

**NEW ALLOCATION POLICY FOR HOUSING IN THE BRAINTREE DISTRICT**

**Agenda Item 7b**

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**Background Papers:-** Draft Allocations Policy (published December 06)  
**Financial Implications:-** Detailed in report  
**Equalities Implications:-** Intended improvements in clarity of information to people with disabilities and their helpers.  
**Legal Implications:-** Policy has legal consequences – opinion will be required prior to final publication  
**Options:** Accept or reject draft policy plus recommended changes  
**Risks:** Detailed in report

**EXECUTIVE SUMMARY**

We published a draft allocations policy in December 2006. The draft set out how we intend to change the allocations policy in preparation for a change to Choice Based Lettings.

Appended to this report is a summary of the extensive consultation undertaken and how issues raised have changed the detail of the policy.

The report also sets out the timetable for the implementation of the new policy and considers the financial and risk issues associated with it.

**DECISION**

To accept the recommended modifications to the draft policy and request that officers proceed to

- publish the new policy in a form that is clear and straightforward for people to access *and*
- implement the changes to IT and the application process as detailed in the report.

## NEW ALLOCATION POLICY FOR HOUSING IN THE BRAINTREE DISTRICT

### Background

We published a draft allocations policy in December 2006. The new policy:

1. prepares the way for a Choice Based Lettings system to be undertaken
2. takes into account the effect of a stock transfer on the allocations system and
3. modernises our current scheme, which we have now been operating for several years.

The transition to Choice Based Lettings (CBL) is being conducted in two phases:

#### Phase 1

Adopt an allocations policy that will support later adoption of CBL. In particular, such a policy must be:

- Simple to understand for applicants, in particular changing from a cumulative points-based system to a 'banding' scheme
- Suitable for operation with RSLs to the extent that they are prepared to use the register for all their allocations in the district
- Able to balance the needs of individuals with the best use of stock

#### Phase 2

Work in partnership with the other Councils in the Greater Haven Gateway and the RSLs operating in the sub region to establish a Choice Based Lettings system.

### Consultation

The policy was published on our web site before Christmas and included a pro-forma for comments. However, the major part of the consultation process was a series of consultation events as follows:

- Three events for council staff across a range of departments (not just those in the housing service);
- a special meeting of the Policy Development Group;
- a briefing to the Tenant's Network and a specific event for tenants;
- a meeting for representative of 'stakeholder' statutory and voluntary organisations and support providers; *and*
- a meeting for RSLs with stock in the district.

The main comments from these meetings and from written responses are summarised in the appendix to this report.

It also sets out our recommended response to those comments.

### Risks Posed by the Policy Change

This is the first step towards a system of Choice Based Lettings, being undertaken on a sub-regional basis across 8 districts. The project to undertake Choice Based Lettings identifies a number of risks but most of the risks are associated with the transition to a system based on advertising, rather than the policy changes proposed here. The principle risk identified is that the change to the new policy alters the balance between allocations to homeless households and to people seeking to transfer. A change in the balance could have an impact on the Council's ability to house homeless households

and/or the number of transfers within Council / Greenfields stock (which has an impact on operating costs).

The proposed mitigation for this risk is to set targets for the proportions of lettings for new applicants, transfer applicants and homeless households to ensure that the balance is in line with the needs of both the council and Greenfields. We believe that the draft policy (with proposed modifications outlined in the appendix) provides a fair and equitable assessment of the relative priority to be given to applicants. By setting and monitoring the proportion of lettings to be made to various types of application, we believe we can manage the impact of the change of policy. The actual proportions will be set in consultation with the board of Greenfields.

### **Implementation and Costs**

We have had preliminary discussions with Anite (the Housing software provider) about the changes required to enable a new system based on banding. We are awaiting their estimates of costs and time but expect the costs to be within the approved budget for the project.

We expect to be able to implement the new policy in early summer 2007, which will complete the first phase of the work. Work on phase 2 (the sub-regional scheme) has begun and will gather momentum throughout the next year. We expect to be implementing the CBL system in summer 2008. The timing for this is likely to become clearer as the sub-regional scheme is planned and potential IT partners are identified.

### **Summary**

The consultation events were overwhelmingly positive to the new policy. The recommended changes in the appendix to this report are to the detail of the policy, not to its overall direction. Although there is no specific 'shadow' allocations team representing Greenfields Community Housing, the tenant and staff groups both considered the policy from the perspective of there being two organisations in the future and there was widespread support from the RSLs consulted. The RSLs operate across district boundaries and therefore work with a range of different policies.

We therefore recommend the approval of the draft policy, subject to the changes detailed in the appendix.

**Consultation feedback document:**  
**Draft Allocation Policy**

**March 2007**

This document contains the feedback from the consultation process for the period of 15<sup>th</sup> January 2007 – 12<sup>th</sup> March 2007.

Details of the feedback process/event held are as follows:

<b>Reference</b>	<b>Consultation Event</b>	<b>Date held</b>
BDC	Staff Event	23.01.07
M	Member Event	23.01.07
BDC	Staff Event	26.01.07
BDC	Staff Event	01.02.07
S	Stakeholder Event	26.01.07
P	Partner Event (RSL/Housing Association)	28.02.07
T	Tenant Network Group	05.03.07
C	Consultation feedback document	

Ref in draft policy	Consultation reference	Subject area	Comments	Recommendation
6.4	BDC	Mobile Homes	Clarification required in the text that applicants in mobile homes are subject to standard assessment of need and will be able to have their cases assessed by the medical and social welfare panel for additional priority.	Agreed . Additional text will be added to the policy to reflect these comments.
7.8.3	BDC	Bungalows	In cases where there are no appropriate applicants for bungalow accommodation, it was queried why the Council will only consider applicants over the age of 40 years old, registered in Band B with mobility problems.	<p>Further text to be added to the policy to explain that consideration will usually be given to applicants over the age of 40 years old, registered in Band B, with mobility problems. The medical and social welfare panel will consider cases where the applicant is under the age of 40 years old and where there is a medical or social welfare requirement.</p> <p>Further text to be added to the policy stating that due to high demand, restrictions have been placed on this type of accommodation.</p>

4.9	BDC	Effective Date	<p>Clarification on process used to select cases that have the same level of priority and effective date.</p> <p>In cases where an existing tenant has rent arrears and/or under a court order, query raised as to whether the effective date changes to when the arrear/court order has cleared/ceased? Suggested that if this action isn't taken the applicant may take several years to clear their outstanding arrears and could have an advantage over other applicants in the same priority band of time by virtue of their waiting time.</p>	<p>Agreed. Additional text will be added to the policy to state that under such circumstances (which are likely to be rare), the review panel or designated Council Officer will consider the cases to establish which case has the highest housing need. Under these circumstances, the applicants will be notified of the outcome, giving the reasons for the decision. Applicants will have the right to request a review of the decision in line with the review and appeal process.</p> <p>Agreed. Additional text will be added to the policy. In cases of rent arrears/court orders, the tenant will be expected to organize repayment program. If the tenant adheres to their repayment program, their effective date will remain as the date they entered the relevant band. In cases where the tenant fails to regularly adhere to their repayment plan, the effective date may be altered to the date when the arrears/court</p>
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				order clears/ceased. All decisions relating to effective dates will be subject to confirmation from the tenant's landlord and/or the Head of Housing.
4.4	BDC	Suspension	Concerns raised about the monitoring of suspended cases. Suggested that a specific process is formed to ensure that cases are not overlooked. Suggested further exploration is need to see if the current IT system can identify suspended cases and timescale for suspension, thereby enabling cases to be reinstated.	Agreed. Additional text will be added to the policy stating that suspended cases will be monitored on a six monthly cycle. As part of IT development, it will be assessed whether suspended cases can be identified by the system in order to highlight the date of review.
6.2	BDC	Overcrowding	Concerns about the removal of priority for children in flats	Concerns understood. Policy clearly states that in cases where the household has children under the age of 5 years old, the Council will try to avoid flats above ground floor level. However due to the shortage of accommodation this may not always be possible.  The Medical and Social Welfare Panel or the designated Council Officer will assess cases, which require additional consideration.

7.7.5	BDC	Joint tenancies	Clarification needed for definition of a friend.	<p>Agreed. Additional text will be added to the policy document stating that joint tenancies will be offered to friends who can demonstrate a long term commitment to the home, for example shared financial interests (sharing of household costs).</p> <p>Also additional text will be added to state that a joint tenancy means that each named tenant will be jointly responsible for the property and maintaining the terms of their tenancy agreement.</p>
7.2	BDC	Offers of accommodation	<p>Applicants to the Council have to provide ID for all household members at the time of registration. It was suggested that as part of the lettings process, future tenants should provide ID at the time of signing tenancy agreements. Suggested that this process will assist with fraud and issues of sub letting. This process is being used in other Local Authorities (eg Brent, Camden, Tower Hamlets).</p>	<p>Agreed this is sensible development. Since the Council will be transferring its stock in November 2007, the onus on verifying this at the time of letting will be on the Housing Associations. Therefore the Council proposes to recommend this approach to all its partner housing providers.</p>

5	BDC	Banding system – direct/ sensitive/ management lets	<p>Suggested that sensitive/management lets (including decants) should be placed into a separate category, for example Band E or F.</p> <p>It was suggested that these types of lets should include those let under the priority card system (thereby including those who are fleeing DV, witness protection and management moves).</p> <p>It was considered that by grouping all such lets it would avoid the more sensitive cases being easily identified – therefore avoid placing applicants at risk under Choice Based Lettings.</p>	Agreed. The advertising of lettings under CBL does raise concerns about sensitive cases. As part of the CBL development further assessment will be undertaken.
8.2	BDC	Selective management allocations	<p>Identified that the text in the policy document needs expanding to include the following items:</p> <ul style="list-style-type: none"> <li>○ Management moves</li> <li>○ Assistance for those in danger (need to include groups)</li> <li>○ National Witness Mobility scheme</li> <li>○ Difficult cases/management issues</li> </ul>	Agreed.
7.75		Joint tenancies	Clarification required on the definition of a “friend”	Agreed. Additional text will be added to the policy document stating that joint tenancies will be offered to friends who can demonstrate a long term

			<p>Question raised as to whether Greenfields will have discretion to grant a sole tenancy in cases where the tenant gives notice on a joint tenancy.</p>	<p>commitment to the home, for example shared financial interests (sharing of household costs).</p> <p>Also additional text will be added to state that a joint tenancy means that each named tenant will be jointly responsible for the property and maintaining the terms of their tenancy agreement.</p> <p>Confirmed that Greenfields will still have the discretion to grant a sole tenancy under these conditions.</p>
6.2.2	BDC	Overcrowding Children of opposite sex sharing a bedroom	<p>Suggested that the age limit for children of opposite sex sharing a bedroom should be reduced to 5 years old.</p>	<p>General feedback from the consultation process has indicated support in the proposal to reduce the age limit for children of opposite sex sharing a bedroom to five years.</p> <p>Agreed to change the age limit to 5 years old. Additional text to be added to the policy stating the following:</p> <ul style="list-style-type: none"> <li>- In line with the legislation (Housing Act 1985 S324 – S326), a household is defined as overcrowded if two children</li> </ul>

				<p>of the opposite sex have to sleep in the same room unless they are under the age of 10 years old.</p> <p>In order to effectively manage the housing stock, applicants with two children of the opposite sex, sharing a bedroom in Council accommodation or accommodation where the Council has nomination arrangements with a Housing Association or a private scheme, will be placed into Band C.</p> <p>Once the eldest child reaches the age of 5 years old the application will be moved into Band B. The effective date will reflect the date the eldest child reaches 5 years old.</p> <p>Applicants with two children of the opposite sex, sharing a bedroom in a private rented property, will be placed into Band D.</p> <p>Once the eldest child reaches the age of 5 years old, the application will be moved into Band C. The effective date will reflect the date the</p>
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				<p>eldest child reaches 5 years old.</p> <p>In cases where there is a shortage of accommodation, households with two children of the opposite sex, sharing a bedroom and the eldest child is under 10 years old, the Council may offer accommodation or make a nomination to a Housing Association/private sector accommodation, which will require the children to share a bedroom. Under these circumstances, the applicants will be advised to submit a transfer application and would be placed in Band B. The effective date will reflect the date the eldest child reached 5 years old.</p> <p>In cases where a transfer from a Council or Housing Association property will release a property needed or will facilitate a chain of moves, the Council will consider applications where a household has children of the opposite sex sharing a room and the eldest child is under the age of 5 years old. Under these</p>
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				<p>circumstances the Council will use its selective management allocation policy – see section 8.2.</p> <p>As appropriate, cases can be referred to Medical and social welfare panel, for example family’s containing stepchildren.</p>
6.2.1	BDC	Overcrowding Children of same sex sharing a bedroom		<p>Agreed. Additional text will be added to the policy stating the following:</p> <p>Applicants with two children of the same sex, sharing a bedroom in a Council or Housing Association property, will be placed into Band D.</p> <p>If there is an age gap of more than 8 years, the application will be moved into Band B. The effective date will reflect the date the application moved into Band B.</p> <p>Applicants with two children of the same sex sharing a bedroom in private rented accommodation will be placed into Band D.</p>

				If there is an age gap of more than 8 years, the application will be moved into Band C.
8.2.3	BDC	Properties	Suggested that a balancing mechanism will need to be developed to ensure a balancing mechanism to effectively meet the needs of homeless and transfer applicants. Suggested that this balancing mechanism is included as part of the monitoring process	Agreed. It is intended to set targets for the different types of moves, based on current outcomes. These targets will be regularly reviewed as part of monitoring arrangements.
	BDC	Children	Definition of child in the policy document	Agreed. Text to be added to clarify that a child is a household member, who is under the age of 16 years old or under the age of 19 years old and in full time education or training, and dependant on the adult applicant/s.

8.1.2	S	Tenants Incentive Scheme (TIS)	<p>Identified that the text in the allocation policy needs to clearly state that the TIS is for elderly people who are under occupying their Council/Housing Association accommodation.</p> <p>Also suggested that the text in the allocation policy needs to also clearly state that deductions will be taken from the allowance for repairs (and only with agreement from management, for rent arrears).</p>	<ul style="list-style-type: none"> <li>- Agreed. Text in the policy will state the following: <ul style="list-style-type: none"> <li>o The TIS is for existing tenants of retirement age, who are under occupying general needs Council or Housing Association accommodation.</li> <li>o The criteria for the scheme will state that the household must be of a settled size and the location of the property is required to meet housing need.</li> <li>o Deductions will be taken from the allowance for repairs (and only with agreement from management, for rent arrears).</li> </ul> </li> </ul>
7.4	S	Offer process	Suggested that a risk assessment process is developed for all potential tenants.	Agreed. A combined risk assessment and nomination form is currently being developed.
7.3/7.7.2	S	Rent arrears	Suggested that applicants with outstanding rent arrears are only offered a tenancy if a repayment arrangement has been organized and agreed.	<ul style="list-style-type: none"> <li>- Already identified in the policy under section 7.3 – Offers to existing tenants who owe rent.</li> </ul>

	S	Disabled Applicants	<p>Suggested applicants who require disabled adapted properties should be included in the criteria for priority card status.</p> <p>Identified that a mechanism to monitor movement from disabled adapted properties is required to ensure that applicants do not move into non-adapted properties.</p>	<p>Already identified in the policy under section 6.1 - medical and social welfare assessment.</p> <p>Agreed. This will be considered as part IT developments.</p>
7.11	S	Nomination arrangements with specialist housing providers	<p>Suggested that if the specialist housing providers use their nomination rights inappropriately.</p>	<p>- Agreed. Text will be added to the stating that all nomination arrangement will be in line with current Service Level Agreements and will be annually reviewed. If specialist-housing providers use their inappropriately the Council will address as part of the review process.</p>

6	BDC	Priority assessment; Medical and Social Welfare assessments	Suggested that a review/appeal process needs to be added to the policy document.	<ul style="list-style-type: none"> <li>- Agreed. Process for reviewing medical and social welfare assessments will be added to existing process for reviews in section 9.5. Appeals for medical and social welfare assessments will be conducted by an independent Officer, such as the Head of Housing.</li> </ul>
6.6.2	BDC	Bedroom Sizes	Identified that further information needs to be provided in relation to the bedroom sizes allocated to applicants.	<ul style="list-style-type: none"> <li>- Already contained in policy under section 6.2.2 – Bedroom Sizes.</li> </ul>
6.2.1/ 6.2.2	BDC	Overcrowding; Children sharing bedrooms	Questioned why overcrowding in LA/HA accommodation is given higher priority than in the private sector best use of housing stock.	<ul style="list-style-type: none"> <li>- There may be cases where overcrowding in private accommodation has serious consequences for a household and we will take such cases to medical and social welfare panel. However, as a general principle, overcrowded private tenants are given lower priority because of the following reasons: <ul style="list-style-type: none"> <li>o They chose the accommodation</li> <li>o Many may have the means to move into alternative private sector accommodation at the end of a tenancy. As part of the Council's Housing Advisory service, applicants will be able to obtain assistance in sourcing alternative</li> </ul> </li> </ul>

				accommodation. This service also includes financial and benefit assessments.
8.2	BDC	Selective management allocations	<ul style="list-style-type: none"> <li>- Suggested that the sensitive management lettings policy needs further development.</li> <li>- Suggest that developments take place in conjunction with the Council's Anti Social Behavior Officer and partner organizations.</li> </ul>	- Agreed. Further text to be added.
3.5.1	BDC	Reasonable preference categories	- Reasonable preference category needs to include homeless people are intentionally homeless, non-priority and those owed a duty by any housing authority.	- Agreed. Further text to be added to include the other homeless categories.
5	BDC	Priority assessment; Banding system	- Suggested additional category added to Band B to incorporate prevention of homeless (those who meet the legal requirements but are likely to be homeless outside of 28 days).	- Agreed.

			<ul style="list-style-type: none"> <li>- Suggested that accepted homeless cases housed in temporary supported housing schemes are placed into Band B and suspended until ready to move on. This would ensure that the effective date would relate to the date of registration and allow sufficient movement (whereas if placed in Band C to move into Band B the effective date would not be long enough to facilitate a quick move).</li> <li>- Identified that further explanation is needed on process for applicants with multiple needs.</li> <li>- Suggested that nominations from specified agencies and supported housing schemes are moved to Band A. Suggested that this would ensure that the applicants are moved quickly and ensure effective use of this mechanism.</li> <li>- Suggested that the priority card is renamed to an emergency card or e card. It is believed this will reflect the urgency of this award.</li> </ul>	<ul style="list-style-type: none"> <li>- Agreed.</li> <li>- Already contained in the policy document under the section 6.1.6 - Applicants with multiple needs.</li> <li>- Agreed. To be amended in the policy.</li> <li>- This will be considered as part of CBL development.</li> </ul>
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6.3	BDC	Disrepair and lack of facilities; Private sector	Suggested that the policy document requires a section to reinforce the need to consider the financial assessment of applicants when considering their housing options.	- Already contained in the policy document under section 6.6.2 – Economic Factors.
7.7.1	P	Starter tenancies	General consensus amongst partner RSL's that starter tenancies are an effective tool, however must be used in conjunction with other packages to sustain tenancies.  Suggested that the use of starter tenancies will require a monitoring process.	- Agreed.
6.1	P	Medical and social welfare assessment	Suggested that the Medical and Social Welfare panel should consist of the same individuals for consistency.  Explained to the group that a core panel will be formed, however other professionals may be included as part of the case conference process.	- Agreed.
5	P	Priority Assessment: Banding	Agreed that the nominations from supported housing schemes should be placed into Band A in order to facilitate movement within the system.  Agreed that applicants accepted under homeless provisions and housed in	- Agreed.  - Agreed.

			supported housing schemes should be placed into Band B and suspended. Once they are found to be ready to move on, their application will be reinstated. The reason for this is to ensure that the applicant receives sufficient priority and moving into a higher band does not effect their effective date.	
6.2.1		Overcrowding: Children sharing a bedroom	<p>Concern that if the age limit is altered to 5 yrs old is unrealistic. Generally the group understood the rationale behind this proposal as logical, however the group felt it might cause problems the Council problems in terms of implementation.</p> <p>Concern over the reduced priority given to those in private rented accommodation in overcrowded situations.</p> <p>Identified that the policy document requires further clarification for applicants in private rented accommodation has a pressing housing need (of any kind), they can be referred to Medical and Social Welfare Panel for additional priority.</p>	<ul style="list-style-type: none"> <li>- See previous</li> <li>- See previous</li> <li>- Agreed. Text to be added confirming that applicants who require housing due to a medical or social welfare reason, in Council, Housing Association or private sector accommodation can be considered for additional priority by the medical and social welfare panel.</li> </ul>

5/6.2. 1/8.1	P	Priority assessment Overcrowding/ Under occupation	<p>Advised that other allocation policies have awarded priority for under occupation based on the number of rooms by which the household is overcrowded/under occupying.</p> <p>It was generally felt that the methodology used for this type of calculation could be complicated. Generally felt that the Council's proposals were easier to understand and implement.</p>	Agreed.
	Choice Based Lettings Suggested items for development			
-	Coordinating the various allocation policies across the sub region		<p>Suggested that as part of the sub regional operation, information is supplied to each partner RSL/HA providing details the variations in each Local Authorities allocation policy. This has taken place in the Cambridge Sub Region and has been of enormous help to the partner housing providers. Suggested not to add this information as an appendix to the allocation policies, as it may have some legal implications.</p>	<p>- Consideration will be given as part of the CBL development.</p>

	Mutual Exchanges	-	Suggested that the CBL development at local and sub regional level, includes a mutual exchange function. This is seen as a good alternative to the HomeSwap system, providing benefits to Local Authorities and potential applicants.	- Consideration will be given as part of the CBL development.
	Advertising costs		<p>Question raised as to whether the Council/Sub region intended to levy a charge to each partner for advertising vacancies under the CBL system.</p> <p>Advised that in other systems, a charge of up to £50 per vacancy has been implemented and that charges are calculated on a pro rata basis (dependant on the number of vacancies per year).</p>	- Consideration will be given as part of the CBL development.

	Nominations		<p>General willingness amongst the RSL partners to agree to 100% nominations as part of the CBL system.</p> <p>Experience from CBL system in the Cambridge Sub Region found that restrictions/opt out options have been included to ensure that tenants of RSL/HA are not disadvantaged and a balance can be achieved.</p>	<ul style="list-style-type: none"> <li>- Consideration will be given as part of the CBL development.</li> <li>- Consideration will be given as part of the CBL development.</li> </ul>
	Accessibility		<p>The CBL system must be accessible for vulnerable applicants and those with limited or no access to IT equipment.</p> <p>Generally agreed that the CBL system must not totally rely on a website/IT. Other suggestions options included:</p> <ul style="list-style-type: none"> <li>o Paper version of listings to the top 100 applicants free of charge.</li> <li>o Paper version of listings available to all other applicants, charge for postage costs.</li> <li>o IT equipment available in all area offices with trained staff to assist applicants.</li> <li>o Establish links with other agencies who can give access</li> </ul>	<ul style="list-style-type: none"> <li>- Consideration will be given as part of the CBL development.</li> <li>- Consideration will be given as part of the CBL development.</li> </ul>

			<p>to IT equipment and assistance to applicants (eg Citizen Advice Bureau).</p> <ul style="list-style-type: none"> <li>o Bidding by proxy for those who are vulnerable or have difficulty in accessing the system.</li> </ul>	
	Private Sector		<ul style="list-style-type: none"> <li>- Using experiences of other CBL systems, suggested that the system could incorporate accommodation available in the private sector. This could include private leasing schemes.</li> </ul>	<ul style="list-style-type: none"> <li>- Consideration will be given as part of the CBL development.</li> </ul>
	Shared Ownership		<ul style="list-style-type: none"> <li>- Using the experiences of other CBL systems, suggested that the system could also include shared ownership schemes.</li> </ul>	<ul style="list-style-type: none"> <li>- Consideration will be given as part of the CBL development.</li> </ul>
6	C	Medical and Social Welfare assessment	<ul style="list-style-type: none"> <li>- The composition of the adjudication panel needs explanation, also there is a need for consistency in decision making.</li> </ul>	<ul style="list-style-type: none"> <li>- Agreed. Clarification of the panel constitution to be included in the text. This will also include the review and appeal process.</li> </ul>
5	C	Priority assessment	<ul style="list-style-type: none"> <li>- Concern that no account appears to provide for rural homes where resources are limited, access is poor to shops, entertainment etc. Therefore only applicants experienced in village life may appreciate rural community life.</li> </ul>	<ul style="list-style-type: none"> <li>- No discretion in law to permit polices for general needs lettings to take into account an individual's experiences. Before CBL, as now, applicants are advised of resources available at the time of offer. Once CBL is undertaken, people will be given information on which to bid, but once they indicate they want a particular property, judgment will be based on banding priority, effective date and</li> </ul>

				viewing by the applicant.
10	C	Local Letting Policies	<ul style="list-style-type: none"> <li>- How do ward Councilors ensure that when appropriate, Local Lettings procedure is instigated.</li> </ul>	<ul style="list-style-type: none"> <li>- “Local Lettings” are intended to cover new developments and specific Section 106 ‘exception’ sites. There is no agreement to seek other exceptions to generate policy through a ‘local lettings’ procedure. The allocations policy permits some discretion where there has been a history of problems. Members can raise such issues with the Head of Housing who exercises the discretion.</li> </ul>

Cabinet - 26<sup>th</sup> March 2007



# **Braintree District Council Allocation Policy**

# DRAFT

## December 2006

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## **Section 1**

### **1.1 Introduction**

- At the time of writing this draft policy, the outcome of the stock transfer ballot was undecided. Therefore the policy has been written in terms of the Council letting its housing stock to applicants.
- Future amendments will be made to the policy to reflect any changes resulting from a stock transfer arrangement and choice based lettings.

### **1.2 A new approach to allocations**

- The Council is planning to replace its longstanding points system with a priority banding system.
- In order to change to a banding system, it will be necessary to revise existing application forms and the computer systems.
- It is intended that the new policy will be adopted in March 2007 and the new system to be in operation from the summer of 2007.
- The banding system operates by placing applicants into one of four set categories to reflect specified levels of housing need. The set categories grade housing need from urgent, high, moderate and low. In addition, a “priority card” will be used to assist those in extreme housing need.
- Priority and offers of accommodation will be determined by band grade and the length of time registered on the housing register (defined as the effective date – see section 4.9).
- It is believed that the banding system will simplify the process of needs assessment, whilst providing a transparent method of allocating housing.
- Through this methodology, the Council will have a effective mechanism to make best use of its housing stock and nomination arrangements with other social housing providers.

**For further information about the new approach, please refer to the Consultation Paper, which accompanies this document.**

## **Section 2 Background to the Allocation Policy**

### **2.1 Purpose of the Allocation Policy**

- Outline the Council's legal obligations in terms of allocating social housing to applicants registered on the Housing Needs Register
- Provide a guide on how the Council allocates its housing stock and nominates to partner housing providers
- Provide a mechanism to ensure that all allocations reflect the needs and choice of applicants
- Ensure that all allocations are legal, fair and transparent

### **2.2 Wider aims of the Policy**

- Ensure the Council is able to make the best use of social housing in the district.
- Since demand for social housing far outweighs availability, it is hoped that this policy will assist in coordinating the Council's housing services. In particular, establishing greater links between the Council's Housing Advisory and Allocations services. This will help applicants to have realistic expectations and to consider all their housing options.
- Prevention of homelessness and the use of bed and breakfast
- Establish solid links to wider policy areas, such as sustainable and balanced communities, sustainable tenancies, equality, diversity and partnership working

## **2.3 Scope of the Policy**

- The Council holds a housing needs register for new applicants and applicants seeking a transfer in either Council or Housing Association accommodation.
- The Council operates an “open list” which means that in addition to applicants living in the district, eligible applicants living outside of the District can register on the Housing Needs Register.
- Although the use of a banding system may enable cross boundary nominations as part of future sub regional developments, at present, this policy only applies to people applying to Braintree District Council.
- All applications are assessed in terms of eligibility in line with legislation and need, whilst providing the applicant with the opportunity to express their preferences and choice.
- The Council has nomination arrangements with its partner Housing Associations. Those registered on the housing needs register can be considered for these vacancies. Nominees will be assessed in line with the Council’s allocation policy and any requirements of the Housing Association.
- The Allocation policy only applies to the allocation of rented accommodation owned by social housing providers. This policy does not cover shared ownership schemes, accommodation let on a temporary basis or through a private landlord.

## **Section 3 Legal Framework**

### **3.1 The Law**

- All allocations of social housing are governed by Part 6 of the Housing Act 1996 (as amended by the Homeless Act 2002)

### **3.2 Good Practice**

- The Council has developed this policy in line with Government guidance (Allocation of Accommodation: Code of Guidance for Local Housing Authorities – 2005).

### **3.3 Allocations covered by the policy**

- Part 6 of the Housing Act 1996 covers the allocation of social housing in following areas:
  - allocation of Council accommodation to new and existing tenants
  - allocation of Council accommodation to existing tenants of Housing Association accommodation
  - nomination arrangements between the Council and Housing Associations

### **3.4 Allocations not covered by this policy (where Part 6 does not apply)**

- Allocation of accommodation to existing tenants in circumstances of repairs/improvements/decanting from their accommodation
- Offers of tied accommodation to Council employees
- Offers to non secure Council tenants (homeless households in temporary accommodation and introductory tenants)
- Succession of Council tenancies
- Mutual exchange of Council tenancies
- Transfer of tenancies through Court Order under the Matrimonial Causes Act 1973, Matrimonial and Family Proceeding Act 1984 and the Children Act 1989
- Offers of assured tenancies, assured short hold tenancies or licenses from Private Landlords
- Key worker or Shared Ownership schemes
- Where the Council is able to facilitate a chain of moves to meet the housing needs of several households.
- Set percentage nomination arrangements used by partner Housing Associations for management moves for its existing tenants

### **3.5 Preference and choice of the applicant**

- The Allocation Policy reflects Council's legal obligation to offer reasonable preference and choice. The Allocation Policy also includes additional preference categories for applicants who are deemed to be in urgent housing need.

#### **3.5.1 Reasonable preference categories**

- The law states that the Council must give reasonable preference to the following categories of applicants as part of the Allocation Policy:
  - people who are homeless, within the meaning of the Housing Act 1996, Part 7
  - people who are occupying insanitary 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 a local housing authority, where failure to meet that need would cause hardship, to themselves or to others.
- An applicant may qualify under one or more of these reasonable preference categories.
- The policies set out in this document meet the guideline requirements.

#### **3.5.2 Additional preference categories**

- The following categories of applicants will be given addition preference on the grounds of urgent housing need:
  - People who need to move because of urgent medical reasons
  - People who are owed a homeless duty as a result of violence or threats of violence likely to be carried out, and who as a result have left their previous accommodation, and now require urgent re housing. These include the following:
    - victims of domestic violence
    - victims of racial harassment amounting to violence or threats of violence
    - same sex couples who are victims of harassment amounting to violence or threats of violence
    - witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current home.

## **Section 4 Application Process**

### **4.1 Eligibility Assessment**

- Applications will be assessed by the Council's Allocation Team.
- The designated Council Officer and/or the medical and social welfare panel can carry out assessments for medical and/or social welfare priority. See section 6.
- All applications will be referred to the Head of Housing or designated Council Officer if they do not meet the eligibility criteria, or where the applicant has asked for a review of a decision – see section 4.4.2 and 9.

### **4.2 Eligible Persons**

Persons eligible to join the Housing Register are:

- persons over the age of 16
- existing secure, non secure and introductory Council tenants
- existing assured tenants of a Housing Association
- people who are not subject to immigration control
- persons deemed to be habitually resident in the Common Travel Area

### **4.3 Ineligibility**

- Applications can be found to be ineligible on following two grounds:
  - a) If the applicant is subject to immigration control, and/or
  - b) The applicant or a member of their household is guilty of unacceptable behaviour, serious enough to make them unsuitable as tenants at the time of application.

Behaviour is classed as unacceptable if it would entitle the Council to an outright possession order had the applicant or member of the household been a secure tenant of the Council or an assured tenant of a Housing Association.

#### **4.3.1 Reviews of ineligibility**

See section 4.5.



#### 4.4 Suspension of Applications

- Suspension can be applied to an application where the applicant or member of his/her household, has demonstrated behaviour, which would affect their suitability to be a tenant. This behaviour would not be serious enough to find the applicant ineligible from the Housing Register.
- Examples of when an application may be suspended are listed below:
  - Outstanding rent arrears with the Council or another Housing Association
  - Outstanding debts with the Council for rechargeable works to a former tenancy
  - Eviction from a Council or Housing Association accommodation
  - Intentionally homeless households.  
(Cases will be re instated and re assessed once alternative accommodation has been found).
  - Homeless applicants and/or members of their household residing as non secure tenants of the Council in temporary accommodation, who are guilty of anti-social behaviour that is likely to cause harm or serious nuisance to tenants in living close proximity.
  - Accepted homeless applicants who have been given assistance via the Council's Rent Deposit scheme.
  - Breaching the terms and conditions of a tenancy agreement (such as, causing nuisance and annoyance to neighbours, using the home for immoral or illegal purposes, damage to the property).
  - Making a false statement to obtain Council or Housing Association accommodation
  - Assaults or harassment of an employee or agent of the Council or one of its partner Housing Association
  - Applicants who have sold a Council property originally purchased by the applicant under the Right to Buy scheme, and have become homeless, for whatever reason.

- Suspended applications will be monitored.
- Suspended applications can be reinstated once the applicant or member of his/her household has addressed the cause of the suspension and/or demonstrated a change in circumstances.
- Any medical or social welfare awards will be removed at the time of the suspension. The applicant will need to request for a new medical assessment once it is agreed to re instate the application.
- In cases of poor behaviour, it will be necessary for the applicant to provide supporting evidence from relevant agencies or neighbours.
- The decision to re instate or continue the suspension of an application will be made by the Head of Housing or designated Council Officer.

#### **4.4.1 Reduced preference**

- It is possible for the Council to apply a reduced preference to an application under the following circumstances:
  - Registered applicants who have refused three offers of suitable accommodation from the Council's Housing Register.
  - Deliberately creating an unsatisfactory housing situation in order to obtain a higher priority.
- Applicants who meet the above criteria will be assessed in line with the banding system and will be placed into one band lower (unless assessed as Band D).
- All applications will be monitored.

#### **4.4.2 Assessment of suspended or reduced preference applications**

- Each case will be assessed on the information available at the time of the application and will be subject to approval from the designated Council Officer or the Head of Housing.

#### **4.5 Reviews of ineligible, suspension or reduced preference decisions**

- Decisions to exclude or suspend applications will be based on the circumstances at the time of the application.
- Consideration will be given to the applicant's circumstances, (for instance, health, disabilities). Information from relevant agencies will also be considered as part of the decision process.
- The Council will notify an applicant/s in writing of the exclusion/suspension, providing the reasons for the decision.
- The applicant has the right to request a review. All requests for reviews must be received within 28 days of the decision date and will be assessed by the designated Council Office or the Head of Housing, who will consider all available information and the circumstances of the applicant/s at the time of the review date. See section 9.
- If the Council obtains information that suggests a registered applicant could be ineligible or should be suspended from the Housing Needs Register, the Council will contact the applicant in writing, giving 14 days to provide relevant information. If the applicant fails to respond within this timescale and the Council is satisfied that they should be excluded/suspended, the applicant will be removed/or suspended from the Housing Register (as appropriate).
- An applicant previously found to be ineligible may make a fresh application at a future date. The Council will consider the facts at the time of application. If there hasn't been a significant period of time between applications, it will be the applicant's responsibility to demonstrate a change in their circumstances or behaviour.

#### **4.6 Local Connection**

Whilst the Council accepts eligible applications from individuals living outside of the district, due to high demand for housing, additional priority will be given to applicants with a local connection.

##### **Definition of local connection**

- Applicants who have lived in settled accommodation in the boundaries of the Braintree district for six months out of the last twelve months, or three out of the last five years.
- Applicants who are in qualified employment in the Braintree district.

- Applicants with a close family relative resident (parents, children, sibling). The family relative must be over the age of 18 years old and must have been resident in the Braintree district for a minimum of five years (prior to application date)
- Applicants who have previously lived in the Braintree district but are currently living in residential accommodation which provides specialist housing and support, or
- Some other special reason

#### 4.7 Verification of applicant details

- Applicants will be required to provide the following proofs as part of the eligibility assessment and for verification of the details contained in their application form:

Proof of identity	Birth certificate, passport, identity card, driving license, NHS medical card
Proof of current address	Utility bill, bank statement, driving license
Proof of National Insurance	Pay slip, P60, National Insurance card, Benefit award documentation
Proof of benefit or income	Benefit award documentation, pay slips, P60
Proof of Immigration status	Home Office documentation
Proof of the sale of a property (as appropriate)	Legal documentation, proof of sale
Dependents	Birth certificates, passport, proof of child benefit award

- The application form will request residential addresses for the last ten years. The Council will verify this information, for example cross referencing Council Tax records and contacting the Land Registry (as appropriate).
- The Council may request additional information considered appropriate, as part of the verification process.
- Only completed applications including the requested proofs will be processed. Incomplete applications will be returned to the applicant. In

cases requiring proofs, the Allocation Team will write to the applicant requesting relevant proofs.

- Failure to complete an application or to provide proofs will result in a delay in processing an application.
- The effective date will only be applied when the application has been processed and registered.

#### **4.8 Notification of assessment**

- Once an application is assessed, the applicant will be notified of the decision, usually within 14 days.

The decision letter will explain the following details:

- Band placement and its definition in terms of housing need
  - Property considerations (size and type – as appropriate)
  - Confirmation of the effective date
  - Registration number
- If an applicant is found ineligible or suspended, the notification letter will provide reasons for the decision (and in cases of suspension outline the period of suspension) and the process for requesting an appeal/review of the decision.

#### **4.9 Effective Date**

- The effective date is the date on which the application is assessed and registered.
- Offers of accommodation will be based on band priority and the length of time registered on the Housing Needs Register.
- The effective date may alter under the following circumstances:
  - When an applicant is moved to a higher band level or issued with a priority card. The new effective date will relate to the date of the applicant's change of circumstances.
  - If an applicant moves into a lower band level, they will retain their original effective date.
  - For applicants registered under the age of 18 years, who have not been accepted under homeless provisions, the effective date will be registered on the applicant's 18<sup>th</sup> birthday.

- For applicants who receive a medical or welfare award, the effective date will be registered as the date the award was issued.
- Applicants who are accepted under homeless provisions will be given an effective date which is either the date relating to their placement into temporary accommodation or the date of the homeless decision (whichever is the earliest).
- Applicants who are found to be overcrowded and have children of the opposite sex, will be moved to Band B once the eldest child reaches 8 years old. Their effective date will be the date when the eldest child reached 8 years old.

#### **4.10 Home visits**

- Applicants registered with high levels of priority for housing may be visited by a Housing Officer. The intention of the home visit is to verify household arrangements, ensure the details provided on the registration form are correct and that there is no other relevant information that the applicant has failed to disclose. This process will also ensure the applicant has been placed into the correct band.

#### **4.11 Change of circumstances**

- Applicants must report any changes in their personal circumstances that could effect their housing application.
- Applicants must provide written confirmation of the change of circumstance and provide relevant proofs.
- Failure to notify a change of circumstances could result in an application being suspended. Please refer to section 4.4.
- Applicants can contact the Council and complete a standard change of circumstances form. This form can also be downloaded from the Council's website at [www.braintree.gov.uk](http://www.braintree.gov.uk)

#### **4.12 Annual review of applications**

- Each year applicants will be required to complete an annual review form. This will confirm if the applicant wishes to remain on the register and provide the applicant to report any changes to their circumstances.

- The applicant will have the opportunity to inform the Council of any changes to their circumstances.
- The applicant will have a period of fourteen days to complete and return their annual review form. After this period their application will automatically be cancelled.
- If the applicant fails to respond, the Council will consider re instating their application, however will require a written request, outlining the reasons for failing to return the annual review form.
- Re instated applications will be registered from the date of re registration.

#### **4.13 Cancelled applications**

- Applications can be cancelled under the following circumstances:
  - failure to complete and return an annual review form
  - change to the applicants circumstances which means they are no longer eligible
  - the applicant provides written request to withdraw or cancel the application
  - if an applicant is registered on the housing needs register and is subsequently found to be ineligible. Please refer to section 4.3.

#### **4.14 Prevention of fraud**

- Under Section 171 of the Housing Act 1996, it is a criminal offence for anyone seeking housing assistance from the Council to knowingly or recklessly give false information or knowingly withhold information reasonably required as part of the housing application.
- Any person guilty of an offence under this section is liable on summary to a fine not exceeding level five on the standard scale (currently set at £5,000)
- Any person who is offered or obtains accommodation and is subsequently found to have given false information or knowingly withheld information reasonably required as part of the housing application, will as appropriate, have the offer withdrawn immediately or will be subject to repossession proceedings.
- Any person found guilty of an offence under this section will be ineligible to join the register on the grounds of unacceptable behaviour.

#### **4.15 Right to information**

- Applicants have the right to request information relating to their housing application.
- The Council will endeavor to provide the applicant with accurate information and advice.

#### **4.16 Data Protection Act**

- The information provided on a housing application form will be processed in line with the Data Protection Act 1998.
- The information provided will be used to assess eligibility, housing need and entitlement to an allocation under the Council's allocation scheme.
- The information supplied may be shared with other Council departments, other bodies administering public funds and partner housing providers.
- Applications can only be discussed with a third party if the applicant provides written consent.



### **Section 5 The Banding System**

#### **5.1 How the system operates**

- Applicants who meet the eligibility criteria will be registered into one of four priority bands, based on an assessment of their housing needs.
- When a council property becomes available for letting or a housing association asks for a nomination, all applications are considered under the Allocations Policy.
- Applicants in the highest bands, with the longest effective date, are usually offered housing first.

## **5.2 The priority card**

- For cases of requiring urgent consideration, a priority card system will be used.
- A priority card can only be issued by the designated Council Officer or the medical and social welfare panel, under the following circumstances:
  - urgent need for housing on the grounds of safety and welfare
  - a need to transfer an existing Council or Housing Association tenant in order to make the best use of the Council's housing stock or facilitate a chain of moves
- The priority status will be time limited and applicants will be restricted to one offer of suitable accommodation within the district.
- See section 6 for priority assessment.

## **5.3 Band A**

- Accepted homeless in urgent need - see section 6.5.3
- High medical needs award
- Relationship breakdowns for existing Council tenants
  - see section 7.7.5
- Successions
- Releasing a property in need (Council or Housing Association) or where it prevents the Council making expensive alterations to the property (assessed by the medical and social welfare panel)
- ADHAC (Agricultural Dwelling House Advisory Committee) referrals – see section 6.5.12.
- Accepted homeless applicants in designated temporary accommodation for whom the Council is obliged to move within a specified timescale
- Homeless applicants with urgent needs will be restricted to one offer of suitable accommodation within the district
- The Council will review the banding status of any applicant who refuses three offers of accommodation.

#### **5.4 Band B**

- Nominations from specified agencies and supported housing schemes
  - High welfare award
  - Medium medical award
  - Tenants Incentive Scheme – see section 8.1.2
  - Overcrowding in social housing except those in Band C – see section 6.2
  - Accepted homeless cases who are homeless at home, housed in designated temporary accommodation – see section 6.5
  - Accepted homeless cases housed in temporary supported housing schemes and identified as ready to move into secure accommodation – see section 6.5.
  - Accepted homeless cases assisted via the Rent Deposit scheme (suspended for six months)
  - Accommodation in poor condition that cannot be fixed (as assessed by Environmental Health Services) – see section 6.3
- 
- Accepted homeless applicants will be restricted to one offer of suitable accommodation within the district.
  - The Council will review the banding status of any applicant who refuses three offers of accommodation.

## **5.5 Band C**

- Accommodation in poor condition that can be fixed (as assessed by Environmental Health Services) – see section 6.3
  - Low medical award
  - Medium welfare award
  - Valid notice to quit
  - Accepted homeless cases housed into temporary supported housing schemes – see section 6.5
  - Other homeless applicants not placed in Band A or B, including those with no fixed abode – see section 6.5
  - Overcrowding in private rented accommodation – see 6.2
  - Fixed term licensees
  - Shared facilities
  - Overcrowding in social housing where two children of opposite sex live in a two bedroom property, but both children are under the age of 8 years old
- The Council will review the banding status of any applicant who refuses three offers of accommodation.

## **5.6 Band D**

- Low welfare award
- Caravan or mobile home
- Tied accommodation
- Private rented and social housing transfers with no requirement or housing need
- In prison

- Owner-occupiers - see section 6.6.4
- HOMES mobility scheme
- Applicants from outside of the district (except where the Council has a specific agreement with another Council)



## **6. Priority assessment**

- Priority assessments are made in accordance with the Council's legal obligation to give reasonable preference.

### **6.1 Medical and social welfare assessment**

- Applicants who require housing on medical or social welfare grounds can be considered for additional priority.
- Applicants are required to complete a medical and social welfare assessment form and provide supporting evidence.
- The Council's independent medical advisor will provide advice on the applicant's housing need based on their medical and housing circumstances.
- As necessary, extra information may be requested from relevant professionals to assist with assessments.
- The medical and social welfare panel will make recommendations for allocating additional priority. The composition of the panel will be one of the elements for consultation.
- The decision to award medical and social welfare priority will be based on the applicant's circumstances. Assessment will consider the applicant's current housing and the impact on their circumstances. Finally considering if a move will alleviate any medical or social welfare issues.

Below is an outline of the issues considered.

### 6.1.1 Medical grounds

- Consideration will be given to the nature of an illness and how the applicant's housing affects the illness, see below:
  - If the present accommodation is harming the health of the applicant or member of their household
  - A move to more suitable accommodation will have a positive effect on the health of the applicant or member of their household

In order to assess the level of medical need, the following table will be used as a guide:

Effect of housing on health	Medical problem		
	Life threatening 1	Serious 2	Moderate 3
Critical 1	Priority Card or Band A	Band B	Band C
Substantial 2	Band B	Band B	Band C
Moderate 3	Band C	Band C	Band C

### 6.1.2 Social Welfare grounds

- This assessment will incorporate medical grounds but will look at wider factors, such as vulnerability or the ability to find settled accommodation. Consideration would be given to applicants who are or have:
  - mental health disorders
  - learning difficulties or behavioral problems
  - mental or physical disability
  - elderly
  - subject to child protection issues
  - give or receive care
  - require access to specialist medical treatment
  - take part in employment or educational opportunities (eg keyworkers)
  - require assistance as a result of current violence, abuse, threats of violence (only applicable to applicants who are still resident in the property where problems exist)
  - prevention of homelessness

- homeless applicants (for whom the Council has no duty), residing in supported housing and ready to the need to move into independent accommodation
- combined areas of need or other special reasons
- It will also be necessary to consider the following factors:
  - Can the Council or its partners provide the type of accommodation the applicant requires?
  - Would another Local Authority have a duty to assist the applicant?
  - Is the applicant capable of holding a tenancy, either secure or in the private rented sector?
  - Can any difficulties be resolved without offering the applicant alternative accommodation?
  - Ultimately will moving the applicant help to resolve any problems or at least improve the overall situation?

In order to assess the level of social welfare need, the following table will be used as a guide:

Effect of housing on health	Vulnerability		
	High 1	Medium 2	Low 3
Critical 1	Priority card or Band A	Band B	Band C
Substantial 2	Band B	Band B	Band C
Moderate 3	Band C	Band C	Band C

### 6.1.3 Urgent cases requiring medical and social welfare assessment

- In urgent cases, where it is not possible to wait for the next meeting of the medical and social welfare panel, the designated Council Officer or Head of Housing will carry out a medical and social welfare assessment. Under these circumstances, the designated Council Officer or Head of Housing will be responsible for reporting the outcome of the assessments to the medical and social welfare panel.

#### **6.1.4 Monitoring of medical and social welfare assessments**

- The medical and social welfare panel will be responsible for monitoring cases assessed for additional priority on the grounds of medical and/or social welfare needs.
- It is believed this process will form an open and transparent approach to awarding additional priority to an application.
- Furthermore, the medical and welfare panel will be able to ratify the decision making process.

#### **6.1.5 Applicants not eligible for medical or social welfare priority**

- Applicants accepted under homeless provisions will not be considered for medical or social welfare priority. The only exception is if an extra room is required on medical grounds. See section 7.8.2.

#### **6.1.6 Applicants with multiple needs**

- If an applicant has a combination of needs in a particular band (not including tenancy type), they will automatically be considered for a higher band by the medical and social welfare panel.



### **6.2 Overcrowding**

- The assessment of overcrowding focuses on the ratio between household members and the number of available bedrooms in a property.
- Applicants who currently reside in Council or Housing Association accommodation in the district, lacking more than one bedroom, will be placed into Band B.
- Applicants who currently reside in private rented accommodation or who are living with relatives in the district and lack more than one bedroom, will be placed into Band C.
- Applicants with a local connection to the district, living in another Council or Housing Association accommodation, lacking more than one bedroom, will be placed into Band C.
- Applicants with no local connection to the district, living in Council, Housing Association or private rented accommodation, lacking more than one bedroom, will be placed into Band D.

- The overcrowding assessment takes note of the standards given in the Housing Act 1985, Part X and will not consider rooms which do not meet the standards for use as living accommodation for one person.
- Overcrowded applicants with medical and social welfare priority will be placed into the highest band relating to their circumstances.
- Accepted homeless applicants in Council temporary accommodation do not meet the criteria for overcrowding.
- Applicants requiring an extra room on grounds of medical or social welfare will not be considered overcrowded and such cases will be assessed by the medical and social welfare priority.
- Overcrowding priority will not normally be given if someone moved into the applicant's household, making them overcrowded. Exceptions will only be considered by the medical and social welfare panel.
- Single applicants and couples without children, who are living in overcrowded conditions will not get priority arising from overcrowding unless they are resident in self-contained accommodation, which is too small. For example a couple in a one person bedsit, young adults living with their parents, or people temporarily sharing with friends will not qualify.

### **6.2.1 Children sharing bedrooms**

- Children of the same sex will be expected to share a bedroom.
- The only exceptions are:
  - an age gap of at least eight years between the children
  - a medical or social welfare reason why the children cannot share a bedroom, as decided by the medical and social welfare panel.
- Applicants with two children of the opposite sex, in a two bedroom Council or Housing Association property and requiring a three bedroom property, will be placed into Band C.

Once the eldest child reaches the age of 8 years, the application will be moved into Band B. The effective date will reflect the date the child reaches 8 years old.

- Applicants will only be placed in Band B for overcrowding if the main applicant is the main carer for the children named on the application form. However it is possible to consider medical and social welfare grounds.

### **6.2.2 Bedroom sizes**

- Bedrooms of less than 6.7 square metres are not considered for use by more than one child
- Rooms of less than 8 square metres are not seen as suitable for use by more than one 'non-dependent' adult (aged over 16 years old), usually being son or daughter
- Rooms of between 6.7 – 8 metres squared are not considered suitable for more than two children and a second bedroom occupied by four or more children is considered unreasonable.

### **6.2.3 Sharing with another household**

- Applicants who share living areas, kitchens and/or bathroom or toilet in accommodation with another household (not related to their family), will be placed into Band C.

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

- Any issue relating to disrepair for Council or Housing Association properties should be reported to the landlord's repair service. No priority will be awarded for disrepair.
- Applicants living in accommodation in poor condition which cannot be fixed or repaired, will be placed into Band B (subject to assessment from Environmental Health Services and in line with current legislation).
- Applicants living in accommodation in poor condition which can be fixed, will be placed into Band C (subject to assessment from Environmental Health Services and in line with current legislation). Once repairs have been completed and inspected by Environmental Health Services, applicants will be moved into Band D.

## **6.4 Mobile homes or caravans**

- Applicants living in a caravan, mobile home or houseboat will be placed into Band D. This will apply to caravans on a specified site or if the applicant own or rent the property.
- The only exception is when other factors exist, such as overcrowding or medical and social welfare factors merit a higher banding status. It does not matter if the caravan is on a specified site or if they own or rent the property.
- The Allocation Team will liaise with the Homeless Team to identify if the applicant and their household may qualify for assistance under homeless provisions.

## **6.5 Homeless applicants**

### **6.5.1 Accepted homeless applicants**

- All accepted homeless applicants will be placed into Band B.
- Families who are assisted via the Rent Deposit Scheme will be placed into Band B, however their application will be suspended for six months. After which time, their application will be reassessed.
- The Council will review the banding status of any homeless applicant who refuses an offer of suitable and reasonable accommodation within the district. This is because the Council is only obliged to make one offer of suitable and reasonable accommodation. Furthermore the Council must ensure that homeless households placed in temporary accommodation for longer than is absolutely necessary.

### **6.5.2 Accepted homeless applicants housed into temporary supported housing schemes**

- Accepted homeless applicants who are placed into temporary supported housing schemes will be placed into Band C.
- Once the supported housing scheme has notified the Council that the applicant is ready to move into independent accommodation and is able to sustain a tenancy, the application will be moved into Band B. The new effective date will reflect the change to the applicant's circumstances.

### **6.5.3 Accepted homeless applicants in urgent need**

- Applicants may be placed into Band A under the following circumstances:
  - frail due to old age and vulnerability
  - terminal or long-term illness
  - permanent wheelchair users
  - owed a duty under homeless legislation due to violence or threats of violence.

### **6.5.4 Accepted homeless applicants in designated temporary accommodation who require a move within a specified timescale**

- Accepted homeless applicants who have been housed in designated temporary accommodation and need to be moved into secure accommodation, within a specified timescale will be placed into Band A.

### **6.5.5 Homeless applicants not owed a duty**

- Applicants who are not owed a duty under homeless provisions will be placed into Band C.

### **6.5.6 Assured shorthold tenants under notice**

- Assured shorthold tenants who have received a notice seeking possession from their landlord will be placed in Band C if there is less than three months before the notice runs out.
- Applicants will be offered advice from the Council's Housing Advisory service.

### **6.5.7 Lodgers under notice**

- This applies to applicants living in the same property as their landlord. They must be renting a room that is for their own use only, and be paying a market rent. Proof that notice has been service is required.
- Applicants will be placed in Band C if there is less than three months before the notice expires. Checks will be made to establish if the notice has been enforced.

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

- Relates to tenancies with protection from an eviction order, but not an assured shorthold tenancy.
- Applicants must have been served with an order for possession and will be placed into Band C.

### **6.5.9 Applicants with a possession order due to a breach of tenancy conditions**

- Applicants who have breached the terms of the tenancy agreement and have been issued with a possession order, may be subject to suspension of their application or may be placed in Band D.

### **6.5.10 Fixed term licenses for supported housing schemes**

- Accepted homeless applicants who are registered in supported housing schemes will automatically be placed into Band C and once identified for move on arrangements, will be placed into Band B.
- The Council proposes to have nomination arrangements with designated supported housing schemes to enable move on arrangements for all other applicants who are resident in supported housing schemes. This will apply to all other homeless applicants for whom the Council has no duty to assist under homeless legislation.

At initial registration, this group of applicants will be placed into Band C. It is proposed that the designated supported housing schemes will be able to use one of their set nominations and liaise with the Council when the applicant is ready to move into independent accommodation and the applicant will be moved into Band B.

Please refer to section 7.11 for further information about proposals for move on arrangements.

- Applicants in designated supported housing schemes, who are offered an allocation under the specialist nomination arrangements, will be restricted to one offer suitable accommodation within the district.

### **6.5.11 No fixed abode**

- Applicants with no fixed abode will be placed in Band C
- Applicants who are currently in prison, will be in placed in Band D.
- The Allocation Team will liaise with the Homeless Team and Housing Advisory to identify if the applicant and their household may qualify for assistance under homeless provisions.

### **6.5.12 Agricultural workers and the Rent Agricultural Act 1976**

- Applicable to those provided with accommodation by their employer and have retained the right to remain in the accommodation after their employment ceases.
- If on the advice of the Agricultural Dwelling House Advisory Committee (ADHAC), it is decided that the applicant must vacate the accommodation, the Council will be obliged to provide housing.
- Applicants under these circumstances will be placed into Band A.

## **6.6 Applications placed into lower bands**

### **6.6.1 Applicants placed into temporary accommodation by another Council**

- Applicants who have been accommodated in temporary accommodation by another Council and are owed a duty under homeless legislation by that Council, will be entitled to 'reasonable preference' under the Allocation Policy. Such applications will be placed into Band D.

### **6.6.2 Economic Factors**

- Means testing is not applied when assessing housing applications, however since the Council's priority is to assist applicants with the highest degree of housing need, the assessment process will consider the financial position of the applicant.
- An assessment of equity, assets and income levels will be taken into consideration. The Council will provide the applicant with appropriate housing options advice, which can include information on purchasing a

property on the open market, shared ownership schemes and renting in the private sector.

- The Council will reduce the priority of an applicant who has sufficient financial resources to purchase a property (either in full or with a mortgage) on the open market or through a shared ownership scheme. Similarly reduced priority may be applied to applicants who have sufficient resources to afford to rent in the private sector. Applicants in these circumstances will be placed into the band which reflects their current housing need.

### **6.6.3 Applications from outside of the district**

- Generally applicants from outside of the district will automatically be placed into the Band D.
- The only exception will apply to applicants living outside of the district in other Council or Housing Association accommodation, who have a local connection to this district (for example close relatives) and lack a bedroom. Such cases will be placed in Band C. See section 6.2
- Additional priority can only be awarded if the applicant is assessed by the Medical and Social Welfare Panel.
- In cases of medical and social welfare awards, the applicant will be placed one band lower than if they had a local connection. The only exception will apply to applicants from outside of the district who are assessed by the medical and welfare panel and placed in Band D.
- The only exception is an applicant who lives in another district in either Council or Housing Association accommodation and lacks more than one bedroom. Under these circumstances, the applicant will be placed in Band C.

### **6.6.4 Owner occupiers**

- Owner-occupiers can join the register providing they meet the eligibility criteria.
- Offers of accommodation will not be made to applicants who still own their own home or are paying a residential mortgage.
- Owner-occupiers will be registered in Band D. Assessments of available equity will be taken into consideration to ensure that the

Council's Housing Advisory service can discuss the applicants housing options, such as shared ownership, private rental and specialist retirement schemes.

- Only in exceptional circumstances, where the needs of the household cannot be met from any equity, for example if major adaptations are required, will the Council consider allocating accommodation. All cases will be considered by the medical and social welfare panel and will be subject to approval by the designated Council Officer or the Head of Housing.
- Owner-occupiers will only be placed in a higher band if they receive medical or social welfare priority and they meet one of the following categories:
  - have a disability requiring an adapted property
  - cannot meet their housing need from their own financial resources
  - of retirement age
- Owner-occupiers of retirement age, who meet the above criteria, will only be considered for low demand accommodation. See section 7.8.4..
- Applicants who have previously owned a property in the last 20 years, will need to provide proof of the sale of the property. These applicants will automatically be placed into Band D at the time of registration, until proof of the sale is received. On receipt of the necessary proofs, the application will be reassessed to establish current housing need, in conjunction with a financial assessment.

#### **6.6.5 Tied accommodation**

- Applicants who currently reside in accommodation which is linked to their employment (including those in HM Forces accommodation), will automatically be placed into Band D.
- Applicants will only move into Band C if they are within six months away of retirement or receive a legal notice asking to them to vacate the tied accommodation.

### **6.6.6 Homes mobility scheme**

- This scheme enables applicants to register an interest with social housing providers throughout the UK. Applicants can register with HOMES (an external organisation) and can be nominated to social housing providers in their area of choice.
- The Council does participate in the HOMES scheme, however due to high levels of demand for accommodation in this area, nominations can only be considered for applicants of retirement age requiring sheltered accommodation.
- Applications will be held in date order and registered in Band D.
- For further information about the HOMES mobility scheme, please telephone 0845 606 6161 or visit the HOMES website at [www.homes.org.uk](http://www.homes.org.uk)

## **Section 7 Offers of accommodation**

### **7.1 Applicant choice**

- All applicants are provided with the opportunity to state preference for the location and type of accommodation required.
- Applicants are encouraged not to restrict their preference to specific areas or types of accommodation. By limiting choice and preference applicants could reduce the opportunity of an offer of accommodation, because they will not be considered for properties that do not meet their stated preferences.

### **7.2 Selection process**

- When a property becomes available, the Allocation Team will consider the type of property, its location and size.
- From this information, the Allocation Team will create a shortlist of potential applicants based on banding priority and the effective date.
- The Allocation Team will check each application to verify circumstances and check eligibility for the property. If necessary, a further home visit will be organised.

- Once verified, the Allocation Officer will contact the potential applicant or applicants to establish interest.
- If the property is from a partner Housing Association, the Allocation Officer will forward details of the short listed applicants. The Housing Association will then liaise directly with the potential applicants.
- The Council aims to pre allocate as many properties as possible. This will ensure that selected applicants have sufficient time to organise moving arrangements.
- Once a date for occupation is available, the Allocation Officer will make a formal offer to the applicant.
- As part of the offer process, the applicant will be advised of the rental charge and the importance of ensuring they submit a claim for Housing Benefit, as appropriate. Applicants will be offered assistance in completing a Housing Benefit application.

### **7.3 Offers to existing tenants who owe rent**

- Tenants of the Council will not usually be offered a transfer if they have outstanding rent arrears. Exceptions would apply when a tenant has a high level of priority because:
  - There is a need to move to allow the Council to carry out repairs or development work to take place.
  - A discretionary move through the Tenant Incentive Scheme (TIS). In such cases the move must be mutually beneficial to the needs of the district and the Council's housing management work. The outstanding rent must not be more than the TIS set allowance. The allowance will be used to clear the outstanding rent. See section 8.1.2.
  - There is a high medical or social welfare need.
  - The applicant and members of their household are at significant risk due to violence or harassment.
- If court action has commenced for outright possession or a bailiff's warrant for eviction, no offers of accommodation can be made. The only exception is where there is an exceptional need or a housing management need and will be subject to approval from the designated Council Officer or the Head of Housing.

- Housing Association tenants who owe rent will not be offered alternative social housing unless their social landlord provides written confirmation that they approve the offer. The tenant would be expected to make arrangements to clear outstanding debt and provide confirmation of any arrangement made.

## **7.4 Number of offers**

### **7.4.1 General needs offers from the housing needs register**

- Applicants offered accommodation from the housing needs register will be limited to three offers of reasonable accommodation within the district.
- If applicants who have been given priority card status or from Band A will be limited to limited to one offer of reasonable accommodation within the district.
- Homeless applicants will be limited to one offer of reasonable accommodation within the district.
- All offers will be made in writing and applicants must respond within three working days, from the date of the offer letter.

### **7.4.2 Reduced preference**

- Some applications will be subject to reduced preference, please refer to section 4.4.1.

## **7.5 Appeals and reviews of an offer of accommodation**

- All applicants have the right to request a review of the reasonableness of the offer of accommodation. All requests will be considered by the the Review Panel. Please refer to section 9.

## **7.6 Refusal of an offer of accommodation**

- If an applicant refuses an offer of accommodation, the Allocation Team will ask the applicant to complete a refusal form, which records the reasons for refusal. This will help the Council to continuously monitor and improve the Allocations service.

## **7.7 Types of tenancy arrangements**

- Applicants will usually be offered permanent tenancies. In the case of Council accommodation an applicant will be offered a secure tenancy. For Housing Association accommodation an applicant will be offered an assured tenancy.
- There are some exceptions to these arrangements, which are listed below:

### **7.7.1 Introductory and starter tenancies**

- These types of tenancies are offered to applicants in the first year of a new tenancy and are only applicable to new tenants, not offered to existing Council or Housing Association tenants.
- Introductory tenancies are issued by some Councils, and starter tenancies are issued by some Housing Associations.
- Introductory and starter tenancies give a reduced level of security for the first year of the tenancy. If the terms of the tenancy are not breached the tenant will automatically become either a secure or assured tenant at the end of the 12 month period.

### **7.7.2 Conditional tenancies**

- All tenants have tenancy agreements. Contained in these agreements are certain conditions which the tenant must adhere to, otherwise the Council or Housing Association can apply for a possession order.
- In certain cases, it may be necessary to add additional conditions when offering a new tenancy. Below are some examples of these conditions:

#### **i) Adaptations**

- Conditions may be attached to joint tenants of the Council who have a secure tenancy agreement and have significant adaptations in the property. It is proposed that if the tenant who requires the adaptations no longer needs them (for instance if they die, the relationship ends or they move out of the property), the remaining joint tenant will agree to move into another property which is suitable for their needs.

This will ensure that adapted properties are allocated effectively to meet the needs of other applicants.

- It is proposed that existing tenants who require an adapted property will not be considered for a transfer to a property without any adaptations, unless agreed by the medical and social welfare panel with advice from an Occupational Therapist. This process will ensure that the resources are used effectively.

## **ii) Rent arrears**

- Tenants with outstanding arrears will only be considered for an offer of accommodation under the circumstances outlined in section xxxx
- Offers of accommodation will be subject to the condition that the tenant makes a payment arrangement to clear their outstanding debt.
- It is only possible to offer a conditional tenancy under these circumstances, if the applicant is able to repay the outstanding debt. If they are unable to meet a repayment arrangement, the offer would not be considered as reasonable.
- If a court order has been issued for outstanding arrears, it is not possible to offer a conditional tenancy, as it will not be possible to enforce the condition to repay the outstanding debt.

### **7.7.3 16 and 17 year olds**

- Applicants under the age of 18 years old are not legally able to hold a secure or assured tenancy.
- Applicants below the age of 18 years old will be offered a contract of necessities, also known as a "*young person's equitable agreement*".
- Once the applicant reaches the age of 18 years, and providing they have not breached the terms of their contract of necessities, they will be offered a secure or assured tenancy, as appropriate.

#### **7.7.4 Letting permanent housing on temporary license**

- In order to meet housing need and achieve balanced allocations, it will be necessary to let some of the Council's general needs housing, usually designated for secure tenants, to homeless applicants on temporary licenses. This will only occur if the applicant and their household cannot be housed in the Council's designated temporary accommodation.

Please refer to section 8.2 for further information relating to sensitive management allocations.

#### **7.7.5 Joint tenancies**

- In line with Government guidance, the Council considers joint tenancies to play an important role in effectively and fairly allocating its accommodation.
- The Council will offer joint tenancies where household members have long term commitment to the home, for example when adults share accommodation as partners (including same sex partners), friends or unpaid live in carers.
- This approach ensures that other adult household members are able to remain in the accommodation on the death of the tenant and would not be prejudiced.
- As cases arise, the Council will ensure that all existing tenants are informed of the option of a joint tenancy and of the legal and financial implications and obligations of this type of arrangement. This information will include succession rights of partners and children.
- If a joint tenant gives notice on the accommodation, the Council will use its discretion in deciding to grant a sole tenancy to the remaining tenant. In deciding the Council will consider any adverse implications in terms of the good use of the housing stock and it does not affect the Council's ability to provide for housing need within the district.

### **7.7.6 Succession of tenancies to household members without rights**

- Where a tenant dies and the remaining household member does not have succession rights yet wishes to remain in the accommodation, the Council will exercise its discretion. In considering the situation, the Council will have consideration for the following:
  - the length of time the household member has been living with the tenant prior to their death
  - whether the household member provided care for the tenant prior to their death
  - if the household member has taken responsibility for the tenant's dependant children and needs to live with them on a permanent basis. In such cases, it will be necessary for the household member to provide proof of residency arrangements and confirmation of Child Benefit and/or Tax Credits.
- Cases will be subject to approval from the designated Council Officer or the Head of Housing.

### **7.8 Types of properties offered**

- The Council will endeavor to allocate housing to meet the applicant's needs and make the best use of available stock.
- Applicants with the highest priority may not always be offered the available accommodation if it would result in overcrowding, under occupation or the accommodation is adapted and required by other applicants.
- In exceptional circumstance, where it will improve a housing situation, it may be possible to authorise an offer of accommodation which is smaller than the needs of the applicant and their household.

Below is table which outlines how many bedrooms an applicant and or their household may be entitled to:

Household size	Number of bedrooms allocated
1 adult	Bed sit/ 1 bed flat or house Any floor level, unless specific requirements requiring ground floor
2 adults living together as a couple	1 bed flat or house Any floor level, unless specific requirements requiring ground floor 2 bed bungalow subject to qualification – see section 7.8.3
2 adults living together but not as a couple	2 bed flat or house Any floor level, unless specific requirements requiring ground floor
1 adult or 2 adults living together as a couple, with 1 child or expecting their first child	2 bed flat or house Floor level dependant on age of the child
1 adult or 2 adults living together as a couple, with either: <ul style="list-style-type: none"> <li>▪ 2 children of the opposite sex</li> <li>▪ 2 children of the same sex, where there is an age gap of at least eight years between the children</li> <li>▪ 2 children and the applicant or partner is pregnant</li> <li>▪ 3 children</li> <li>▪ 4 children (all of the same sex or 2 boys and 2 girls)</li> </ul>	3 bed flat or house Floor level dependant on ages of the children
1 adult or 2 adults living together as a couple, with 4 children (3 of the same sex and 1 of the opposite sex) or up to 6 children	4 bedroom flat or house Floor level dependant on ages of the children
1 adult or 2 adults living together as a couple, with 6 or more children	5 bedroom flat or house Floor level dependant on ages of the children

- Floor levels of flats will be dependant on the age of the child/children. Generally for children under the age of 5 years old, the Council will try to avoid flats above ground level. However due to the shortage of accommodation in the district, this may not always be possible.
- The Council will retain discretion over the size of accommodation allocated, which will be dependant on local availability and housing need.

#### **7.8.1 Parents with access to dependant children**

- No additional priority will be given to applicants who have access arrangements with dependant children.
- Applicants with sufficient priority under the banding scheme will only be allocated a property which meets their needs.
- Applicants with shared residence of a child or children will not receive automatic entitlement to bedrooms for their children. The general principle would be that a child needs one home of adequate size. The Council will not accept responsibility for providing a second home for children where there is a shared residency order.

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

- Applicants can apply for an extra bedroom on the grounds of medical or social welfare need. All requests will be considered by the medical and social welfare panel. Please refer to section 6.
- If an applicant requires an additional room for a carer, the medical panel and social welfare panel will take advice from appropriate professions and establish the need for additional room. The following factors will be taken into consideration:
  - Social Services supporting evidence that a live in carer is required and that if the support was not given voluntarily or paid for by the client, they would qualify for a live in carer
  - If one person has two carers working on a rota to cover 24 hours, the Council will assume they only need one bedroom
  - In most cases, only one bedroom for a carer will be considered. Extra rooms for the carer's dependents cannot usually be considered.

### **7.8.3 Bungalows**

- Specific criteria applies for all allocations of bungalows. As a general rule, bungalows will only be offered to applicants of retirement age.
- Exceptions can apply to applicants with high medical needs, mobility problems and require use of a wheelchair.
- If there is there are no appropriate applicants, the Council will consider any applicant between the age of 40 years to retirement age, registered in Band B with mobility problems.
- It may be that an applicant requires a bungalow for other medical reasons, and these cases would be referred to the medical and social welfare panel. Please refer to section 6.

### **7.8.4 Low demand properties**

- It is unusual to have little or limited demand for the majority of social housing within the district. There is limited demand for some of the Council's sheltered housing schemes.
- If it is not possible to find a suitable candidate from the housing needs register, the Council will consider owner-occupiers and applicants near to retirement age for low demand sheltered accommodation. See section 7.10.

## **7.9 Offers of accommodation to applicants with special requirements**

### **7.9.1 Lone parents under the age of 18 years old**

- Where an application is received by a lone parent under the age of 18 years old, the Council will complete an assessment of support requirements.
- The Council works in partnership with Swan Housing who provides a floating support service. Floating support is a service which aims to help the tenant with general management of their tenancy and financial matters, all of which help to the tenant to sustain their tenancy. All applicants under the age of 18 years old will be considered for floating support package.
- As mentioned in section 7.7.3, applicants under the age of 18 years old are not able to hold a secure or assured tenancy, so all offers of accommodation would be subject to a conditional tenancy.

### **7.9.2 Applicants with mental or physical disabilities**

- Applicants with mental or physical disabilities will be assessed by the medical and social welfare panel, as outlined in section 6.
- Where a person requires an adapted property the medical and social welfare panel will request advice from relevant professionals, such as Social Services and Occupational Therapists.
- Applicants must have the capability to manage and sustain a tenancy with the relevant support packages from appropriate agencies. As part of the assessment, the Council will require a copy of an applicants care plan (as appropriate).

### **7.9.3 Schedule 1 Offenders**

- Where a Schedule 1 Offender has sufficient priority to qualify for housing assistance under the Allocation Policy, the designated Council Officer will liaise with relevant agencies such as the Police, Probation, Social Services and other relevant health bodies, in conjunction with the medical and social welfare panel, as necessary. This approach will ensure all relevant factors are considered in making an appropriate allocation.
- The Council will maintain links with the relevant agencies and will attend any multi agency case meetings, in order to manage any associated risks associated with the applicant living in the community.

### **7.10 Sheltered accommodation**

- Applicants who require sheltered accommodation must meet the general eligibility assessment, as outlined in section 4.
- Applicants of retirement age will be considered for sheltered accommodation.
- Sheltered accommodation usually features an alarm call system and support staff. However applicants must be able to care for themselves with the help of community care services, such as home help or meals on wheels.
- Applicants below the age of retirement who have medical and social welfare requirements can be considered for sheltered accommodation. All applications will be subject to an assessment of need via the medical and social welfare panel.

- All potential applicants for sheltered accommodation will normally be assessed by the support provider for the sheltered scheme, to ensure the level of support is appropriate.
- If the applicants needs are inappropriate for sheltered accommodation, the Council will advise the applicant of all alternative options.

#### **7.10.1 Extra care sheltered accommodation**

- For extra care sheltered schemes, the Council participates in a joint allocation panel, assessing each applicant's needs and requirements.
- Each extra care sheltered scheme has its own assessment criteria.
- Although the allocation to extra care sheltered schemes are outside of the Council's allocation policy, the Council is still able to nominate applicants who meet the relevant criteria from the housing needs register.



#### **7.11 Nomination arrangements with specialist housing providers**

- The Council proposes to have nomination arrangements with supported housing providers who provide specialist accommodation within the district.
- It is proposed that the Council will agree to move on a certain number of people from supported housing schemes each year. In return, the Council propose to be able to nominate applicants (either via the Homeless Team or the Allocation Team) to the vacancies created.
- The precise nomination arrangements will be agreed as part of the consultation process and will be subject to annual reviews.
- The Council believes that this process will help supported housing schemes to make effective use of their housing units whilst meeting the needs of applicants in the district.

## **Section 8 Making best use of the Council's stock and nomination arrangements**

### **8.1 Tenants occupying Council or Housing Association accommodation which is too large for their requirements**

- Existing tenants of the Council or a Housing Association who reside in accommodation that is too large for their requirements, will be placed into Band B.

#### **8.1.2 Tenants Incentive Scheme**

- Tenants of the Council who are under occupying their homes and wish to move to a smaller property, may qualify for assistance under the Council's tenant incentive scheme.
- The tenants incentive scheme is aimed at tenants of retirement age who meet the above criteria.
- The tenants incentive scheme entitles eligible tenants with £1000 payment which can be used to assist with the cost of moving to smaller accommodation.
- Applications will be considered and approved by the designated Council Officer or the Head of Housing.
- The budget for the tenant incentive scheme is limited and acceptance will be subject to available funds throughout the financial years.
- If a tenant owes monies to the Council in relation the tenancy, the amount will be deducted from the tenant incentive scheme payment, for example rent arrears or repair bills. The tenant will be notified of any deductions.
- Tenants currently residing in a sheltered housing scheme, who wished to move to smaller accommodation within a sheltered housing scheme, will not be eligible for the Tenant Incentive Scheme.

## **8.2 Selective management allocations**

- In order to allow the Council to achieve a balance of allocations between the different categories of housing need, provide reasonable preference and make best use of available housing stock it is necessary to implement a procedure which facilitates selective management allocations. This procedure will also allow the Council to ensure social cohesion and reduce the risk of management problems.
- Such selective allocations may operate outside of the priorities set out in the allocation policy. Some examples of where this approach may be applicable, are listed below:

### **8.2.1 Transfers of tenants because of major building or repair work (decants)**

- This applies all to all Council tenants and tenants of a Housing Association, where nomination arrangements exist, and need to move because:
  - their home requires major work, as identified by the Council or Housing Association, which cannot be reasonably be done whilst they are resident or
  - their home is in a block of flats or a group of properties being considered for a change of use, for example to be used for a specific client group
  - their home is in a block of flats or a group of properties due to be modernised or refurbished and the work cannot be reasonably be done whilst they are resident.
- Decants are not part of the banding system and tenants will be offered the first available suitable property.
- All decants will be subject to negotiation and stage planning with the designated Council Officer and Head of Housing.

### **8.2.2 Transfers which release a needed property**

- Applicants will be placed into Band A if an applicant wishes to move and:
  - the property they would leave is needed to meet the urgent housing needs of another household on the register, which would not otherwise be met within a reasonable timescale or
  - where it prevents the Council making expensive alterations to a property (as assessed by the medical and social welfare panel and the Head of Housing) and
  - there is not a serious shortage of the type of accommodation the tenant wishes to move to.
- This arrangement will be subject to approval from the designated Council Officer and the Head of Housing.

### **8.2.3 Properties**

- In order to make the best use of the Council's available housing stock and ensure that the Council is able to balance allocations to meet all categories of need, it may be necessary to designate some available properties to a particular need group, for instance existing tenants who wish to transfer and/or accepted homeless clients.

### **8.2.4 Allocations in areas or properties with management problems**

- In areas or properties which currently or have recently experienced significant problems, such as anti social behaviour or neighbour disputes, it may be necessary to operate a selective management allocation. Assessment of the potential applicant will primarily focus on their previous accommodation history, conduct and links to the property or area and will not necessarily be based on priority status. By sensitively allocating under these circumstances, it will enable the Council to effectively manage the area or property and meet its obligation to promote sustainable communities.

## **Section 9 Appeal and reviews**

### **9.1 General process**

- Applicants have the right to request a review of the Council's decisions.
- All requests must be received, in writing, within 28 days of the decision date.
- All reviews and appeals will be considered by the Council's Review Panel
- The Council will always reply in writing, giving reasons for changing or upholding a decision.
- If the applicant is unable to submit an appeal in writing, an interview can be arranged.

### **9.2 Process for applicants on the housing needs register**

- Applicants on the housing needs register will be given up to three reasonable offers of accommodation.
- After a third refusal of a reasonable offer, applications will be suspended and will be subject to the suspension process – see section 4.4.
- Applicants who are given priority cards or placed in Band A will be restricted to one reasonable offer of accommodation. Applicants who refuse one reasonable offer will be subject to a review of their priority status or band status.
- Applicants who accept an offer and sign a tenancy agreement and then decide not to proceed with the tenancy, will be obliged to give four weeks notice (as per the terms of the tenancy agreement) and will be liable for the rental payments for that period. If they wish to remain on the housing needs register, they will need to complete a fresh application which will be reassessed on their current circumstances. The application will be treated as a new application, giving a new effective date.

### **9.3 Applicants for whom a duty is owed under homeless provisions**

- If an applicant refuses an offer of accommodation, the Housing Officer will explain the process to appeal against the reasonableness of the offer.
- The Housing Officer will also explain that the applicant may lose their right to temporary accommodation and that if the accommodation is found to be reasonable, the duty to offer secure accommodation may cease,
- Applicants who refuse an offer of accommodation can remain on the housing needs register; however will have to complete a fresh application which will be re assessed on their current situation. The application will be treated as a new application, giving a new effective date.

### **9.4 Appealing against the decision to find an applicant ineligible or suspended from the housing needs register**

- Please refer to section 4.5.

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

- Generally applicants will be limited to three offers of reasonable accommodation within the district (unless they have been awarded priority status or have been accepted under homeless provisions).
- Applicants must appeal in writing within two working days of an offer being refused and the request for a review on the grounds of reasonableness.
- The case will be referred to the Review Panel who will consider the following factors:
  - medical and social needs that affect the housing of the applicant
  - the condition of the property offered
  - the needs of other people on the register
  - the availability of the type of housing needed
  - exceptional circumstances
- The Review Panel will write to the applicant outlining the decision to either change or uphold the decision
- If the applicant is still not satisfied with the outcome they may ask for the appeal to be considered by the Head of Housing.
- The Head of Housing will investigate and respond to the applicant in writing, outlining the decision.

## **9.6 Appealing against an assessment on the housing needs register**

- Applicants must appeal in writing to the designated Council Officer with 28 days of receiving their notification letter. The letter of appeal needs to outline the reasons for appeal and why the assessment is not considered to be correct.
- The designated Council Officer will respond in writing to the request outlining the findings and confirming if the assessment has changed or been upheld.
- If the applicant is still not satisfied with the outcome, they may ask for the appeal to be considered by the Head of Housing.
- The Head of Housing will investigate and respond to the applicant in writing, outlining the decision.

## **9.7 Independent advice on appeals and reviews**

- Given the complexity of housing legislation, applicants can seek independent advice from a solicitor, Shelter or the Citizens Advice Bureau.

## **Section 10 Local Lettings Policies**

- As part of the development of social housing in the district, it may be necessary to apply a local lettings policies, which will operate outside of the priorities set out in the allocation policy.
- The local lettings policies applies to two main areas of development:

### **i) Rural social housing developments**

- Some developments of social housing in rural areas are developed in accordance with planning conditions, known as Section 106 agreements. These agreements specify that the social housing must be available to applicants who have a strong connection to the rural area.
- Nominations to rural social housing developments will be assessed using the selection criteria outlined in section 4, however at the point when the allocation is made, any local criteria will be applied.

## ii) General needs social housing developments

- In cases of new developments of general needs social housing, the Council will consult with partner housing associations, district planners and local Councilors. This consultation will assist the Council in meeting its responsibilities to provide housing for those in need and promote sustainable communities.
- In order to achieve a sustainable area, the Council may use selective allocations, thereby ensuring that the new development contains appropriate mixture of single people, couples, families and elderly.

### Section 11 Availability of the allocation policy

- The Council's Allocation Policy, registration forms and related documents are available free of charge, and can be obtained from:
  - Braintree District Council Offices,  
Causeway House,  
Braintree,  
Essex
  - Witham Area Office  
Witham Library  
Newland Street  
Witham  
Essex
  - Halstead Area Office  
8/9 The Centre  
High Street  
Halstead  
Essex

or can be downloaded from the Council's website at [www.braintree.gov.uk](http://www.braintree.gov.uk)

- The Council also provides advice and help to anyone requiring assistance to complete their application for housing or for general housing advice. This service is free of charge.
- For further information or to book an appointment, please contact the Council's Housing Advisory Team on 01376 552525.

## Section 12 Equality and diversity

- The principle of equal opportunity is to insure provision of opportunities for all individual regardless of gender, race, disability and age.
- Equal opportunity is a legal requirement for all organisations
- The Council have developed this policy in accordance with the principles of equality and as part of the consultation process, will consult with relevant agencies and service users to obtain input and co-ownership of the policy.
- The Council intends to operate its Allocation Policy and any selective or sensitive allocations in line with the principle of equal opportunity, equality and diversity. The Council will have regard to good practice and the regulations of the Commission for Racial Equality's Rented Housing Code of Practice.
- The Council's Allocation Policy is intended to be easy to understand.
- All documentation relating to the housing needs register and Allocation service, is accessible in a variety of formats, which includes translated and large print versions. A translation service is also available for applicants who require assistance.
- All documentation relating to the housing needs register and Allocation service, is available at the Council Offices or Area Offices and can also be downloaded from the Council website at [www.braintree.gov.uk](http://www.braintree.gov.uk)