

Individual Decision



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The attached report will be taken as Individual Portfolio Member Decision on:

Thursday 30 May 2019

Ref:	Title	Portfolio Member	Page No.
ID3723	Housing Allocations Policy - Minor Amendments	Executive Member for Economic Development and Planning	3 - 52



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Individual Executive Member Decision

Housing Allocations Policy - minor amendments April 2019

Committee considering report:	Individual Executive Member Decision
Date ID to be signed:	24 May 2019
Portfolio Member:	Executive Member for Economic Development and Planning
Date Portfolio Member agreed report:	15 May 2019
Forward Plan Ref:	ID3723

1. Purpose of the Report

- 1.1 To agree minor amendments to the Council's Housing Allocation Policy to respond to legislative change and to improve the customer journey.

2. Recommendation(s)

- 2.1 That the amendments set out in the draft revised Housing Allocation Policy (version 1.5) be agreed.
- 2.2 That the agreed amendments be implemented with immediate effect.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Consultation Responses

Members:

- Leader of Council:** None
- Overview & Scrutiny Management Commission Chairman:** N/A

None

Ward Members: None

Opposition Spokesperson: None

Local Stakeholders: N/A

Officers Consulted: Head of Development and Planning
Head of Finance and Property
Head of Legal Services
Housing Strategy and Operations Manager
Homelessness Prevention Manager
Senior Housing Officers

Trade Union: N/A

5. Other options considered

5.1 The option not to recommend that minor amendments be made to the policy was dismissed as it would result in the policy continuing not to address legislative change.

6. Executive Summary

6.1 Minor amendments are required to the Housing Allocation Policy to respond to legislative change, and to streamline the Council's procedures to improve operational efficiency, and to improve legibility.

6.2 None of the amendments impact negatively on customers, or alter the aims or spirit of the policy.

7. Conclusion

7.1 The proposed amendments to the Housing Allocation Policy are required to respond to legislative change, to support the Council's priority to prevent and relieve homelessness, and to improve both the operation of the policy and to improve legibility.

7.2 The proposed amendments are minor and so may be agreed through an Individual Executive Member decision.

8. Introduction/Background

- 8.1 The Housing Allocations Policy was adopted by the Executive on 17 October 2013 and sets out how the Council administers its Common Housing Register and the allocation of social housing to households in housing need.
- 8.2 The policy has been subject to minor amendments since adoption to respond to legislative change and to improve its operational effectiveness.
- 8.3 This decision relates to further minor amendments that seek to improve how the policy operates for housing register applicants, while addressing changes that are appropriate following the implementation of the Homelessness Reduction Act 2017.
- 8.4 The proposed amendments do not alter the spirit of the policy as adopted, or result in any negative impacts for applicants and are therefore appropriate to be considered as an individual decision.

9. Supporting Information

- 9.1 N/A

10. Options for Consideration

- 10.1 The Homelessness Reduction Act 2017 introduced a statutory obligation on the Council to provide advice and assistance for a 56 day period where a household is threatened with homelessness. Where a household becomes homeless, the Council is required to assist relieving homelessness for a further 56 day period.
- 10.2 The Housing Allocation Policy as adopted sets out that where a common housing register applicant is homeless that their common housing register application is deferred. This, in effect, reduces the priority of their application and consequently reduces the ability to secure housing through the common housing register.
- 10.3 The proposed amendments include the removal of this requirement so that where a common housing register applicant is considered to be homeless, there is no impact on their common housing register priority.
- 10.4 The adopted Housing Allocations Policy includes a number of decisions that are taken by more than one officer to ensure that decisions are made consistently and transparently. These generally relate to determining requests for additional priority points, for example due to medical circumstances, social and welfare needs etc. Each of these decisions is also subject to a right of review to a manager.
- 10.5 Each year the Council receives in excess of 200 such requests and the volume of requests has resulted in the current two officer decision process being unsustainable. There is also no evidence that decisions are not adequately being assessed by the first decision-making officer.
- 10.6 The proposed amendments include the removal of the requirement for more than one officer to be involved in the decision-making process for these requests to improve the speed of decision-making, and hence the customer journey. In the event that a customer is dissatisfied with the outcome of the initial assessment, the right to review remains and there is no disadvantage to the customer.

- 10.7 The proposed amendments also include a wide range of incidental amendments that remove unnecessary paragraphs and amend wording to shorten the policy and improve readability for customers.

11. Proposals

- 11.1 The proposed amendments are set out in the draft revised Housing Allocation Policy (version 1.5).

12. Conclusion

- 12.1 The proposed minor amendments will ensure that the Housing Allocations Policy is able to support the prevention and relief of homelessness as required by the Homelessness Reduction Act 2017.

- 12.2 The proposed amendments also streamline processes in respect of awarding additional priority points for the benefit of customers without altering the application of the policy.

- 12.3 There are also a number of amendments that seek to reduce unnecessary text and improve legibility, again without impacting on the effect of the policy.

13. Appendices

- 13.1 Appendix A – Data Protection Impact Assessment
- 13.2 Appendix B – Equalities Impact Assessment
- 13.3 Appendix C – Draft revised Housing Allocation Policy (version 1.5)

Background Papers:

Housing Allocations Scheme (Version 1.5)

Subject to Call-In:

Yes: No:

Wards affected:

All wards

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim(s):

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- SLE1 – Enable the completion of more affordable housing**
- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by streamlining the Housing Allocations Policy and improving the ability for homeless households to secure accommodation through the Common Housing Register.

Officer details:

Name: Neil Coles
Job Title: Strategy, Development and Review Manager
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Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Economy and Environment
Service:	Development and Planning
Team:	Housing
Lead Officer:	Neil Coles
Title of Project/System:	Housing Allocation Policy
Date of Assessment:	15 May 2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To make minor amendments to the Housing Allocation Policy
Summary of relevant legislation:	The Housing Allocation policy sets out how the Council operates its housing register to enable households in housing need to access social housing
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Neil Coles
Date of assessment:	15 May 2019

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To streamline the policy to improve the customer journey and improve operational efficiency
Objectives:	To identify minor and on-consequential amendments
Outcomes:	Minor changes proposed which do not result in negative impact on customers
Benefits:	Improved service efficiency and customer journey

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter

		the delivery of the policy
Disability	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Gender Reassignment	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Marriage and Civil Partnership	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Pregnancy and Maternity	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Race	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Religion or Belief	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Sex	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Sexual Orientation	There are no negative impacts on this group	The proposed amendments are minor in nature and do not alter the delivery of the policy
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: The proposed minor amendments do not have consequential impacts, and will streamline the policy to improve the customer journey and improve operational efficiency	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: The proposed minor amendments do not have consequential impacts, and will streamline the policy to improve the customer journey and improve operational	

efficiency

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Neil Coles

Date: 15 May 2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Housing Allocations Policy

Document Control

Document Ref:		Date Created:	17 October 2012
Version:	1.5	Date Modified:	xx April 2019
Revision due			
Author:	Neil Coles	Sign & Date:	
Owning Service	Development and Planning		
Equality Impact Assessment: (EIA)	Date undertaken:	January 2014	
	Issues (if any):	A copy of the EIA is available for viewing.	

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	24/01/14	Amended to reflect new statutory guidance 'Providing Social housing for local people' (CLG, \Dec 2013) and to incorporate provision for foster carers. Implementation Date 1.10.2015	
4	21/09/2016	Updated housing needs assessment to incorporate homeless households within Part VII as set out at section 11.3 of the Policy	



5	Xx/04/2019	<p>Minor amendments throughout to improve legibility</p> <p>Paragraphs 2.2, 3.3, 3.3, 5.3, 5.4, 5.8, 6.31, 6.32, 6.4, 6.4.1, 6.4.2, 9.5, 9.6, 9.7, 10.3, 10.4, 13.4, 13.8, 13.9, 13.10, 14.15.4, 19.4, 21.2, 21.4, 21.4, 21.7, 23.4, 27.4, 30.3, 30.4, 34.1, 35.8, 36.3, 36.3.1, 36.3.2, 36.3.3., 36.3.4, 36.5, and 37.3 deleted as unnecessary</p> <p>New paragraph 6.4 inserted to provide summary of other eligibility criteria</p> <p>Paragraph 7.6.6 – minor amendments and remove reference to advertising a percentage of properties to support social mobility</p> <p>Paragraph 11.6 moved to paragraph 11.2</p> <p>Paragraphs 13.3, 22.1, 25.2, and 27.3 –partial deletions</p> <p>Paragraphs 14.3 and 16.1 – minor amendment to clarify age range</p> <p>Paragraph 14.15.2 – reference to ‘homeless at home deleted’</p> <p>Paragraphs 14.20 and 14.25 – remove reference to officers undertaking points assessments</p> <p>Paragraph 14.23 – deletion of detail relating to the assessment form</p> <p>Paragraph 23.1 – level of fine amended to accord with section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012</p> <p>Paragraph 24.3 – removal of deferment for homeless applicants and those in temporary accommodation</p> <p>New paragraph 25.4 inserted to enable direct offers to be made in exceptional circumstances</p> <p>Paragraph 31.1 – minor amendments and addition of failure to view property as a reason for refusal</p> <p>Heading 32 – addition of the word ‘homelessness’</p> <p>Paragraphs 37.1 and 37.2 combined</p> <p>Appendix 1 – reformatted, amended to reflect document amendments and to avoid duplication of information</p>	
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Contents

Part One: Purpose and Context	7
1. Purpose	7
2. Applicability	7
3. Roles and Responsibilities	7
4. Review.....	8
5. Housing in West Berkshire	8
Part Two: Eligibility and Qualification	10
6. Eligibility to join the register	10
7. Qualification.....	13
8. Treatment of applicants in specific circumstances	17
9. Transfer Applicants	18
10. Homebuy/Keyworker Accommodation	18
Part Three: Reasonable and additional preference.....	20
11. Reasonable and Additional Preference	20
12. Additional Preference & the Armed Forces	21
13. Adjusting Preference	22
Part Four: Housing Need Assessments	26
14. Housing Need Assessment	26
15. Who can be included on a CHR Application?	31
16. Eligible property sizes:	32
17. Assessment of Application	33
18. Notification of points awarded	34
19. Changes in circumstances	34
20. Annual Re-Registration	35
21. Homeless Households	35
22. Decanting	36

23. False or misleading information and fraud prevention	36
24. Cancelling, Suspending and Deferring Applications	36
Part Five: Allocations.....	38
25. Advertising Properties	38
26. Bidding	38
27. Assisted Bidding.....	39
28. Assessment of Bids.....	40
29. Making an offer.....	40
31. Refusals	41
32. Discharge of Homelessness Duty	41
33. Housing for applicants in need of specialist accommodation.....	41
34. Equality and Diversity	41
Part Six: Reviews and Complaints	43
35. Right to Review	43
35. Complaints	44
37. Monitoring.....	45
Glossary.....	46
Appendix One – Housing Needs Assessment	48

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 affordable 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 17th October 2013.

2. Applicability

- 2.1 This Policy applies to applicants or potential applicants seeking housing through the Council's Common Housing Register (CHR) in West Berkshire
- 2.2 This document is published and is publicly available for reference and viewing.
- 2.3 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 Development and Planning. 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.

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, and for some residents waiting for a social or affordable rented home may be unreasonable.. 5.3 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.

- 5.4 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.
- 5.5 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>

Part Two: Eligibility and Qualification

6. Eligibility to join the register

- 6.1 Eligibility for an allocation of accommodation is set nationally 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 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).
- 6.4 A person from abroad other than a person subject to immigration control include (but are not limited to) people who fail the 'habitual residency test', are short-term visitors, and are in breach of the EU Rights of Residence Directive.
- 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). The Council has had regard to the statutory guidance on social housing allocations, 'Providing social housing for local people' (CLG, January 2013 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/269035/131219_circular_for_pdf.pdf)) in formulating the qualification criteria.
- 7.2 *Qualifying households*
Subject to being eligible for an offer of accommodation (see Section 6 above), an applicant will qualify for the CHR if they, or an adult member of their household:

- have been resident in West Berkshire for at least 2 consecutive years immediately prior to their application being made OR they have a parent or adult 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 2 consecutive years. The local connection criteria must be maintained for the duration of the application.

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 a gross 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 removed. 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 between one to five years depending on the seriousness of individual circumstances) and that there have been no repeat occurrences before they are able to re-apply. The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and that a new application should be accepted. 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 a new application

should be accepted.

7.5.2 Money is owed to the Council for a housing-related costs 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, or has not paid ineligible charges arising from a temporary accommodation placement, or has other housing-related charges (e.g. court , travel, or storage costs or repair recharges) 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.

The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and the deferment should be lifted (e.g. by provision of receipts).

7.5.3 *Rent arrears OR where no regular repayments are being made:* if the applicant has rent arrears that exceed eight weeks their application will be deferred. They will need to demonstrate that they have maintained a repayment plan for at least three months and that the arrears have been cleared or reduced to below eight weeks rent before the deferment is lifted.

The onus is on the applicant to demonstrate to the Council that they have fulfilled these conditions and the deferment should be lifted (e.g. by provision of receipts).

7.5.4 *Deliberate Worsening of Circumstances:* where it is considered that an applicant has deliberately worsened their housing circumstances, their application will be deferred for a period of 12 months. At the end of the 12 month period, the applicant can approach the Council and request that their application be reassessed in accordance with the current circumstances and that the deferment be lifted.

7.5.5 *Refusal of three reasonable offers of accommodation:* where an applicant refuses three reasonable offers of accommodation, 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. At the end of the 12 month period, the applicant can approach the Council and request that the deferment be lifted. If the applicant re-applies following removal, 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 between one to five years depending on the seriousness of individual circumstances) and that there have been no repeat occurrences in order for the application to be accepted.

7.5.7 *Providing false or misleading information:* If an individual knowingly provides false or misleading information on a housing register application, the Council will remove the application/s. The applicant will be entitled to reapply after 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 armed forces or who were serving in the regular armed forces at any time in the five years preceding their application to the CHR;
- Bereaved spouse or civil partners of those serving in regular armed 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 spouse or civil partner and (ii) the death was wholly or partly attributable to their service;
- Existing or former members of the reserve armed 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.
- 7.6.5 *Homeless Households:* The local connection criteria for the purposes of homelessness applications under Part VII of the Housing Act 1996 provides a less stringent test. Where the Council has accepted a full homelessness duty to an applicant (i.e. determined that they are eligible, in priority need and non-intentionally homeless, the housing authority *may* decide to exempt the household from the local connection qualifying criteria for the purposes of the Common Housing Register. As it is now possible to discharge homelessness duties into private rented accommodation, this decision will be at the absolute discretion of the housing authority and made on a case-by-case basis.
- 7.6.6 *Social tenants and labour mobility:* the Government has stated that housing authorities must make appropriate exceptions to their residency test for current social tenants who are seeking to move to take up a job or to be closer to their work. An exception to the local connection criteria will be made where a current social housing tenant wishes to move to take up a job or to be closer to their work and:
- ~ they have a permanent contract for 16 or more hours each week
 - ~ their place of work (not the head office) is within the district of West Berkshire
 - ~the travelling time if they do not move will exceed one and a half hours or more each way by a route and means of travel that is appropriate to their circumstances or circumstances of employment (based on current DWP guidance)
 - ~ the travelling time is unreasonable because of the applicant's health or their caring responsibilities.

Employment Verification checks will be undertaken at the point of application and when considering making an allocation.

Further detail and information relating to social tenants and labour mobility can be found in the "Right to Move": Statutory guidance on social housing authorities in England" (CLG, March 2015). For more information, go to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418437/Right_to_move_-_statutory_guidance.pdf The Housing Service will have regard to this guidance, and any subsequent guidance, when determining an applicant's qualification status in relation to labour mobility.

Social tenants are encouraged to pursue mutual exchange or landlord transfer as a means of meeting their relocation needs as they may encounter a longer wait for accommodation through the Common Housing Register.

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.

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.

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. 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 CHR rules. 9.2 Existing tenants of registered providers or local authorities will be identified on the CHR as 'Transfers'. Other applicants will be identified as 'Homeseekers'. 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 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.

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. Help to Buy South is the Zone Agent for West Berkshire.

Part Three: Reasonable and additional preference

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 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.
- 11.3 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'.
- 11.4 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).
- 11.5 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 have a defined local connection to West Berkshire and do not have the financial resources to secure accommodation in the private sector, whether rented, part-owned or owned.
- 11.6 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

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 following groups 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 or 195 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 housing 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 prioritised for people who live and/or work locally. 13.3 To ensure that the occupancy of rural exception sites is prioritised for local people, a cascade mechanism is used that prioritises different groups of applicants for each scheme. 13.4 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.

13.5 Local Letting Plans

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

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

13.7 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 households to return to an area they left for redevelopment to take place.

13.8 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.

13.9 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.

13.10 The adoption of this Policy has delegated authority to agree Local Letting Plans to the Head of Development and Planning in consultation with the Portfolio Holder.

- 13.11 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.
- 13.12 Sensitive Lets
Occasionally, the Housing Service may agree with a registered provider that an individual property be identified as a 'sensitive let'. This may be because the landlord is seeking to maintain a sustainable community. 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.
- 13.13 Where a property is advertised as a sensitive let giving preference to particular households, the property advert will clearly state that the property is being treated as a sensitive let.
- 13.14 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.
- 13.15 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 under 16
 - ~ 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 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom, as it has been designed to provide live/sleep accommodation.
- 14.6 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.
- 14.7 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.
- 14.8 This is because the under-occupancy sanctions for social tenants of working age may increase rent arrears and potentially, eviction.
- 14.9 A set award of housing needs points is applied to anyone who meets the criteria set out in 14.7 above, regardless of the number of rooms that they are over-accommodated by.
- 14.10 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.

- 14.11 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 may be completed.
- 14.12 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. Applicants who have a right to reside in the property by virtue of being a named tenant on a tenancy agreement or who have Owner Occupation rights will not be awarded sharing points.
- 14.13 For clarification, lacking points will be deemed to place an applicant in a reasonable preference category, whilst sharing points will not. This is because it is considered reasonable for people to share facilities, for example with their parents or if they live in a room in a shared house.
- 14.14 Security of Tenure
The reasonable preference groups include applicants who may be homeless 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.
- 14.15 Security of Tenure points are awarded in four categories, dependent upon the level of security that the applicant has:
- 14.15.1 *At Risk of Homelessness*: this includes applicants who are in private rented, forces or tied accommodation who have been served valid 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 Children's Services. Wherever possible, Children's 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.
- 14.15.2 *Homeless or Supported Housing*: this includes applicants to whom a housing authority owes a duty under section 190, 193 or 195 of the Housing Act 1996 (as amended); 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).
- 14.15.3 *Living with Family and Friends or having No Fixed Abode*: this includes applicants who are living with family or friends or who are deemed to be no fixed abode (potentially sofa-surfing) and applicants

who are homeless within the meaning of Part VII Housing Act 1996 but who do not fall within one of the categories detailed above.

14.16 Applicants can only receive one award of security of tenure points. Each category has a set award of points set out in Appendix 1.

14.17 Families

It is recognised that for some families, particularly those with young children, some accommodation may be undesirable. It should be noted that whilst an award of points will be made, 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.

14.17.1 Accommodation with no garden: families with children aged under 10 years, living in accommodation with no garden, will be made an 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.

14.17.2 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 an award of points. Families with children aged 5 or above will not be awarded these points.

14.17.3 Disabled Children and accommodation above or below ground floor and/or with no garden: the Housing Service has discretion, on a case-by-case basis, to award points for a child who is aged 10 or over and who is disabled and who has no access to a garden; and to award points for a child aged 5 or over and who is disabled and who lives in accommodation above and/or 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.

14.18 Medical Needs

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

14.19 Points in this category will not be 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, is negatively impacted by their housing circumstances
- The degree to which a change in housing circumstances would enable the applicant, or a member of their household living with mental health problems, to maximise their recovery potential and achieve enhanced social inclusion

- 14.20 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).
- 14.21 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.
- 14.22 Welfare & Social Needs
The Council is required to give reasonable 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.
- 14.23 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.
- 14.24 Where Medical Needs Points may be appropriate, Welfare & Social Needs will only be considered after the Medical Needs assessment has been completed.
- 14.25 Welfare & Social Needs applications may be awarded points 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).
- 14.26 Disrepair
Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. An award of points is given for disrepair.
- 14.27 Applicants who consider that their home is in disrepair should send 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.
- 14.28 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.
- 14.29 Armed Forces Personnel
This additional preference award is made to applicants who meet the criteria set out in Section 12.
- 14.30 Discretionary Points
The Service Manager, in consultation with the Head of Development and Planning, 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.

- 14.31 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 a shortage of properties that families need to consider whether other people living in their household could move into smaller properties of their own.
- 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. 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. 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 evidenced 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 may be a more suitable option.

- 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 under 16
- 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 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom, as it has been designed to provide live/sleep accommodation.
- 16.4 *Households who require a carer* - 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. In line with these Housing Benefit provisions, this policy makes provision for an extra bedroom to be awarded in exceptional circumstances after discussion with the Benefits Service.

- 16.5 *Households with a disabled child* - An additional bedroom may be awarded 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.
- 16.6 A decision to award an additional bedroom 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.
- 16.7 *Foster Carers* - The council recognises the contribution that foster carers make towards ensuring that children in West Berkshire are cared for. For this reason, one additional bedroom can be awarded to those applicants approved to foster and where recommendation is made by social Services to provide accommodation because the current accommodation is not large enough or would cause overcrowding. A check will be made with the Family Placement team prior to allocation to ensure that the applicant is still an approved foster carer.
- 16.8 Housing Benefit Regulations allow approved foster carers an extra bedroom for use by a foster child or children under the size criteria rules where:
- ~ Approved foster carers have a child placed with them
 - ~ Approved foster carers who are between placements but only for a period of up to 52 consecutive weeks from the date of the last placement
 - ~ Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed with them during that period.
- 16.9 A decision to award an additional bedroom to approved foster carers 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 if they do not fall into one of the above categories or cease to be an approved foster carer.

17. Assessment of Application

- 17.1 Upon verification of a new application or receipt of a Change of Circumstances 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 1). 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 notified in writing of the outcome of their application, 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 a Change of Circumstances 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 on-line Change of Circumstances Form is received.
- 19.4 If the on-line Change of Circumstances Form is not received, requested information has not been provided 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 on-line Change of Circumstances Form (to act as the Annual Review Form) confirming their basic details and any changes in their circumstances. They will be advised to complete the 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 complete the 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 (as amended) as being homeless or threatened with homelessness will qualify to join the register, subject to meeting the other criteria.
- 21.2 The allocation of non-secure accommodation under Part 7 of the Housing Act 1996 (i.e. providing temporary accommodation to accepted homeless families) is outside the scope of this policy.
- 21.3 The Housing Service reserves the right to place bids on behalf of applicants to whom it owes a 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 homelessness 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.

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.

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 offence carries an unlimited maximum fine.
- 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 .
- 23.4 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 re-apply after 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:

- or a member of their household is deemed to have displayed behaviour serious enough to make the applicant unsuitable to be a tenant
- 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 not replied to an annual review request within 28 days
- has not completed a Change of Circumstances Form within 28 days of the Housing Service becoming aware of a change in the applicant's circumstances
- has provided false or misleading information

24.2 A housing application may be hibernated or 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 a Change of Circumstances 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
- 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)

Part Five: Allocations

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 reception areas of West Berkshire Council

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.

25.4 In exceptional circumstances the Council may choose not to advertise a property and make a direct allocation to an applicant. This may be as a result of an emergency, to meet the Council's legal obligations to a homeless applicant, to support an applicant with specialist needs (including, but not limited to disabled adaptations), or where the property has previously not attracted any bids.

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 may only bid 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.

- 26.5 In the case of new developments where there are a number of properties with the same characteristics only one advert may 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)
 - 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.

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 sets out letting restrictions (e.g. subject to a local letting plan etc), 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.
- 28.3 Non-qualifying and deferred applicants will not be considered for an offer of accommodation until, and unless, all qualifying applicants have been exhausted on any particular shortlist.

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. **30. Bypassing Applicants**

- 30.1 In exceptional cases a RP may elect not to offer a property to the highest priority applicant on the shortlist.
- 30.2 The RP must give the exceptional reason for requesting the bypass and have received agreement from the Council prior to offering the property to the next applicant on the shortlist.

31. Refusals

- 31.1 An applicant is considered to refuse a property suitable for their needs 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; or c) they fail to attend a viewing for the property.
- 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 Homelessness Duty

- 32.1 The Council will seek to allow applicants, to whom a 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 Council may discharge its homelessness duty if the property is held to be suitable for the applicant's 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 who wish to apply for specialist 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.

34. Equality and Diversity

- 34.1 West Berkshire Council is committed to championing equality and diversity. This policy provides that, subject to the nationally prescribed eligibility criteria, priority for housing is based on housing need and that equality of access is afforded to the common housing register. 34.2 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.
- 34.3 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 regarding:

- Whether s/he is eligible for an allocation of accommodation
- Whether s/he is a qualifying applicant
- Which household members are to be included on the application
- Bedroom size assessment
- Medical and Social needs assessments
- The suspension, cancellation or removal of an application
- Refusals and failures to bid for properties
- Local lettings plans, rural exception sites and sensitive lets

35.3 Applicants wishing to review a decision must advise the Council in writing within 21 days of the decision date 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 that they wish to have considered
- 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 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 If the applicant disagrees with the review decision, they can seek judicial review or take their case to the Local Government Ombudsman.

35. 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 this policy and the complaints procedure cannot be used to challenge the outcome of reviews.

36.2 The Council's complaints procedure is detailed on the Council's website and in the leaflet 'How to complain' which can be obtained from Council offices.

36.3 Where the complaint concerns a Registered Provider, the applicant should contact the RP direct in accordance with their complaints process. If this fails, the Independent Housing Ombudsman should be contacted.

37. Monitoring

37.1 The scheme will be closely monitored by the Housing Service to ensure that it is operating equitably and fairly, and regular checks undertaken to verify details on the CHR to prevent fraud.

37.2 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
CBO	Criminal Behavior Order - A CBO is an order on conviction, available following a conviction for any criminal offence in the Crown Court, magistrates' court or youth court.
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
Deferred Application	Application remains live however it will only be considered in respect of bids placed once all non-deferred live applications are considered. Deferred applications may therefore be successful through the bidding process.
Homeseekers	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/Youth Offending Services/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 Homes England
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
Suspended Application	The application is suspended so the applicant is unable to bid.
Social Rent	Tenancies let by Registered Providers on rent levels set at 'target' rents (usually 40-50% of open market rents) set by Homes England.
Transfers	Applicants who are currently living in social housing but who wish to move to alternative social housing

Appendix One – Housing Needs Assessment

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

Criteria	Allocation Policy paragraph	Points awarded
<i>Crowding and space</i>		
Overcrowding	Paragraphs 14.3 – 14.6	10 points for each bedroom lacking subject to a maximum 20 points
Under Occupancy	Paragraphs 14.7 – 14.9	50 points
<i>Amenities</i>		
Sharing amenities	Paragraphs 14.10 – 14.13	10 points
Lacking amenities	Paragraphs 14.10 – 14.13	20 points
<i>Security of Tenure</i>		
At risk of homelessness	Paragraph 14.15.1	20 points
Homeless or Supported Housing	Paragraph 14.15.2	10 points
Living with Family and Friends or having No Fixed Abode	Paragraph 14.15.3	5 points
<i>Families</i>		
Children under 10 years with no access to a garden	Paragraphs 14.17 - 14.17.3	5 points
Children under 5 years living in accommodation above or below ground floor level	Paragraphs 14.17 - 14.17.3	5 points
Disabled children	Paragraphs 14.17.3	5 points
<i>Medical needs</i>		
Medical assessment	Paragraphs 14.18 – 14.21	10 points for the first household member and 5 points for each subsequent household member
<i>Welfare and social needs</i>		
Welfare & Social Needs Factors	Paragraphs 14.22 – 14.25	0 - 50 points as appropriate
<i>Other</i>		
Disrepair	Paragraphs 14.26 – 14.28	10 points
Armed Services Personnel in Urgent Need	Paragraph 14.29	5 points
Discretionary Factor	Paragraphs 14.30 – 14.31	0-100 points as appropriate

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