicant.
- 30.2 The RP must give the reason for requesting the bypass and have received agreement by the Local Authority prior to offering the property to the next applicant on the short list.
- 30.3 Bypassing reasons cannot be blanket policies (e.g. applicants with alcohol problems). However, where there is an agreed sensitive letting policy or local lettings plan or s.106 exception sites prior to advertising the property, this is acceptable but only if this information formed part of the advertised criteria.

31. Refusals

- 31.1 Where an applicant is made three reasonable offers of accommodation and refuses each offer, the application will be deferred for 12 months. An applicant is considered to refuse the property if a) they have been made a formal offer of accommodation which they then decline; or b) they would receive the formal offer of accommodation but tell the RP they do not wish to be considered, whether or not they have attended a viewing, before the RP has an opportunity to make the offer.
- 31.2 Applicants should therefore be sure that they are interested and would be willing to accept the property, if offered, prior to placing a bid. A refusal will not be counted as such if the property can be shown to be unsuitable. This could include: medical grounds, social grounds (including potential harassment or violence), or financial hardship.

32. Discharge of Duty

- 32.1 The Council will seek to allow applicants, to whom a full homelessness duty is owed, the opportunity to exercise choice and bid in the normal way. However, given the shortage of accommodation and the pressures on the Housing Service, the Council retains the right to place bids on applicant's behalf for accommodation that is considered to be suitable and reasonable to occupy.
- 32.2 If a property is offered and then refused, the Local Authority may discharge its homelessness duty if the property is held to be suitable for the applicants needs. The right to occupy temporary accommodation would be brought to an end.

33. Housing for applicants in need of specialist accommodation

- 33.1 The district benefits from a number of supported housing schemes. These are managed by a range of agencies and have individual referral and allocation criteria, depending upon the client group and the level of support offered.
- 33.2 Given the specialist nature of these schemes, it will not be appropriate to advertise such vacancies for general needs occupation. For access to supported accommodation, applicants will be considered through the relevant housing and support panel

- 33.3 Individuals with special needs who wish to apply for accommodation should complete the Home Choice West Berkshire registration form. This will be assessed and a separate arrangement will be made specifically for supported housing.
- 33.4 To ensure that households are aware of supported housing schemes, and the need to register with the West Berkshire Home Choice scheme, general adverts will be included within the website advert sheets.

34. Equality and Diversity

- 34.1 The Council is required by Section 166 of the Housing Act 1996 (amended by the Homelessness Act 2002), to ensure advice and information about the right to make an application for housing and to provide assistance to anyone likely to have difficulty making an application.
- 34.2 West Berkshire Council is home to people from a wide range of backgrounds. We are committed to equal opportunities in housing. This means that we seek, subject to the nationally prescribed eligibility criteria, to ensure that priority for housing is based on housing need and that housing policies are fair to all sections of the community regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation.
- 34.3 Where required, the Housing Service will provide translation and interpretation, large print or signing services to ensure that applicants and potential applicants have advice and assistance to make an application.
- 34.4 All applicants for housing or re-housing will be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to ensure that properties are being offered and allocated fairly.

Part Six: Reviews and Complaints

35. Right to Review

35.1 An applicant has the right to request a review of a decision that his or her CHR application:

- Is ineligible for an allocation of accommodation
- Does not qualify for an offer of accommodation
- Has been suspended from the CHR
- Has been deferred from the CHR
- Has been removed from the CHR.

35.2 The Housing Service will advise an applicant in writing, with the reasons, if any of the above affects their CHR application.

35.3 Applicants will be notified of their right to request a review of these decisions. Anyone wishing to do so must advise the Authority in writing within 21 days of the decision date (a standard form will be provided), giving their reasons for doing so.

35.4 As evidence is taken in written form it is very important that, when making the request for a review, the applicant, or someone acting on their behalf:

- Brings to the Council's attention any new information, not already on file, that they wish to have considered
- Addresses the reasons for the decision in their case set out in the decision letter
- Explains why they think the decision is wrong.

35.5 If no written representations are received the matter will be decided on the facts already known.

35.6 An officer senior to the officer who made the original decision, and who has not been involved in the original decision, will carry out the review and respond to the applicant.

35.7 The Council will determine the review within eight weeks (56 days). If there is a delay with the review decision the applicant will be advised in writing of the reason for the delay and a revised timescale.

35.8 A copy of the senior officer's decision, and the reasons for it, will be sent to the applicant as soon as possible after the decision is made.

35.9 If the applicant disagrees with the review decision, they can seek judicial review or take their case to the Local Government Ombudsman.

36. Complaints

36.1 Where an applicant considers that they have been treated unfairly or believes that there has been maladministration of the scheme, they can make a formal complaint to the Council. This is distinct from the procedure to request a review of a decision

that has been made in accordance with the West Berkshire Home Choice policy. The complaints procedure cannot be used to challenge the outcome of reviews.

36.2 The Council's complaints procedure is detailed in the leaflet 'How to complain' and copies can be obtained from the Council Offices, Market Street, Newbury.

36.3 There is a simple three stage process for corporate complaints.

36.3.1 Informal – Stage 1

The applicant may write a letter, use the form on the website, email us or use the paper form to complain. The complaint should be sent to the Service Manager - Housing Strategy & Operations or to the Complaints Officer. The Council will acknowledge the complaint once received and a senior officer will investigate and respond within 10 working days. If the Council needs more time to investigate the complaint, the investigating officer will write to the applicant advising of when they hope to provide a final response. If it is found that Council has failed to provide the level of service the applicant should expect, the Housing Service will apologise, and seek to put things right. The applicant is welcome to put forward views of what needs to be done to resolve any problem.

36.3.2 Formal investigation – Stage 2

If the applicant is still unhappy once the investigation at Stage 1 has finished, they can ask to have their complaint investigated more formally by a senior manager in another service – usually the Policy & Scrutiny Manager in Policy & Communication. The response at Stage 1 will advise the applicant how to do this. The Council will acknowledge the applicant's request for a review, and seek to respond within 20 working days. . If the Council needs more time to investigate the complaint, the investigating officer will write to the applicant advising of when they hope to provide a final response.

36.3.3 An Ombudsman Review – Stage 3

The Council will try to resolve most complaints internally, but if the applicant is still unhappy after their complaint has gone through the Stage 1 and Stage 2 Council processes, they may then refer the complaint to the Local Government Ombudsman, who will carry out an independent review.

To make a complaint to the Ombudsman, contact the Advice Team on:

Tel: 0300 061 0614 8.30-5 Mon-Fri

Email: advice@lgo.org.uk

Or write to: The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH.

www.lgo.org.uk

36.3.4 The Ombudsman's office suggests that complainants provide a daytime telephone number so they can contact them to discuss the complaint. The Ombudsman will investigate the complaint and suggest ways to resolve it. This may include a local settlement (the Council taking some action to put things right). If the Ombudsman considers there has been maladministration by the Council he may also suggest ways to improve our processes in future.

36.4 If the complaint is against the RP, the applicant should contact the RP, in order to discuss their Complaints Process. If this fails, the Independent Housing Ombudsman should be contacted.

36.5 The Council is committed to responding quickly and effectively to any complaints and comments, and to use these and any compliments about the service to review and improve ways of working.

37. Monitoring

37.1 Members of the Housing Service do undertake regular checks to verify details on the CHR to prevent fraud.

37.2 The scheme will be closely monitored by the Housing Service to ensure that it is operating equitably and fairly.

37.3 Other information will be collected in order to complete the P1E returns on performance required by central Government and in order to assess any additional areas of unmet housing need, as appropriate.

37.4 The policy will be reviewed every 5 years. The review will include an Equality Impact Assessment on the Policy as a whole. Should any significant amendments be required, consultation would be undertaken with relevant stakeholders including elected members prior to a decision being made.

Glossary

Additional Preference	Groups of people who are within a Reasonable Preference Group and to whom a local authority may give additional preference for an allocation of social housing under the Housing Act 1996
Affordable Rent	Tenancies let by Registered Providers on rent levels of up to 80% of open market rents
ASBO	Anti-Social Behaviour Order – a civil order made by the Court against perpetrators of anti-social behaviour. The ASBO will usually restrict behaviour in some way, for example, it may state that they are not to be abusive to neighbours or are not to enter a certain area
Choice Based Lettings (CBL)	A system to advertise available social housing that enables applicants to bid on properties that they wish to be considered for. Once the advert closes, a shortlist is run and the property is allocated to the applicant with the highest housing need
Common Housing Register (CHR)	A single waiting list for all social housing in West Berkshire, managed by the Council
Common Travel Area	The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland
Homesekers	Applicants who do not currently live in social housing but who wish to move into social housing
Multi-Agency Public Protection Arrangements (MAPPA)	A statutory process through which the Responsible Authorities (Probation, Police and Prison Services) work together with Duty to Cooperate Agencies such as Mental Health/YOS/Housing/Social Care (children and adults) Job Centre Plus/Health to manage the Risk and help reduce the re-offending behaviour of Sexual and Violent Offenders in order to protect the public including the victims from serious harm
Reasonable Preference	Groups of people to whom preference must be given for an allocation of social housing under the Housing Act 1996
Registered Providers (RPs)	Housing providers who are registered with the Homes & Communities Agency
Section 106 Agreement	A legal agreement under the Town & Country Planning Act 1990 that sets out planning obligations that the developer is required to meet as part of the planning consent. A Section 106 Agreement can be used to require the developer to provide affordable housing and,

in the case of rural exception sites, to restrict occupancy of that social housing to people with a specified local connection

Social Rent

Tenancies let by Registered Providers on rent levels set at 'target' rents (usually 40-50% of open market rents) set by the Homes & Communities Agency. These are traditionally the cheapest rents in the market

Transfers

Applicants who are currently living in social housing but who wish to move to alternative social housing

Other Relevant Documentation

Appendix One – Housing Needs Assessment

Appendix One Housing Needs Assessment

Each application is assessed in accordance with the housing needs assessment, which awards points for each housing need issue.

General Needs Applications	Notes	Points awarded
Overcrowding	<p>A separate bedroom is deemed to be needed for:</p> <ul style="list-style-type: none"> ~ every adult couple (married or unmarried) ~ any other adult aged 16 or over ~ any two children of the same sex aged 16 or under ~ any two children aged under 10 ~ any other child. <p>Child only counts if born and birth certificate has been submitted.</p> <p>Assessment is based on the basis of the rooms available for use as a bedroom, regardless of how the household chooses to use those rooms.</p>	10 points for each bedroom short of this target, up to a maximum of 20 points
Under Occupancy	Only applicable to transfer tenants in social or affordable rented housing in West Berkshire, who wish to move to smaller, more suitable accommodation.	50 points
Lacking or sharing any amenities listed Toilet, Bath or shower, kitchen, living room, water, electricity	<p>Sharing with people who are not on the applicant's CHR application</p> <p>Lacking, subject to verification visit by the Housing Service</p>	<p>10 points</p> <p>20 points</p>
Security of Tenure	<p><i>At Risk of Homelessness:</i> this includes applicants who are in private rented, forces or tied accommodation who have been served notice that will expire within the next 2 months and where the local authority believes the Landlord will act; owner-occupiers who have been issued with a possession order by the court; Care leavers who are ready to move on and whose current accommodation will end within the next two months, as confirmed by Childrens Services. Wherever possible, Childrens Services are</p>	20 points

	encouraged to provide Housing Services with 6 months notice that a young person will be leaving care and to ensure that the young person has a Leaving Care Plan	
	<i>Homeless or Supported Housing:</i> this includes applicants to whom a housing authority owes a duty under section 190(2), 193(2) or (195(2) of the Housing Act 1996 (as amended); applicants who are occupying accommodation secured by a housing authority under section 192(3) of the Housing Act 1996 (as amended); applicants who are 'homeless at home (subject to confirmation by the Housing Options Team); applicants who live in a hostel, supported lodgings, refuge; applicants who live in supported independent living who are ready for move-on; applicants who are awaiting discharge from hospital but whose home is not longer suitable and cannot be made suitable either through a care package or adaptations; applicants who are street homeless (subject to a verification visit).	10 points
	<i>Family & Friends or NFA:</i> this includes applicants who are living with family or friends or who are deemed to be no fixed abode (potentially sofa-surfing).	5 points
	<i>Other:</i> applicants who live in private rented accommodation, armed forces accommodation, social or affordable rented (whether Council or RP) and owner-occupiers (whether shared or full) who are not subject to a notice and who do not fall into one of the groups identified above.	0 points
Families	With children under 10 years and no access to a garden	5 points
	With children under 5 years and living in accommodation above ground floor level or in accommodation with a external access that is below ground floor (e.g. a basement flat).	5 points

	Housing Managers have discretion to apply this award to children older than the specified age who are disabled, where there is relevant evidence to support the award.	
Medical	<p>A Medical Assessment form must be completed and submitted for each household member who may qualify for medical needs points.</p> <p>Assessed by the Housing Register Supervisor or another Housing Manager.</p> <p>Application must demonstrate how the condition is affected by the current accommodation and how it would be relieved by a move to alternative accommodation.</p> <p>Evidence from the applicant's GP or other medical practitioner may be sought prior to assessment.</p> <p>Conditions may be attached to award of points.</p>	<p>10 points for the first household member.</p> <p>5 points for each subsequent household member</p>
Welfare & Social Needs Factors	<p>Awarded to reflect circumstances where people need to move on welfare grounds, for example, to give or receive care or support, to address child or adult protection issues, to move-on from supported housing where support is no longer required or to address urgent multiple issues that can only be resolved by a move.</p> <p>A Welfare & Social Needs form must be completed by an appropriate professional on behalf of the applicant. The form will be returned if it is completed incorrectly.</p> <p>Assessed by a Panel of two Housing Managers.</p> <p>Conditions or time limits may be placed on awards.</p>	0/5/10/20/30/40/50 points.
Disrepair	<p>Applicants must submit photographic and documentary evidence.</p> <p>Assessed by the Housing Register Team.</p>	10 points

	<p>Disrepair points will not be awarded for damp and mould arising from lifestyle.</p> <p>EH guidance may be sought in extreme cases.</p>	
Armed Services Personnel in Urgent Need	<p>Must meet the criteria for Service personnel (Section 12) AND either be homeless (within the meaning of Part 7 of the Housing Act 1996) or be owed a duty under section 190(2), 193(2) or 195(2) of the 1996 Act or have overcrowding or disrepair points or have medical or social needs points AND need to move urgently due to a life threatening illness or disability or be statutorily overcrowded or be homeless or at risk of homelessness as a result of violence or threats of violence.</p>	5 points
Discretionary Factor	<p>To be agreed by Service Manager in consultation with the head of care Commissioning, Housing & Safeguarding</p> <p>Only awarded on advice of a professional in rare and exceptional cases (for example, public protection) that cannot be covered by the usual housing needs assessment.</p>	0-100 points as appropriate