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Key Decision:	Yes
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CABINET
25 JUNE 2015
REVIEW OF ALLOCATIONS POLICY

1 Purpose of Report

- 1.1 To consider amendments to the Council's Allocations Policy following new regulations and revised statutory guidance on the Right to Move.

2 Recommendations

- 2.1 That the proposed amendments to the Council's Allocation Policy as set out in Appendix 1 are agreed and implemented from 13 July 2015.

3 Key Issues and Reasons for Recommendation

- 3.1 New regulations and revised statutory guidance on Social Housing Allocations have been issued in order to introduce a Right to Move. The Council is required to amend its Allocations Policy in order to implement the new regulations, after taking account of the revised statutory guidance.
- 3.2 The Right to Move relates to existing social housing tenants who are seeking a transfer from another district and need to move in order to be closer to their work or take up a job offer.
- 3.3 Suggested policy changes to implement the Right to Move have been incorporated within an amended Allocations Policy as set out in Appendix 1. It is proposed that the amended policy is agreed and implemented from 13 July 2015.

4 Relationship to Corporate Priorities

- 4.1 The Council's Allocations Policy contributes to the housing service aim "Manage the Council's Housing Stock"

5 Report Detail

- 5.1 Cabinet on 23 October 2014 considered a consultation paper issued by the Department for Communities and Local Government regarding the proposed introduction of a Right to Move.
- 5.2 The consultation paper set out (then) proposals for removing residency requirements for existing social housing tenants who are seeking a transfer from another district and need to move in order to be closer to their work or take up a job offer.
- 5.3 Cabinet agreed a response to the consultation paper, which supported the principles of the proposals but set out a number of concerns regarding the definition of the qualification criteria.
- 5.4 New regulations and revised statutory have now been issued regarding the introduction of a Right to Move. The Council are required to take account of this when exercising the provisions of Part 6 of the 1996 Housing Act, which provides the statutory framework for the allocation of accommodation.

The New Regulations and Revised Statutory Guidance

- 5.5 Details of the Right to Move are set out in the revised statutory guidance. This can be viewed on the DCLG website www.gov.uk/dclg whilst a "hard copy" is available from member services. A summary is also presented below.
- 5.6 In accordance with the new regulations, local authorities must not disqualify applicants who meet the following criteria from their housing registers on the grounds that they do not have a local connection with the district:-
- (i) They have "reasonable preference" to move to the district to avoid hardship;
- And
- (ii) Need to move to the district because the tenant works or has been offered work in the district.
- 5.7 The aim of the regulations are to ensure that existing tenants who need to move between local authority areas for "work related reasons" (and if they were unable to do so, it would cause them hardship) are not disadvantaged regarding the allocation of social housing.

- 5.8 The accompanying guidance stresses that local authorities must be satisfied that a tenant needs (rather than wishes) to move for work related reasons and suggests that the following factors should be taken into account:-
- (i) The distance/travel time between home and work.
 - (ii) The availability and affordability of transport.
 - (iii) The nature of the work and whether similar opportunities are available closer to home.
 - (iv) Personal factors including medical conditions and childcare.
 - (v) The length of the work contract (note a minimum contract of 12 months providing employment of at least 16 hours a week is specified within the guidance).
 - (vi) Whether failure to move would result in the loss of an opportunity to improve the applicant's employment circumstances or prospects. (note: the guidance excludes voluntary work).
- 5.9 Whilst an applicant must be able to demonstrate that they have a "genuine intention" to take up any job offer, there are no sanctions if, after being granted a tenancy, the (then) tenant fails to take up the job offer or leaves their employment after a short period of time.
- 5.10 Local authorities are expected to give appropriate priority to Right to Move applicants within their allocation schemes, through the application of the hardship reasonable preference category to tenants who need to move for "work related reason" in accordance with the Right to Move.
- 5.11 Furthermore, in order to "strive a balance" between Right to Move applicants and other applicants in housing need, it is suggested that local authorities set a quota for the proportion of properties that are expected be allocated to Right to Move applicants. In relation to this, the guidance suggests a quota of at least 1% of annual lettings.

Proposed changes to the Council's Allocations Policy

- 5.12 The Council's Allocations Policy (with certain defined exceptions) requires applicants to have a 12-month residency period in the Cannock Chase area. No exceptions are however, made for existing social housing tenants who wish to move to the Cannock Chase area for work related reasons.
- 5.13 In order to implement the new regulations it is necessary to introduce a further exception in relation to Right to Move applicants. It is therefore proposed that households will be eligible to join the housing register provided that the applicant or a member of the household meets the following criteria:-
- (i) Is either:-
 - Employed within the District on a contract of employment, which is intended to last for at least 12 months;
- OR

- Unemployed and has an offer of employment within the District on a contract of employment which is intended to last for at least 12 months.
- (ii) The number of hours worked or to be worked is at least 24 hours per week.
 - (iii) The contract of employment provides or intends to provide work, where no payment is received or only in respect of expenses, is excluded within the Qualification Criteria.
 - (iv) Needs to travel for over one hour from their current home to their place or proposed place of employment, taking into account the household members ability to drive and the availability of public transport.
- 5.14 It will be noted that the proposed policy requires the relevant member of the household to have or have been offered employment of at least 24 hours per week. This exceeds the minimum of 16 hours per week, which is suggested within the statutory guidance but is less than the 30 hours per week, which was recommended by the Councils agreed response to the consultation paper.
- 5.15 It is considered that a 16-hour minimum only equates to approximately two days “full time” employment and as a consequence is too low. The proposed 24-hour minimum equates to approximately three days (i.e. over half “typical” working week) and is considered to be more appropriate.
- 5.16 Amendments are also proposed in relation to the reasonable preference categories and the award of social need priorities to ensure that the hardship qualification criteria is taken into account.
- 5.17 Finally, it is proposed that a 1% annual quota of all general needs lettings approximately 4 dwellings should be set aside for transferring tenants under the Right to Move.

Consultation

- 5.18 Before adopting any major change in Allocations Policy, the Council is required, (in accordance with Section 166A(13) of the Housing Act 1996), to consult with housing associations and other Registered Providers on its draft proposals. It is also considered “good practice” to consult with other statutory and voluntary organisation regarding any changes.
- 5.19 Whilst the changes proposed in the report are not considered to be major, housing associations and other Registered Providers, together with Staffordshire County Council, CAB and the Chase Tenants and Residents Federation, have nevertheless been consulted and where appropriate, comments have been incorporated within the proposed policy changes.

Implementation

- 5.20 The proposed policy changes have been incorporated (and highlighted where appropriate) within an amended Allocations Policy, a copy of which is attached as Appendix 1.

- 5.21 Subject to the proposed changes being agreed, it is proposed that the revised policy is implemented from Monday 13 July 2015.

6 Implications

6.1 Financial

Any cost associated with implementing the Right to Move will be met from a "one-off" grant of £3,044 which has been made by the DCLG.

6.2 Legal

None

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None

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 of the economic wellbeing 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 revising its Allocations Policy to introduce the Right to Move the Council is complying with legislation, which empowers it to do so and at the same time is considering the needs of the residents of the district.

The Council's actions are therefore considered compatible with the Human Rights Act.

6.6 Data Protection

None

6.7 Risk Management

A failure to amend the Council's Allocations Policy in order to implement the new regulations regarding the Right to Move, could lead to a legal challenge from

applicants affected. The revised policy, which has been formulated following consideration of the accompanying statutory guidance, will reduce the risk of any challenge.

6.8 Equality & Diversity

An Equality Impact Assessment (EIA) has been undertaken in relation to the proposed changes to the Council's Allocations Policy regarding the Right to Move. The outcome of the EIA is that the proposed policy changes are considered to be neutral in relation to the 9 protected characteristics.

6.9 Best Value

The Allocations Policy continues to be based on the principle of making the best use of stock.

7 Appendices to the Report

Appendix 1: Allocations Policy – Draft Revision (June 2015)

Previous Consideration

Consultation on the Right to Move	Cabinet	23 October 2014
Review of Allocations Policy	Cabinet	18 December 2014

Background Papers

DCLG "Right to Move" Statutory Guidance on Social Housing Allocations for Local Housing Authorities in England.



CANNOCK CHASE COUNCIL

HOUSING SERVICES

ALLOCATIONS POLICY

**DRAFT REVISION –
JUNE 2015**

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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))

- (vi) **People who need to move into the district for work related reasons (including key workers), under the "Right to Move" (S1 2015/967).**

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

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.
 - (g) Applicants (other than those who are homeless and social housing tenants with arrears who are eligible to transfer) will receive three offers of accommodation.

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 have lived in the District continuously for the last 12 months.

Note: This requirement will not apply to:

(i) existing social housing tenants who hold a tenancy within the Cannock Chase District Council area;

(ii) social housing tenants moving to the District under the "Right to Move" across local authority boundaries for work related reasons, including key workers.

- (b) Require sheltered accommodation and have a close relative who has lived in the District continuously for the last 12 months 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. In cases where a homeless applicant has been temporarily accommodated outside the District and the Council has a statutory duty to secure accommodation the residential qualification in paragraph 6.6 (a) will not apply.
- (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 their current home would be £80,000 or less.

- requesting sheltered accommodation.
- (iii) Households who are required to “move on” from supported 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) Are serving Members of Armed Forces.
 - (ii) The 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) The bereaved spouse or civil partner of a member of the Armed Forces is leaving Family Accommodation following the death of their spouse or partner.
 - (iv) Is a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service.
- (f) Social housing tenants, including key workers, who need to move across local authority boundaries for work related reasons under the “Right to Move”, as set out in *Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)*. Households will qualify if, the applicant or a member of the household meets the following criteria:
 - (i) Is either
 - Employed within the District on a contract of employment which is intended to last for at least 12 months
 - OR
 - Unemployed and has an offer of employment within the District on a contract of employment which is intended to last for at least 12 months.
 - (ii) The number of hours worked or to be worked is at least 24 hours per week.
 - (iii) The contract of employment provides or intends to provide paid employment. Voluntary work, where no payment is received or only in respect of expenses, is excluded within the Qualification Criteria.
 - (iv) Needs to travel for over one hour from their current home to their place or proposed place of employment, taking into account the

household members ability to drive and the availability of public transport.

NOTE All "Right to Move" applicants will be required to provide appropriate documentary evidence in relation to the above factors. The Council reserve the right to contact the applicant's employer/prospective employer to verify the information provided.

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 and Waste Management, following a recommendation from the Strategic Housing and Tenancy Services Manager.
- (b) All Applicants and transferring tenants who are in breach of their current tenancy agreement (including non-payment of rent) are excluded, with the exception of certain social housing tenants with rent arrears who are affected by the social sector size criteria who are eligible for a transfer to smaller accommodation provided that:-
 - (i) County Court action has not commenced in respect of their current tenancy and
 - (a) the household had a clear rent account prior to 1 April 2013 or
 - (b) had been making the required rent arrears payments in accordance with an agreed payment plan.
 - (ii) A current arrears payment plan is in place.
 - (iii) The transfer or mutual exchange is to a size of property to which the household is eligible under the social sector size criteria.
 - (iv) A direct nomination to the resultant vacant dwelling is received in cases where a housing association tenant is re-housed by the Council.
- (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.

(l) **“Right to Move”**. Applicants who need to move to the District for work related reasons under the **“Right to Move”**.

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, including households who have a high priority need to move to the district for employment reasons under the Right to Move.
- (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 including social housing tenants affected by the social sector size criteria.
- (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, including households who have a medium priority to move to the district for employment reasons under the Right to Move.
- (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. Examples of a low social need would be to receive support from someone other than a principal carer or households who have a low priority to move to the district for employment reasons under the Right to Move.
- (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 affected by the social sector size criteria are assisted to transfer to smaller accommodation 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 placed 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.

Medical priorities awarded to applicants who have not made any expression of interest for properties during the 12 month period following the medical award (or any 12 month period thereafter) will be reviewed annually. Applicants may request a review of any decision to remove or reduce a medical priority through the Council's Appeals and Complaints Procedures.

In relation to owner-occupiers the review will include a re-assessment of the equity that would be released from the sale of their current home.

- (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 the District for reasons under the "Right to Move", which would otherwise result in significant financial hardship.
- (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.

Social need priorities awarded to applicants who have not made any expression of interest for properties during the 12-month period following the social need award (or any 12-month period thereafter) will be reviewed annually. Applicants may request a review of any decision to remove or reduce a social need priority through the Council's Appeals and Complaints Procedures.

- (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 and social housing tenants with arrears who are eligible for a transfer, who do not express interest for suitable properties within two months of acceptance will receive one direct offer of a suitable property. *Where the offer is refused and if on review the offer is deemed to be acceptable the applicant will lose priority status and be placed in Band 4 for a period of 12 months.*
- (iv) Applicants (other than those who are homeless and social housing tenants with arrears who are eligible to transfer) will receive three offers of accommodation. Where all three offers are refused and if on review the offers are deemed to be acceptable the applicant will lose priority status and be placed in Band 4 for a period of 12 months.

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 for households (other than social housing tenants with arrears who are eligible to transfer) 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

	<p>£80,000</p> <ul style="list-style-type: none"> • 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 bungalows (including those at the Highfields scheme)	<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 bungalows	<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 normally is expected to reside with them • 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 (Caxton Court, Grace Moore Court, Longford Court and St Barbara House)	<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
All Property Types	<ul style="list-style-type: none"> In cases where there have been no qualifying expressions of interest after two advertisements, the eligibility criteria will be extended at the discretion of the Head of Housing and Waste Management.

11.3 Social housing tenants with arrears who are eligible to transfer are restricted to the size of property for which the household is eligible under the social sector size criteria. Eligibility is determined in accordance with the number, age and sex of the occupants, with a separate bedroom being required for:-

- A couple, married or not.
- Every other person 16 or over.
- Two children of same sex aged 10-15.
- Two children aged under 10.

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 and Waste Management 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/Right to Move

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.

13.4 In accordance with the Allocation of Housing (Qualification Criteria for right to Move)(England) Regulations 2015 (SI 2015/967). The Council will set aside the recommended quota of 1% of all general needs lettings for transferring tenants under the "Right to Move"

13.5 The demand and lettings outcome for "Right to Move" will be monitored and reported annually.

14. Nomination to Registered Providers

14.1 The Council recognises the important role that Housing Allocations and other Registered Providers play in the Cannock Chase area providing affordable homes to those in need. The Council has nomination arrangements with most Registered Providers who have properties in the Cannock Chase area and nominates applicants from the Housing Register to properties made available to the Council.

14.2 Registered Providers may apply particular criteria in letting these homes and the Council recognise the need for Registered Providers to make the best use of their own stock. The Council will apply the same selection rules as for Council properties, although the decision to offer a property will ultimately rest with the Registered Provider.

15. Local Lettings Policies

15.1 Local Lettings Policies 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.

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

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

15.4 All Local Lettings Policies will be subject to Cabinet Approval.

16. **Making an application**

16.1 Applications must be online applications.

16.2 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) Photographic identity
 - (ii) Household details e.g. names & ages of children or other household members
 - (iii) Current address and evidence of residency within the District for the last 12 months (not applicable for existing social housing tenants already resident in Cannock Chase or "Right to Move" applicants)
 - (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.*

16.3 Applicants living in the Cannock Chase District Council area are encouraged (if not already registered) to register on the Electoral Register. Applicants can visit aboutmyvote.co.uk to register or obtain an Electoral Registration Form from the Council. Registration on the Electoral Register can be used to provide certain of the verification information as set out in paragraph 16.2 (c).

16.4 Applications will either not be registered or placed in Band 4 until all proofs and information required in 16.2(c) have been provided and verified.

16.5 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.

17. **Making an allocation**

17.1 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

17.2 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.

17.3 Applicants will be expected to make a decision within 24 hours of viewing the property except in exceptional circumstances.

17.4 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.*

17.5 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.

17.6 On accepting an offer of accommodation (Council, Housing Association or Private Rented Sector nomination) an applicant's application will be cancelled.

17.7 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.

18. **Refusals**

18.1 Homeless applicants and social housing tenants with arrears who are eligible for a transfer who do not express interest for suitable properties within two months of acceptance will receive one direct offer of a suitable property. Where the offer is refused and if on review the offer is deemed to be acceptable the applicant will lose priority status and be placed in Band 4 for a period of 12 months.

18.2 All other applicants will receive three offers of accommodation. Where all three offers are refused and if on review the offers are deemed to be acceptable the applicant will lose priority status and be placed in Band 4 for a period of 12 months.

18.3 Applicants are required to provide a reason for refusal to assist in improving the allocations process.

19. **Review of Decisions**

- 19.1 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.
- 19.2 Any request to review a decision will be dealt with through the Council's Formal Complaints Procedure.
- 19.3 The applicant will have the right in some circumstances to refer the matter to the Housing Ombudsman.

20. **False Statements and Withholding Information**

- 20.1 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.
- 20.2 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.
- 20.3 An applicant or other person will be investigated where it is believed that an offence of either (a) or (b) above has been committed.
- 20.4 The investigation may include requesting information from third parties and interview under caution.
- 20.5 Where evidence of an offence is obtained the applicant may receive reduced preference, be considered ineligible or not qualify for an allocation.
- 20.6 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.

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