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Key Decision:	Yes
Report Track:	Cabinet: 20/02/13

CABINET 20 FEBRUARY 2013 REVIEW OF ALLOCATIONS POLICY
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1 Purpose of Report

- 1.1 To consider a revised Allocations Policy for the Council's housing stock and nominations to Housing Associations.

2 Recommendations

- 2.1 That the revised Allocations Policy attached as Appendix 2 is approved for implementation from 25 March 2013.
- 2.2 That the current Transfer Incentive Scheme is suspended pending a review.
- 2.3 That the revised Allocations Policy is subject to a further review after a 12 month operational period.

3 Key Issues and Reasons for Recommendation
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- 3.1 The draft Allocations Policy for the Council's housing stock and nominations to housing associations has been subject to a 12 week period of consultation with housing associations, service customers and other statutory agencies and voluntary organisations. Details of the consultation responses are set out in Appendix 2.
- 3.2 As a result of the consultation exercise, a number of amendments to the draft Allocations Policy are proposed in relation to the overcrowding standard, under-occupation and Local Lettings Policies. Details of these proposed amendments are set out in the report.
- 3.3 The proposed amendments have been included within the revised Allocations Policy attached as Appendix 2, together with other minor changes where it is considered that additional explanation or clarification is required. These minor changes are identified in *italics* throughout Appendix 2.

- 3.4 It is recommended that the revised Allocations Policy is approved and implemented with effect from 25 March 2013.
- 3.5 The current Tender Incentive Scheme is not compatible with the proposed policy in relation to under-occupation. It is therefore proposed that the scheme is suspended pending a review.
- 3.6 It is also proposed that the revised Allocations Policy is subject to a further review after a 12 month operational period.

4 Relationship to Corporate Priorities

- 4.1 The review of the Allocations Policy will contribute to the service aim to achieve an “Increased supply of affordable housing” which forms part of the agreed 2012-13 “Place” Priority Delivery Plan.
- 4.2 The review of the Allocations Policy during 2012-13 has also been identified as a specific action within the Priority Delivery Plan.

5 Report Detail

- 5.1 Cabinet on 20 September 2012 considered a draft Allocations Policy and agreed to subject this to a 12 week period of consultation with:
 - (i) Housing Associations and other Registered Providers.
 - (ii) Tenants, applicants and the wider community.
 - (iii) Other statutory agencies (including Staffordshire County Council) and voluntary organisations (including the CAB).
- 5.2 The views of the Housing Policy Development Committee were also requested and the draft policy was considered at their meeting on 22 October 2012.
- 5.3 The consultation period ended on 21 December 2012 and details of all responses, together with the views of the Housing Policy Development Committee, are attached as Appendix 1.

Proposed Amendments to the Draft Allocations Policy

- 5.4 As a result of the consultation exercise and further work on the formulation of a revised allocations policy, the following amendments to the draft policy are proposed:
 - (i) Overcrowding Standard

The draft policy determines the level of overcrowding using a bedroom standard which allocated a separate bedroom to each:

- pair of children aged 10 years or under regardless of sex.

It is suggested that under 10 years of age is more appropriate due to the age at which puberty may commence.

It is recommended therefore that the standard is amended to:

“10.1(a) (iv) pair of children aged under 10 years regardless of sex”.

(ii) Under-occupation

The draft policy addresses under-occupation within the Council stock by awarding a Band 1 priority to Council tenants who are under-occupying their home by one bedroom or more.

It has been suggested that the policy aims to assist housing associations tenants who are also under-occupying by also giving the same priority. It is suggested that the draft allocations policy is amended to reflect the fact that the Council will assist under-occupying housing association tenants who cannot be re-housed by their landlord into suitably sized accommodation and that the Council receives a direct nomination from the housing association of the vacated property.

It is recommended therefore that the policy is amended to read:

“9.2(j) Under-occupation - Council or Housing Association Tenant under-occupying by one or more bedrooms”.

The proposed changes in relation to under-occupation are not compatible with the current Transfer Incentive Scheme and it is suggested that this policy is suspended pending a review. It is proposed, however, that the administrative and organisational support, together with assistance from the Handyperson service is continued to be provided to any elderly tenant who is downsizing from a 3 or 4 bedroom house to a 1 or 2 bedroom bungalow.

(iii) Local Lettings Policies

New developments often include affordable rented housing provided as a result of Central Government funding through the Homes and Communities Agency (HCA) or S106 Agreements which is managed by housing associations. The Council will have nomination agreements to these properties and it is essential that the initial lettings are carefully managed.

As a result new developments are often subject to a Local Lettings Policy which has regard to considerations such as social mix, density, age and community stability which is not possible under a district wide allocation policy.

Local Lettings Policies are specific to an area or scheme and limited in time or to first letting.

As the Council is also preparing to build Council Houses for the first time since 1987 and it may be necessary to take account of specific conditions on first letting through use of a Local Lettings Policy.

Properties subject to a Local Lettings Policy will be advertised and let in the same way as other properties with the property details clearly setting out the Local Lettings Policy Requirements.

It is proposed therefore that the following is included within the revised Allocations Policy:

“14. **Local Lettings Policy**

14.1 Local Lettings Policy may be developed for any new developments, schemes or acquired properties. These policies will be developed to ensure a sustainable community for the future. They may take into account considerations including but not limited to: density, age, employment, vulnerability.

14.2 Local Lettings policy requirements will be clearly set out in the property details and on any advert.

14.3 Feedback on the lettings will follow the same procedure as all other lettings.

14.4 All Local Lettings Policies will be subject to Cabinet approval”.

(iv) **Minor amendments**

Other amendments where additional explanation or clarification is required are identified in *italics* throughout the revised Allocations Policy attached as Appendix 2.

Implementation

5.5 New and existing applicants have been advised that a new Allocations Policy is being formulated and that this may affect their application either by a change to their banding award or that their application may be cancelled. A re-registration exercise is in progress to prepare for the introduction of the new policy.

5.6 It is proposed that the new Allocations Policy will be implemented from Monday 25 March 2013.

Review of the Revised Allocations Policy

- 5.7 It is proposed that the revised Allocations Policy is subject to a further review after a 12 month operational period.

6 Implications

6.1 Financial

Any costs arising from recommendations contained within the Review of Allocations Policy Report can be met from within existing budgets.

6.2 Legal

The Localism Act 2011 makes changes to Part 6 of Housing Act 1996, requiring changes to the ways in which the Council allocates housing. If the Council implements the revised Allocations Policy attached to this report then the Council will comply with the new provisions.

6.3 Human Resources

There are no identified human resource implications arising from this report.

6.4 Section 17 (Crime Prevention)

The statutory guidance enables local authorities to determine qualification criteria regarding the categories of household who can be allocated accommodation. This includes disqualifying people who are guilty of serious unacceptable behaviour.

6.5 Human Rights Act

Article 8 provides that:-

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

In considering a review of the Allocations Policy including the Choice Based Lettings Scheme, the Council is complying with legislation which empowers it to do so, at the same time it is considering the needs of the residents of the district.

A Choice Based Lettings Scheme has a number of advantages to applicants as it provides a transparent system which can be easily understood and ensures equality of access and opportunity.

For the above reasons the Council's actions are considered to be compatible with the Human Rights Act.

6.6 Data Protection

There are no identified implications in respect of the Data Protection Act arising from this report.

6.7 Risk Management

Failure to implementing non-discretionary changes within Localism Act could lead to a legal challenge from applicants affected. The revised policy will reduce the risk of challenge.

6.8 Equality & Diversity

The Council's Allocations Policy has been fully assessed in relation to the Council's responsibilities regarding equality and diversity. The Allocations Policy is considered to have positive impacts for the majority of protected characteristics identified. The negative impacts identified in relation to the Local Housing Allowance bedroom standard and adjustment to the age criteria regarding bungalows has been considered unavoidable to meet the needs of residents in the District and make best use of the Council's housing stock.

Overall the policy is open and transparent and no major changes are to be made as a result of this assessment.

6.9 Best Value

The Allocations Policy is based on the principle of making the best use of stock.

7 Appendices to the Report

- Appendix 1: Consultation Responses
- Appendix 2: Draft Allocations Policy

Previous Consideration		
Choice Based Lettings Scheme Review	Cabinet	15 September 2011
Allocation of Accommodation: Draft Guidance for Local Housing Authorities in England	Housing Policy Development Committee	14 February 2012
Allocations Review	Cabinet	20 September 2012

Review of Allocations Policy	Housing Policy Development Committee	22 October 2012
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Background Papers Allocation of Accommodation: Guidance for Local Housing Authorities in England
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APPENDIX 1

ALLOCATIONS POLICY
CONSULTATION RESPONSES

<p><u>Response One</u></p> <p>Having viewed the proposed allocations policy I would like to add my observations. Although the new policy makes adjustment to give a higher priority to those wishing to downsize in reality this is still unlikely to happen:-</p> <ul style="list-style-type: none"> • The new policy does not allow the council to allow transfer for those downsizing even if there is an urgent need for the property being vacated. • Tenants who are allocated Band 1 on the new policy will still only get transfers if there is no prior urgent re-housing. (In this case the government idea of freeing up under occupied dwellings will be slow or none existent). • A clause allowing transfer should be added so the council can allow downsizing if the property can be allocated to a family in urgent need. 	<p>Transfers due to under-occupation to be assessed as urgent need and is awarded Band 1</p>
<p><u>Response Two</u></p> <p>Bedroom Standard – shared rooms should be for children under 10 rather than 10 an over as puberty can occur at age 10.</p>	<p>Amendment recommended</p>
<p><u>Response Three</u></p> <p>We do not have any significant comments as your policy is very similar to ours.</p>	<p>Noted</p>
<p><u>Response Four</u></p> <p>Section 9 (j) Under Occupation as UChoose is a joint scheme should this refer to under occupation for Council and Housing Association tenants?</p>	<p>Amendment recommended</p>
<p><u>Response Five</u></p> <p>Section 15 - making an allocation should somewhere state that other landlords will make an allocation according to their procedures e.g. we may have different time scales for decisions. Perhaps you may want copies</p>	<p>To be addressed in the Allocations Policy Guidance booklet "Somewhere To Live"</p>

<p>of these on your website so customers can refer to this or in Telford all landlords have just done a sheet each explaining variations.</p>	
<p><u>Response Six</u></p> <ol style="list-style-type: none"> 1. I recommend you think carefully about having 'cumulative need'. We find that customers 'chase' the extra priority and reconsidering removing cumulative need in our allocations policy. 2. It may be worth having another look at your property eligibility criteria with welfare reform in mind. Your criteria are generous but there may be affordability issues arising from some customers. 	<p>Cumulative need exists in current policy and no changes have been recommended</p> <p>Property eligibility has not been aligned to 'Bedroom Tax' requirements to allow for choice.</p>
<p><u>The Views of the Housing Policy Development Committee</u></p> <p>Extract from the minutes of the meeting held on 22 October 2012:-</p> <p>"Members noted the contents of the briefing and were supportive of the proposed revised Allocations Policy".</p>	<p>Noted</p>

APPENDIX 2

CANNOCK CHASE COUNCIL

HOUSING SERVICES

REVISED ALLOCATIONS POLICY

1. Introduction
2. Statutory Framework and Legal Principles
3. Aims
4. Objectives
5. The Council's Choice Based Allocation Scheme - Principles
6. Eligibility & Qualification - Assessment
7. Choice Based Lettings Scheme – Reasonable and Additional Preference
8. Choice Based Lettings Scheme – Determining Priority Between Households (Priority Bands)
9. Priority Bands
10. Choice Based Lettings Scheme – Assessment Criteria
11. Choice Based Lettings Scheme – Property Eligibility
12. Additional Property Eligibility Criteria
13. Excluded Properties/management Moves
14. Local Lettings Policies
15. Making an Application
16. Making an Allocation
17. Refusals
18. Review of Decisions
19. False Statements and Withholding Information

1. Introduction

- 1.1 Cannock Chase Council will ensure in implementing this policy that its obligations in law are met, that is, under Part 6 Housing Act 1996 as amended by Localism Act 2011.
- 1.2 The vision for Housing Services is to maintain in good condition and progressively update and improve the Council's housing stock and immediate environment, to maintain the decent homes standard and meet the aspirations of tenants.
- 1.3 The Allocations Policy sets out the aims, objectives, priorities and processes to which Cannock Chase Council will work when allocating empty properties to applicants and transferring tenants.
- 1.4 In developing this policy consideration has been given to the nature and availability of social housing within the area Cannock Chase Council operates. Cannock Chase Council will work in co-operation with other Registered Social Landlords and landlords in the Private Sector to help meet housing need in the area.
- 1.5 In addition to meeting housing need, this policy aims to set the objectives to ensure that Cannock Chase Council provides an efficient, responsive and customer focussed allocations and letting service incorporating choice and accessibility.

2. Statutory Framework and Legal Principles

- 2.1 The statutory framework is contained in Part VI Housing Act 1996 as amended by the Homelessness Act 2002 and Localism Act 2011 together with other legislation as set out in 4.1(d) below.
- 2.2 This Allocation Scheme sets out the framework for the allocation of accommodation but the primary consideration at all times is the relevant legislation contained in the Housing Acts.
- 2.3 The statutory framework includes the following requirements:-
 - (a) Allocations under this policy include selecting someone to be a secure or introductory tenant including transfer requests where there is housing need and to any local authority accommodation or that held by Private Registered Provider. (S159(4B))
 - (b) Allocations excluded are:
 - (i) successions to a secure or introductory tenancy
 - (ii) assignments by mutual exchange or introductory tenancy or succession.

- (iii) transfer pursuant to a court order made in matrimonial proceedings or relationship breakdowns.
 - (iv) an introductory tenancy becoming secure.
 - (v) provision of alternative accommodation to an existing secure tenant or introductory tenant where this is instigated by the Council such as decants.(S160)
- (c) Applicants must be eligible and qualify for an allocation of accommodation. Applicants will be assessed for eligibility and qualification. (S160ZA)
- (d) Advice and assistance must be available free of charge to people in the district who wish to apply for and make an allocation. (S166(1))
- (e) An applicant must be informed that s/he has the right to request general information to assess:
- (i) How their application is likely to be treated
 - (ii) Whether accommodation appropriate to his needs is likely to be made available and how long it is likely to be before such accommodation becomes available. (S1661A)
- (f) Any details including the fact an application has been made, must not be divulged to a third party without the applicants consent. (S166(4))
- (g) The scheme may determine priorities and include the procedures to be followed as set out below. (S166A(2))
- (h) The policy must include a statement on the opportunity to express preferences about the housing accommodation to be allocated.(S166A(2b))
- (i) Priorities must be based on the reasonable preference categories which are:
- (i) people who are homeless (within the meaning of Part 7 of the 1996 Act).
 - (ii) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s.192(3)
 - (iii) people occupying insanitary or overcrowding housing or otherwise living in unsatisfactory housing conditions.
 - (iv) people who need to move on medical or welfare grounds, including grounds relating to a disability, and

- (v) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others). (S166A(3))

Reasonable preference categories are included within priority Bands 1-3 below

- (j) Reasonable Preferences – Restricted persons - Applicants must not be given reasonable preference under paragraph (a) or (b) of S166A(3) if they would only qualify for reasonable preference by taking into account a 'restricted person' within the meaning of Part 7 (s.166A(4)). A restricted person is a person subject to immigration control who is not eligible for homelessness assistance because he or she does not have leave to enter or remain in the UK or has leave which is subject to a 'no recourse to public funds' condition (s.184(7) of the 1996 Act). together with additional preference to persons in urgent housing needs.(S166A(3))
- (k) All applications must be considered. (S166(3))
- (l) Applicants must be advised in writing (letter or email) of any decisions made in respect of their application. (s166A(9)(b))
- (m) Additional preference must be given to the following categories of people (as required by regulation) who fall within one or more of the reasonable preference categories and who have urgent housing needs:
 - (i) Former members of the Armed Forces
 - (ii) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (iii) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - (iv) Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
- (n) Applicants must be able to request a review of any decision which will be through the Council's Appeals and Complaints Procedures. (S166A(9)(c)) as set out in Section 18.

3. Aims

- 3.1 The Allocations Policy seeks to ensure that the Council's properties makes best use of its stock to meet the needs of transferring tenants and applicants, and help to build sustainable communities.
- 3.2 This Allocations Policy supports the Corporate Plan, in particular the:

Vision

By 2021 Cannock Chase will be a place where people have the opportunity to enhance their quality of life and achieve economic prosperity

Priority Outcomes:

People:	Active and healthy lifestyles
Place:	Improved living environment
Prosperity:	Economic resilience
Transformation:	Changing the way services are provided to ensure value for money

- 3.3 To help meet housing need within the District, by taking into account the severity of circumstances and housing conditions of applicants and transferring tenants.

4. Objectives

- 4.1 The Allocations policy objectives are:

- (a) Provide choice to applicants.
- (b) Be a simple and accessible system that transferring tenants, applicants and other agencies can understand and staff can explain and give informative advice about.
- (c) Address vulnerability.
- (d) Comply with legislative and regulatory requirements including the Housing Act 1985 (as amended), Housing Act 1996 (as amended), Homelessness Act 2002, Localism Act 2011, Data Protection Act 1998, Race Relations Amendment 2000, Sex Discrimination Act 1975 and Disability Discrimination Act 1995, Allocation of Housing(Qualification Criteria for Armed Forces Personnel)(England) Regulations 2012, Housing Act 1996 (Additional Preference for Former Armed Forces Personnel)(England) Regulations 2012 wherever it has a bearing on the allocation of housing.
- (e) Maximise the use of stock
- (f) Help prevent overcrowding.
- (g) Help create sustainable tenancies within sustainable and mixed communities
- (h) Regularly review the allocations policy to ensure it is relevant to local circumstances, complies with legislation and is effective.

5. The Council's Choice Based Allocation Scheme – Principles

- 5.1 The Council's statement on the opportunity to express preferences about the housing accommodation to be allocated in accordance with S166A(2b) is:-

“The Council want you to be happy in your home. We are committed to providing applicants and transferring tenants with a choice regarding the type of property they live in and the area to which they choose to move to”

5.2 The Council’s statement on openness and fairness:

“The Council is committed to providing excellent services that ensure the widest possible access to housing and prevent discrimination on the grounds of race, religion, gender or marital status, sexual orientation or disability. The Council will ensure that customers are treated fairly and equally and not use discriminatory practices when allocating housing. The Council will monitor and analyse how effective the Allocation Scheme is at meeting the needs of the community and use the information obtained to develop future policies and services. The Council recognises that it is important that everyone who applies for re-housing understands the Allocation Scheme. The Council will produce information leaflets, along with translations, large print and Braille versions that are available for applicants.”

5.3 The Council may decide on the principles on which the scheme is to be framed (S166A(11)) which are:

- (a) Allocations to existing secure or introductory tenants including an assured tenant of housing accommodation held by a private registered provider of social housing or registered social landlord (i.e. all transfers of Council or housing associations whether in housing need or not) will be considered for allocation under the same policy as applicants. S159(4A). There is no separate transfer policy for existing tenants.
- (b) Additional preference must be given to:
 - (i) Serving and former Armed Forces applicants as set out in para 2.2(m) above.

In addition additional preference will be given to:

- (ii) Those who need to move for urgent medical reasons
- (iii) Families in severe overcrowding
- (iv) Homeless and require urgent housing – as a result of violence, fire or flood

Additional preference applicants are placed in priority Band 1,

- (c) The following factors will be taken into account in assessing an applicants qualification for an allocation:
 - (i) The behaviour of a person (or a member of his household) which affects his suitability to be a tenant.
 - (ii) A breach of tenancy

- (iii) Former Tenant arrears
- (iv) Any local connection (with the exception of Armed Forces applicants as required by Regulation) S166A(5)(b)(c))
- (d) Provisions are made about the allocation of particular housing accommodation:
 - (i) To persons who make specific application for the accommodation
 - (ii) To persons of a particular description (s166A(6))
- 5.4 The allocation scheme complies with the Council's Tenancy and Homelessness strategies. (S166A(12)).
- 5.5 A key principle of the Council's Allocation Scheme is that it will be a choice based lettings scheme.
- 5.6 The principles of the Council's Choice Based Lettings Scheme are:
 - (a) priorities will be assessed against a pre-determined criteria and placed into 4 bands plus a priority Band 1+.
 - (b) allocations will be made to the applicant in the highest banding *with the earliest band effective date*, is not considering another offer and in accordance with property eligibility and property preferences.
 - (c) properties will be advertised via the internet.
 - (d) applicants will only be considered for an allocation of a property by making an Expression of Interest.
 - (e) All properties will be allocated through the allocation scheme with the exception of properties excluded for management moves/exceptional circumstances.
 - (f) Information for tenants will be provided in the tenant's guide 'Somewhere To Live'. Booklet

6. Eligibility and Qualification Assessment

- 6.1 Applicants will be assessed in accordance with S160ZA on application to determine if:
 - (a) s/he is eligible for an allocation of accommodation.
 - (b) s/he qualifies for an allocation of accommodation.
- 6.2 An applicant may be reassessed for eligibility prior to making an offer of accommodation if a substantial amount of time has lapsed.

- 6.3 Information and guidance on eligibility of applicants is contained in the Governments Allocation of accommodation: guidance for local authorities in England and the tenant's guide – Somewhere To Live Booklet.
- 6.4 Enquiries will be made to the Border Agency on issues relating to applicants immigration status.
- 6.5 Accommodation will only be allocated to people who are defined as 'qualifying persons' in accordance with S160ZA (6).
- 6.6 Accommodation will only be allocated to applicants who qualify under one of the following:
- (a) are aged 18 or over and live in the district.
 - (b) require sheltered accommodation and have a close relative living in the district from whom they need to receive support.
 - (c) are a restricted person as per Regulation 3 of the Eligibility Regulations i.e. subject to Immigration Control but eligible for housing allocation and homelessness assistance.
 - (d) in one of the special groups:
 - (i) Homeless or owed a homelessness duty - Households who are owed a housing duty may be offered a suitable private rented property by the Council's Housing Options Team. Where this is not available applicants will qualify for offers of Part 6 accommodation.
 - (ii) Owner Occupiers- Owner occupiers will only qualify for allocation of accommodation if one of the following criteria is met:-
 - unintentionally homeless and in a priority need category as defined by part VII of the Housing Act 1996 as amended 2002.
 - home is affected by a Demolition or Closing Order.
 - live in the district and awarded a high or medium medical priority by the Council's Medical Panel and the equity released from the sale of home would be £80,000 or less.
 - requesting sheltered accommodation.
 - (e) Members of the Armed Forces – Households will qualify if, the applicant or a member of the household meets one of the following criteria:
 - (i) Serving Members of Armed Forces.
 - (ii) Applicant or a member of their household was a serving member of the Regular Armed Forces, who left the service less than 5

years previously from the date of application and is in urgent housing need.

- (iii) Bereaved spouse or civil partner of a member of the Armed Forces leaving Family Accommodation following the death of their spouse or partner.
- (iv) Serving or former member of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

6.7 With the exception of those who have been accepted as statutorily homeless by Cannock Chase District Council, the following categories will not be qualifying persons:

- (a) All applicants and transferring tenants are excluded when their unacceptable behaviour is serious enough to make them unsuitable to be a tenant and only in circumstances that are not unlawfully discriminating. In these circumstances, each decision will be authorised by the Head of Housing Services, following a recommendation from the Tenancy Services Manager.
- (b) All Applicants and transferring tenants are excluded who are in breach of their current tenancy agreement including non-payment of rent.
- (c) All applicants and transferring tenants who owe former tenant arrears are excluded.

In exceptional circumstances it may be possible to review the exclusion if a substantial part of the current or former tenant arrears has been cleared and adequate arrangements made to clear the remainder.

6.8 Applicants aged 16 and 17 may make an application but will only qualify for an allocation of accommodation under exceptional needs.

6.9 Applicants can request a review of their decision on grounds of eligibility and qualification.

7. Choice Based Letting Scheme – Reasonable and Additional Preference

7.1 Additional preference to be given to applicants who are assessed as being in the reasonable preference categories ((S166A(3) and paragraph 2.3(i) above) and in urgent housing need:

- (a) Condition of property - Closing Order issued by the Council.
- (b) Homeless duty - A statutory duty to assist the applicant in obtaining housing.
- (c) Lack of facilities – no access to a hot water supply, bathroom, inside toilet or kitchen.

- (d) Parents forced to live apart - *Having lived together previously the parents of dependant children who are forced to live apart.*
- (e) Child separated from parents - *Having lived with a parent previously a child cannot occupy the current home of the parent, and that they will live as a family unit if suitable accommodation is allocated.*
- (f) High medical priority – Awarded High Priority by the Medical Panel.
- (g) High social need - Awarded High Priority by the Social Need Assessment Panel.
- (h) Harassment including racial - Referral by statutory agencies.
- (i) Overcrowding – Statutory overcrowded or because their present home is short of a least 3 bedrooms.
- (j) Move on accommodation – Supported accommodation where the service is no longer needed *and move on must be supported by the applicant's current accommodation provider.*
- (k) Members of the Armed and Reserve Forces – Who fall into one of the groups below:
 - (i) Serving members of Armed Forces who are leaving Services Family Accommodation through no fault of their own and is a household with children or falls into another priority group under s189 Housing Act 1996.
 - (ii) Former members of the Armed Forces who meet the reasonable preference categories in 4.2(i).
 - (iii) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
 - (iv) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following death of their spouse or partner.
 - (v) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

8. Choice Based Lettings - Determining Priority between households – Priority Bands

- 8.1 In accordance with S116A the Council has determined the method by which categories of housing need are to be given preference.
- 8.2 A banding system will be used with a pre-determined criteria to assess priority between applicants. There will also be prioritisation of applicants within

specific bands. All applications will be given an application date and a band effective date which are:

- (a) Application date is the date when the application is first received.
- (b) Band effective date is the date on which *an application was received identifying a need* which resulted in the applicant being placed in a band or the date on which an award was made depending on which could be identified soonest.
- (c) Banding is awarded based on individual circumstances. This means that those households in the greatest housing need, in particular applicants given additional preference, have the highest priority.
- (d) Cumulative Need - If an applicant (or one or more members of their household, as applicable) has more than one housing need (cumulative need) within the band in which they have been placed, the applicant will be placed in the next band.

8.3 The Scheme will have four bands, plus a priority band (Band 1+) for those in exceptional housing need.

9. Priority Bands

9.1 Band One Plus - Priority status (Band 1+) will be awarded to Band 1 applicants in the following situations:-

- (a) Where an applicant has been accepted as being unintentionally homeless and in priority need

and also

- (b) Fulfils one of the other Band 1 criteria which has not been taken into account as part of the homeless decision.

Band 1+ will be valid for 2 months, at which time the applicants case will be reviewed.

Applicants awarded Band 1+ will take preference over other Band 1 applicants applying for the same property.

9.2 Band One - All applicants who have an urgent housing need (including households who are statutorily homeless and are in additional preference categories) and live in the Cannock Chase area. Urgent housing needs are:

- (a) Condition of property - Closing Order issued by the Council.
- (b) Homeless duty - Statutory duty to assist the applicant in obtaining housing.
- (c) Lack of facilities - No access to a hot water supply, bathroom, inside toilet or kitchen or would be considered unfit for habitation e.g. rough sleeper.

- (d) Parents forced to live apart – *Having lived together previously the parents of dependant children are forced to live apart and it could not reasonably be expected for both parents to live in either of the homes that they occupy.*
- (e) Child separated from parents – *Having lived with a parent previously the child cannot occupy the current home of the parent, and that they will live as a family unit if suitable accommodation is allocated.*
- (f) High medical priority – Applicants who are awarded a high priority by the Medical Needs Assessment Panel.
- (g) High Social need - Applicants who are awarded a High Priority by the Social Need Assessment Panel.
- (h) Harassment including racial - This covers applicants who are referred by statutory agencies, e.g. Police, as they are enduring harassment, and who are therefore unable to remain in their current home *as a direct consequence of that harassment*. Note, harassment implies a degree of deliberate intent with some underlying motive and can be distinguished from neighbour disputes or nuisance. Harassment includes action on grounds of age, sex, religious beliefs, sexual orientation, political views, marital or social status and racial harassment on the grounds of colour, race, nationality or ethnic or national origins.
- (i) Overcrowding - Applicants who are overcrowded statutorily or because their present home is short of a least 3 bedrooms. Band 4 will be applied where the applicant chooses to move to the same size property as they currently occupy except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house on the designated list.
- (j) Under occupation - Council or Housing Association tenant under occupying by one or more bedrooms.
- (k) Move on accommodation - Applicants who are living in accommodation that is no longer suitable for their needs and by vacating that property it is being made available for occupation for a household for whom it is suitable. *Move on application must be supported by the applicant's current accommodation provider.*
- (l) Members of the Armed and Reserve Forces – Who fall into one of the groups below:
 - (i) Former members of the Armed Forces who meet the reasonable preference categories in 2.3(i)
 - (ii) Serving members of the Armed Forces leaving service accommodation through no fault of their own and comprise a family with children or fall into one of the priority groups defined by the Housing Act 1996.

- (iii) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - (iv) Bereaved spouses and civil partners of members of the Armed Forces leaving Services family Accommodation following death of their spouse or partner
 - (v) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- (m) Cumulative need - Applicants who fulfil two or more of the Band 1 criteria, one of which must be a statutory homeless duty to re-house, will move to Band 1+ status.

9.3 Band Two - Applicants who have an intermediate housing need and live in the Cannock Chase area. Intermediate housing needs are:

- (a) Homeless - no statutory duty to re-house where a non priority homelessness decision has been made.
- (b) Overcrowding - Overcrowded by at least 2 bedrooms. Band 4 will be applied where the applicant chooses to move to the same size property as they currently occupy except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house on the designated list.
- (c) Children in one bedroom flats – Where an applicant resides in a one bedroom flat with a child who has reached their second birthday.
- (d) Members of the Armed Forces – Single applicants and couples leaving service accommodation through no fault of their own on discharge.
- (e) Medium Medical need - A medium priority by the Council's Medical Assessment Panel.
- (f) Medium Social need - A medium priority from the Council's Social Need Assessment Panel.
- (g) Redevelopment Area - Applicants living in an area that has been earmarked for redevelopment.
- (h) Household with no fixed abode
- (i) Cumulative need - Where an applicant fulfils two or more of the Band 2 criteria, they will move to Band 1.

9.4 Band Three - Applicants who have some housing need and live in the Cannock Chase area. Some housing need is:

- (a) Overcrowding - Overcrowded by at least 1 bedroom. Band 4 will be applied where the applicant chooses to move to the same size property

as they currently occupy except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house on the designated list.

- (b) Shared Facilities/Lodging – Where an applicant shares facilities with another household and has no tenancy rights.
- (c) Low Medical need - Council's Medical Assessment Panel has awarded a low medical priority.
- (d) Low Social need - A low priority from the Social Need Assessment Panel. An example of a low social need would be to receive support from someone other than a principal carer.
- (e) Cumulative need - Where an applicant fulfils two or more of the Band 3 criteria, they will move to Band 2.

9.5 Band Four - No housing need which includes:

- (a) Overcrowding - overcrowded households who wish to move to the same size of property they currently occupy.
- (b) Members of Armed Forces who have no housing need
- (c) Reduced preference as 10(h) below.

10. Choice Based Lettings – Assessment Criteria

10.1 The criteria for each band will be assessed according to the conditions set out below.

- (a) Overcrowding - Overcrowding will be determined using the Local Housing Allowance criteria which allocates a separate bedroom to each:
 - (i) married or cohabiting couple
 - (ii) adult aged 16 years or more
 - (iii) pair of adolescents aged 10 - 15 years (inclusive) of the same sex
 - (iv) pair of children aged *under* 10 years regardless of sex
 - (v) any other child

In addition to the Local Housing Allowance Criteria an additional room may be counted as needed by:

- (vi) An expected child, at 6 months gestation, which when born would result in the bedroom standard being exceeded.

- (vii) A person whom the Council's Medical Assessment Panel considers should have a separate room, including a non family related live-in carer.

People included in the overcrowding calculation must live permanently with the applicant as their only and principle home.

No overcrowding need will be awarded with respect to children subject to shared access or weekend/holiday access arrangements.

The assessment will determine how many bedrooms the applicant lacks/is short. The applicant will be informed of the size of property which s/he is eligible for and to which the subsequent banding applies.

Band 4 will be applied where an overcrowded applicant chooses to move to the same size property as they currently occupy except where the move is from a standard size 3 bedroom house to a larger 3 bedroom house on the designated list.

- (b) Under Occupation - The criteria will be the same bedroom standard as for overcrowding.

Under-occupying *Council and Housing Association* tenants are assisted to transfer to smaller accommodation to reduce or eliminate the shortfall between full rent and HB by being placed in Band 1.

- (c) Medical Needs - Medical needs will be assessed by a Medical Panel of Medical Practitioners, Housing Officers and other health support agency representatives.

Medical circumstances will be assessed and place in one of the following categories.

- (i) High Priority –

- Physical Health - The illness is likely to become life threatening. It is no longer reasonable to remain in your current accommodation due to your physical condition
- Mental Illness/ Learning Disability - The accommodation is causing increased levels of stress/distress to the applicant resulting in an inability to cope directly related to the housing. A move is essential to avoid serious mental dysfunction or deterioration.
- Environment - Where a life threatening situation is developing which can only be resolved by moving from the existing neighbourhood. There is evidence of a dangerous and unsafe physical environment.

(ii) Medium Priority

- Physical Health - A change of property would significantly improve the applicants ability to live with the physical restrictions caused by their illness
- Mental Illness/Learning Disability - The current accommodation may be one of the causes of stress to the applicant or significantly detrimental to the mental health of the applicant.
- Environment - There are concerns that the type of property and surroundings are having a detrimental effect on the wellbeing of the applicant and a move would significantly improve this.

(iii) Low Priority

- Physical Health - Where there is some concern about health being affected by physical safety in the current property and rehousing would moderately improve the health of the applicant.
- Mental Illness/Learning Disability - Where there is some concern that the current accommodation contributes to social isolation, restricts independence and re-housing may be required to prevent deterioration.
- Environment - Where there are some concerns that the type of property and surroundings may have a detrimental effect on the wellbeing of the applicant and a move may moderately improve this

(iv) No Priority

- Where the circumstances and evidence provided are not affected by the existing housing or would not be improved by rehousing.

Medical panel assessment decisions are final. There is no right of appeal as the panel is made up of health professionals. Applicants may provide additional evidence for a review of a decision. Applicants may make a complaint via the Council's Formal Complaints Procedures regarding the process, but the Council's Appeal's and Complaints Panel will only review irregularities of the process, not the actual decision. They may request the Panel review a decision to take into account additional information.

- (d) Social Need - Social, welfare and hardship grounds will be assessed by a panel of housing officers and support group representatives. They will assess the non-medical, welfare and hardship circumstances of the

application and will determine the effect that re-housing will have on the applicant.

Social Need Assessment Panel can award:-

(i) High Priority – Protection of vulnerable adults or children which is only possible if the household is re-housed. This includes (but is not limited to) the following:

- Police witness - Applicants who are acting as a police witness where the police have requested immediate re-housing under the witness protection scheme.
- Severe Harassment - the applicant, or a member of their household is subject to severe harassment, racial harassment, threats of violence, or actual violence, or threats of physical, emotional, or sexual abuse and it appears that the problems can only be resolved by an immediate move.
- Traumatic Event - Applicants who have suffered a traumatic event in, or extremely close to, their current home, where no other treatments, such as counselling are appropriate and remaining in the home would cause considerable ongoing distress.
- Rehabilitation - Where the applicant has undergone lengthy and expensive rehabilitation in residential surroundings and is ready to attempt independent living in the community and temporary accommodation, or existing housing would risk undoing the work of the centre or unit.
- Hardship - applicants who need to move to a particular area to take up employment, and if they did not, significant financial hardship would be caused.

(ii) Medium Priority

- As above but less frequent incidents or lower impact

(ii) Low Priority

- As above but both less frequent and lower impact

(iii) No Priority

The situation and circumstances presented by the applicant as social need are not affected by or impacted on by the applicants housing circumstances.

(e) Member of the Armed Forces - Applicant or a member of their household is a serving member of the Armed Forces and living in

service accommodation. Discharge is accepted on receipt of Certificate of Cessation of Entitlement to Occupy Service Living Accommodation. Certificate is issued 6 months prior to discharge. Applicants will be able to express interest following receipt of certification

- (f) Households with no fixed abode - A household with 'no fixed abode' is defined as somebody who sleeps at a number of different places, usually with family and friends and will be placed into Band 2.
- (g) Rough Sleeper' - somebody who does not sleep in a recognised residential dwelling and has not done so for prolonged periods of time and has no access to bathroom facilities and will be placed into Band 1.
- (h) Reduced preference - Although the allocations scheme seeks to ensure that those in greatest housing need are re-housed more quickly, in certain circumstances applicants may have their priority reduced. These circumstances are as follows:
 - (i) Applicants who it is deemed have worsened their circumstances will be placed in Band 4 for a set period usually a 12 month period.
 - (ii) Applicants who are found intentionally homeless will be placed in Band 4 for a period of 12 months.
 - (iii) Homeless Applicants who do not express interest for suitable properties within two months of acceptance will receive one direct offer of a suitable property. *Where offer refused* if on review the offer is deemed to be acceptable the applicant will lose priority status and placed in Band 4.

11. Choice based Lettings – Property Eligibility

11.1 Applicants will only be considered for, and allocations/offers made, where a household is eligible for the type of property they have expressed an interest in.

11.2 The Council's property eligibility criteria is set out below:

PROPERTY TYPE	ELIGIBLE HOUSEHOLDS
One bedroom flat	<ul style="list-style-type: none"> • Single persons or couples without children • Owner occupiers with a high or medium medical priority for ground floor accommodation and equity of less than £80,000
One bedroom flat in a mature block	<ul style="list-style-type: none"> • Single persons aged over 40 years or couples where one party is aged 40 years or over • Owner occupiers with a high or medium medical priority for ground floor accommodation and equity of less than

	£80,000
Two bedroom flat	<ul style="list-style-type: none"> • Households with: <ul style="list-style-type: none"> – <i>one or more children</i>; or – another family member who normally is expected to reside with them; or – couples with a housing or medical need for separate bedrooms • Owner occupiers with a high or medium medical priority for ground floor accommodation and equity of less than £80,000 • Single people or couples assessed as requiring room for a live in carer
One bedroom bungalows	<ul style="list-style-type: none"> • Single persons aged 55 or over • Couples where at least one person is aged 55 or over • Single persons or couples with a medical need for ground floor accommodation • Owner occupiers with a high or medium medical priority for ground floor accommodation and equity of less than £80,000 • Single person or couple with a recognised learning disability • Existing Council tenants aged 40+ who are under-occupying
Two Bedroom bungalow	<ul style="list-style-type: none"> • Single people aged 55 and over • Couples or families with children where one person is aged 55 or over • Single people or couples or households with children that have a medical need for ground floor accommodation • Owner occupiers with a high or medium medical priority for ground floor accommodation and equity of less than £80,000 • Single people or couples assessed as requiring room for a live in carer
Three bedroom bungalow	<ul style="list-style-type: none"> • Single persons or couples who are aged 55 and over with two or more children or family members who normally are expected to reside with them • Couples who have a medical need for ground floor accommodation, and have two or more children or another family member who

	<p>normally is expected to reside with them</p> <ul style="list-style-type: none"> • Couples with one child where they have a medical need for separate bedrooms • Single persons or couples with one child assessed as requiring a room for a live in carer
Two bedroom house	<ul style="list-style-type: none"> • Households with one or more children
Three bedroom flat/ house/maisonette	<ul style="list-style-type: none"> • Households with two or more children or another family member who normally is expected to reside with them
Four bedroom flat/house	<ul style="list-style-type: none"> • Households with four or more children or other family members who normally are expected to reside with them
Sheltered Accommodation	<ul style="list-style-type: none"> • Single people and couples aged 55 or over • Out of Area applicants aged 55 or over with a local connection • Owner occupiers aged 55 or over <p>In all cases the applicant must have a need for sheltered housing and whose housing related support needs can be met by the Council's Sheltered Housing Service.</p>
Properties with adaptations for disabled households	<ul style="list-style-type: none"> • Households who require the adaptations provided in the property

12. Additional Property Eligibility Criteria

12.1 Properties may have additional eligibility criteria relating to its suitability or other reasons.

12.2 These additional criteria are determined at the discretion of the Head of Housing in order to achieve the objectives of the Council's Allocation Scheme in particular objectives (c) – (g) as set out in para 4.1 above.

12.3 Additional criteria may include but are not limited to: under-occupation, overcrowding, medical priority, local lettings criteria.

12.4 These additional eligibility criteria will be included on the property details.

13. Excluded Properties/management moves

13.1 All properties that are vacated by the existing tenant and are to be relet will be allocated through the Choice Based Lettings Scheme with the exception of allocations for management reasons or exceptional circumstances.

- 13.2 A management move may take place for the following reasons:-
- (a) Properties are required for existing tenants whose homes are subject to major works requiring them to vacate.
 - (b) To discharge the Council's statutory homelessness duty.
 - (c) Exceptional reasons that meet a specific housing need
- 13.3 All management moves will be reported through the Lettings Feedback

14. Local Lettings Policy

- 14.1 Local Lettings Policy may be developed for any new developments, schemes or acquired properties. These policies will be developed to ensure a sustainable community for the future. They may take into account considerations including but not limited to: density, age, employment, vulnerability.
- 14.2 Local Lettings policy requirements will be clearly set out in the property details and on any advert.
- 14.3 Feedback on the lettings will follow the same procedure as all other lettings.
- 14.4 All Local Lettings Policies will be subject to Cabinet Approval.

15. Making an application

- 15.1 Applications must be online applications.
- 15.2 Applicants will be required to:
- (a) Make an online application (Assistance will be provided to applicants who have internet accessibility problems or other issues preventing them from making an online application.)
 - (b) Re-register annually (*Applications not renewed will be cancelled*)
 - (c) Provide relevant identification or other verification information relating to the applicant and household members including, but not limited to:-
 - (i) Identity,
 - (ii) Household details e.g. names & ages of children or other household members
 - (iii) Current address
 - (iv) Former addresses
 - (v) Rent or mortgage accounts
 - (vi) Pregnancy confirmation

- (vii) Other information relating to circumstances
 - (viii) Provide change of circumstances information and verification promptly i.e. before accepting any offers of accommodation
 - (ix) Provide current contact details
- (d) *Provide access for a home visit if required.*
- 15.3 Applications will either not be registered or placed in Band 4 until all proofs and information required in 15.2(c) have been provided and verified.
- 15.4 Offers of property will be withdrawn where:
- (a) contact cannot be made with the applicant using their contact details as provided.
 - (b) home visits are unable to verify information provided.
16. **Making an allocation**
- 16.1 As stated in para 5.6(b) allocations will only be made to an applicant who:-
- (a) has expressed an interest in the property
 - (b) is eligible for that property type
 - (c) is in the highest banding, *with the earliest band effective date*
 - (d) is not considering another offer
- 16.2 Applicants will be offered the opportunity to view the property prior to making a decision. Applicants will be expected to view the property within 48 hours of being made an offer except in exceptional circumstances.
- 16.3 Applicants will be expected to make a decision within 24 hours of viewing the property except in exceptional circumstances.
- 16.4 Cannock Chase Council tenants undertaking a transfer will be subject to a home inspection to ensure that there is no damage or breach of tenancy. Council tenants will not be able to move until any remedial work or breach of tenancy is rectified and any monies owing paid. *Failure to comply will result in an offer being withdrawn.*
- 16.5 The tenancy will be commenced on the Monday following the viewing. Where the property is viewed on a Monday the tenancy will commence the same day.
- 16.6 On accepting an offer of accommodation (Council, Housing Association or Private Rented Sector nomination) an applicant's application will be cancelled.
- 16.7 Following a successful allocation details of the letting such as banding, band effective date, time waiting will be recorded on the Lettings Feedback Report which is available to all applicants.

17. **Refusals**

- 17.1 Applicants who refuse an offer of accommodation will be eligible to receive further offers.
- 17.2 Applicants will be required to provide a reason for refusal to assist in improving the allocations process and as refusals in some instances will result in reduced banding as set out in para 10(h).

18. **Review of Decisions**

- 18.1 To comply with s166A(c) an applicant has the right to request a review of decisions regarding the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation.
- 18.2 Any request to review a decision will be dealt with through the Council's Formal Complaints Procedure
- 18.3 The applicant will have the right in some circumstances to refer the matter to the Housing Ombudsman.

19. **False Statements and Withholding Information**

- 19.1 Under s171 an applicant or other person commits an offence if they:-
- (a) knowingly or recklessly makes a statement which is false in a material particular, or
 - (b) withholds information which the Council has reasonably required them to give in connection with the allocation of accommodation.
- 19.2 On making an application an applicant is required to sign a disclaimer to the effect that they will not commit an offence in (a) or (b) above.
- 19.3 An applicant or other person will be investigated where it is believed that an offence of either (a) or (b) above has been committed.
- 19.4 The investigation may include requesting information from third parties and interview under caution.
- 19.5 Where evidence of an offence is obtained the applicant may receive reduced preference, be considered ineligible or not qualify for an allocation.
- 19.6 In some circumstances the applicant or other person may be prosecuted for fraud for which the applicant if found guilty is liable on summary conviction to a fine not exceeding level 5 on the standard scale.