

Cheshire West & Chester Council



# Trust Homechoice Allocations Policy

1 October 2013



## **Homechoice Allocations Policy**

**From 1 October 2013**

### **Contents**

#### **Section One – Overview of scheme and policy**

- 1.1 Background
- 1.2 Our vision
- 1.3 Key aims and objectives
- 1.4 Equality and Fairness
- 1.5 Statement of choice
- 1.6 Affordability
- 1.7 Monitoring
- 1.8 Review

#### **Section Two – Who can be housed and how to apply**

- 2.1 The Common Housing Register
- 2.2 Qualifying criteria
- 2.3 Customers guilty of unacceptable behaviour
- 2.4 Customer with housing-related debts
- 2.5 Existing tenants in social housing
- 2.6 Customers with sufficient resources
- 2.7 Customers who have submitted false information and/or have lost a social housing tenancy obtained by deception or fraud
- 2.8 Customers who have deliberately worsened their housing circumstances
- 2.9 Customers with no local connection
- 2.10 Appeal against exclusion
- 2.11 Duplicate applications
- 2.12 Land Compensation Act 1973
- 2.13 Applications from Elected Members, Board Members and Employees
- 2.14 How to apply
- 2.15 Home visits
- 2.16 Changes of Circumstances
- 2.17 Reviewing applications
- 2.18 Cancelling applications
- 2.19 Right to general information
- 2.20 Data Protection Act 1998
- 2.21 Freedom of Information Act 2000
- 2.22 Reviews
- 2.23 Right to a further review

#### **Section three – How we decide priority**

- 3.1 Assessing Housing Need
- 3.2 Reasonable preference groups
- 3.3 The Banding Scheme
- 3.4 Preventing Homelessness

- 3.5 Medical Need
- 3.6 Moving due to abuse and/or harassment
- 3.7 Overcrowding
- 3.8 Under-occupation
- 3.9 Fostering and adoption
- 3.10 Armed forces
- 3.11 Lettings where additional priority may be awarded for other factors
- 3.12 Adapted properties
- 3.13 Extra-care and sheltered housing
- 3.14 Local lettings plans
- 3.15 Sensitive lettings
- 3.16 Education, employment and training
- 3.17 Rural connection criteria
- 3.18 Size criteria

#### **Section four – how the scheme works**

This section will include information about how to apply, how to bid, and what happens if you are the successful bidder. We have not completed this information as there is on-going discussion about changes to the management of Trust Home Choice.

#### **Appendices**

**Appendix 1 – contact details for partnership organisations**

**Appendix 2 - Definition of persons from abroad who are not eligible for housing**

**Appendix 3 – additional information for customers with a history of anti-social behaviour**

**Appendix 4 – additional information for customers with housing-related debts**

**Appendix 5 – current limits for financial resources which exclude customers from the register**

**Appendix 6 –list of rural areas where additional local connection criteria will apply**

**Appendix 7 – examples of family size and property size eligible to bid for**

## **Section One - Overview of scheme and policy**

### **1.1 Background**

This common allocations policy was developed by Cheshire West and Chester Council in partnership with Chester and District Housing Trust, Weaver Vale Housing Trust, Plus Dane Group and Muir Group. This allocations policy will replace the existing Trust Home Choice policy on 1 October 2013.

Contact details for each of the partner organisations listed above are included here in Appendix One.

Social housing in Cheshire West and Chester is in great demand. A huge number of people would like to live in social housing but there is not enough social housing for everyone who wants it. Many people who would like to live in social housing will have to find other accommodation. This policy seeks to make the best use of the social housing available.

The policy also moves away from the current approach which allows everyone who wants to live in social housing to apply to go on to the housing register. This policy encourages people to be more realistic and where there is little chance of them getting housed, they will not be placed on to the housing register.

### **1.2 Our vision**

To make best use of the limited social housing stock in Cheshire West and Chester and to encourage everyone in housing need to consider all the housing options available to them.

### **1.3 Key aims and objectives**

The overall aim of the policy is to ensure that social housing is allocated fairly and objectively to those in the greatest housing need, in accordance with the Housing Act 1996, the Localism Act 2011 and the Codes of Guidance and Regulations issued by Communities and Local Government (CLG) and the Homes and Communities Agency (HCA).

This policy marks a significant change for the Partnership. We are now running a “restricted access” register where those with little chance of ever being housed will not be able to register and bid. Rather than spending a lot of time registering and bidding for properties with little chance of ever being successful, these households are now encouraged to look at other housing solutions, such as the private rented sector.

This policy aims to achieve the following key objectives:

- A common housing register which will enable customers in housing need to access social housing across the Cheshire West and Chester area
- A high quality service to customers
- An allocations scheme which offers realistic choice to those with a housing need
- Improved local mobility across the Cheshire West and Chester area
- Balanced and sustainable communities

- To ensure that every customer is treated fairly and consistently irrespective of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion and belief and age.
- A simple, easy to understand, transparent and fair allocations scheme
- To give appropriate priority to customers who fall within the Housing Act “reasonable preference” categories
- To assist customers who need help and support

Some properties will be advertised with additional priority for people who meet certain criteria:

- Adapted properties will be advertised with priority for those needing those adaptations;
- Extra-care and sheltered housing is normally only available to those aged 55 or over (any other age limit will be shown on the advert);
- Properties let under a Local Lettings Plan, which may give priority to families with older or younger children, or people who are downsizing from larger social housing properties;
- Properties let with additional rural connection criteria, to ensure that properties in rural areas meet rural housing needs; and
- Properties where priority is given to those in employment, education or training, or who regularly volunteer in the community (up to 10% of all general needs lettings)

These reflect local priorities. Members of the Partnership may participate in other schemes which may result in a small number of properties being let outside the allocations policy. The Partnership will ensure that the number of lettings made in the categories set out above and through any other schemes does not undermine the requirement to give overall preference to those in the “reasonable preference” categories as defined in the legislation. The Partnership will monitor lettings to ensure that this is the case.

#### **1.4 Equality and Fairness**

The Partnership will ensure its policies and practices are non-discriminatory and will promote equal opportunity by preventing and eliminating discrimination on the grounds of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion and belief and age. The scheme will be accessible, responsive and sensitive to the diverse needs of individuals.

The impact of the policy will be monitored to ensure that it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all customers will be asked to supply information about themselves and their household when they apply. This information is only used for monitoring purposes and will not be taken into account when assessing the application.

Where an applicant is not allowed to register, as they would not be likely to be rehoused within a reasonable time period, advice will be given on the alternative options available to

them. Monitoring will include those who have applied and not been registered, so that we can ensure we are not inadvertently discriminating against any groups.

The Partnership will ensure that all potential customers have equal access to information, this will be achieved by:

- Advertising the service widely
- Providing practical assistance to those who may have difficulty in understanding the requirements of the scheme
- Providing practical assistance in the customer's preferred way, where the customer may have difficulty completing the application
- Providing tailored assistance to those who may have difficulty bidding for properties, including placing bids on their behalf where necessary
- Monitoring the profile of those who are applying and making bids to ensure minority and hard to reach groups are able to access the service

### **1.5 Statement of choice**

The Partnership operates a Choice Based Lettings scheme, with access to the register restricted to those with an evidenced housing need. Customers accepted onto the register then bid for properties which are advertised.

A small number of properties (up to 10% of all lettings) may not be advertised, but used for a direct let or a management let.

Customers may choose to bid for properties anywhere in Cheshire West and Chester. The Partnership will provide information about the number and types of homes, and current vacancy rates, to help customers to make an informed choice. The more flexible customers are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property which meets their need.

Customers can place an unlimited amount of bids in any bidding cycle, there are no restrictions. However, customers who have refused three properties within a 12 month period without good reason will have their application removed from the register for up to 12 months. Customers who are accepted onto the register and do not bid in any 12 month period will also be removed, unless no suitable properties became available in that time. Customers who are given a high priority due to urgency (for example, those who are at risk of becoming homeless) will have their applications reviewed on a regular basis (at least every three months) to ensure that they are bidding, and that their need is still urgent. In some cases, direct offers will be made to applicants given a high priority because of the urgency of their need, if they have not successfully bid for a property within a reasonable time-scale. Customers assessed as having an urgent need who do not bid may have their applications reassessed.

Existing tenants of social housing will only be allowed onto the register where they have an evidenced housing need, and where the landlord has agreed that they may transfer. Tenants who wish to move but are not assessed as having a housing need should seek a

mutual exchange. Existing tenants of social housing will not normally be accepted onto the scheme until they have been in their home for at least 12 months, although this requirement may be lifted in exceptional circumstances. Social housing tenants who are accepted onto the register should also consider a mutual exchange which may be a much quicker way for them to move. Details of mutual exchange schemes are available from each landlord.

### **1.6 Affordability**

Social housing rents do vary across the area, and the criteria for access to benefits, and the levels of benefits payable, change frequently. Rent levels will be shown when properties are advertised. Landlords can refer customers who are being offered a property to money advice services, so that they can be certain that they can afford to pay the rent, and are claiming any benefits to which they are entitled. Landlords will need to be satisfied that an applicant has the financial means to sustain a tenancy. Exceptionally, a landlord may consider that a customer would be unable to pay the rent on the new property. Where this is the case, the issue will be discussed with the customer and options explored.

### **1.7 Monitoring**

This policy will be monitored by the Partnership, with key outcomes reported at least quarterly. An annual report will be made to the Board and to customers on request.

### **1.8 Review**

There will be an initial review of the policy six months after its implementation. There will be a full review by March 2019. The policy will be reviewed before this time if monitoring of outcomes suggests the policy is not performing as intended, or if the legislation or statutory guidance changes, or if this is requested by partners.

## **Section Two - Who can be housed and how to apply**

### **2.1 The Common Housing Register**

The Common Housing Register is a single list of customers across Cheshire West and Chester (and others from outside the area who fulfil the local connection criteria) who have been accepted onto the scheme. It includes new customers and existing social housing tenants wishing to transfer.

### **2.2 Qualifying criteria**

The following people are **not eligible** to apply to the housing register

- those under 16 years old. It is very rare for anyone under 18 to be offered a tenancy. 16 and 17 year olds will initially be offered housing advice to ensure that the most appropriate solution is offered to them;
- certain categories of people who are subject to immigration control, and certain other persons from abroad as required by legislation. More information on this is contained in Appendix Two;

The following people are **excluded** from applying to the housing register

- customers (or a member of their household) who have been guilty in the last three years of unacceptable behaviour serious enough to make them an unsuitable tenant. See paragraph 2.3 below for more information;
- customers with housing-related debt on a current or previous tenancy unless they can demonstrate that they are taking reasonable steps to repay the debt. See paragraph 2.4 below for more information;
- existing tenants in social housing who have held their tenancy for less than a 12 month period; existing tenants in social housing who have held their tenancy for longer than 12 months but are not currently adhering to the terms of their tenancy agreement. See paragraph 2.5 below;
- customers who are considered to have sufficient resources to meet their own housing need. See paragraph 2.6 below for more information;
- customers who have submitted false information on their applications and/or customers who have lost a social housing tenancy in the last five years because it was obtained by deception or through a fraudulent application. See paragraph 2.7 below for more information;
- customers who are considered to have deliberately worsened their circumstances. See paragraph 2.8 below for more information; and
- customers without a local connection to the area (except for those who are or have served in the armed forces, where a local connection is not required). See paragraph 2.9 below for more information.

### **2.3 Customers guilty of unacceptable behaviour**

It is our policy to exclude from the register for a period of time customers guilty of unacceptable behaviour; that is behaviour which causes a nuisance or annoyance to other



people. This can include noise nuisance, anti-social behaviour, drug dealing, violence or threats towards other members of the community, staff and Board Members, Trustees, or elected Members of Partnership organisations. It may also include domestic abuse, racial abuse or harassment, this list is not exhaustive. The exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live. Because of this we will not include time spent in prison when considering whether or not there is evidence of a change in behaviour.

There is no requirement for the customer to have been convicted of such behaviour, but we will only exclude people where there is sufficient evidence for us to conclude on the balance of probability that such behaviour has taken place, and that if it were repeated in the context of a social housing tenancy it would be likely to create problems for neighbours and the community. Where we have reason to believe that someone has been guilty of unacceptable behaviour we may ask the police or other agencies to corroborate this.

The Partnership does not operate a blanket policy in relation to any category of anti-social behaviour, each case will be considered on its individual circumstances. Any decision to exclude will always be made by a senior officer from within the Council and will be closely monitored. The length of exclusion will depend on the severity, duration and number of incidents of unacceptable behaviour. Less serious offences may result in exclusion for up to twelve months, the most serious offences or multiple offences may result in exclusion for up to 3 years. Customers who are excluded on these grounds will be informed of this in writing and given a right of appeal over both the exclusion and the length of time.

More information is given in Appendix Three.

#### **2.4 Customers with housing related debts including arrears on a current or previous tenancy**

Our policy is to encourage all customers who have a debt or arrears on a current or previous tenancy (whether that is with a social housing landlord or a private landlord) to take responsibility for this and demonstrate a commitment to repaying them by entering into an agreement with their current/previous landlord and sticking to this. Customers with housing-related debt will be encouraged to seek specialist advice on budgeting, debt and money management as part of demonstrating this commitment. We will exclude customers with arrears/debt above a certain level until they can evidence a commitment to repay them. This policy is intended to protect the interests of social housing and private landlords, who need their rental income to provide services, and to protect the interests of tenants who do pay their rent. We will take into account rent and service charge arrears and also debts such as rechargeable repairs and legal costs.

Appendix Four provides more information on this, and the current level of debt above which customers will be excluded.

In making a decision whether to exclude someone for previous rent arrears, the Council will look at the circumstances in which the arrears arose and consider any mitigating factors.

Customers with debt on a previous tenancy who feel that there were extenuating circumstances should set these out in their application. Customers who fail to declare debt from a previous tenancy may be considered to have provided fraudulent information.

The Partnership does not operate a blanket policy in relation to rent arrears and each case will be considered on its individual circumstances. Any decision to exclude will always be made by a senior officer from the Council and will be closely monitored. A customer who has been excluded because of housing-related debt can reapply to the register when they have been making regular repayments towards the debt for at least six months and cleared 50% of the outstanding debt. Customers will be expected to continue to make regular repayments whilst on the register; failure to do so may result in a further exclusion. Customers who are excluded on these grounds will be informed of this in writing and given a right of appeal.

Debts which are more than six years old and inactive will not be taken into account when excluding a customer from the register.

## **2.5 Existing tenants in social housing**

Existing tenants in social housing who have held their tenancy for less than 12 months will not be allowed on to the register for a further move, unless there are exceptional circumstances. Exceptional circumstances may include a situation where the household is being harassed and/or is at risk of violence or where the household size changes significantly (e.g. children from a previous relationship come to live with them on a permanent basis).

Tenants who have held their tenancy for at least 12 months will be able to register for a transfer if they have an evidenced housing need to move (e.g. overcrowding, under-occupation, medical need, need to move to a different area) and are adhering to the terms of their tenancy agreement. Where there are arrears on the tenancy, the tenant will be expected to clear these before being allowed to register. The property, including the garden, must be clean and tidy and there should be no unauthorised improvements to the property, or any other tenancy breaches. Tenants should contact the landlord in the first instance to check that the landlord will agree to a transfer once they have made a successful bid.

## **2.6 Customers with sufficient resources**

Because of the shortage of social rented housing, the Partnership will not place anybody on the register who is considered to have sufficient resources to meet their own housing need.

In deciding whether someone has sufficient resources to meet their own housing needs, we will look at both income and savings, and the price of buying or renting a home privately. Customers who own a property will have the value of their property considered as one of the resources available to them, unless there is good reason why it should not be.

Some Partners have charitable status and place further restrictions on the income levels of customers they house. More information about how we define “sufficient resources” and about income restrictions for certain organisations are set out in Appendix Five.

## **2.7 Customers who have submitted false information and/or have lost a social housing tenancy obtained by deception or fraud**

Customers who have deliberately provided false information, or who have withheld information which should have been given, will be excluded from the register for 12 months.

Legal action may be taken against customers who provide false information when applying for housing. This could result in a fine of up to £5,000. Under section 171 of the Housing Act 1996 it is an offence to:

- deliberately provide false information
- deliberately withhold information which should have been given

Even if you are housed you can still lose your tenancy if you gained it via false information. Customers who have lost a social housing tenancy because of a fraudulent application may be excluded from the register for up to 3 years.

## **2.8 Customers who have deliberately worsened their housing circumstances**

Customers who are considered to have deliberately worsened their housing circumstances will be excluded from the register for 12 months. This may apply, for example, where a household has given up the tenancy of an appropriately sized property for no good reason, and moved into another household thereby creating overcrowding.

## **2.9 Customers with no local connection**

Customers without a local connection are not accepted onto the register. To establish a local connection a customer must fulfil one of the following:

- have lived within the area for at least 6 out of the last 12 months or three out of the last five years
- have immediate family (mother, father, brother, sister, son, daughter) who are currently living in the area and have done so for at least the last five years
- have a permanent contract of employment in the area
- have other significant reasons why they need to live in the area (e.g. to give or receive support from a family member who does not fulfil the above criteria)

Customers who do not fulfil any of the other local connection criteria but feel they have a significant reason to live in the area you should set this out in their application. The Partnership will then decide whether it considers this to be a significant reason.

## **2.10 Appeal against exclusion**

A customer who applies to the register and is excluded will be informed in writing of the grounds on which they are excluded, the length of time for which they are excluded and what steps they need to take before they reapply. There is a right to a review of the decision to exclude, and to the length of time of the exclusion, which will also be set out in that letter.

### **2.11 Duplicate applications**

If a customer makes more than one application, the Partnership will assess the application which they feel best reflects the customers' circumstances. Other applications will be removed from the register.

### **2.12 Land Compensation Act 1973**

The Land Compensation Act 1973 gives a right to rehousing for people living in properties which are subject to an Emergency Prohibition Order, Compulsory Purchase Order, or Demolition Order. The Partners will apply the same provisions to rehousing to such cases as applies to all other applicants.

### **2.13 Applications from Elected Members, Board Members and Employees**

Applications from persons who are "connected" in some way to Trust HomeChoice or its partners through employment, family or business can only be accepted where they are eligible to apply and the application meets the highest standards of probity as set out in the National Housing Federation Codes on Governance and Excellence in Standards of Conduct. In summary the applicant must disclose the connection with Trust HomeChoice and Trust HomeChoice must be satisfied that the acceptance of the application and any decision to offer accommodation and provide housing services will not place the applicant in a more favourable position than if the connection did not exist. This requirement applies wherever there is a risk of preferential treatment or an advantage being given because of the connection, but will always apply to the following persons:

Trust HomeChoice employees, Trust HomeChoice Board members, providers of services to Trust HomeChoice, local Councillors and close family members or business associates of these persons. (Examples: The sister of the person whose company cleans any of the Trust HomeChoice offices; the business partner of the community housing officer's son).

### **2.14 How to apply**

Customers are strongly advised to consider whether their circumstances mean that they would have any priority for social housing before applying to go on to the register. Customers may contact the Council's housing solutions advice line for further advice on this. Customers can ask for advice about the range of housing solutions that might be available, before deciding whether to apply to go onto the register.

Customers are encouraged to apply on-line where possible. Customers can call Housing Solutions Advice line where they will be guided through the process of making their application on-line. There is also free access to the internet at libraries and at some community facilities.

Applications will need to be supported by additional information. Customers will receive a phone call, email or letter setting out any additional information needed.

If accepted onto the register, customers will be told:

- the band they have been placed in (this determines priority)
- the date of application (may be used to determine priority within the band)
- the size and type of properties for which they can bid
- the application reference number (customers will need this to bid)
- how to appeal against the banding if they think it is wrong

Any applicant who is not eligible to go onto the register will be informed in writing.

### **2.15 Home visits**

A home visit may be carried out to assess the application.

### **2.16 Changes of Circumstances**

Customers whose circumstances change must tell the Council as soon as possible. Many changes of circumstances will affect the priority band they are in. Examples of changes of circumstances which customers need to tell us about include:

- moving house
- members of the household moving out or new members arriving
- significant change in health
- being threatened with homelessness
- income rising above the limit set (see paragraph 2.6 and Appendix 4)
- being found guilty of an offence which might constitute anti-social behaviour

This list is not exhaustive. It is better to tell us about any change in circumstances which might affect the banding. The application will be reassessed if necessary and customers will be informed in writing of the outcome.

### **2.17 Reviewing applications**

The Council reviews applications on a regular basis to ensure that they are up to date. Customers in a higher band may receive a phone call, email or letter every three months. As a minimum, every case will be reviewed every six months. Customers who do not respond within 10 working days to a request for information as part of a review will have their application cancelled.

### **2.18 Cancelling applications**

We will cancel your application if:

- you ask us to do so, by phone, email or letter
- you do not respond to a letter asking for more information within 10 working days
- you do not bid for a 12 month period

- we have good reason to believe that you are no longer eligible or
- you refuse three offers of housing within a 12 month period, without good reason

### **2.19 Right to general information**

Customers have the right to request general information which would enable them to assess how their application is likely to be treated under the scheme, whether they would be likely to be accepted onto the housing register and if so, how long they might have to wait.

In addition, customers can ask for confirmation of any information which has been taken into account when assessing their application.

### **2.20 Data Protection Act 1998**

The Data Protection Act 1998 sets out rules for processing personal information and applies to paper and electronic records. The Partnership will operate at all times within the Data Protection Act.

### **2.21 Freedom of Information Act 2000**

The Freedom of Information Act 2000 promotes openness and accountability within public bodies. The Council is required to comply with the Freedom of Information Act.

### **2.22 Reviews**

Customers have the right to request a review of decisions made in the allocations process. This includes decisions on:

- eligibility
- banding
- medical or welfare priority
- suitability of offers
- operation of the policy

Customers who want to request a review of a decision must do so within 21 days of the decision being made. The decision letter will inform customers of how to request a review. Customers will need to set out in writing why they think the decision is wrong, providing any supporting information. Customers who find this difficult can ask for support to do this.

The review of the decision will be made by a different officer to the one who made the original decision; they will have had no involvement with the original decision and will be senior to the person who made the original decision. The reviewing officer will consider all the evidence and decide whether to overturn or support the original decision. The customer will be informed of the outcome of the review in writing, within 21 days of receipt of the

request for a review. The letter will include the reasons for the decision and the facts taken into account.

### **2.23 Right to a further review**

Customers who are unhappy with the outcome of a review can request a further review. This must be done within 21 days of receiving the letter setting out the outcome from the first review. Customers should consider whether they feel the first reviewing officer did not take all the facts into account, or if there is new information which was not made available at first review.

Reviews will be undertaken by a senior officer at the council. They may offer a face to face meeting to discuss the issues, and why the customer is unhappy. They will notify the customer of the outcome of the further review as soon as possible and no later than 56 days from receipt of the letter requesting a further review.

If the customer is still unhappy with the decision they can seek advice from a Citizen's Advice Bureau, solicitor, law centre, housing or other advice centre. They should do this as soon as possible, as they may lose any further rights if there is a delay.

## Section three - How we decide priority

### 3.1 Assessing Housing Need

### 3.2 Reasonable preference groups

All applications will be assessed under this policy to ensure that those in the greatest housing need are given preference for an allocation of accommodation. The Partnership gives reasonable preference to those set out in S 166A of the Localism Act 2011. These are:

- customers who are homeless including customers who are intentionally homeless and those not in priority need
- customers occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- customers who need to move on medical or welfare grounds, including grounds relating to disability
- customers who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

The Partnership is however very aware that there is huge demand for social housing which cannot be met, and will seek to explore the range of housing options available to everyone who applies to go on to the housing register. This includes those who do meet reasonable preference criteria, but who would still be faced with a long wait for social housing.

### 3.3 The Banding Scheme

The Banding scheme is a system of prioritising customers on the housing register. Customers who are accepted onto the register are placed in one of four bands: A, B, C or D. The following table shows the band criteria; where more detail on these is included in later sections the relevant paragraph number is shown. Customers only have to meet one of the criteria to qualify for that band.

Band A Urgent housing need	<ul style="list-style-type: none"><li>• Households who are homeless where the local authority has accepted a statutory duty to provide permanent accommodation (see paragraph 3.4 below)</li><li>• Customers with an urgent medical need (see paragraph 3.5 below)</li><li>• Customers who are required to leave their homes as a result of an Emergency Prohibition Order, Demolition Order or Compulsory Purchase Order, who do not have the means to resolve their own housing need</li><li>• Customers with an exceptional need to move due to abuse and/or harassment where they would be at significant risk if they remained in the home (see paragraph 3.6 below)</li><li>• Young people leaving care towards whom the Council plays a Corporate Parent role, who have been assessed as ready to live independently</li><li>• Customers who have been approved for fostering and/or adoption who require additional bedrooms in order to foster and/or adopt</li></ul>
-------------------------------------	--



	<p>(see paragraph 3.9 below)</p> <ul style="list-style-type: none"> <li>• Customer or a member of their household who has been injured as a result of service in the armed forces. (see paragraph 3.11 below)</li> </ul>
Band B High housing need	<ul style="list-style-type: none"> <li>• Households who are at risk of becoming homeless, where the local authority is working to prevent homelessness and for whom the local authority would be likely to have a statutory duty to find permanent accommodation, if they were assessed under homeless legislation (see paragraph 3.4 below)</li> <li>• Customers with a high medical need (see paragraph 3.5 below)</li> <li>• Customers with an urgent need to move due to abuse and/or harassment who can remain in the home temporarily without significant risk (see paragraph 3.6 below)</li> <li>• Customers who have been assessed as ready to move-on from supported accommodation in the Partnership area</li> <li>• Customers who are overcrowded and require 2 or more additional bedrooms (see paragraph 3.7 below)</li> <li>• Existing social housing tenants who are under-occupying their property by 2 or more bedrooms (see paragraph 3.8 below)</li> <li>• Customers living in unsafe or insanitary housing conditions (as defined by Housing, health and safety rating system) where there is a high risk of harm and it would be difficult for the household to access an appropriate tenancy in the private rented sector</li> <li>• Current members of the armed forces who will be discharged in 3 months or less (see paragraph 3.10 below)</li> <li>• Customers who have served with the armed forces and have been discharged within the last 5 years, who have an evidenced housing need (see paragraph 3.10 below)</li> <li>• Customers without access to toilet, kitchen or basic facilities</li> </ul>
Band C Medium Housing Need	<ul style="list-style-type: none"> <li>• Households who are at risk of becoming homeless, where the local authority is working to prevent homelessness and for whom the local authority would be likely to have a statutory duty only to offer advice and assistance, if they were assessed under homeless legislation (see paragraph 3.4 below)</li> <li>• Customers who are overcrowded and require 1 additional bedroom (see paragraph 3.7 below)</li> <li>• Existing social housing tenants who are under-occupying their property by 1 bedroom (see paragraph 3.8 below)</li> <li>• Customers who need to move to a particular locality within the district where failure to meet that need would result in serious hardship to themselves or others (e.g. to give or receive support)</li> </ul>
Band D Older people with no housing need	<ul style="list-style-type: none"> <li>• Customers aged 55 or over who have no other housing need</li> </ul>

Once you have been assessed and placed into a Band, you will not move into a higher band unless your circumstances change. If two people from the same band bid for a property,

priority will be given to the one who has been in the band the longest, except where the property is advertised with priority to a particular group of customers, in which case this will take precedence over time spent in the band.

### **3.4 Preventing Homelessness**

The Council has a statutory duty to provide advice to those threatened with homelessness, and in some cases to provide suitable accommodation. Cheshire West and Chester Council will seek to discharge its statutory homeless duty by providing suitable accommodation in the private rented sector wherever possible. The Council will also work with those threatened with homelessness to help them secure a private tenancy.

Households who are homeless and towards whom the Council has accepted a statutory duty to secure permanent accommodation will be placed in Band A. Households at risk of becoming homeless, where the local authority is working to prevent homelessness, may be awarded Band B if it is likely that the local authority would have a statutory duty to secure permanent accommodation if they were to become homeless. Households at risk of becoming homeless towards whom the local authority would be likely only to have a duty to offer advice and assistance may be awarded Band C. These awards can only be given by the Housing Solutions team at Cheshire West and Chester Council, and is at their discretion.

### **3.5 Medical Need**

Priority is only awarded where a medical need means that the current property is unsuitable, or where the health of the customer or a family member would improve significantly following a move. This means that there are many conditions and illnesses for which we do not grant a medical priority. It is unlikely, for example, that someone suffering from cancer would benefit from a move, unless the cancer is creating mobility problems for them, or they wish to move nearer to a specialist medical facility. Similarly, if a customer or someone in their household is suffering from asthma and the property they are living in is damp, we would work with the customer to tackle the causes of the damp rather than facilitate a move.

Band A will be awarded where an urgent move is required. This could be because the customer or a member of their family is unable to be discharged from hospital because their current property is unsuitable, or where they are no longer able to manage in the current property and have effectively become housebound. Band B will be awarded where there is a high need to move but the customer and/or family member is able to cope for a while longer. Band B may also be awarded where a long-term chronic illness makes it difficult for someone to remain in their home, for example, if they are having increasing difficulty in managing the stairs. In deciding whether to award Band A or Band B we will take advice from relevant medical and social care staff, as appropriate.

Band A will be awarded where the customer or a member of their household has been injured as a result of service in the armed forces and where the injury is such that their

existing housing is no longer suitable, or where they are unable to be discharged from hospital until appropriate housing is found.

### **3.6 Moving due to abuse and/or harassment**

Where the abuse and/or harassment leads to an extreme and urgent risk to move, Band A will be awarded. Normally this banding is only awarded on the advice of the police, or other appropriate agencies, following discussion. This banding can also be awarded to those who have witnessed or been the victims of crime and whose actions in reporting the crime have led to them becoming unsafe in their own home. Those awarded Band A under this criteria will be expected to bid for any suitable properties in the district. If they have not made a successful bid within three months a direct offer may be made, or the case reassessed.

Band B will be used for cases where there is a need to move, but where the customer and their household are not at immediate risk. Again, this category will normally only be awarded on the advice of the police, or other appropriate agencies, following discussion. Those awarded Band B under this criteria will be expected to bid for any suitable properties in the district. If they have not made a successful bid after three months a direct offer may be made, or the case reassessed.

Where someone has been the victim of domestic abuse we will not require them to have been to the police. We will, however, work with them to find the best long-term solution, looking at the range of options available, and may refer them to other services where appropriate.

### **3.7 Overcrowding**

Where a customer is living in overcrowded conditions, we will work with them to look at the range of possible solutions available, as well as considering how to mitigate the effects of overcrowding. For example, an overcrowded household living in the private rented sector might be able to find larger private sector accommodation.

A social housing tenant may be able to affect a mutual exchange to a larger property, or could choose to move to a larger privately rented property.

Overcrowded households who are lacking two or more bedrooms (according to our definition which fits with housing benefit/universal credit definitions) will be placed in Band B. Overcrowded households who are lacking one bedroom are placed in band C. Size criteria for calculating overcrowding are shown in Appendix 7.

### **3.8 Under-occupation**

In order to make best use of the available social housing, existing social housing tenants will be given priority for a move where they are occupying property which is deemed to be too large for their needs. Social housing tenants who are under-occupying by 2 bedrooms or more will be placed in Band B, and those under-occupying by one bedroom will be placed in Band C.

### **3.9 Fostering and adoption**

Customers who have been approved by the local authority for fostering and/or adoption, where the only thing preventing them from fostering and/or adopting one or more children is the lack of suitable accommodation, may be awarded Band A. These customers will also be eligible to bid for the size of property which will accommodate the number of children they are intending to foster or adopt. Customers must be aware that housing benefit may not cover the full cost of the property in these circumstances.

### **3.10 Armed forces**

This policy gives a high priority to those who are serving, or who have served, with the armed forces, in line with the Community Covenant for Cheshire. Where the customer or a member of their household has been injured as a result of service in the armed forces and where the injury is such that their existing housing is no longer suitable, or where they are unable to be discharged from hospital until appropriate housing is found, they will be awarded Band A.

Customers who are currently serving in the armed forces who are due to be discharged within three months and in housing need will be awarded Band B, high housing need. Customers who have served in the armed forces within the past five years who have a housing need will also be awarded Band B.

### **3.11 Lettings where additional priority may be awarded for other factors**

#### **3.12 Adapted properties**

Properties which have been purpose-built or significantly adapted to accommodate the needs of someone with a physical disability will be advertised with additional priority for anyone needing those adaptations. This is to ensure we make the best use of the limited amount of adapted properties, and to ensure that those needing adapted properties are given a reasonable choice of where to live.

The banding scheme will be used to determine priority alongside consideration about which household is the best match for the adaptations already in place, and the other opportunities which might be available to the households who have applied. Where it believes that someone in a lower band would be a better match for the adaptations which are in place, the Partnership will offer the property to someone in the lower band. Similarly, if someone in Band A bids for the property but does not need those adaptations, they may be passed over and the property offered to someone in a lower band who does need the adaptations. The banding scheme will continue to apply in that if two people both needing the adaptations apply for the property, both would make good use of the adaptations, and both have a similar chance of finding a different property in the future, then the property will be offered to the person in the higher band.

### **3.13 Extra-care housing and sheltered housing**

Sheltered housing is available for those aged 55 or over (some partners may offer sheltered accommodation to those below 55 who meet other criteria, such as having a disability). Those in sheltered accommodation have their own self-contained property with kitchen and bathroom. Most sheltered accommodation has a living area and one or two bedrooms, but a small number are bedsits. The property may be a flat in a block of flats which is let to those over 55, or a bungalow, usually alongside other bungalows let to those over 55. Most sheltered accommodation does not have a resident warden, but there will be a visiting warden or support officer or scheme manager available to those with a support need. Some people may have to pay for this service. Some schemes have a communal room which is used for social activities. Priority for sheltered housing is awarded within the banding scheme, once the age restriction has been applied.

Extra-care housing is available for those aged 55 or over who can live independently but need additional support and/or care to do so. There are usually staff based in the scheme available 24 hours a day, seven days a week. Some extra-care schemes also have a restaurant, some have visiting medical staff (e.g. nurse, chiropodist) and most have social activities. Before places are allocated in extra-care housing an assessment is carried out by adult care services to determine the level of care and support each person may need. Priority for extra-care housing is awarded initially on the basis of the care and support need, with housing need as a secondary factor.

### **3.14 Local lettings plans**

Local lettings plans are used in two sets of circumstances

- (i) New developments (usually only applies to first lettings)  
In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings plan will normally be used for new developments larger than four properties. This may set restrictions on the number of lettings which can be made to families with young children, for example, or the number of families who are not working.
- (ii) Existing stock  
Local lettings plans may be used to deal with imbalances in social housing stock in particular areas. For example, if a block of flats or particular street has a significant number of social housing tenants with high support needs, a decision may be taken not to offer vacancies to those with high support needs until such time as the imbalance has been corrected. Local lettings plans may also be linked to regeneration, for example if an area has a high number of households who are unemployed priority for vacancies may be given to families in work until such time as this imbalance has been corrected.

The Council will approve all local lettings plans, which will be reviewed at least annually. Properties which are subject to a local lettings plan will have this explained on the advert. Landlords submitting requests for local lettings plans will adhere to the agreed toolkit.

### **3.15 Sensitive lettings**

In exceptional circumstances, a very small number of properties may require a sensitive letting because of the circumstances in which the vacancy arose. For example, if the previous tenant was evicted for anti-social behaviour, the landlord will not want to offer the property to another tenant with a history of anti-social behaviour, even if they are no longer excluded from the register.

Sensitive lettings will only be used in very specific circumstances. Sensitive lettings are made at the discretion of the landlord, but will be closely monitored by the Partnership.

### **3.16 Education, employment and training**

In order to create balanced and sustainable communities, a number of properties (up to 10% of total lettings) will be advertised with priority for those who are in education, training or employment. To meet this criteria the customer must be:

- In full time or part-time work (minimum 24 hours per week), with a permanent contract of employment, or a fixed term contract for longer than six months, or a temporary contract where the customer has been employed for at least the past six months on one or more temporary contracts; or
- Registered as self-employed with HMRC; or
- In full-time education or taking part in a recognised full-time training course leading to employment; or
- Volunteering for at least 10 hours a week as part of a formal volunteering scheme

Customers will be required to supply evidence that they meet this criteria when they are being considered for a property.

### **3.17 Rural connection criteria**

In order to ensure that people living in rural areas are able to remain in those areas, priority for lettings to properties in rural areas will be given to those meeting additional local connection criteria. The following criteria apply:

- The customer or a member of his/her household must currently reside, and have been residing continuously for the past two years, in the electoral ward where the property has become available; or
- The customer has permanent full-time or part-time work in the ward;
- The customer has a close family member living in the ward (i.e. mother, father, brother, sister, son, daughter) who has resided there continuously for at least five years

This test is in addition to the initial local connection test, and grants additional priority for those properties which are advertised with priority to those meeting additional rural connection criteria. Appendix six lists the areas in which properties may be advertised with additional rural connection criteria.

### **3.18 Size criteria**

This policy uses the same size criteria as those used by the Department of Works and Pensions (DWP) to calculate whether a social housing tenant is under-occupying the property. One bedroom is allowed for each of:

- Single adult or couple
- Two children under 10 regardless of gender
- Two children under 16 of same gender
- Other adults living in the household

There may be circumstances in which a customer can qualify for an additional bedroom e.g.:

- Where a room is needed for the use and/or storage of medical equipment
- Where a disabled person needs an overnight carer

Housing benefit will not always be paid even where there is a medical need for an additional room, so customers seeking an additional room on medical grounds should get advice on what will be covered by any benefits payable.

Some landlords will allow households to occupy accommodation which would be considered too large for them, provided that the household can demonstrate that they have the means to pay the rent. This will be indicated on the advert.

Appendix seven provides examples of different family sizes and the size of property for which customers will be eligible to bid.

#### **Section four – how the scheme works**

Details to be completed once detailed implementation of Integrated Housing Solutions service, including CBL is in place.



## **Appendix 1 – Contact details for partnership organisations**

### **Cheshire West and Chester Council Housing Solutions Team**

4 Civic Way, Ellesmere Port, CH65 0BE, Advice Line 0300123 2442

The Information Centre, 1 The Arcade, Northwich CW9 5AS, Advice Line 0300123 2442

### **Chester and District Housing Trust**

Centurion House, 77 Northgate Street, Chester CH1 2HQ Tel 0808 1007701

### **Muir Housing Group**

Old Government House, Dee Hills Park, Chester CH3 5AR Tel 0300 123 1222

### **Plus Dane Housing Group**

7 – 9 Civic Way, Ellesmere Port, CH65 0AX Tel 0300 123 9035

Neston Town Hall, High Street, Neston CH64 9TR Tel as above

### **Weaver Vale Housing Trust**

Gadbrook Point, Rudheath Way, Gadbrook Park, Northwich CW9 7LL Tel 0300 303 9848

## **Appendix 2 - Definition of persons from abroad who are not eligible for housing**

The council cannot allocate housing accommodation to certain classes of persons from abroad in accordance with Government regulations.

Applicants whose immigration status makes them ineligible to be considered on the register will be notified in writing of the decision and the reason for the decision. Applicants found to be ineligible have a right to ask for a review of the decision.

Customers who need further information or advice on their eligibility should contact the Housing Solutions Team at the Council, details are in appendix 1.

### Appendix 3 – additional information for customers with a history of anti-social behaviour

The main policy sets out our overall approach to customers with a history of anti-social behaviour. The emphasis is on giving customers the opportunity to evidence that they have changed their behaviour, balanced by the need to protect existing tenants and their communities.

When considering whether to exclude someone for a period of time for anti-social behaviour we will not operate a blanket policy, but treat each case on its merits and look at the individual circumstances.

In looking at anti-social behaviour we will consider all offences and incidents in the past three years. Where a customer has spent some or all of the three year period in prison we will not include that time and will look at the appropriate length of time prior to going into prison. So for example someone who has been out of prison 18months, we would look at that period of time and also the 18 months before they went into prison. This is because the period of exclusion is intended to give the customer time to evidence that they have changed their behaviour, and that offering them a tenancy will not create problems for the neighbours and the community in which they will live.

In order to ensure equitable treatment of customers, we will apply the following guidelines as appropriate:

Length of exclusion	Type of offence
Twelve months	Anti-social behaviour which has resulted in action whether by the landlord, police or other body Frequent noise nuisance e.g. at least three occasions over a three year period Conviction for burglary or theft or similar offence on one occasion only Verbal, domestic or racial abuse
Two years	Anti-social behaviour which has resulted in conviction, or which would have enabled the landlord to gain possession of the property had the customer been living in social housing at the time. Conviction for drug dealing of a Class A substance, or dealing of any classification of drug that is deemed substantial enough for exclusion Conviction for burglary, theft or similar involving more than one occasion Single incident of domestic or racial abuse involving violence Conviction for violent behaviour
Three years	Conviction for violent behaviour on more than two occasions More than one incident of domestic or racial abuse involving violence. Harassment resulting in police enforcement such as a restraining order or non-molestation order Customers defined by the police as prolific offenders, or who have committed more than three offences within a locality of dwellings e.g. burglary, theft.

Where an offence took place between 1 and 3 years ago and there has been no further anti-social behaviour, a lesser period of exclusion may be applied.

Customers who fail to declare previous anti-social behaviour on their application will be deemed to have withheld relevant information and the application may be treated as fraudulent. This could result in the customer being excluded from the register for a three year period, in addition to the period of exclusion relating to the behaviour itself. Any decision on the length of time to exclude for failure to declare will be proportional to the anti-social behaviour that took place.

#### **Appendix 4 – additional information for customers with housing-related debts**

Our policy is to encourage all customers who have a debt or arrears on a current or previous tenancy (whether that is with a social housing landlord or a private landlord) to take responsibility for this and demonstrate a commitment to repaying them by entering into an agreement with their current/previous landlord and sticking to this. We will take into account rent and service charge arrears and also debts such as rechargeable repairs and legal costs.

Where a customer has declared a debt over £500, we will look at the circumstances in which the debt arose before excluding them from the register. In deciding whether an exclusion is warranted we will consider:

- Could the customer afford to pay the rent? Did they have an income, or were they receiving housing benefit, which was sufficient to pay the rent? We will not penalise customers where the tenancy was unaffordable, unless they took on the tenancy knowing this to be the case;
- Did the customer do anything, or fail to do anything, which meant they did not secure the income to pay the rent? If they failed to return information to housing benefit, was this because they did not understand the requirements?
- Could the customer have reasonably been expected to pay the rent? We will not penalise customers fleeing domestic violence for arrears which arose after they left the tenancy, or during the time of the tenancy if they could not reasonably have been expected to secure payment of the rent; and
- All other mitigating circumstances put forward by the customer.

Customers whose debt has been included in a debt relief order will need to demonstrate that they have complied with the terms of the debt relief order until such time as the debt is discharged. They will then be eligible to apply to go on to the housing register, but will be expected to evidence that they will be able to manage a new tenancy. This may include making regular savings with an appropriate organisation, such as a credit union, and not incurring further debt.

If a customer is excluded, they can re-apply to go on to the housing register when they have been making regular payments towards the debt for at least six months and cleared 50% of the outstanding debt. Customers will be expected to continue to make payments towards the debt while they are on the register; if a customer fails to do this they can be excluded again for a further period of time until they can demonstrate that they have been making regular payments for six months.

Any decision to exclude will always be made by a senior officer from within the Council and will be closely monitored. The length of exclusion will depend on the amount of arrears and the evidence that the customer is sticking to the agreement to repay these. Customers who are excluded on these grounds will be informed of this in writing and given a right of appeal.

Debts which are more than six years old and deemed 'inactive' will not be taken into account when excluding a customer from the register.

## **Appendix 5 – current limits for financial resources which exclude customers from the register**

Customers who are considered to have the financial resources to meet their own housing need will not be able to register. This is because of the extreme shortage of social housing in the area.

When considering whether a customer has sufficient financial resources to meet their own housing need, we will consider

- The income of the customer and where applicable, their partner. Definition of income includes any benefits to which you are entitled as well as wages/salary. We will also look at how long they have been earning that amount, whether they are on a permanent contract of employment or have been habitually employed on temporary contracts;
- Any savings available to them;
- Any property owned by them, whether in this country or abroad, its value, and whether they could reasonably be expected to live in the property or to sell it to realise the equity, also any mortgage held against the property.

We do not take into account the income of others living in the household, e.g. adult children.

Where a combination of income, savings and equity means that a customer could support a mortgage on an appropriate property they will not be eligible to join the register.

Generally, this will mean where you have an income or savings in excess of £60,000 a year, or equity of £62,500, or a combination of the two, you will not be able to join the register. We will, however, advise you on other options including low-cost home ownership schemes.

For older persons (aged 55 years and above) the applicable level of equity is £125,000. This means that an older person with less than £125,000 equity will be permitted to register. If there are exceptional circumstances which mean that you would have to pay more for an appropriate property (if for example someone in the household has a severe disability requiring extensive adaptations) we will take this into account when assessing your financial resources.

## **Appendix 6 – list of rural wards where additional local connection criteria will apply**

- Chester Villages
- Davenham and Moulton
- Doddleston and Huntington
- Elton
- Farndon
- Frodsham – Frodsham
- Gowy
- Helsby – Helsby
- Kingsley
- Little Neston and Burton
- Malpas
- Marbury
- Neston
- Parkgate
- Saughall and Mollington
- Shakerley
- Tarporley
- Tarvin and Kelsall
- Tattenhall
- Weaver and Cuddington
- Willaston and Thornton

## Appendix 7 – examples of household size and property size eligible to bid for

Household size	Eligible to bid for
Single person	Bedsit or one bed
Two adults, no children	One bed
Single person or couple, one child	Two bed
Single person or couple, two children same gender under 16	Two bed
Single person or couple, two children, different genders, both under 10	Two bed
Single person or couple, two children, different genders, one over 10	Three bed
Single person or couple, two children both over 16	Three bed
Single person or couple, three children all under 10	Three bed
Single person or couple, three children, two boys under 10 and one girl over 10	Three bed
Single person or couple, three children, two boys, one over 10 and girl under 10	Three bed
Single person or couple, three children, two boys, one over 10 and girl over 10	Three bed
Single person or couple, three children, all aged 10 – 16	Three bed
Single person or couple, three children, all over 16	Four bed
Single person or couple, four children all under 10	Three bed
Single person or couple, four children, three under 10 and one over 10	Three bed
Single person or couple, four children, two under 10, two over 10 but under 16 Could qualify for four bed depending on family make-up e.g. Three girls plus boy over 10	Three bed or four bed
Single person or couple, four children, one under 10 and three over 10 under 16 Similar to above, would depend on ages and sexes of children Would qualify for four bed if girl was under 10 with three boys over 10	Three bed or four bed
Single person or couple, four children, all 10 – 16 Similar to above, would depend on ages and sexes of children Would qualify for four bed if three boys and a girl or vice versa	Three bed or four bed
Single person or couple, four children, three under 16 and one over 16	Four bed
Single person or couple, four children, two under 16 and two over 16 Would depend on ages and sexes of children If two under 16 are both over 10 and different sexes then would need five bed	Four bed or five bed
Single person or couple, four children, one under 16 and three over 16	Five bed
Single person or couple, four children, all over 16	Five bed