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20 March 2024

Dear Councillor,

Cabinet

6:00pm on Thursday 28 March 2024

Meeting to be held in the Esperance Room, Civic Centre, Cannock

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,

T. Clegg
Chief Executive

To: Councillors:

Johnson, T.B.	Leader of the Council
Newbury, J.A.A.	Deputy Leader of the Council and Regeneration & High Streets Portfolio Leader
Elson, J.S.	Community Wellbeing Portfolio Leader
Muckley, A.M.	Environment and Climate Change Portfolio Leader
Thornley, S.J.	Housing Portfolio Leader
Preece, J.P.T.L.	Parks, Culture, and Heritage Portfolio Leader
Prestwood, J.	Resources and Transformation Portfolio Leader
Fisher, P.A.	<i>Observer (non-voting)</i>

Agenda

Part 1

1. Apologies

2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

3. Minutes

To approve the Minutes of the meeting held on 29 February 2024 (enclosed).

4. Updates from Portfolio Leaders

To receive oral updates (if any), from the Leader of the Council, the Deputy Leader, and Portfolio Leaders.

5. Forward Plan

Forward Plan of Decisions for March to April 2024 (Item 5.1).

6. Motion Referred from 6 March 2024 Council Meeting

To consider the Motion referred from the full Council meeting held on 6 March 2024 in respect of the 'Boys need Bins' - Prostate Cancer UK campaign (Item 6.1).

7. Review of Housing Allocations Policy

Report of the Head of Housing & Corporate Assets (Item 7.1 - 7.91).

8. Housing Benefit - Modified Scheme in Respect of War Disablement and Bereavement Pensions

Report of the Deputy Chief Executive-Resources (Item 8.1 - 8.4).

9. Levelling Up Fund - Cannock Town Centre

Report of the Head of Economic Development & Planning (Item 9.1 - 9.9).

Appendix 1 to this report (Item 9.9) is confidential due to the inclusion of:

- Information relating to the financial or business affairs of any particular person (including the Council).

Cannock Chase Council
Minutes of the Meeting of the
Cabinet

Held on Thursday 29 February 2024 at 6:00 p.m.

In the Esperance Room, Civic Centre, Cannock

Part 1

Present:

Councillors:

Johnson, T.B.	Leader of the Council
Newbury, J.A.A.	Deputy Leader of the Council and Regeneration and High Streets Portfolio Leader
Elson, J.S.	Community Wellbeing Portfolio Leader
Muckley, A.M.	Environment & Climate Change Portfolio Leader
Thornley, S.J.	Housing Portfolio Leader
Preece, J.P.T.L.	Parks, Culture, and Heritage Portfolio Leader
Prestwood, J.	Resources and Transformation Portfolio Leader

95. Apologies

Apologies were noted for Councillor P.A. Fisher (non-voting observer).

96. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

No other Declarations of Interest were made in addition to those already confirmed by Members in the Register of Members' Interests.

97. Minutes

Resolved:

That

(A) The Minutes of the meetings held on 17 January and 1 February 2024 be approved.

(B) The Minutes of the joint meeting held with the Audit & Governance Committee on 7 February 2024 be approved.

98. Updates from Portfolio Leaders

(i) Resources and Transformation

The Portfolio Leader updated in respect of the following:

- **Budget Setting**

A balanced budget had been passed by the Council last week. This was despite a very difficult financial climate. The work of all the staff who contributed to this are to be thanked for their efforts.

- **Garden Waste Collection Sign-ups**

The rollout of the brown bin sign up had so far exceeded expectations, resulting in a higher demand in calls to sign up. Additional resources were to be allocated, and again, the staff who had stepped up deserved thanks.

- **Online Benefits Claim Forms**

The transformation of the IT systems had been without its hitches, so it was pleasing to have seen the successful rollout of the new online benefits forms, which were easier for customers to use.

- **Charities Funding Opportunities**

With the construction of the new care home in Cannock, the Deeley Group (site developers) were looking to engage with the community and had reached out to various local charities, offering possible funding opportunities.

- **Citizens Advice UKSPF Project Funding**

The local Citizens Advice service had been allocated additional funds from the UK Shared Prosperity Fund to engage in a project to reach out to various organisations and the wider public to deliver their service. This was being done by engaging with other organisations to deliver the service.

(ii) **Parks, Culture, and Heritage**

The Portfolio Leader updated in respect of the following:

- **Parks Consultation Update**

During February there had been a series of consultations with various user groups regarding both the phase one development at Cannock Park and the Skatepark Project at the Cannock Stadium site.

There have been seven events so far, both on site and at schools around the sites including Hednesford Valley High, St Mary's Catholic Primary, Sherbrook, and the project had received the support of the respective friends' groups for both sites.

More events were planned with school groups, and because of bad weather, another on-site event was planned at Cannock Park on 11th April, 11am-3pm.

Methods of consultation had been on-line surveys, budget workshops and planning for real exercises, and opportunities for the children to draw their own ideas on big cotton sheets and on the ground using chalk.

I, along with other Councillors, attended the consultation event at Cannock Park on Saturday and enjoyed chatting with parents and children about their ideas for the park and I look forward to seeing the final results of these exercises in the coming months.

(iii) **Environment & Climate Change**

The Portfolio Leader updated in respect of the following:

- **Footbridges in Anglesey Nature Reserve and Rawsley Wood**

Confirmation had been received that tenders had been agreed and work was due to start shortly. Drawings were produced and materials being sourced to get the works underway.

- **'The Great Imaging Cannock Chase' Event**

'The Great Imagining Cannock Chase' was a free two-day event due to take place at Chase leisure centre on 8 and 9 March with a mission to imagine the future of the District as part of a 'greener, fairer and wiser' future.

On 8 March, 18 schools and colleges were due to attend (circa 1,500 children in total). The schoolchildren had been involved for the last couple of months on climate change and sustainability issues working with artists on work that would be displayed on the day for all to see. Also, on the same day a two-hour workshop would be delivered for local businesses by the Globe Foundation focused on 'Doughnut economics'.

On 9 March a public day would be held from 10 to 4pm - to include bin lorries, electric cars, wormery and composting, and Rugeley cycle hire undertaking bike checks, amongst other things.

Volunteers were still sought to support the event on both days.

- **Waste Update**

The tender of the new waste contract was issued on 2nd February.

Going forward, more infrastructure would be in place for waste collections, specifically waste transfer stations.

(iv) **Housing**

The Portfolio Leader updated in respect of the following:

- **Void Properties**

The last year had seen a significant reduction in the turnaround time for the Council's housing properties that had become void - from around 77 days on average at the end of 2022/23 down to around 40 days currently, but we can, and will, improve this further.

The Housing Repairs, Allocations and the Property Services teams had worked even more collaboratively to ensure the process for our prospective and current tenants was as smooth as possible and the process ensured a quicker turnaround time for all our lets whilst still maintaining the standards required.

Further to this, the Health, Wellbeing & The Community Scrutiny Committee decided to focus on voids and the 'Letting Standard' as one of their tasks for the year. As a result, a working group was formed to examine the current standard and what our aspirations for a 'new standard' could be. Examining if an 'enhancement to the standard' could be offered whilst still maintaining a watchful eye of expenditure was a key factor and focus.

The chair of the committee will present a report on the outcome of the working group's findings and recommendations, that not only give an enhanced offer, but maintains an even keel on the Council's void costs.

- **Rent Income Collection**

Despite the challenges of the cost-of-living crisis facing income collection for social housing landlords in 2023, the Housing Income team, working with tenants,

had systematically reduced rent arrears in 2023/24. This year the team had recorded its lowest rent arrears figure and reduced the average debt of a tenant by £79.30. At the end of December 2023 rent arrears represented 1.11% of rental collectable income.

- **Housing Waiting List**

The Allocations team had refreshed the housing waiting list and there were currently just over 1,100 applicants waiting to be rehoused. The Council had seen a decline in the number of properties becoming empty over the last few years.

- **Aelfgar Housing Scheme**

Progress was being made with the new proposed housing development scheme at the Aelfgar site in Rugeley that would see an additional 29 social housing homes being made available. It was aimed for the related planning application to be considered by the Planning Control Committee toward the end of June 2024.

(v) **Regeneration and High Streets**

The Portfolio Leader updated in respect of the following:

- **UK Shared Prosperity Fund**

Following a competitive tendering process, a partner had been appointed to deliver the 'Raising Aspirations for Young People Project' as part of Cannock Chase's allocation from the UK Shared Prosperity Fund (UKSPF).

The project would deliver careers advice and other such support with a focus on young people from lower income households and more deprived areas.

This aligned with the Council's Corporate Plan and the Administration's mission of narrowing the attainment gap in the District and ensuring all our young people had an opportunity to succeed in a challenging economy and job market.

The Plan was for the programme to commence from April 2024.

The project would be discussed in more detail at the next UKSPF Board meeting and a press release issued and social media posts published in collaboration with the successful partner as soon as able to do so.

- **Rugeley Boardwalk**

In November 2023, the Leader of the Opposition brought a motion to full Council requesting that the Cabinet make a contribution toward a consortium project, led by Rugeley Town Council, to rebuild the Rugeley Boardwalk.

The motion was referred to Cabinet and was included on the agenda for the December 2023 Cabinet meeting. However, no proposal had been received at that time.

The was raised again at full Council 105 days after the original motion, as part of the Conservative Group's alternative budget.

During the debate on the alternative budget, the Leader of the Opposition stated that the proposal had been received by the Council, but it was unclear when it had been submitted.

Officers in the Corporate Assets team had since confirmed the proposal was received on the afternoon of Wednesday 21 February 2024.

The Council's senior leadership team had conducted an initial review of the proposals and noted that:

- It was not included in the Council's Forward Plan or Capital Programme for 2023/24 or 2024/25.
- It was not included in the work programme for the Corporate Assets team.
- At this stage, it contained insufficient detail regarding costs and maintenance.

The recommendation from officers to Cabinet was therefore that:

- The proposal be scrutinised in more detail.
- Further discussions be had with Rugeley Town Council.
- The proposal be considered along with other capital scheme proposals as part of the budget setting process for the financial year 2025/26.

In response to a query, the Portfolio Leader advised he would clarify with officers what the next steps were to provide a response to the Leader of the Opposition on the proposal submitted.

- **Local Plan**

All public engagement events as part of the regulation 19 consultation on the draft Local Plan had now taken place, other than one final session at Rugeley library on Saturday 2 March from 10:30am to 12:30pm.

I had attended most of the sessions held and can confirm that they had largely been well attended with lots of engagement from members of the public.

Officers from the Planning Policy team wanted to pass on their thanks to the councillors who joined them at the public engagement events as this enabled more conversations to be had and provided the local knowledge to complement their technical expertise.

Members of the public were encouraged to take part in the consultation as this would be their final opportunity to have their say on the draft Local Plan. The deadline for representations was 5pm on Monday 18 March.

99. Forward Plan

Resolved:

That the Forward Plan of Decisions for the period February to March 2024 (Item 5.1) be noted.

100. Quarter 3 Performance Report 2023-24

Consideration was given to the report of the Head of Transformation & Assurance (Item 6.1 - 6.36).

Resolved:

That:

- (A) The progress at the end of the third quarter for 2023-24 related to the delivery of the Council's priorities, as detailed in report appendices 1a-1d, and the performance information set out in report appendix 2, be noted.

- (B) It be noted that the timetable for delivery of the local plan had been revised, with the agreement of a revised Local Development Scheme by Cabinet / Council. Performance was now being measured against the revised timetable.
- (C) It be noted that work on the Sustainability strategy had been delayed and would now be completed in 2024/25.

Reason for Decisions

The performance information allowed Cabinet to monitor progress in delivery of the Council's corporate priorities and operational services.

101. Revenues and Benefits Collection Report - Quarter 3 2023/24

Consideration was given to the report of the Deputy Chief Executive-Resources (Item 7.1 - 7.18).

Resolved:

That:

- (A) The information regarding collected be noted.
- (B) The arrears listed in the confidential appendices 1, 2, and 3 of the report be written off.

Reasons for Decisions

Efficient collection of the Council's revenues was of major importance to the funding of Council services and those provided by our preceptors.

102. Exclusion of the Public

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraphs 1 and 2, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

(The Resources and Transformation Portfolio Leader left the meeting at the end of this item.)

Cannock Chase Council
Minutes of the Meeting of the
Cabinet

Held on Thursday 29 February 2024 at 6:00 p.m.

In the Esperance Room, Civic Centre, Cannock

Part 2

103. Former Tenant Arrears Debt Recommended for Write-off

Consideration was given to the Not for Publication Report of the Head of Housing & Corporate Assets (Item 9.1 - 9.5).

Resolved:

That:

- (A) The former tenant arrears, as listed in appendix 1 of the report, be approved for write-off.
- (B) Regular reports be submitted for approval.

Reason for Decisions

There was no prospect of the Council recovering the debts at present and they each met one of the specified criteria for write-off.

The meeting closed at 6:45 p.m.

Leader

Forward Plan of Decisions to be taken by the Cabinet: March to April 2024

For Cannock Chase Council, a key decision is as an Executive decision that is likely to:

- Result in the Council incurring expenditure or making savings at or above a threshold of 0.5% of the gross turnover of the Council.
- Affect communities living or working in two or more Council Wards.

Representations in respect of any of matters detailed below should be sent in writing to the contact officer indicated alongside each item via email to membersservices@cannockchasedc.gov.uk

Copies of non-confidential items will be published on the Council's website 5 clear working days prior to the relevant meeting date.

Item	Contact Officer / Cabinet Member	Date of Cabinet	Key Decision	Confidential Item	Reasons for Confidentiality	Representations Received
March 2024						
Review of Housing Allocations Policy	Head of Housing & Corporate Assets / Housing Portfolio Leader	28/03/24	No	No		N/A
Housing Benefit - Modified Scheme in Respect of War Disablement and Bereavement Pensions	Deputy Chief Executive-Resources / Resources and Transformation Portfolio Leader	28/03/24	No	No		N/A
Cannock Town Centre - Levelling Up Fund	Head of Economic Development & Planning / Regeneration and High Streets Portfolio Leader	28/03/24	Yes	Yes (Appendix only)	Information relating to the financial or business affairs of any particular person (including the Council).	N/A
April 2024						
Information Governance Policy Framework	Head of Law & Governance / Resources and Transformation Portfolio Leader	25/04/24	No	No		N/A
Dispersed Social Alarm Device	Head of Housing & Corporate Assets / Housing Portfolio Leader	25/04/24	Yes	No		N/A

Motion Referred from 6 March 2024 Council Meeting

'Boys need Bins' Motion (Prostate Cancer UK)

"This Council notes:

- Prostate cancer is the most common cancer in men. 1 in 8 men will be diagnosed, rising to 1 in 4 for Black men. As many as 69% of those treated with surgery may experience urinary incontinence as a result.
- 1 in 25 men aged over 40 will experience some form of urinary leakage every year.
- 1 in 20 men aged 60 or over will experience bowel incontinence in the UK.
- Men who need to dispose of their sanitary waste (including incontinence pads, pouches, stoma, catheter, colostomy, ileostomy waste by-products) often have no direct access to a sanitary bin in male toilets.

This Council believes:

- That men should be able to safely and hygienically dispose of incontinence products easily and with dignity wherever they go.
- That men who need to dispose of their sanitary waste should have direct access to a sanitary bin in male toilets.

This Council resolves:

- That the relevant Executive Member should consider as soon as reasonably practicable the provision of at least one sanitary bin in all District Council male toilets - both public and in council buildings.
- To encourage other providers of public and workplace toilets in our area to make male sanitary bins available in their facilities.
- To support Prostate Cancer UK's 'Boys need Bins' campaign.
- To invite our local MP to join us and work collaboratively in raising awareness of the Prostate Cancer UK's 'Boys need Bins' campaign and highlight the need to ensure that 'suitable means for the disposal of sanitary dressings' is provided in all toilets."

"Please note this motion is not my own work, the majority of the motion has been taken from:

[Prostate Cancer UK Incontinence Campaign](#)

[Hampshire County Council Motion](#)"

Review of Allocations Policy

Committee:	Cabinet
Date of Meeting:	28 March 2024
Report of:	Head of Housing and Corporate Assets
Portfolio:	Housing

1 Purpose of Report

- 1.1 To consider amendments to the Council's Allocations Policy, attached at Appendix 1, for implementation from 12 April 2024.
- 1.2 To note the initial proposed amendments at Appendix 2, the consultation undertaken and resulting amendments to the draft allocations policy, which is detailed in Section 5.9 and Appendix 3.

2 Recommendations

- 2.1 That the proposed amendments to the Council's Allocations Policy as set out in Section 5 and Appendices 2 and 3 are agreed and implemented from 12 April 2024.
- 2.2 That the programme to support customers, raise awareness of the changes set out and better information and services for applicants at section 5.11 and 5.12 of this report be noted.

Reasons for Recommendations

- 2.3 The Council's allocations policy was last updated in 2017.
- 2.4 In that time, aspects of the policy have become outdated, no longer fully reflect good practice and/or does not remain consistent with local housing market conditions and other local circumstances.
- 2.5 Proposed changes to the policy, along with other enhancements to customer information and service, will enable a better, clearer, fairer and more effective allocations service to be provided to existing tenants and external applicants who need (or wish) to move home.

3 Key Issues

- 3.1 The Council's Allocations Policy is subject to review to ensure that it is compliant with all legislative changes, including statutory guidance and case law, as well as to address any issues which impact on local policy decisions in relation to the allocation of the limited housing stock available in the district.
- 3.2 The Allocations Policy was last updated in 2017. This Policy review takes account of revised statutory guidance, in the context of growing local housing needs and the nature and availability of social housing within the local area.

4 Relationship to Corporate Priorities

4.1 The Allocations Policy contributes directly to Corporate Priorities 2, 3 & 4:

- (i) Priority 2 - Health and Wellbeing: by helping improve the conditions of those suffering from physical or mental health problems or with barriers to leading a healthier lifestyle caused or exacerbated by their existing housing circumstances.
- (ii) Priority 3 - The Community: providing applicants and tenants who wish to live or to move within the district with choice about where they live, in housing stock that is safe and secure, whether provided by the Council or another social landlord.
- (iii) Priority 4 - Responsible Council: making the best use of the limited housing resource available by allocating council housing in a fair way, which supports sustainable tenancies and stronger communities.

5 Report Detail

5.1 Statutory Guidance

All local authorities are required to publish an allocations scheme or policy, which meets guidance reflecting Part 6 of the Housing Act 1996, as amended by the Localism Act 2011. Such schemes need to be kept up to date to ensure they remain legally compliant and to encompass policy decisions made to reflect local circumstances and objectives in managing and allocating the Council's limited housing stock.

On 27 October 2023, the Department for Levelling Up, Housing and Communities (DLUHC) published its latest guidance note for local authorities on the legislative requirements related to "Framing an Allocation Scheme". The guidance note can also be viewed at [Allocation of accommodation: guidance for local authorities - Chapter 4: Framing an allocation scheme - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/allocation-of-accommodation-guidance-for-local-authorities)

5.2 Proposed Major Policy Amendments

This review proposes include five major policy amendments, relating to:

- Applicant Qualification Period - amend from one year to two years
- Removal of 'Cumulative Need' Assessment Criteria
- Improvements to assessment and information related to Medical and Social (Welfare) Need Assessments
- Clearer assessment and information about the processes we use in relation to adapted properties and applicants who need properties with adaptations
- Re-assessment of banding on refusal of offers of accommodation

More detail about each of these proposed amendments is given in the following paragraphs and in Appendix 2 to this report.

Respondents to the consultation undertaken (set out at 5.9 below) supported these major changes, though some respondents commented that we need to ensure consistent and fair application for them to be appropriate. This was

particularly the case in applying the 'two year rule' and reduced preference for inappropriate refusals of offers of accommodation.

5.3 ***Two Year rule***

Cabinet previously agreed a qualification period of 12 months continuous residence within the district, which is set in the current policy. This is shorter than the two-year period Government guidance says Councils should consider.

The current 12-month restriction means that applicants with only limited connection to the district or those with a low-level housing need and with only a remote likelihood of receiving an offer of accommodation for some years are able to apply. This results in a high level of applicants having to be managed, diverting resources from assisting those most in need and raising expectations of assistance to people unlikely to receive an offer of a council tenancy.

It is proposed that the two-year period **does not** apply to existing tenants or other applicants with severe housing needs, including those set out in the reasonable preference categories, such as where the applicant is homeless or needs to move on welfare or social needs grounds or serving and former members of the armed forces¹.

5.4 ***'Cumulative Need'***

Currently, applications are assessed on a 'cumulative need' basis, which the Government now gives Council's discretion to remove from allocations policies. Cumulative need is both duplicative and unnecessary and, in some cases unfair. It means that applicants with more than one housing need automatically climb one or more bands based on the 'cumulative' number of needs cited. In some cases, it means that relatively low levels of need can be treated more favourably than applicants in worse housing conditions.

It is proposed that this is replaced entirely by the medical and welfare needs assessments set out in the revised policy. These assessments provide a clearer and fairer means for the primary and additional or exceptional needs of an applicant to be fairly assessed and for the appropriate banding to be determined based on each individual case.

5.5 ***Medical and Social Needs***

It is proposed that the policy sets out much clearer information related to the assessment of medical and social (welfare) needs, providing clarity and consistency for applicants, staff and panel members, in how assessments are made and decisions determined.

The proposed change to medical and welfare needs details, alongside customer information which is being developed to accompany it, will help ensure clearer and more transparent decision making and communication with customers.

¹ See proposed policy sections 5.7 and 11.1 for the full list of exclusions

5.6 **Adaptations**

As demand for council housing increases, ensuring the Council makes best use of housing with adapted features and facilities and providing a tailored response to applicants with health and disability-related needs comes under ever more pressure.

It is proposed to enhance information in the Allocations Policy to ensure a clear understanding of and greater scope for the fair treatment of applicants with disabilities and to make best use of housing stock which has been or has potential to be adapted to meet housing needs. This is designed to dovetail with current work being undertaken to review disabled facilities works and adaptations procedures, within and shared by the housing property services and tenancy services teams.

In conjunction with these changes, it is proposed that the Council develop an adapted housing register over the lifetime of the allocations policy, which will provide a clearer understanding of adapted properties and enable faster decision making in advertising and allocating housing suited to individual applicant needs.

5.7 **Re-assessment of Banding**

Currently, applicants can refuse 3 properties before there is any sanction for not accepting the properties offered, after which their application is placed into abeyance for a period of 12 months. This provides little deterrent for applicants to bid for properties they have only limited interest in and delays the letting of properties to other applicants with a genuine interest in the property and a need to move home.

It is proposed that applicant banding will in future be re-assessed on the refusal of each reasonable offer of accommodation. Should an applicant refuse a first or second offer of a property **where there is no reasonable explanation or justification**, their band will drop one level, unless they are at band 4, in which case the application will be re-dated to the date of refusal. A 3rd offer refusal will result in the application being placed in abeyance for 12 months. Applicants will have a right of review to ensure any decision they do not think is fair can be looked at again.

A reasonable refusal (whether decided initially or on review) will **not** result in this sanction being applied and the application will be treated as if the property offer had not been made.

5.8 **Other Proposed Amendments**

It was proposed that a series of other amendments are made. These were principally minor wording and textual changes. A full summary of these changes were set out in the consultation document, as detailed in Appendix 2.

The principal changes, in addition to those above, section by section, are set out below. A full summary of consultation responses received is set out in Appendix 3, with a summary of substantive consultation comments also detailed in Section 5.9 below:

- Section 1 - Policy Introduction: Updated introduction.

- Section 2 - Aims and Objectives: Updated information about the housing environment in which we work.
- Section 3 - Statutory Framework and Legal Principles: Revised details about the legislative framework.
- Section 4 - Protection of Public Funds (New): Sets out the allocation of accommodation as a use of public funds.
- Section 5 - Eligibility and Qualification: Limited textual changes/clarifications.
- Section 6 - Service Standards (New): Sets out the expectations for how staff are expected to engage with customers.
- Section 7 - Equality Policies and Practice (New): Sets out the Council's approach to equality and ensuring no groups are disadvantaged.
- Section 8 - Data Protection and Privacy (New): Sets out the Council's approach to the GDPR, data protection and customer rights.
- Section 9 - Choice Based Lettings (CBL) - Principles: Minor changes to eligibility relating to introductory tenants or those in rent arrears and the circumstances in which a direct offer can be made outside the CBL scheme.
- Section 10 - Eligibility: minor amendments regarding applications from council staff.
- Section 11 - Qualification: Amendments to clarify qualification exceptions and non-qualifying rent arrears or unacceptable behaviour.
- (Section 12 - Medical and Social Needs: Major changes as detailed above).
- Section 13 - Determining Priority Bands: Significant re wording and more minor amendments to clarify applicants who qualify for each priority band.
- Section 14 - Assessment Criteria: Re-wording to clarify when applicants may receive reduced preference.
- Section 15 - Property Eligibility: Additional wording to clarify bedroom size criteria used in assessing housing applications.
- Section 16 - Additional Property Eligibility Criteria: Additional criteria to make best use of housing stock in cases of low demand.
- (Section 17 - Excluded Properties / Management Moves / Right to Move: No amendments of note).
- (Section 18 - Nominations to Registered Providers: No amendments).
- Section 19 - Local Lettings Policies (LLPs): Substantial additional explanatory text to show how LLPs will be applied.
- Section 20 - Making an application: simplified list of ID required and amended wording about waiting list reviews.
- Section 21 - Making an Allocation: amended wording about direct offers and a better approach to allocating stock across all priority bands.
- (Section 22 - Refusals: Major change as detailed above).
- Section 23 - Review of Decisions / Complaints: Amended list of decisions which can be reviewed and clearer information about the complaints process.

- (Section 24 - False Statements / Withholding Information: No amendments).
- Section 25 - Closed Applications (New): Sets out when applications will be closed and an applicant's right to request a review or to re-apply.
- Appendix 1 - Medical Priority (New): Operational Guidance to support the major policy change detailed above.
- Appendix 2 - Length of Time In Priority Band (New): Sets out how applications in Bands 1 and 2 will be reviewed after 6 months.

5.9 Consultation

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 organisations regarding any changes.

We have consulted not only with social housing landlords who operate in the district, but a wide range of others, including all district councillors, statutory and voluntary agencies we work with, private landlords who operate locally, colleagues within housing services and across other council departments, existing applicants and the wider public.

A dedicated webpage and an online survey were set up for 7 weeks (to 5 January 2024), details of which were emailed to potential respondents listed above (along with a reminder halfway through the period). Allocations staff also encouraged feedback through advising callers of the consultation and with a 'strapline' on emails which provided the website details. We also held three events open to applicants in Rugeley, Cannock and Hednesford, to encourage participation.

All elected members were also invited to a presentation of the (pre-consultation) draft policy on 11 January 2024. Officers answered a range of questions on the proposed policy and how allocations operate in practice, including in conjunction with decisions made by the housing options team at this meeting.

We received responses representing around thirty organisations and individuals (a number of these were group responses), although few applicants took part in the consultation. We have received feedback that this was in part because the policy is complex and difficult to understand. In response we intend to produce more easy-to-understand information for applicants and others which we will use for ongoing engagement and future review of the policy and related procedures.

Overall however, consultee responses were positive in relation to the major changes proposed, as detailed in section 5.2 above. A full set of the consultation responses we received and the resulting amendments which have been made to the proposed policy are set out in Appendix 3 to this report.

A summary of the more substantive comments, which have led to amendments to the proposed allocations policy are given below:

Section 5 - Eligibility and Qualification
Section 9 - Choice Based Lettings (CBL) - Principles
Section 13 - Determining Priority Bands

Consultation Responses: We received several comments related to additional preference for current and former members of the Armed Forces.

Action Taken: significant amendments at Sections 5.12, 9.2, and all priority bands in section 13, increasing the priority given.

Section 9 - Choice Based Lettings (CBL) - Principles

Consultation response: We need to take account of context in relation to considering the eligibility of applicants with current and former tenancy arrears.

Action Taken: Changes made to 9.3 (c) to set out how this will be considered. Similar changes made to 14.1 to reflect this amendment.

Section 14 - Assessment Criteria

Consultation response: Definition of Rough Sleepers required amendment.

Action Taken: Rough Sleeper Definition amended.

Consultation response: The 12 months consistent payment arrangement / waiting time in band 4 is too restrictive and should be a maximum of 6 months.

Action Taken: Payment period amended to 13 weeks.

Section 22 - Refusals

Consultation response:

References to direct offers and how refusals are treated requires amendment and clarification.

Action Taken: Section 22.1 Re-written and additional information added. Changes to section 14.1 (i) also amended to reflect these changes.

5.10 Implementation

It is proposed that, subject to Cabinet approval, the policy be implemented from 12 April 2024.

5.11 Supporting Customers

We will take a customer-centred approach to how the service is delivered and how applicants are supported throughout the process, including:

- Promoting the availability of telephone, email and face-to-face support for any applicant who can not access the service online or who needs assistance to complete an application or assessment form, who needs to bid for properties or requires support for any other part of the service.

- Providing a face to face appointment, within 10 working days for anyone who requests support from us, if this is their preferred option.
- Advertising to all applicants the drop in support service available at the Civic Centre housing reception and the new surgery in Rugeley.
- Clearly explaining any decisions we make, including banding decisions and ensuring that all applicants are aware of their right to request a review of the decision, how they can make such a request and how reviews will be undertaken.
- Providing a named officer to applicants who are offered a property who will be responsible for ensuring they have all the information they need about the property they have been offered, the Council's lettable standard and what it means to take on a council tenancy, to make an informed decision.
- Arranging viewing and sign up appointments at times, within reason, that suit the applicant's needs and other commitments.
- Working closely with colleagues in tenancy services, including tenancy support officers, to ensure that new tenancies start in the best way possible and that we maximise the potential for tenancies to be sustained.
- Always speaking to applicants who have refused a property to ensure we understand all of the context and reasons behind the reasons for their refusal.
- Monitoring the level of refusals deemed reasonable and unreasonable and reviewing the fairness and consistency of such decisions on a quarterly basis.
- Reporting to elected members progress in delivering a customer focussed service at each six-monthly briefing and annually on the anniversary of the policy implementation.

5.12 Awareness Raising and Customer Information

While the policy needs to be framed in a way that ensures the Council achieves its legal obligations, this makes it challenging for everyone to understand.

We have therefore started, will continue and are planning a series of initiatives which will be produced and run throughout the remainder of this and all next financial year to raise awareness and answer queries about the new policy and what it means for applicants and the Council more widely. These include:

- An awareness session to which all district Councillors were invited on 11 January. We plan to repeat this each six months to update Councillors on policy outcomes and other issues affecting allocations each period.
- Producing a new guide to allocations for applicants, which explains, in easy-to-read format, what the policy means to them, how to apply (including the customer support we offer, referred to above) and how banding decisions are made.
- Producing revised assessment forms and customer information on medical and social needs assessments.
- Developing a revised online housing application form, which is easier to follow and understand.
- A review of allocations letters and other customer information at each stage of the allocation process. This will include for example, new information about

number of properties let by band each quarter/annually to help inform applicants about typical waiting times for offers of accommodation.

- New information for applicants with disabilities in conjunction with the review of the adaptations and disabled facilities works processes.
- Trialling digital information about properties accepted, including advance virtual viewings of properties and digital tenancy information and packs.
- Building improved relationships with our registered provider partners to review nominations agreements and ensure applicant information about housing association properties and the nominations process is up to date.

6 Implications

6.1 Financial

Any cost associated with implementing the proposed changes will be met from existing budget provision.

6.2 Legal

The Council is required to follow the legislation and statutory guidance set out in this report. Under [section 169 of the Housing Act 1996](#) ('the 1996 Act') housing authorities are required to have regard to guidance from the Secretary of State when exercising their functions under [Part 6 of the 1996 Act](#) ('Part 6').

Failure to do so places the Council at increased risk of legal action and / or significant criticism by bodies such as the Regulator of Social Housing, Local Government or Housing Ombudsman services and subsequent sanctions.

Adoption of the proposed policy will ensure that the Council is compliant with its legal obligations in respect of the allocations scheme it has in place, alongside continued compliance with [article 8 of the Human Rights Act \(Respect for Private and Family Life\)](#).

6.3 Human Resources

None

6.4 Risk Management

The revised policy, which has been formulated following consideration of the related statutory guidance, will reduce the risk of any (successful) legal challenge.

The amended policy also reduces the risk of the Council not responding to local factors (relating to housing demand and supply) which affect its ability to make best use of its housing stock.

6.5 Equalities and Diversity

The overall policy implications are neutral. However, the proposed improvements to information and guidance in respect of medical, social (welfare) needs and adaptations and adapted properties will help improve consistency and effectiveness in assisting vulnerable people when moving home.

6.6 Health

The revised policy contributes positively to improving health and wellbeing conditions as set out at paragraph 4.1(i).

6.7 Climate Change

None

7 Appendices

Appendix 1: Revised Allocations Policy - V.6 (Draft - February 2024)

Appendix 2: Detail of Initial Proposed Amendments

Appendix 3: Consultation Responses and Proposed Amendments

8 Previous Consideration

- | | | |
|--|----------|----------|
| • Review of Lettings Policy | Cabinet | 20.02.13 |
| • Social Sector Size Criteria | Cabinet | 19.09.13 |
| • Highfields Scheme, Medical and Social Need, Less popular dwellings, photographic identity. | Cabinet | 18.12.14 |
| • Right To Move / Review of Allocation policy | Cabinet | 25.06.15 |
| • Out of Area, Homeless Applicants, Expressions of Interest, Property Eligibility | Scrutiny | 30.11.16 |
| • Recommendation from Housing Scrutiny | Cabinet | 19.01.17 |

9 Background Papers

[Housing Act 1996 \(Part VI\) - "Allocation of housing accommodation", as amended by the Localism Act 2011 - HM Government](#)

[Housing Act 1996 - Section 166a - "Allocation in accordance with an allocation scheme: England" - HM Government](#)

[Chapter 4 - "Framing an Allocation Scheme" - Allocation of accommodation: guidance for local housing authorities in England - DLUHC 29 June 2012 \(Updated 27 October 2023\)](#)

[Allocation of accommodation: guidance for local authorities- DLUHC 29 June 2012 \(Updated 27 October 2023\)](#)

Contact Officer:	Peter Griffiths, Assistant Tenancy Services Manager
Telephone Number:	07920 181 989
Ward Interest:	All Wards
Report Track:	Cabinet 28/03/24
Key Decision:	Yes



HOUSING SERVICES

ALLOCATIONS POLICY

REVISED – 2024 (Draft)

Version control

Version	Changes	Approval	Date
1.0	Original	Cabinet	20.02.13
2.0	Social Sector Size Criteria	Cabinet	19.09.13
3.0	Highfields Scheme, Medical and Social Need, Less popular dwellings, photographic identity.	Cabinet	18.12.14
4.0	Right To Move	Cabinet	25.06.15
5.0	Out of Area Homeless Applicants EOI Property Eligibility	Housing Scrutiny	30.11.16
5.0	Agreed Recommendation from Housing Scrutiny	Cabinet	19.01.17
6.0	2023/24 Refresh General tidy-up and update - major changes include: i) Increase to 2 years residency requirement; ii) Cumulative need removed; iii) Medical and Welfare priority assessment and award; iv) Additional information on adapted properties and adaptations v) Refusals - dropping bands if an acceptable property is refused.	Cabinet	

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1. Introduction

- 1.1 All local housing authorities are required by law to have a scheme (or policy) for determining priorities and procedures when allocating social housing. This document sets out the housing allocation policy for Cannock Chase District Council (the Council). The policy sets out who is eligible and qualifies for social housing, and how the Council decides who should have priority for those properties that are available.
- 1.2 The 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.
- 1.3 The vision for Housing Services is to maintain the Council's housing stock in good condition and progressively update and improve it and the immediate environments, to maintain the decent homes standard and meet the aspirations of tenants.
- 1.4 The Allocations Policy sets out the aims, objectives, priorities and processes to which the Council will work when allocating empty properties to applicants and transferring tenants.
- 1.5 In developing this policy consideration has been given to the nature and availability of social housing within the area the Council operates. The Council will work in co-operation with other Registered Providers, Social Landlords and landlords in the Private Sector to help meet housing need in the area.
- 1.6 In addition to meeting housing need, this policy aims to set the objectives to ensure that the Council provides an efficient, responsive and customer focussed allocations and lettings service incorporating choice and accessibility.
- 1.7 This policy will be monitored and reviewed, when necessary, to ensure that it continues to meet local needs, responds to changes in the local housing market, meets to council's strategic objectives and remains legally compliant.

2. Aims and Objectives

- 2.1 The Allocations Policy seeks to ensure that the Council makes best use of its stock to meet the needs of transferring tenants and applicants, and help to build sustainable communities.
- 2.2 Meeting those in greatest housing need, having regard to any legislative requirements and Codes of Guidance issued by both the Ministry of Housing Communities and Local Government and the regulator for social housing providers.
- 2.3 This Allocations Policy supports the Council's Corporate Plan 2022-26, in particular the following priorities:

Priority 2- Health & Wellbeing - "To encourage and support residents to lead healthy and independent lives"

- By supporting residents that need our help.

Priority 3 - The Community - “To ensure Cannock Chase is a place that residents are proud to call home”

- By improving the housing offer across the District.

Priority 4 - Responsible Council - “To be a modern, forward thinking and responsible Council”

- By improving our customers’ access to services.
- By making the best use of our assets.

2.4 The Allocations policy objectives are:

- Provide realistic informed choice to all.
- Operate a Choice Based Lettings Scheme that is simple, easy to understand, transparent, open and fair.
- Address vulnerability and deal fairly and consistently with customers irrespective of race, disability, gender, age, sexual orientation, gender reassignment, religion and/or belief, pregnancy/maternity, or marriage status in accessing the scheme.
- Comply with legislative and regulatory requirements to give appropriate priority to applicants who fall within the ‘Reasonable Preference’ and ‘Additional’ categories as set out in Part 6 of the Housing Act 1996 including the Housing Act 1985 (as amended).
- Empower applicants by giving them more opportunity to express choice and preferences about where they want to live, whilst taking into consideration both the availability of housing resources and the high demand for housing.
- Regularly review the allocations policy to ensure it is relevant to local circumstances, complies with legislation and is effective.

3. Statutory Framework and Legal Principles

3.1 Before adopting the policy or making any alteration that reflects a major change, the Council will send a copy of the draft policy, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have a nomination arrangement in accordance with Section 166A (13) (a) Housing Act 1993.

3.2 The Allocations Policy takes into account the following legislation and regulations, including but not restricted to:

- Housing Act 1985, 1988 and 1996
- Immigration and Asylum Act 1999
- Human Rights Act 1998
- Freedom of Information Act 2000
- Children (Leaving Care) Act 2000
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended
- Equality Act 2010

- The Localism Act 2011
- Welfare Reform Act 2012
- ASB Crime and Policing Act 2014
- Homelessness Reduction Act 2017
- Public Sector Accessibility Regulations 2018
- Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations)
- Armed Forces Act 2021 and Armed Forces Covenant
- Domestic Abuse Act 2021
- Allocation of accommodation: guidance for local authorities (as amended June 2022)
- Homelessness Code of Guidance for local authorities (as amended, Jan 23 latest)

3.3 Unless specified otherwise, references in brackets throughout the document - for example (S166) - refer to the corresponding paragraph or section of the Housing Act 1996.

4. Protection of Public Funds

4.1 The Council is committed to protecting the public funds entrusted to it. The allocation of social housing via this Allocations Policy is considered to be the allocation of public funds. The Council will seek to ensure that all housing allocations are in accordance with this policy and that applicants on the Housing Register are subject to thorough verification and identity checks to minimise losses to fraud and corruption.

4.2 Fraud, Misrepresentation or Withholding Information-

- (a) Under section 171 of the Housing Act 1996 it is a criminal offence for anyone to try and obtain accommodation from the Council by knowingly or recklessly giving a false statement or knowingly withholding information. Offences under these provisions are prosecuted in the Magistrates' Court and carry an unlimited maximum fine for offences committed after 13 March 2015. The Council may seek possession of a tenancy that was granted because of a false statement and may also attempt to recover any costs incurred. Housing Register applicants are also reminded that it is an offence under the Counterfeiting and Forgery Act 1981 to hold or present false documents such as passports or bank statements with a view to receiving goods or services including social housing.
- (b) It is also an offence, in accordance with Section 2 of the Fraud Act 2006, for a person to dishonestly make a false representation, that is a representation that the person making it knows is or might be untrue or misleading and intends, by making the representation to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss.
- (c) Failure by an applicant to inform the Council of changes to his/her application or deliberately withholding information relevant to, or misrepresenting, his/her housing circumstances, may result in an offer/nomination for accommodation being withdrawn.
- (d) Under certain circumstances we may also prosecute any applicants who deliberately provide us with false information.

- (e) You can be disqualified from registering if you are found to have given false or misleading information in connection with your application.

5. Eligibility and Qualification

5.1 What is an allocation:

- (a) The selection of a person to be a secure or introductory tenant of housing accommodation held by the Council;
- (b) Nominating a person to be a secure or introductory tenant of housing accommodation held by another housing authority; or
- (c) Nominating a person to be an assured or starter tenant of housing accommodation held by a registered provider.

5.2 Allocations which are excluded from the Policy are:

- (a) successions to a tenancy.
- (b) assignments by mutual exchange or introductory tenancy or succession.
- (c) transfer pursuant to a court order.
- (d) an introductory tenancy becoming secure.
- (e) provision of alternative accommodation to an existing secure tenant or introductory tenant where this is instigated by the Council such as decants (S160).
- (f) Transfers that are initiated for management purposes.

*There are also situations set out in legislation where the Allocation Scheme rules are not applied. Where the local authority has a duty to find accommodation for a household under section 39 of the Land Compensation Act 1973.

5.3 Applicants must be eligible and qualify for an allocation of accommodation. Applicants will be assessed for eligibility and qualification (as per S160ZA). The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are set out in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended) ('the Eligibility Regulations').

5.4 Advice and assistance must be available free of charge to people who wish to apply for and be allocated a property (S166(1)). An applicant must be informed that they have the right to request general information to assess:

- (a) How their application is likely to be treated;
- (b) Whether accommodation appropriate to their needs is likely to be made available and how long it is likely to be before such accommodation becomes available (S166(1A)).

5.5 Any details, including the fact an application has been made, must not be divulged to a third party without the applicant's consent (S166(4)).

- 5.6 The policy may determine priorities and include the procedures to be followed as set out below (S166A(2)). The policy must include a statement on the opportunity to express preferences about the housing accommodation to be allocated (S166A(2b)).
- 5.7 Priorities must be based on the reasonable preference categories which are:
- (a) people who are homeless (within the meaning of Part 7 of the 1996 Act).
 - (b) 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).
 - (c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - (d) people who need to move on medical or welfare grounds, including grounds relating to a disability, and;
 - (e) 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)).
 - (f) People who need to move into the District for work related reasons (including key workers), under the “Right to Move” (Allocation of housing (Qualification Criteria for Right to Move) (England) Regulations 2015/967).

Reasonable preference categories are included within priority Bands 1-4 as detailed below in section 13.

- 5.8 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)).
- 5.9 The Localism Act 2011 enabled local housing authorities to decide which classes of persons are, or are not, qualifying persons for the purposes of allocating housing. The qualification and eligibility criteria is set out throughout this policy and reference to non-qualification matters are detailed in paragraph 11.2 (however this is not exhaustive and need to be read in conjunction with qualifying criteria).
- 5.10 All applications must be considered if made in line with the requirements of this policy (S166(3)).
- 5.11 Applicants must be advised in writing (letter or email) of any decisions made in respect of their application (s166A(9)(b)).
- 5.12 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:
- (a) Former members of the Armed Forces, excluding those who have been dishonourably discharged from the service;
 - (b) 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;

- (c) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
 - (d) 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.
- 5.13 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 23.
- 5.14 There are also situations set out in legislation where the Allocation Policy rules are not applied. These are:
- Where the local authority has a duty to find accommodation for a household under section 39 of the Land Compensation Act 1973;
 - Where the local authority grants a secure tenancy to a former owner-occupier or statutory Tenant of a defective dwelling-house under sections 554 and 555 of the Housing Act 1985 (as amended).
 - Where allocation of housing accommodation is to a person who lawfully occupies accommodation let via a third party agreement.

6. Service Standards to our customer

As part of our commitment to our customers, the Council will:

- Treat applicants with courtesy and respect
- Listen
- Be helpful and polite
- Try to deal with applicants at first point of contact with the service
- Make things as easy as possible
- Deal with any complaint in line with our complaints procedure

7. Equality Policies and Practices

- 7.1 The Council will ensure its policies and practices are non-discriminatory and will promote equality by preventing and eliminating discrimination on the grounds of race, disability, gender, age, sexual orientation, gender reassignment, religion and/or belief, pregnancy/maternity/paternity or marriage status.
- 7.2 The scheme will be accessible, responsive, and sensitive to the diverse needs of individuals. The Council's aim is to create an environment where equality is at the heart of everything we do. The impact of this policy will be monitored, to ensure that it promotes equality to everyone.
- 7.3 All applicants will be asked to provide details of their circumstances and any personal information when they apply to join the register. Equal opportunity will be given to all in applying and receiving offers of accommodation.
- 7.4 The Council will ensure all potential applicants have impartial information about the service and equal opportunity to apply, express an interest in and receive offers of

accommodation. To ensure that vulnerable groups are not disadvantaged by the Choice Based Lettings Scheme, the Council will:

- provide practical assistance to those who may have difficulty in understanding the requirements of the online system.
- provide practical assistance in the applicants preferred way, where the applicant may have difficulty completing an application online.
- provide tailored assistance to those who may have difficulty expressing an interest in properties, including expressing an interest on their behalf, if that is necessary.
- monitor the profile of those who are applying and expressing an interest in properties, to ensure that minority and hard to reach groups are actively engaged in the service.

8. Data Protection and Privacy

- 8.1 Any personal data provided to the Council will be managed in line with the requirements of the Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations GDPR). The Council will use personal information solely to respond to customers and improve services. The Council will take all reasonable steps to ensure that the data and information (including sensitive information) it collects and holds is protected against any unauthorised access, with a particular emphasis on IT security. This has regard to the fact that it is an offence for a person to cause a computer to perform any function with intent to knowingly secure unauthorised access to any program or data held on the electronic device, or to knowingly enable any such unauthorised access to be secured in accordance with Section 1 of the Computer Misuse Act 1990.
- 8.2 We collect and process a range of data relating to Housing Register applications including names, addresses and address history, national insurance numbers, information relating to ethnicity and gender, as well as sensitive information i.e. relating to medical health needs. We only collect personal data that we need in order to deliver our services.
- 8.3 All data is held in line with our obligations under the Data Protection Act 2018 and our Data Retention and Destruction Policy. All applications for housing accommodation will be dealt with in a confidential manner and only accessed by those who need to see it. Information held by the Council will not be disclosed to any third party except where:
- the individual who is the subject of such confidential information has consented to disclosure to a third party to facilitate securing accommodation e.g. through a nomination to a Registered Provider where an information sharing protocol is in place; or
 - the Council is permitted to disclose the information under data protection legislation; or
 - there is a requirement in law to make such disclosures; or
 - it is considered by the Council that the applicant has provided freely-given, specific and informed consent for any information held on an application to be shared with other social housing landlords, such as Registered Providers, and other agencies.

- 8.4 An applicant accepted onto the Housing Register is entitled to see their entry and receive a copy of the details we hold. An applicant also has the right to request general information to assess how their application is likely to be treated under the Allocation Policy and whether housing appropriate to their needs is likely to be made available to them.
- 8.5 For more details about how we use your data – please see our Data Protection webpages which can be found at: <https://www.cannockchasedc.gov.uk/council/about-council/data-protection>

9. The Council's Choice Based Lettings Scheme – Principles

- 9.1 The Council's statement on providing 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.”

- 9.2 The Council may decide on the principles on which the allocations policy is to be framed (S166A(11)) which are:
- (a) Allocations to applicants who are existing Cannock Chase DC tenants ('transfer applicants'), tenants of another local authority or tenants of a registered provider of social housing (most commonly known as Housing Associations) will be considered on the same basis as all other applicants (S159(4A)), other than that such tenants will normally:
- a. have to have been tenants in their current council or registered provider home for at least the preceding 12 months; and
 - b. be required to demonstrate that they have successfully completed the 'introductory' or 'starter' period of their tenancy; or
 - c. not be or have been subject to an extension of their introductory or starter tenancy period in which terms apply (or were applied) and remain in force (other than engaging with support services to help sustain a tenancy), in relation to their behaviour or satisfactory conduct of their tenancy¹ at the time of application; and
 - d. be expected to pursue all options with their existing landlord (where this is not CCDC), including transfer, mutual exchange, resolution of any housing management matters (and/or where applicable, adaptation of their existing or another home) before their application can be considered or given any reasonable or additional preference
- (b) Additional preference must be given to:
- (i) Serving and former Armed Forces applicants as set out in para 5.7 above, excluding those former members who have been dishonourably discharged from the service.
- In addition, additional preference will also be given to:
- (ii) Those who need to move for urgent medical reasons

¹ As determined by the applicant's landlord

- (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, except for Out of Area applicants who are placed in Band 4.

- 9.3 The following factors will be taken into account in assessing an applicant's qualification for an allocation:
- (a) The behaviour of a person (or a member of their household) which affects their suitability to be a tenant(s).
 - (b) A breach of tenancy.
 - (c) Current and Former Tenant arrears. Where affordability or financial hardship is an element of the housing need of the applicant, this will be considered in assessing an applicant's qualification status.
 - (d) Any local connection (with the exception of Armed Forces applicants as required by Regulation) S166A(5)(b)(c)).
- 9.4 Provision is made about the allocation of particular housing accommodation:
- (a) To persons who make specific application for the accommodation.
 - (b) To persons of a particular description (s166A(6 and 3)).
- 9.5 The allocation policy has regard for the Council's Tenancy and Housing, Homelessness and Rough Sleeping strategies (S166A(12)).
- 9.6 A key principle of the Council's Allocation Policy is that it will provide a choice based lettings scheme.
- 9.7 The principles of the Council's Choice Based Lettings (CBL) Scheme are:
- (a) Priorities will be assessed against a pre-determined criteria and placed into 4 main bands, plus a priority 'Band 1+'.
 - (b) Allocations will be made to the applicant in the highest banding with the earliest band effective date, who is not considering another offer and in accordance with "in band" prioritisation, property eligibility and property preferences.
 - (c) Properties will be advertised via the internet, on [Housing Online](#).
 - (d) Applicants will only be considered for an allocation of a property by making an Expression of Interest or if homeless, additionally, through Expression of Interest for suitable accommodation made by the Housing Options Team.
 - (e) All properties will be allocated through the CBL scheme with the exception of direct offers (where required) and for any properties excluded for management moves/exceptional circumstances.
 - (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.

10. Eligibility

- 10.1 Applicants will be assessed in accordance with S160ZA on receipt of an application to determine if:
- (a) they are eligible for an allocation of accommodation.
 - (b) they qualify for an allocation of accommodation.
- 10.2 An applicant may be reassessed for eligibility prior to receiving an offer of accommodation if a substantial amount of time has lapsed or information has been provided that indicates a change in circumstances.
- 10.3 Information and guidance on eligibility of applicants is contained in the [Government's Allocation of accommodation: guidance for local authorities in England](#) and this policy.
- 10.4 Enquiries will be made to the Border Agency on issues relating to an applicant's immigration status if applicable.
- 10.5 Accommodation will only be allocated to people who are defined as 'qualifying persons' in accordance with S160ZA (6).
- 10.6 The Council cannot allocate housing to anyone who is not eligible to join the Housing Register, even jointly with someone else who is eligible to join the Housing Register.
- 10.7 Applications to the Housing Register can be accepted from employees and elected members as well as from their close relatives, provided they are eligible to apply in line with the policy. Any such applicants must disclose their connection to the Council (whether that be by employment, election or family connection to an employee or elected member) at the time of their application. Failure to disclose such a connection at the time of application could result in suspension of the application process.

11. Qualification

- 11.1 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 2 years.

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 because of a need to move to the district to avoid hardship; and key workers needing to move because they work in the district; or to take up an offer of permanent work.
- (iii) applicants who meet the reasonable preference categories as set out in 5.7 above.
- (iv) The Council will only grant tenancies to people aged 16 or 17 in exceptional circumstances and may need an adult or organisation to

guarantee to pay the rent if they get into arrears. Further detail in paragraph 11.2.5.

- (b) Require Independent Living (sheltered housing / housing for older people) accommodation and have a close relative who lives 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 Duty under Homelessness can bid and qualify for offers in accordance with the Duty owed to them by the Council's Housing Options Service.
 - (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 medical priority by the Council's Medical Panel and the equity released from the sale of their current home (and/or other properties they own or in which they have a financial interest) would be £80,000 or less.
 - requesting Independent Living accommodation and the equity released from the sale of their current home would be £80,000 or less.

[^]For the purpose of this policy, 'owner occupier' means someone who lives in a property they own (solely or jointly, outright or mortgaged) or who owns or has any financial interest in one or more other residential properties in the UK or in any other place. Applicants must declare any such properties and/or financial interest as part of their housing application.
 - (iii) Households who are required to "move on" from supported accommodation.
- (e) Members of the Armed Forces – Households will qualify if, the applicant or their spouse / civil partner meets one of the following criteria:
 - (i) Are serving Members of Armed Forces.
 - (ii) The applicant or spouse / civil partner 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 Armed or Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or their spouse / civil partner or other member of their household has a serious injury, medical condition or disability sustained after they moved into their current service or other accommodation.
- (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
 - 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.

NOTES:

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.

As per the Right to Move and social housing allocations statutory guidance, all local authorities should adopt such an approach for cross boundary lettings and considers that an appropriate quota would be at least 1%. Therefore the number of moves to Cannock Chase under the ‘Right to Move’ will be capped at four (4) per financial year. The Council averages around 320 lettings per year, so 4 from 320 is 1.25%. Should the number of lettings increase or decrease significantly, then this quota will be revised.

- 11.1.1 The Council will accept single and joint applications. Joint tenancies will only be granted between husbands/wives/civil partners/un-married couples or between siblings, if there is a reasonable expectation that they live together.
- 11.1.2 Additional persons who can be included on a housing application must be members of the applicant’s immediate family who normally live with the applicant or the Council is satisfied that there is a reasonable expectation that they will live with them.

- 11.1.3 Any other person will only be included on an application if the Council is satisfied that it is reasonable for that person to live with the applicant for example, emerging families or carers. This will exclude lodgers or anyone subletting from the applicant.
- 11.1.4 Anyone over 16 years of age included on an application as part of a household will also be included in the full assessment of the application including income, capital, and assets.
- 11.1.5 Children of applicants are only allowed on the application of the parent who has residency of the child(ren) and to whom Child Benefit is paid. For the purposes of this scheme a child is defined as someone who is either under the age of 18 or who is still dependant on the applicant e.g. due to continuing education. There must be a reasonable expectation that the child will live with the parent. A mutual shared agreement can be accepted but this must be evidenced and proven.

11.2 Non-Qualifying - Rent arrears

11.2.1 If you or members of your household have current or historical rent arrears serious enough to make you unsuitable to be a Council or Registered Provider tenant, we will treat you as non-qualifying and you will be excluded. This applies to all applicants and tenants including those where the unacceptable rent arrears occurs or comes to light after the applicant has been accepted onto the register. Such rent arrears or housing related debts includes but is not limited to:

- (a) Applicants and/or any member of an applicant's family who have had a possession order made against them for arrears of rent regardless of tenure.
- (b) Applicants and/or any member of the applicant's household with a recoverable housing related debt associated with a tenancy that has now terminated. Housing related debts may include:
 - (i) rent arrears from a Council, Registered Provider or private tenancy; all applicants and transferring tenants who owe irrecoverable current or former tenants arrears will be placed in Band 4 and will only be eligible for higher band or allocation of a property when the arrears are cleared.

*In exceptional circumstances it may be possible to review the ineligibility for higher band award and/or allocation of a property if a substantial part of the irrecoverable former tenant arrears has been cleared and adequate arrangements made to clear the remainder.

- (ii) former tenancy arrears; all applicants and transferring tenants who owe statutorily recoverable former tenant arrears are excluded including applicants who have had their rent arrears included in a current active Debt Relief Order (DRO), Breathing spaces or similar debt recovery order.

*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. An Exclusion Panel, made up of the Tenancy Services Manager and senior officers, will determine the decision.

- (iii) rent arrears which resulted in an eviction;

- (iv) Housing Benefit overpayments;
- (v) Council Tax arrears;
- (vi) court costs;
- (vii) repair charges;
- (viii) debts owed to lenders.

In determining whether an applicant does not qualify due to unacceptable rent arrears, the Council will consider:

- (c) Whether the applicant has demonstrated a clear commitment to repaying any debt by maintaining a repayment plan for at least 13 weeks.
- (d) An applicant with housing-related debt exceeding £500 will be suspended from being able to bid until the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks.
- (e) An applicant with current rent arrears who cannot maintain an agreement due to affordability but are still registered to get DHP.

11.2.2 Exceptions to the above will be considered on a case-by-case basis by the Exclusion Panel in conjunction with the body to whom the debt is owed. In particular, exceptions will be considered for tenants being affected by under occupation charges who are seen to be trying to keep up with their rent payments but nevertheless have fallen into arrears; those who have been accepted as statutorily homeless by Cannock Chase District Council; and “Downsizing” social housing tenants with rent arrears who are affected by the social sector size criteria who are eligible for a transfer to smaller accommodation. Exceptions will be approved by the Head of Service.

11.2.3 Applicants aged 16 and 17 will not normally be allowed to apply, the only exceptions to this are as follows:

- (a) Where a statutory homelessness duty is owed;
- (b) For care leavers 6 months before their 18th birthday to allow the Council to work with them effectively to help source suitable alternative accommodation to try and prevent them from becoming homeless;
- (c) Joint applicant with another person over 18 years old;
- (d) Under exceptional needs.

11.2.4 Applicants can request a review of their decision on grounds of eligibility and qualification. See Section 23.

11.3 Non-qualifying - unacceptable behaviour.

11.3.1 If you or members of your household have been guilty of unacceptable or anti-social behaviour serious enough to make you unsuitable to be a Council or Registered Provider tenant, we will treat you as non-qualifying and you will be excluded. This applies to all applicants and tenants including those where the unacceptable behaviour occurs or comes to light after the applicant has been accepted onto the register.

Such unacceptable behaviour includes but is not limited to:

- (a) Applicants and/or any member of the applicant's household who have been served with a Notice of Seeking Possession [or equivalent notice] in relation to behaviour or conduct of tenancy, excluding non-payment of rent, regardless of tenure.
- (b) Applicants and/or any member of the applicant's household who have been subject to any anti-social behaviour powers given to the Council by law.
- (c) Applicants and/or any member of an applicant's household, including lodgers or visitors, who have been given an order made in a civil or criminal court that is linked to a property or the locality of a property.
- (d) Perpetrators of domestic abuse.
- (e) Applicants and/or any member of an applicant's household who have been evicted from a tenancy due to a breach of any tenancy condition.
- (f) Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes.
- (g) Applicants and/or any member of an applicant's household who have an unspent criminal conviction committed in, or in the locality of a property.
- (h) Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services.
- (i) Applicants and/or any member of an applicant's household who have displayed threatening, violent or otherwise abusive behaviour towards a Council or partner registered provider employee or person employed to undertake work on their behalf and legal action was taken.
- (j) Committing a serious offence, for which they could be arrested, in (or in the area near) their home.
- (k) Deliberately damaging their home.
- (l) Knowingly or recklessly giving false statements in relation to a housing application.
- (m) Applicants with substantial rent arrears (not caused by factors outside the applicant's control), and persistent non-payers of rent.
- (n) Applicants and/or any member of an applicant's household who have committed tenancy fraud or other serious tenancy breaches.
- (o) Or, where the Council believes any person covered by this section has caused harassment, alarm, distress, nuisance or inconvenience to any other person whilst engaging in unlawful behaviour within the District.

In determining whether an applicant does not qualify due to unacceptable behaviour, the Council will consider:

- (p) Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
 - (q) The length of time since the behaviour, has the applicant conducted themselves satisfactorily for a suitable period of time ever since the event? Dependent on the seriousness or criminality of the behaviour.
 - (r) Was the unacceptable behaviour serious enough to deem the applicant unsuitable to be a tenant?
 - (s) At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?
- 11.3.2 Exceptions to the above will be considered on a case-by-case basis by the Exclusion Panel, taking account of evidence of the nature, type, duration and history of the behaviour, legal proceedings taken or in progress, any change in behaviour since it last occurred and the actual or intended outcomes of services, support, or other steps in place to manage, mitigate or prevent future recurrence. No blanket application of or exemption from exclusion will apply to any category of persons, any protected characteristics or any applicant circumstances, which will each be considered on their own merit. Exceptions, which would normally have resulted in exclusion, will be approved by the Head of Service.
- 11.3.3 Applicants aged 16 and 17 will not normally be allowed to apply, the only exceptions to this are as follows:
- (a) Where a statutory homelessness duty is owed;
 - (b) For care leavers 6 months before their 18th birthday to allow the Council to work with them effectively to help source suitable alternative accommodation to try and prevent them from becoming homeless;
 - (c) Joint applicant with another person over 18 years old;
 - (d) Under exceptional needs.
- 11.3.4 The exclusion only applies to the member(s) of the household who were participative in the unacceptable behaviour, with other household members being able to make a separate application for housing. Unacceptable behaviour also includes but is not limited to substantial rent arrears cases (not caused by factors outside the applicant's control), persistent non-payers, tenancy fraud or other tenancy breaches.
- 11.3.5 The exclusion will be for a set period of time which will be detailed in the information sent to the applicant informing them of the terms of their exclusion and may include conditions after the exclusion period which an applicant must be able to demonstrate have been fulfilled prior to the exclusion ending. Persons subject to the criteria set out above cannot be granted a sole tenancy or participate in a joint tenancy. Following the exclusion ending an applicant must submit a new housing application to re-join the housing register.
- 11.3.6 Applicants can request a review of their decision on grounds of eligibility and qualification.

12 Reasonable and Additional Preference

- 12.1 Additional preference to be given to applicants who are assessed as being in the reasonable preference categories ((S166A(3) and paragraph 5.7 above) and in urgent housing need:
- (a) Condition of property - Closing Order issued by the Council.
 - (b) Homeless duty - Applicants assessed as being owed a Main Duty will receive additional preference for re-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) Medical need – Awarded by the Medical Assessment Panel, see 12.2 below for more details.
 - (g) Welfare need - Awarded by the Welfare Assessment Panel, see 12.2 below for more details.
 - (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 5.7(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.
- (vi) “Right to Move”. Applicants who need to move to the District for work related reasons under the “Right to Move”.

12.2 Medical and welfare grounds

12.2.1 An applicant may be awarded priority on medical grounds. If an applicant indicates a move will benefit their health or a member of their household’s health, their circumstances will be assessed. Evidence will be required to support the applicant’s case.

12.2.2 When assessing whether to award severe, moderate or low priority on medical grounds, the Council will follow the five-stage assessment as set out below:

- 1) Is the medical/disability issue serious enough for a priority banding to be considered?
- 2) If the medical condition is serious enough for a priority banding to be considered then the assessing officer should decide if there is a direct link between the identified medical problem and the applicant’s current housing accommodation/situation, i.e., on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant’s current housing accommodation/circumstances are making their medical condition or disability substantially worse, or will make it worse in the near future?
- 3) In practical terms, the officer will consider the adverse effect this has on the applicant’s ability to manage day-to-day tasks in their current home. The applicant’s current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of banding priority should be granted under the criteria adopted for the Scheme. There are examples listed in [Annex 1](#) for when an award of severe, moderate or low priority may be awarded and they are used to guide the officer when making their decision.
- 4) Before making an award, the assessing officer needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- 5) If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, they would then decide whether to award a band for this impact depending on the severity of the impact. Where the case is complicated or a Severe or Moderate level of need is likely the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make their final decision and will be guided by this five-stage assessment process.

12.2.3 Medical priority will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied;
- b) health problems that are not affected by housing or cannot be improved by moving;
- c) where a move would only make a marginal improvement to the applicant's condition;
- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame;
- e) where another reasonable course of action is available to the applicant to resolve their difficulties, such as where an applicant in another social housing property could ask their landlord/Registered Provider for assistance, DFGs etc. or could be re-housed by their landlord/RP.
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg);
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact);
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for being overcrowded);
- i) if the situation can be resolved by equipment, minor adaptations or Disabled Facilities Works which can be implemented in a reasonable period of time.

12.2.4 Medical assessments are not just related to banding. The Council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism.

12.2.5 Priority will be awarded at one of the three appropriate levels as detailed below:

- **Severe** - An applicant cannot continue to live, or return to live in their current accommodation, and they have a need for rehousing into accommodation suitable for their immediate needs. For example:
 - An applicant who is unable to be discharged from hospital into their current accommodation.
 - A wheelchair user who occupies a home where facilities are upstairs and therefore inaccessible and where ground floor flatted accommodation or a bungalow is recommended.
 - A referral has been received from a consultant or other similar health care professional stating that their current housing is having a severe effect on an applicant's (or member of their household's) mental wellbeing
 - An applicant or a member of their household who needs to move to suitable adapted accommodation because of serious injury, medical condition, or disability. This would be assessment by an Occupational Therapist.

Any Severe award will be subject to Medical panel approval

- **Moderate** - An applicant can continue to live in their current accommodation but has an urgent need for suitable alternative accommodation. This is because their medical condition and/or disability is having a substantial negative effect on their ability to live in their present accommodation. For example:
 - An applicant who requires a different type of accommodation or a different layout of accommodation including but not limited to someone who needs level access accommodation.
- **Low** - An applicant can continue to live in their current accommodation but has a need for suitable alternative accommodation. This is because their medical condition and/or disability is having a significant negative effect on their ability to live in their present accommodation. For example:
 - Someone with a degenerative condition whose needs are likely to occur in the future, typically 12 months' time.

12.2.6 Further details for assessing medical priority are contained in [Annex 1](#).

12.2.7 An applicant with care or support needs, or other serious and enduring social/welfare needs may be awarded priority on welfare grounds.

Priority will be awarded at one of the three appropriate levels as described below:

- **Severe** - There is a critical and immediate risk to the welfare of a member of the household. Examples include:
 - Where an applicant needs to provide essential support to carry out day to day activities such as washing, dressing and cooking and the support is not available by any other means.
 - Where there is a need to protect a vulnerable person and there is a firm recommendation for rehousing from a statutory agency or a recognised partner voluntary agency.
 - Where there is a protocol for rehousing Care Leavers. In these circumstances the applicant is placed in Band 1.

This covers applicants who are referred by statutory agencies, e.g. Police, Environmental Health or Domestic Violence agencies, 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/national origins.

- **Moderate** - There is a significant risk to the welfare of a member of the household. Examples include:
 - An applicant who is experiencing serious financial hardship and is unable to sustain their current accommodation through no fault of their own. Under-occupying their current accommodation and is at risk of losing their tenancy because of financial hardship.
 - Victims of harassment and abuse who remain in their current accommodation, but where the situation is having a serious detrimental effect on their well-being.

- Where an applicant needs to provide necessary support to carry out day - to-day activities such as washing, dressing and cooking and the support is not available by any other means.
- An applicant who needs to move as part of an agreed support plan to re-integrate them into the community.
- **Low** - There is an identified concern to the welfare of a member of the household where there is clear supporting evidence to show that the welfare concern can be alleviated through their rehousing. Examples include:
 - An applicant who is socially isolated and a move to access identified support network would improve their emotional well-being.
 - An applicant with limited access arrangement to their children, for example living in a property where children cannot visit/stay.

12.2.8 An applicant seeking rehousing on welfare grounds will initially have their circumstances assessed by the Allocations team. If, following the initial assessment, the applicant is assessed as having a Severe or Moderate welfare need their application will be considered by a Welfare Assessment Panel, made up of internal senior staff - Tenancy Services Manager, Assistant Tenancy Services Manager, Allocations Team Leader and Neighbourhoods Team Leader.

12.2.9 The effect that an applicant’s current housing has on their medical needs or welfare will ultimately determine which banding they are awarded or determined by the panels. This is demonstrated in the below table:

Effect of current housing on medical or welfare need	Medical or Welfare Need		
	Severe	Moderate	Low
Severe	Band 1	Band 2	Band 3
Moderate	Band 2	Band 2	Band 3
Low	Band 3	Band 3	Band 3

For example: an applicant with a severe medical need but has a low effect from their current housing would be awarded a Band 3.

12.2.10 The Allocations Team are not able to offer immediate emergency accommodation. Where it is unreasonable for an applicant to remain within their current accommodation, for example they are experiencing domestic violence, the Allocations Team will refer the applicant to the Housing Options Team. The Allocations Team will not carry out a welfare or medical assessment for applicants who have been awarded a statutory homeless duty or who have been placed in Band 1 and above.

12.2.11 As part of the welfare assessment consideration will be given to where it is safe and suitable for the applicant to be rehoused. The Banding award will only apply to these locations. For example, if an applicant is experiencing violence or harassment the welfare award may only apply to properties that are in a suitably safe location.

- 12.2.12 Where an applicant has been awarded Medical or Welfare priority, the applicant will normally be restricted to bidding to certain types of properties and locations relevant to the applicant. Bidding outside of the restrictions can result in an application being closed.

13. Determining Priority between households – Priority Bands

- 13.1 In accordance with S116A the Council has determined the method by which categories of housing need are to be given preference.
- 13.2 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.
- 13.3 The Scheme will have four main bands, plus a priority band (Band 1+) for those in exceptional housing need. For information on length of time in a priority band see [Annex 2](#).

13.4 **Band One+**

Priority status Band 1+ will be awarded to Band 1 applicants in the following situations:-

- (a) Where an applicant has been accepted as being owed a main duty, are unintentionally homeless and in priority need as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence; and also
 - Fulfils one of the other Band 1 criteria which has not been taken into account as part of the homeless decision.

NOTE: Homeless applicants described above would be placed into Relief duty and given a Band 1 priority need in the first instance. Following assessment and where 56 days elapse, if an applicant has not been re-housed and the applicant is not Intentionally Homeless, the Main Duty is awarded. At this point applicants can be progressed straight into Band 1+, provided they meet the criteria above.

- (b) Families in severe overcrowding which poses a serious health hazard, such as contained in Category 1 in Housing Health and Safety Rating System (HHSRS) or as defined by Environmental Health. Supporting evidence required from Environment Health - Private Sector Housing Team.

- (c) Members of the Armed and Reserve Forces, whose housing needs are one of the types listed under Band One and are eligible for additional preference. This will normally include:
 - (i) Former members of the Armed Forces whose housing needs fall into one of the additional preference categories listed in paragraph 12.1 above.
 - (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.
 - (vi) Single applicants and couples leaving service accommodation through no fault of their own on discharge.
 - (d) Those who need to move urgently because of a life threatening illness or sudden disability and deemed as additional priority for a move by the Medical Assessment Panel.
 - (e) Where the applicant's current property is subject to either:
 - i) an Emergency Prohibition Order (Housing Act 2004);
 - ii) a Demolition Order; or
 - iii) where an applicant lives in a property within the site area of an earmarked redevelopment or regeneration scheme.
- 13.4.1 Band 1+ will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).
- 13.4.2 Applicants awarded Band 1+ will take preference over Band 1 applicants applying for the same property.

13.5 Band One

All applicants who have an urgent housing need (including households who are owed a main duty under homelessness and are in additional preference categories) and live in the Cannock Chase area. Urgent housing needs are:

- (a) Homeless duty - Applicants owed the Relief duty with a priority need determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
- (b) Parents and dependent children forced to live apart – *Having lived together previously the parents and 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. And the family will all live together if suitable accommodation is allocated.

- (c) Severe medical or welfare needs – Applicants who are awarded a high priority by the Needs Assessment Panels, and also are deemed to be in current accommodation that has a severe impact upon their medical conditions/welfare as per the table in 12.2.9.
- (d) Households who have a high priority need to move to the District for employment reasons under the Right to Move, where they have a current permanent job in the District. (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015).
- (e) Harassment including racial - This covers applicants who are referred by statutory agencies, e.g. Police, as they are enduring harassment, and who the Council agrees having considered all of the evidence that they 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.
- (f) Overcrowding - Applicants who are overcrowded statutorily or because their present home is short of a least 3 bedrooms. See paragraphs 14(a) and 14(b) for more details.
- (g) Move on accommodation - Applicants who are living in supported 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.*
- (h) Applicants with succession rights to a council property or No Succession Rights who are 'Left in Occupation' where it has been determined that a suitable alternative property is required. Includes where an applicant who was a social housing joint tenant and has been left in occupation at the end of the tenancy and in all cases they are under occupying their current home.
- (i) Applicants where their current property is deemed unsuitable for major adaptation when there has been Occupational Therapist assessment and recommendation; and, if applicable, their current landlord will not approve the work on the property. It is expected that a social housing landlord (Registered Provider) would carry out any required works, and if not feasible to make efforts to re-house in alternative stock - evidence would be required if the RP could not undertake works or re-house.
- (j) Applicants whose current accommodation is tied to their employment (or similar life commitments) and has been given notice that the employment (and right to accommodation) will end, expiring within the next three months
- (k) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Two

13.5.1 Social housing tenants who are downsizing (subject to 11.2.1) or who are releasing a property which is specifically designed or adapted for people with physical or sensory disabilities where that specialist need is no longer required, will be placed in Band 1 provided that:-

- (a) The transfer or mutual exchange is to a size of property to which the household is eligible under the social sector size criteria.
- (b) There is an agreement for a direct nomination to the resultant vacant dwelling is received in cases where a Registered Provider tenant is re-housed by the Council.
- (c) For adapted properties, there is a realistic expectation that the property can meet an identified housing need.

Downsizing social housing tenants with arrears who do not meet the criteria above will be placed in Band 4 and will not be eligible for an offer of accommodation.

Only those households downsizing from house and bungalow accommodation will be awarded Band 1. Those downsizing from flats or maisonettes will be placed in Band 2.

13.5.2 Band 1 will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).

13.6 **Band Two**

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

- (a) Homeless:
 - (i) Applicants owed the Relief duty with no priority need as determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
 - (ii) Applicants under a Prevention Duty as determined by the Housing Options Team and proactively engaging with their Personal Housing Plan.
- (b) Overcrowding/ under occupation - Overcrowded/ Under-occupying by at least 2 bedrooms, including social housing tenants affected by the social sector size criteria (only for Council tenant). See paragraphs 14(a) and 14(b) for more details.
- (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) Medical or Welfare need - assessed by the Council's Medical Assessment Panel as per the table in 12.2.9, whereby:
 - Severe medical or welfare need with moderate effects from current housing;
 - Moderate medical or welfare need with severe effects from current housing;
 - Moderate medical or welfare need with moderate effects from current housing.

- (e) Households who have a medium priority need to move to the District for employment reasons under the Right to Move, where they have an offer of a permanent job in the District. (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015) or
- (f) Applicants whose current accommodation is tied to their employment and who have been given notice of their right to employment-based accommodation coming to and end within the next six months.
- (g) Household with no fixed abode.
- (h) Living in unsafe or unsanitary housing conditions or would be considered unfit for habitation e.g. rough sleeper ((g) above). Conditions (as defined by the Housing Health and Safety Rating System (HHSRS)) where there is a high risk of harm to the applicant.
- (i) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Three

13.6.1 Social housing tenants who are downsizing (subject to 11.2.1) from flats or maisonettes will be placed in Band 2.

13.6.2 Band 2 will be valid for 6 months, at which time the applicant's case will be reviewed and if the applicant is not actively looking the banding will be reduced. See [Annex 2](#).

13.7 Band Three

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

- (a) Overcrowding / Under-occupying - 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 with a parlour room. See paragraphs 14(a) and 14 (b) for more details.
- (b) Shared Facilities/Lodging – Where an applicant shares facilities with another household and has no tenancy rights. This excludes applicants who are living with relatives.
- (c) Medical or Welfare need - assessed by the Council's Medical Assessment Panel as per the table in 12.2.9, whereby:
 - Severe medical or welfare need with low effects from current housing;
 - Moderate medical or welfare need with moderate effects from current housing;
 - Low medical or welfare need with severe/moderate/low effects from current housing.

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.

- (d) Lack of facilities - No access to a hot water supply, bathroom, inside toilet or kitchen.

- (e) Young children (under 14) living in a flat above ground floor and/or lacking access to a garden.
- (f) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Four

13.8 **Band Four**

No housing need or Out of Area which includes:

- (a) An applicant who is in accommodation that meets their needs.
- (b) Overcrowding - overcrowded households who wish to move to the same size of property they currently occupy. See paragraphs 14(a) and 14(b) for more details.
- (c) Members of Armed Forces who have no housing need
- (d) An applicant who has deliberately worsened their circumstances.
- (e) Applicants assessed as Intentionally Homeless, as determined by the Housing Options Team.
- (f) Reduced preference as 14.1(i) below.
- (g) Out of Area - Applicants who have not lived continuously in the District for 2 years.
- (h) Statutorily Irrecoverable Arrears* – Applicants who have former tenant arrears but are now irrecoverable, being outside the statute of limitations or subject to any order of a court preventing their collection or recovery.

*Applicants will only be eligible for a higher band award and/or allocation of a property when the arrears are cleared.

14. Assessment Criteria

14.1 The criteria for each band will be assessed according to the criteria 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 with a parlour room.
- (b) **Under Occupation** - The criteria will be the same bedroom standard as for overcrowding.
 - Under-occupying *Council and Registered Provider* 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 as per Section 12.1 and [Annex 1](#).

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. See Section 23 for more details on reviews and complaints.

The Banding Award given to the applicant will be determined by the Assessing Officer or Panel taking into consideration the category awarded and the effect that an applicant's current housing has on their medical needs, as per Section 12.2 and [Annex 1](#).

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 Review Procedures (see Section 23).

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 (or any other property they own or have a financial interest in).

- (d) **Welfare Need** - Social, welfare and hardship grounds will be assessed by a Panel made up of senior managers from Tenancy Services. 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, as per Section 12.2.

The Welfare Need Assessment Panel can award:-

- (i) Severe 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 and Domestic Abuse - 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) Moderate Priority
- As above but less frequent incidents or lower impact
- (iii) Low Priority
- As above but both less frequent and lower impact
- (iv) 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.

The above is not an exhaustive list and any other social needs and their respective priorities will be assessed on a case by case basis. Welfare need priorities awarded to applicants who have not made any expression of interest for properties during the 3-month period following the welfare need

award (or any 3-month period thereafter) will be reviewed and may be removed or reduced. Applicants may request a review of any decision to remove or reduce a welfare need priority as per Section 23.

The Banding Award given to the applicant will be determined by the Panel taking into consideration the category awarded and the effect that an applicant’s current housing has on their welfare, as per 12.2.9.

- (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) **Homeless duty** - As detailed previously, in summary:

<u>Band 1+</u>	<u>Applicants owned Main Duty</u> as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence.
<u>Band 1</u>	<u>Applicants have a Main Duty owned;</u> <u>Applicants have a homelessness application and are placed in either Prevent or Relief duty with a determined priority need.</u>
<u>Band 2</u>	<u>Applicants under Relief Duty with no priority need;</u> <u>Applicants under Prevent Duty.</u>

Further homelessness details in Reduced preference 14.1(i) below.

- (h) **Rough Sleeper**² - somebody who has no fixed address **and** who is regularly sleeping in the open air or in a place(s) or building(s) not designed for habitation, will be placed into Band 1.
- (i) **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, after consideration of the context in each case and subject to a right of review. 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, case by case but usually 12 months.

² In case of dispute, the UK Government definition of a Rough Sleeper will be used to determine whether applicants fall into this definition. ‘Regularly’ means one or more nights per week on average.

- (ii) Applicants who are found intentionally homeless will be placed in Band 4 for a period of 12 months.
- (iii) Homeless and other priority applicants or those subject to a single direct offer (set out in section 22.1) by exception 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 in bullet (iii) above) will receive three offers of accommodation. Where such an applicant refuses an offer of accommodation, their application may be subject to reduced preference as set out in paragraph 22.1.1 below, which could ultimately result in their application being placed in abeyance for a period of 12 months.
- (v) Where the behaviour of the applicant (or member of their household) affects their suitability to be a tenant, but the behaviour is not to the extent that the applicant would be excluded.
- (vi) Significant concerns about affordability. The decision to reduce preference for this reason will be based on a financial assessment. This will take into account the applicant's income, savings, capital and/or interest held (and which could be redeemed) in a current home or other previous property, along with the size and type of property needed.
- (vii) An applicant with a housing need who has a housing related debt to any social housing landlord, and consistent and regular repayments have not been maintained, they have they will be placed into Band 4 to reflect the reduced preference. The Council expects that all repayments have been consistent with the agreement made by the applicant and the relevant social housing landlord. Regular repayments must have been made for a minimum period of 12 months. An applicant who has a housing-related debt with their current private landlord and has a housing need will be placed in Band 4 to reflect their reduced preference.
- (viii) The Council will normally consider the last 2 years housing history of the applicant. The Council retains the right to look beyond this timescale in exceptional circumstances. Where an applicant (or members of their household) is eligible to join the Housing Register and falls within Bands 2 or 3, they may be demoted to Band 4 if they have:
 - committed minor acts of anti-social behaviour; and / or
 - deliberately damaged a property and action has been taken against them; and / or
 - harassed an employee of a Local Authority or other social housing provider
 - Where an applicant has been assessed as having made their situation or circumstances worse through their own actions or inactions.
- (j) **Out of Area Applicants** – Applicants who meet the reasonable preference criteria but who have not lived in the District continuously for the last 2 years will be placed in Band 4. Applicants must meet at least one of the “Local Connection” criteria to be considered for allocation of a property.

- (i) Have permanent*¹ employment within the district; or
- (ii) Have close family members*² who have lived in the district for at least the last 5 years, and where there has been frequent contact, commitment or dependency immediately prior to the date of application; or
- (iii) Have a Severe or Moderate social need*³ to live in the area.

*¹ Permanent employment is defined as a minimum of 24 hours per week on a contract of paid employment which is intended to last for at least 12 months.

*² Close family members are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency.

*³ Welfare need as defined in 14.1(d).

15. Property Eligibility

- 15.1 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.
- 15.2 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	Applicants who meet the 2 years residency qualification and are: <ul style="list-style-type: none"> • Single persons or couples without children • Owner occupiers with a high medical priority for ground floor accommodation and equity of less than £80,000
One bedroom flat in a mature block	Applicants who meet the 2 years residency qualification and are: <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 medical priority for ground floor accommodation and equity of less than £80,000
Two bedroom flat	Applicants who meet the 2 years residency qualification and are: <ul style="list-style-type: none"> • Households with: <ul style="list-style-type: none"> – one or more dependent <i>children</i>*; or – another family member who normally is expected to reside with them; or

	<ul style="list-style-type: none"> - couples with a housing or medical need for separate bedrooms • Owner occupiers with a high 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 • Single people or couples who are in permanent employment*¹ and meet the affordability requirement under the Tenancy Sustainability Procedures. <p>*See paragraph 15.3 and 15.4 below for more detail.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
<p>One bedroom bungalows</p>	<p>Applicants who meet the 2 years residency qualification and are:</p> <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 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
<p>Two bedroom bungalows</p>	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Couples or families with dependent children where one person is aged 55 or over • Single people or couples or households with dependent children that have a medical need for ground floor accommodation • Owner occupiers with a high 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 • Couples or single persons with non-dependent children, where one of the couple or the single person is aged 55 or over and the non dependant has lived with them for at least the previous 2 years.

	Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.
Three bedroom bungalows	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Single persons or couples who are aged 55 and over with two or more dependent 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 dependent 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 <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Two bedroom house	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with one or more dependent children* <p>*See paragraph 15.3 and 15.4 below for more detail.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Three bedroom flat / maisonette	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with two or more dependent children or other family members who normally are expected to reside with them. <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Three bedroom house	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> • Households with two or more dependent children or other family members who normally are expected to reside with them. <p>Priority given to applicants with children, then those with other family members.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
Four bedroom flat/house	Applicants who meet the 2 years residency qualification and are:

	<ul style="list-style-type: none"> Households with three or more dependent children or other family members who normally are expected to reside with them <p>Priority given to applicants with children, then those with other family members.</p> <p>Applicant household must also meet the eligibility for the number of bedrooms as per 15.6.</p>
<p>Independent Living Accommodation</p> <p>(known as sheltered housing or housing for older people)</p> <p>(Caxton Court, Grace Moore Court, Longford Court and St Barbara House)</p>	<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- and the equity released from the sale of their current home (and any other properties they own) would be £80,000 or less. <p>In all cases the applicant must have a need for such housing and whose housing related support needs can be met by the Council's Independent Living Service.</p>
<p>Properties with adaptations for disabled households</p>	<p>Applicants who meet the 2 years residency qualification and are:</p> <ul style="list-style-type: none"> Households who require the adaptations provided in the property and have been appropriately assessed by the Occupational Therapist service. <p>See 15.7 to 15.18 for more details.</p>
<p>All Property Types</p>	<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 Service.

*1 Permanent employment is defined as a minimum of 24 hours per week on a contract of paid employment which is intended to last for at least 12 months.

- 15.3 Two bedroom houses are allocated to families with children i.e. under 16 or still in full-time education. Where the child had become non-dependents, they would only be eligible for 2-bedroom flats.
- 15.4 Households with primary care of dependent children will be considered ahead of households made up of parents and guardians with access-only to children or households made up of adults only. Parents without primary care will normally only be considered for flats. This is unless there is medical or social grounds or other factors that need to be taken in to account. These cases will require evidence and the offer must be approved by the Team Leader or above.
- 15.5 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, as per 15.6.

- 15.6 Eligibility for the number of bedrooms 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.
 - A carer (who is not part of the household) if the main applicant or their partner need overnight care)
 - A child who can't share a bedroom because of a disability or medical condition.
 - A household containing a pregnant woman will be eligible for a bedroom for the unborn child at 24 weeks gestation if there is no other bedroom that the child would be expected to share. Since this would be deemed a 'spare room' prior to the child's birth, the financial implications of accepting the offer of a property with a room for the unborn child will be explained to the applicant and an affordability check completed prior to their acceptance of the offer. They will be entitled to refuse such an offer.
 - In any other circumstance that an applicant states that they require an additional bedroom - these cases will be assessed on their own merit and in accordance with any legal precedent.

Adapted properties (and properties suitable for adaptation)

- 15.7 There are a limited number of properties within the Council's stock which have adaptations and are suitable for applicants (or a member(s) of an applicant's household) with physical or sensory disabilities, sometimes referred to as accessible accommodation. Some properties may be suitable for certain major adaptations where these are needed, however a number of properties will be unsuitable for most major adaptations which applicants and tenants typically require.
- 15.8 We advertise adapted properties through Housing-online, however some adapted properties may be matched directly. In considering the needs of applicants with physical and sensory disabilities we will develop a register of adapted council housing during the life of this policy and:
- a. give preference for accommodation that is designed or adapted for disabled people to those applicants who have the appropriate level of need for this type of accommodation, by:
 - i. awarding priority one band status to applicants releasing a property with major adaptations that they no longer need (subject to 13.5.1)
 - ii. advertising the adapted features of a property and those needs the property may be best suited to; and/or
 - iii. matching empty properties with significant adaptations to identified priority housing needs
 - b. expect registered providers with whom we work to appropriately identify adaptations in their empty properties so that offers of accommodation can be made to applicants who most need them
 - c. identify council properties which are and are not suited to adaptations when they are vacated, in liaison with the Occupational Health Service, when there

is a particular need that cannot be (or is unlikely to be) met by existing adapted housing stock

- d. For existing Council tenants requiring (further) adaptations, an options appraisal will be undertaken (with support from the Occupational Therapy Service, where required) which will determine whether their existing home is suitable for the required adaptations, where either:
 - i. they apply for a transfer to another home; or
 - ii. they apply for adaptations to be fitted or installed and the Council needs to determine whether the existing property can be adapted to meet the required needs or if the tenant should be encouraged to consider making an application to transfer to meet those needs.
- 15.9 Applicants requiring adapted homes are those with an assessed need for accessible accommodation (in line with Property Eligibility identified above in Section 15).
- 15.10 Applicants have a responsibility to advise the Council when applying for housing, or where circumstances change after having applied, if they or a member of their household either:
- i. have such an assessed need for accessible accommodation; or
 - ii. they believe they may have an accessible accommodation need related to a disability (but this has not yet been formally assessed).
- 15.11 Applicants who do not declare this need may place themselves in a detrimental position in relation to their application priority or may be denied the same access to Council funding and support for adaptations after accepting a property, where there was a pre-existing adaptation need that the Council could reasonably have expected to be identified by the applicant at an earlier stage.
- 15.12 Where an accessible or possible accessible housing need is identified, the Council will assess (or re-assess) the application in line with the medical priority criteria set out in Annex 1 to this policy.
- 15.13 Such applicants will be given priority over other applicants who are in the same band rating who do not have need for accessible accommodation for adapted properties which closely match their needs (except as described below). This will only apply to applicants in the same band rating for minor adaptations. Where a property is significantly adapted or specifically designed for people with disabilities (such as where it has been specifically widened for wheelchair use or has a through floor lift), all relevant applicants requiring such facilities will be considered ahead of any other applicant.
- 15.14 Where advertised, the property advert will make any such considerations clear. The advert will also describe the accessible features, together with local neighbourhood information, to help applicants choose whether to express an interest in that property.
- 15.15 In selecting an applicant for an accessible property from the short-list of qualifying applicants, the full circumstances of each case will be considered before deciding who will be offered the property, in line with 15.7 and 15.8 above.
- 15.16 On occasions the Council may seek the assistance of the Occupational Therapist service for guidance on property suitability, before an offer of accommodation is confirmed. Applicants will be advised if this is a requirement and the reasons why by the Housing Property Services or Allocations teams. Where required, applicants may be asked to view a property in conjunction with Council and Occupational Therapy staff to ensure that the property is suitable for their needs and for professional advice to support the Council with the allocation process. The applicant is required to view the

property with all portable equipment and access aids they use to properly assess the suitability of the property.

- 15.17 An allocation will not routinely be awarded unless the property is deemed suitable for the applicant's needs without adjustment or with anything other than minor adjustments only.
- 15.18 Applicants requiring adaptations can express an interest in properties which do not have accessible features, but where the applicant is shortlisted, the Council will:
- i. decline to make an offer if the applicant is not making a reasonable effort to express interest in already adapted homes; has refused the offer of an already adapted home made to them in the period after which the non-adapted property has been advertised; or is an existing Council tenant whose existing home can be adapted to meet their needs and has no other priority needs for moving to a different property
 - ii. give no additional priority (nor any less priority) to the applicant in the manner it will for already accessible homes
 - iii. consider on a case by case basis whether it is reasonable to make an offer where it can or can expect to make an offer of an already adapted property to that applicant within a reasonable time period
 - iv. assess whether it is reasonable and practicable for the property to be adapted and only make a provisional offer of accommodation until this is decided.

16. Additional Property Eligibility Criteria

- 16.1 Properties may have additional eligibility criteria relating to its suitability or other reasons.
- 16.2 These additional criteria are determined at the discretion of the Head of Service in order to achieve the objectives of the Council's Allocation Scheme in particular objectives (c) – (g) as set out in para 2.4 above.
- 16.3 Additional criteria may include, but are not limited to: under-occupation, overcrowding, medical priority, local lettings criteria.
- 16.4 These additional eligibility criteria will be included on the advertised property details.
- 16.5 The Council reserves the right to under-occupy homes if this is the best use of housing stock determined by demand, adaptation or through individual personal need and this type of over-ride will be approved by the Tenancy Services Manager, subject to affordability.
- 16.6 In some areas there may be a surplus of a particular type of housing so we will make it available to people outside the usual criteria by adjusting the qualifying household size if our housing supply exceeds the demand for it.
- 16.7 We will lower the age limit on mature block flats if we have more of these available than this age group needs.

17. Excluded properties / Management moves / Right to Move

- 17.1 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.
- 17.2 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) Exceptional reasons that meet a specific housing need;
- 17.3 All management moves will be reported through the Lettings Feedback.
- 17.4 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 at least 1% of all general needs lettings for transferring tenants under the “Right to Move”. See paragraph 11.1 (f) for more details.
- 17.5 The demand and lettings outcome for “Right to Move” will be monitored and reported annually.

18. Nomination to Registered Providers

- 18.1 The Council recognises the important role that Registered Providers 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.
- 18.2 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.

19. Local Lettings Policies

- 19.1 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.
- 19.2 Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

- 19.3 Local lettings policies must be formally publicised and have an equality impact assessment completed. All Local Lettings Policies will be subject to Approval by the Head of Service and Portfolio Holder responsible for Housing.
- 19.4 They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan).
- 19.5 The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.
- Age restrictions.
 - Prioritising applicants who are key workers.
 - Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
 - Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
 - Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
 - Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 19.6 New developments may have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.
- 19.7 In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy may be used for new developments larger than four properties. This may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.
- 19.8 It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.
- 19.9 Applicants may as part of a local lettings plan be required to attend training to demonstrate their ability to sustain a tenancy. Where training is identified as being necessary, the applicant will need to successfully complete this training before an offer of accommodation is confirmed.
- 19.10 Local Lettings policy requirements will be clearly set out in the property details and on any advert.
- 19.11 Feedback on the lettings will follow the same procedure as all other lettings.

20. Making an application

20.1 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:-
 - Name, address, date of birth of all household members.
 - National insurance numbers for all household members over the age of 16.
 - Current landlords details and email address (if applicable).
 - Last two years address history for all applicants including tenure (landlord name and address/living with family/owner occupier).
 - Details of any spent/unspent convictions that apply to any household members.
- (d) Provide access for a home visit if required.

20.2 Tenancy Sustainability - Applicants may be required to engage in a tenancy preparation programme as part of the Council's Tenancy Sustainability Strategy to prepare for a tenancy. Applicants who may be required to attend include those who are:

- (a) applying for their first tenancy
- (b) had rent arrears
- (c) other tenancy problems
- (d) affordability issues
- (e) referral from other services

Failure to engage in a tenancy preparation programme may result in offers of accommodation being withheld or withdrawn.

20.3 Applicants will be required to pay rent via direct debit and make at least one week's rent payment in advance on sign up. Only in exceptional cases, where all efforts through the tenancy preparation programme to make arrangements to set up a direct debit and/or make an advance payment have been exhausted, will payment by other means be considered.

20.4 Applicants living in the Cannock Chase District area (if not already registered) are encouraged to register on the Electoral Register. Applicants can visit www.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 20.1.

20.5 Applications will either not be registered or placed in Band 4 until all proofs and information required in paragraph 20.1 have been provided and verified.

20.6 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.
- (c) applicants are deemed incapable of sustaining a tenancy.

20.7 **Housing Register Review**

- 20.7.1 The Council will conduct a periodic review of the housing register. This will be conducted, as a minimum, every 12 months. However the Council will determine the scope and frequency of the review subject to the number of applicants on the housing register.
- 20.7.2 If an applicant does not respond to the housing register review by the prescribed deadline, and in the prescribed way, the applicant's application may be closed.
- 20.7.3 The Council reserves the right to temporarily close the Housing Register to perform house-keeping duties and ensure the Housing Register is still meeting the requirements of the District and the needs of those in genuine housing need.

21. Making an allocation

- 21.1 As stated in para 9.7(b) allocations will only be made to an applicant who:-
- (a) Normally has expressed an interest in the property, although the Council may make a suitable offer whether or not the person has expressed an interest in that property in certain circumstances. For example where a sensitive let is required or there is a financial impact on the Council e.g. if the applicant is owed a homelessness duty and in temporary accommodation
 - (b) is eligible for that property type
 - (c) is in the highest banding, *with the earliest band effective date*
 - (d) is not considering any other offer
- 21.2 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.
- 21.3 Applicants will be expected to make a decision within 24 hours of viewing the property except in exceptional circumstances.
- 21.4 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.**
- 21.5 The tenancy will commence on the Monday following the viewing. Where the property is viewed on a Monday the tenancy will commence the same day.

- 21.6 On accepting an offer of accommodation (Council, Registered Provider or Private Rented Sector nomination) an applicant's application will be deemed completed and therefore cancelled.
- 21.7 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.
- 21.8 The lettings of properties will be reviewed on a quarterly basis to determine if the operation of the Allocations Policy is meeting local housing needs and ensuring we are creating balanced communities. If required, and with the approval of the Head of Housing and Corporate Assets, the advertising of properties can be subject to the following quota system:

Band 1 and 2 70%

Band 3 and 4 30%

This will be reviewed every 3 months and if activated, will be published on our website. This will be further reviewed after 12 months of the new policy.

22. Direct Offers and Refusals

- 22.1 There may be occasions where the Council will need to consider making one reasonable direct offer of a property to an applicant. This includes:
- (a) Applicants who have not been actively bidding for a property over a two month period who have been accepted as homeless by the Council, existing tenants with arrears who are eligible for a transfer and applicants who have otherwise been given additional preference or are in Band One Plus
 - (b) Applicants who are homeless, in priority need with children and residing in temporary accommodation, where they have expressed interest but have not successfully bid for accommodation within a two month period
 - (c) Cases where we require the ability to fulfil duties in line with the Homelessness Reduction Act 2017
 - (d) Exceptional circumstances at any time where the Head of Service determines that there would be adverse financial impacts upon the Council if a direct offer were not to be made (to one or more applicants)
 - (e) Other exceptional cases where an applicant's needs (in relation to specific types, features or locations of accommodation) are such that there is limited reasonable likelihood of alternative suitable accommodation being available to offer within the next six months

This does not imply a guarantee of an offer of accommodation to applicants in the above or other categories within any defined period. Applicants within one of the above categories will be reviewed periodically and a decision made as to whether a direct offer is appropriate. If it is, the applicant will be considered for a direct offer when further properties become available. The timing of the offer will be based on property availability and suitability, contact with the customer in the period after the decision and balancing the number and type of direct offers made with

consideration of other applicants who would not subsequently be able to express interest in the vacant properties which become available.

- 22.1.1 Only one direct offer will normally be made to any applicant in one of the above categories. Where the offer is refused and if on review (including a statutory review where the offer was made under an accepted homelessness duty) 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.
- 22.2 All other applicants will receive three offers of accommodation. Where an offer of accommodation is refused, a review will take place to determine whether the offer was acceptable, taking account of the reason the applicant gives for refusal. If an offer is deemed to be acceptable the applicant will:
- a) On first and second refusal - be re-banded to the band below their current status (or, if already on band 4, their application re-dated to the date the refused property offer was made);
 - b) On third refusal - lose priority status and their application will be placed in abeyance for a period of 12 months, after which the applicant can apply for its re-instatement (based on their housing need at that time).

Where a reasonable reason is given for refusal, the offer will be treated as having not been made for the purposes of the current and any later review of offers made.

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

23. Review of Decisions and Complaints

- 23.1 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 the allocation of housing accommodation.

23.2 The Review Procedure

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the Council:

- a) A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- b) A decision regarding which band an applicant has been awarded.
- c) The priority date granted for the band awarded.
- d) To remove an applicant from the Housing Register.
- e) Any decision about the facts of the case that has been used to assess their application including the decision the Council has made on who can be included in the application.
- f) Where an applicant considers that a decision has been reached based on incorrect information.

- 23.2.1 How a request for a review will be dealt with:

The applicant or someone authorised to act on their behalf must notify in writing the Council within 28 days of the date on which the applicant is notified of the decision. The notification must set out the grounds for the review.

- 1) A review must be requested within 28 days of the date of the letter advising the applicant of the decision on their application.
- 2) The request for review should be made in writing by email or letter addressed to the Council:

Allocationsccdc@cannockchasedc.gov.uk
Allocations Team, Housing Services, Cannock Chase Council, Civic Centre, Beecroft Road, Cannock, Staffs WS11 1BG
- 3) The applicant should give reasons why they wish to have the decision reviewed so that the Council can ensure that the request falls under the statutory review request criteria.
- 4) Upon receipt of a request for a review the Reviewing Officer will send an acknowledgement letter explaining the review process and procedure to be followed.
- 5) The review decision will be carried out by an officer who is more senior to the person who made the original decision.
- 6) An applicant may be asked to attend an interview and, if so, can be accompanied by an advisor or friend.
- 7) The review is a reconsideration of the case and is not limited to the facts at the date of the original decision and will be made on the relevant information available at the time of the review decision. In addition to any information provided by the applicant, the reviewing officer may ask for further information that is reasonably required to make a decision. The merits of each case will be considered on an individual basis.
- 8) The Council will aim to complete all reviews within 28 days of receiving all relevant unless a longer period has been agreed with the applicant. However, this is a target timescale and may be longer depending on operational pressures.
- 9) There is no right to request a review of a review decision.

23.3 Complaints are separate to the circumstances where an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure set out above not through the Council's complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the Council's complaints procedure.

23.3.1 Where a complainant is still unsatisfied with a decision by senior offices, under the [Constitution](#) (Part 3, Section 22, Annex 1), an applicant may still have their decision reviewed by the Appeals and Complaints Panel.

23.3.2 Where a complaint relates to how an applicant has been dealt with under this policy, an applicant has the right to continue with their complaint to the Local Government and Social Care Ombudsman Service if they have remain unsatisfied following the completion of the Council's complaints procedure and/or reviewed by the Appeals and Complaints Panel.

23.3.3 The Local Government and Social Care Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers. The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

Website: www.lgo.org.uk

23.3.4 Whilst the majority of complaints regarding housing allocations and this policy will be under the jurisdiction of the LGO, there may be some issues that need referring to the Housing Ombudsman, or jointly considered by the two Ombudsman. We will advise you which Ombudsman to go to when you receive our final Stage 2 response. Summaries of the complaints each deal with are found on their webpages:

LGO - www.lgo.org.uk/make-a-complaint/fact-sheets/housing/which-ombudsman-for-complaints-about-social-housing

Housing Ombudsman - www.housing-ombudsman.org.uk/useful-tools/fact-sheets/which-ombudsman-for-social-housing-complaints/

24. False Statements and Withholding Information

24.1 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.

24.2 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.

24.3 An applicant or other person will be investigated where it is believed that an offence of either (a) or (b) above has been committed.

24.4 The investigation may include requesting information from third parties and interview under caution.

24.5 Where evidence of an offence is obtained the applicant may receive reduced preference, be considered ineligible or not qualify for an allocation.

24.6 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.

25. Closed Application

- 25.1 Applications will normally be closed in the following circumstances, which include, but are not limited to:
- A written request to do so has been received from the applicant (or their advocate);
 - An applicant does not renew or maintain their application through the review process, or where they move and do not provide a contact address;
 - An applicant has been re-housed;
 - Notification has been received from an executor or personal representative that the applicant is deceased and they were the sole applicant;
 - The Council determines that an applicant has given false or misleading information in their application;
 - Evidence is obtained that confirms the applicant is no longer eligible;
 - Information requested from the applicant remains outstanding after reminders have been sent, or the appropriate time limit for a response has expired;
 - An applicant has not expressed an interest in any properties for more than 12 months;
 - Where an applicant has received 3 offers and refused all 3 offers - the application will be placed in abeyance for 12 months.
- 25.2 An applicant will be informed of the reason(s) why their application has been closed and of their right to request a review of the decision.
- 25.3 An applicant whose application has been closed may apply to re-join the housing register. The applicant's effective date will normally be the date the new completed application was received.

Annex 1

Medical Priority

The following operational guidance framework has been developed to help officers to make their decisions on whether medical priority should be awarded.

- 1) The applicant will be asked to indicate on their on-line application form whether they or anyone in their household has an illness or disability.
- 2) Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation.
- 3) If the applicant indicates in their on-line application that they have a medical problem but do not clearly address the relevant question of impact of their current housing on their condition, the assessing officer should contact the applicant to ask them specifically to describe how the current housing is impacting on the condition described (a standard letter/form will be used).
- 4) The on-line application form and any follow up email will explain that where supporting information from a health professional is available, the applicant should provide this information to support their application as soon as possible.

We do not wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before an application can be considered. Whilst we do not, as a matter of course, require an applicant to submit a medical report, or obtain letters from their GP before an application will be processed, it is in the applicant's best interest to provide supporting evidence ASAP in order to complete the assessment of their application.

- 5) On receipt, of all of the information the assessing officer will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.
- 6) The assessing officer should take into consideration any recommendations from the applicants GP, hospital consultant, or Occupational Therapy, Social Worker as applicable. The applicant should be informed that the Council is not responsible for chasing up requests made by the applicant to health professionals for further information.
- 7) If any further supporting information is still to be gathered, and pending the assessment of medical priority, eligible and qualifying applicants who have another statutory housing need should be registered (if they meet the qualifying rules) and placed in a band according to that need. **Where no other housing need exists, the application will remain as pending until any medical priority is determined.**
- 8) The assessing officer, supported where necessary by a senior officer, will normally make a decision whether or not to award a priority based upon the information provided. They will use these guidance notes and assessment framework contained here to help them make a decision. Where the case is complicated or it is likely

there is a Severe or Moderate level of need the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make the final decision.

- 9) If the assessing officer is of the view that it would be beneficial to obtain an opinion from an independent Medical Advisor, we will advise the applicant and can make a referral to an Occupational Therapist for an assessment. They should be asked to provide advice on the possible impact of any medical or disability condition to help address the impact of the applicant's current accommodation on that condition. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.
- 10) Some applicants may have a serious and debilitating health condition which requires specialist housing adaptations; however, a 'medical priority' award can only be given if their current home is unable to meet their needs. The assessing officer should consider whether the applicant already has the necessary adaptations in their current home before a 'medical priority' band is awarded to help them move. Also, consideration will be given as to whether the applicant could remain in their current home with further adaptations being put into place. A referral to the Occupational Health Service may be requested to determine the full options available before a 'medical priority' can be awarded.
- 11) In the circumstances where the assessing officer believes there may be an urgent and immediate need, due to the severity of the impact of their current housing on an applicant's disability, the case can (with a senior officer's approval) be submitted to the Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether any priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing.
- 12) The OT may also make recommendations regarding the type of housing that the applicant may need.
- 13) Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because due to their condition, they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
- 14) If an existing social housing tenant from another Registered Provider applies to the scheme due to their current property being medically unsuitable for their needs, their landlord will need to assess and evidence that adaptations cannot be made to the existing property, that they have explored Disabled Facilities Grants and cannot rehouse the tenant elsewhere in their own stock. This is to ensure that the RPs property could not be adapted to meet the needs of the applicant, or provide alternative accommodation, rather than seeking a move to Council housing.
- 15) The assessing officer in considering evidence to support a medical impact banding should consider evidence submitted by a relevant medical professional. A relevant medical professional is defined as:
 - Occupational Therapist
 - Specialist medical advisor

- Community / mental health nurse
 - Hospital / discharge liaison
 - Social Worker
 - GP
 - Health visitor
- 16) Whilst GP's provide the most likely source of medical opinion for most housing applicants, it is not uncommon for GP surgeries to refuse a request from a patient for supporting medical information. This is due to GP surgeries facing increasing demand on their services and GP's time for 'non-clinical' matters. If an applicant is unable to gain supporting information from their GP, advise the applicant to try other agencies or professionals who may be involved with their case. In the absence of any medical professional being able to verify and support an applicant's health needs, the assessing officer should consider all other supporting information available including the applicants own self-assessment of their needs. The Council will not pay for the release of medical information from a GP.
- 17) Where the assessing officer believes that further medical information is required before they can complete the assessment the assessing officer should ask the applicant to obtain relevant information from their GP or medical professional dealing with them.
- 18) In the majority of cases, it can be expected that from the information provided by the applicant in answering the questions set and initial supporting information requested that the assessing officer should be able to decide on whether the medical problem has such an impact to meet the criteria set out for Severe, Moderate or Low needs using the examples set out in this procedure for each of the priority bands.
- 19) Further medical reports or information on the impact may be required where the officer or panel is considering a Severe priority and less likely when an officer is considering a Moderate or Low priority.
- For Severe this will generally require evidence from a senior health practitioner or a consultant and be a tailored assessment clearly linking the medical condition with the current accommodation and making a recommendation as to which type of property would alleviate the condition or problem.
 - For moderate this would require evidence from medical practitioners who must also recommend suitable property type or the required characteristics for a property based on their knowledge of the applicant's medical needs.
 - For low priority, this would require evidence by a letter from the applicant's GP or community health services. It must also recommend suitable property types and / or the required characteristics for a property based on their knowledge of the applicant's needs.
- 20) There will be occasions when further advice, or clarification, from a GP or hospital consultant may need to be sought by the applicant. For example, where it is claimed that an applicant's housing circumstances is severely affecting their mental health.
- 21) It is important to note that the assessing officer is not making a medical opinion. The role of the officer is to consider evidence regarding the impact of an applicant's current housing circumstances on any medical condition or disability.

- 22) Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need but may be suspended from bidding until an appropriate package of support has been agreed. If no appropriate support package has been agreed the applicant will not be offered accommodation whilst a support plan/package is pursued.
- 23) Each individual within the application household with a health or welfare problem will be assessed. If there is more than one member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.
- 24) Where an applicant has been placed in a priority need banding as a result of a medical need this may be reviewed on a regular basis to ensure the award is still relevant and will be reviewed at the point an applicant receives an offer, and also where a suitable offer is refused.
- 25) The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.
- 26) Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.
- 27) Applicants should be informed in writing by email/letter of the outcome of their medical priority assessment, and brief reasons explaining why the decision was made. If they disagree with the assessment there is a right to reconsider but they should be informed that they must state the reasons in writing and provide any additional health and wellbeing evidence so the case can be reconsidered.
- 28) In addition to medical banding the assessing officer and/or the Medical Panel may also decide (but is not required to decide) to give a property recommendation or location recommendation upon which the banding award is conditional. The property recommendation or location would normally be due to clear evidence from an appropriate health professional or OT which is accepted by the officer/panel.

Making the decision on what banding if any should be awarded

As per point 9 above, where the case is complicated or a Severe or Moderate level of need is likely the officer will refer it to the Medical panel, made up of independent Medical Practitioners and other health support agency representatives, and Housing Officers, who will make their final decision and will be guided by the above and the five-stage assessment process as outlined in section 12.2 of the main document.

The effect that an applicant's current housing has on their medical needs or welfare will ultimately determine which banding they are awarded or is determined by the panels. This is demonstrated in the below table:

Effect of current housing on medical or welfare need	Medical or Welfare Need		
	Severe	Moderate	Low
Severe	Band 1	Band 2	Band 3
Moderate	Band 2	Band 2	Band 3
Low	Band 3	Band 3	Band 3

Medical priority will not normally be awarded in the following circumstances:

- a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied
- b) Health problems that are not affected by housing or cannot be improved by moving
- c) Where a move would only make a marginal improvement to the applicant's condition
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
- f) Time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
- h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Examples of circumstances to help the assessing officer to decide whether to award any priority banding.

When there is a Severe medical need and a Severe impact caused by the applicant's current accommodation, a Band 1 should be awarded on medical or disability grounds:

The following Band 1 examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A band 1 award is for "Applicants who are suffering sudden or severe progressive life-threatening medical conditions and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual."

1. Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.
2. Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability.
3. Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
5. The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
6. Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and following an OT assessment of their medical needs that one or more of the adaptations are not possible/feasible.
7. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
8. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds:

1. A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
2. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care
3. A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
4. An applicant or member of his/her household usually has a chronic condition examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation.
5. Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
6. People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
7. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
8. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
9. Someone with a medical or disability who's housing has rendered them housebound
10. Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications
11. Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury
12. The applicant or household member requires significant disabled adaptations to meet their needs and this is not feasible in their current accommodation or would not be cost effective.
13. Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.

14. Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces
15. An occupational therapist has identified that the current accommodation is partially suitable but:
 - The applicant or member of his/her household needs a major adaptation, such as a level access shower; or
 - The applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
 - The adaptations are unlikely to be completed in a reasonable period of time
16. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation
17. Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities
18. Children with severe conditions such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation.
19. A person with a severe disability requiring some adaptations to their property that are unable to be provided for in their current accommodation.
20. Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is not feasible or in line with our adaptations policy and cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

Band 3 will generally be awarded to any applicant which does not meet any of the above, and where there is a low medical need and a low impact on the medical condition(s) from the applicant's current accommodation.

Annex 2

Length of time in a priority band

Applicants in Bands 1 and 2 will normally be given 6 months preference for rehousing through the choice based letting scheme, unless specifically stated in the main policy. If the applicant has failed to bid for a property they may lose their priority preference and be placed in Band 3 or 4.

Where the Council has a duty to secure accommodation for a statutorily homeless applicant they will be considered for one direct offer of accommodation as soon as a suitable property has been identified, before such sanction is applied.

The decision on whether to extend the priority banding award will be determined by:

- Whether there has been a change of circumstances
- Whether the applicant has been bidding for accommodation
- Whether the applicant has any support needs relating to their rehousing
- The number of properties being advertised that are suitable for the applicant's need
- The level of demand for suitable properties
- The position of properties the applicant has expressed an interest on
- If the applicant has completed reasonable action required by them as part of Housing Option's plan under homelessness Reduction Act.

Appendix 2

Key Proposed Policy Changes and Full List of Proposed Changes 9, Section by Section (As Published for Consultation)

Key (Major) Policy Changes

This table sets out the major changes affecting applicants proposed to the policy, the key section of the proposed and current policy related to the change¹ and why these have been proposed.

Key Change / Key Sections of Policy	Why have we proposed this change?
<p>1. Qualification:</p> <p>Proposed (Section 11): Most applicants will have to have lived in the district for at least 2 years before applying for housing with the Council.</p> <p>Current (Section 6): This was previously 12 months.</p>	<p>There is overwhelming and growing demand for Council housing compared to the amount of housing available.</p> <p>We need to have a scheme which is fair to, and which prioritises residents with housing needs who live in the district at the time they apply for housing with us.</p>
<p>2. Determining Priority - Cumulative Need:</p> <p>Proposed (N/A): This has been removed.</p> <p>Current (Section 8): Applicant priority was previously assessed in a cumulative way</p>	<p>This is complex and unnecessary and can be unfair to some applicants.</p> <p>We have fairer means of assessing additional priority through our medical and social (welfare) needs assessments.</p>
<p>3. Medical and Welfare (Social) Need Assessments</p> <p>Proposed (Section 12 and Annex 1): We have made the way we assess these additional housing needs and the reasonable preference criteria related to them clearer.</p> <p>Current (Section 7+): This information was not as explicit</p>	<p>Medical and social needs assessments are an important part of assessing an applicant's housing need and the impact of their current accommodation on their health and wellbeing.</p> <p>We have made this clearer to ensure that decisions are more clearly understood and consistent in relation to the preference criteria</p>
<p>4. Adapted Properties</p> <p>Proposed (Section 15): We have improved the information provided to be clearer about the processes we use in relation to adapted properties and applicants who need properties with adaptations.</p> <p>Current (N/A): Information about adapted properties was limited</p>	<p>Demand for adaptations and adapted properties is rising meaning we are making more difficult decisions about competing applications for vulnerable people in challenging circumstances.</p> <p>The Council is reviewing its Adaptation Policy and Procedures and these changes help set out the allocations related processes in a clearer way.</p>

¹ Other sections of the policy may also refer to the issues. The principal section(s) only are shown in this table.

Key Change / Key Sections of Policy	Why have we proposed this change?
<p>5. Refusal (offers of accommodation)</p> <p>Proposed (Section 22): Applicant banding will be re-assessed on refusal of each reasonable offer of accommodation.</p> <p>Current (Section 18): Applications placed in abeyance after 3 refusals</p>	<p>Given the high level of demand for housing, refusals of reasonable offers of accommodation are unfair to other applicants.</p> <p>In addition, refusals use up the limited resources of the Council where these could be better used to help vulnerable applicants.</p> <p>This change is therefore fairer, while enabling reasonable refusal to continue</p>

Proposed Changes - Section by Section

The table below sets out other significant changes (minor wording changes excepted) to the policy, section by section.

Section and Title (Proposed Policy)	Comments on Proposed Changes
<p>Section 1 - Introduction</p> <p>Whole Section - Section Updated</p>	<p>Updated - more up to date introduction to the proposed policy</p>
<p>Section 2 - Aims and Objectives</p> <p>Whole Section - Section Updated</p>	<p>Updated - current social housing environment</p>
<p>Section 3 - Statutory Framework and Legal Principles</p> <p>Whole Section - Section Updated</p>	<p>Updated - revised legislative framework</p>
<p>Section 4 - Protection of public funds</p> <p>ALL - Section Added</p>	<p>Sets out the allocation of accommodation as a use of public funds</p>
<p>Section 5 - Eligibility and Qualification</p> <p>5.1. What is an allocation?</p> <p>5.2(f) Allocations which are excluded.</p> <p>5.3 Ineligibility of persons from abroad</p> <p>5.14 Situations Allocation Policy Not Applied</p>	<p>Added reference to nomination to another LA.</p> <p>Added reference to 'Management Transfers'</p> <p>Added reference to relevant regulations.</p> <p>Added reference to legislative circumstances</p>
<p>Section 6 - Service Standards</p> <p>ALL - Section Added</p>	<p>Sets out the principles of how all CCDC staff are expected to engage with customers</p>
<p>Section 7 - Equality Policies and Practice</p> <p>ALL - Section Added</p>	<p>Sets out the Council's approach to equality and ensuring no groups are disadvantaged</p>
<p>Section 8 - Data Protection and Privacy</p> <p>ALL - Section Added</p>	<p>Sets out the Council's approach to the GDPR and Data Protection and Customer Rights</p>

Section and Title (Proposed Policy)	Comments on Proposed Changes
<p>Section 9 - Choice Based Letting (CBL) - Principles</p> <p>9.2(a) Principles - existing tenants</p> <p>9.3(c) Qualification for an allocation</p> <p>9.7(e) CBL scheme principles</p>	<p>Added requirement that normally Introductory tenants required to have been a tenant for 12 months or more to apply to move.</p> <p>Added 'current arrears' as a factor to consider when deciding an applicant's eligibility.</p> <p>Added reference to using direct offers to make a suitable allocation outside the CBL scheme</p>
<p>Section 10 - Eligibility</p> <p>10.7 Applications from Employees</p>	<p>Added reference to employee eligibility and associated declarations of interest</p>
<p>Section 11 - Qualification</p> <p>11.1(a) Qualification Criteria</p>	<p>Amended to 2 years - key change 1. above</p>
<p>Section 11.1 - Qualification Exceptions</p> <p>11(a) (ii) & (iv) Residency</p> <p>11.1 (b) Independent Living Accommodation</p> <p>11.1 (d) (i) Homeless Applicants/Duty</p> <p>11.1.(d) (ii) Owner Occupiers</p> <p>11.1.(e) Members of the armed forces</p> <p>11.1.1 - 11.1.5 People on an Application</p>	<p>Amended text related to applicants moving under 'Right to Move'² legislation and granting a tenancy to applicants aged 16 or 17.</p> <p>Added exception for Independent Living applicants.</p> <p>Additional text to clarify this exception.</p> <p>"Revision to 'high' medical priority from 'medium or high' and new equity restriction related to applicants for Independent Living Accommodation".</p> <p>Added reference to (the applicant or) their spouse/civil partner.</p> <p>New Text to clarify people who will be accepted on applications as applicants</p>
<p>Section 11.2 & 11.3 - non-qualifying - Rent Arrears / Unacceptable Behaviour</p>	<p>Re-written sections on applicants who will not qualify due to rent arrears (11.2) or unacceptable behaviour (11.3)</p>
<p>Section 12 - Reasonable and Additional Preference</p> <p>12.1 (f) & (g), 12.2 (whole section) Medical and Welfare (Social) Needs³</p>	<p>Significant Changes - key change 3. above</p>

² Further text has been added to the notes at the end of 11.1 (after point f) to clarify a cap of 4 Right to Move applications p.a.

³ Associated wording in other sections (esp. 13&14) has also been amended to reflect the changes proposed at section 12.

Section and Title (Proposed Policy)	Comments on Proposed Changes
Section 13 - Determining Priority Bands 13.2 (d) Cumulative Need	Deleted - key change 2. above
Section 13 - Determining Priority Bands 13.4 (whole section) Band One + 13.5 (a) (b) (c) (d) (h) & (i) Band One AND 13.5.1 Downsizing / Adapted Homes Band 1 (House/Bungalow) 13.6 (h) Living in unsafe or unsanitary housing conditions (Band 2) 13.6.1 Downsizing from a flat or maisonette 13.7 and 13.8 (whole sections) Band 3 / 4	Significant re-wording to define the criteria for all assessing applicants as band 1 + status. Significant re-wording to reflect changes to the criteria for awarding Band One status. Re-banded to Band Two from Band One Re-wording to reflect this as a Band 2 priority. Amendments to reflect revised banding criteria
Section 14 - Assessment Criteria 14(i) (v - viii) Reduced Preference	Amended and additional wording to show where the applicant's circumstances or behaviour could result in reduced preference
Section 15 - Property Eligibility 15.1- 15.6 Property Type / Eligible Households	Additional wording throughout to reflect additional bedroom size criteria
Section 15 - Property Eligibility 15.7 - 15.18 Adapted Properties	Additional Section - key change 4. above
Section 16 - Additional Property Eligibility Criteria 16.5 - 16.7 Other additional criteria to make the best use of housing stock	Additional criteria to make best use of stock which in responding to changes or patterns of demand which mean the usual criteria is ineffective
Section 17 - Excluded Properties / Management Moves / Right to Move	No significant amendments
Section 18 - Nomination to Registered Providers	No amendments
Section 19 - Local Lettings Policies (LLPs) 19.3 - 19.11 Application of local letting policies	Substantial additional explanatory text to show how LLPs will be applied at CCDC

Section and Title (Proposed Policy)	Comments on Proposed Changes
<p>Section 20 - Making an Application</p> <p>20.1 (c) List of required information</p> <p>20.7 Housing Register Review</p>	<p>Simplified list of identification and other information required from applicants.</p> <p>Amended wording about how the Council will review the waiting list or close it temporarily to ensure housing needs are being met</p>
<p>Section 21 - Making an Allocation</p> <p>21.1 Direct Offers of accommodation</p> <p>21.8 Quarterly Review of Allocations Quotas</p>	<p>Amended wording to make this clearer</p> <p>New approach to ensuring the fair allocation of stock across all housing need priority bands</p>
<p>Section 22 - Refusals</p> <p>22.1 Direct offers to homeless applicants</p>	<p>Amended wording - direct offers can be made at any time to certain homeless applicants</p>
<p>Section 22 - Refusals</p> <p>22.2 Re-banding of applicants who refuse reasonable offers of accommodation</p>	<p>Amended proposal - key change 5. above</p>
<p>Section 23 - Review of Decision / Complaints</p> <p>23.2 Review procedure - right to review.</p> <p>23.3 - 23.3.4 Making a complaint</p>	<p>Amended list of decisions which applicants can ask for a review of</p> <p>Amended text to explain where a complaint is different from a review and applicant right of referral to the Ombudsman services</p>
<p>Section 24 - False Statements and Withholding Information</p>	<p>No amendments</p>
<p>Section 25 - Closed Application</p> <p>25 Whole Section - Closing Applications</p>	<p>New section to explain when applications will be closed and the right to review / re-apply</p>
<p>Annex 1 - Medical Priority</p> <p>Medical priority and subsequent priority banding decisions</p>	<p>New operational guidance framework to help officers make decisions on whether (and what) medical priority should be awarded</p>
<p>Annex 2 - Length of time in priority band</p> <p>Review of applicants in priority bands one and two over time</p>	<p>New guidance on reviews (and extending) applications in priority bands 1 and 2 after 6 months</p>

Detailed List of Consultation Responses and Officer Responses, Including Proposed Amendments to the Allocations Policy

This provides details of consultation responses we received (as set out by the respondent), the Council's response and any action being taken as a result.

Specific Responses, Section by Section

Section 5 - Eligibility and Qualification

Area of Policy Commented On

If an applicant is nominated to another local authority for re-housing, this counts as an allocation of housing.

In exceptional cases, with housing needs sitting outside the normal criteria, allocation of housing can be made by the Council outside other criteria

Consultation Response

No, needs further explanation as to why it's been nominated to another authority

Action/Response: No change proposed.

We think this comment refers to Section 5.1 "What is an Allocation", bullet point (b) which reads:

"Nominating a person to be a secure or introductory tenant of housing accommodation held by another housing authority".

This is a rarely used provision which enables the council to nominate an applicant for a property provided by another local authority where that person has a local connection or interest in a property **and** the other authority accepts that person or household to be rehoused.

Section 169 of the Housing Act 1996 requires us to give due regard to statutory guidance provided by the Secretary of State. Updated statutory guidance from October 2023 (at [Allocation of accommodation: guidance for local authorities - Chapter 1: Scope of guidance and definition of an allocation - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities-chapter-1-scope-of-guidance-and-definition-of-an-allocation)) paragraph 1.3 ("Definition of an 'allocation'") states that a housing authority allocates accommodation when it "nominates a person to be a secure or introductory tenant of accommodation held by another housing authority", the same wording as used in the proposed policy.

Section 9 - Choice Based Letting (CBL) - Principles

Area of Policy Commented On (Not specified - Section 9)

Consultation Response

Yes, it is fair.

What is the current policy? 1 or 2 years.

Yes, debts need to be cleared or agreement to write off.

Action/Response: Thank you for these comments.

The current policy is a 12-month residential requirement which we propose to change to 2 years.

Area of Policy Commented On

9.2(a) Principles - existing tenants
 9.3(c) Qualification for an allocation
 9.7(e) CBL scheme principles

Consultation Response

9.2 (a) *I don't understand what this means.*

9.3.(c) *Depends on context. Is applicant seeking a council home to ease their financial situation - moving from private rental arrears to a council home would be a positive financial decision. Has there been previous contact with the Tenancy Sustainability Team?*

9.8(e) *n/a*

Action / Response: Thank you for these comments.

9.2 (a) - existing tenants. Although we have to use technical terms here (to distinguish the tenancy types we are referring to), we will amend the text to aim to make it clearer.

9.3 (c) - current arrears. We note your comments and will amend this to include:

“Where affordability or financial hardship is an element of the housing need of the applicant, this will be considered in assessing an applicant’s qualification status.”

Section 10 - Eligibility**Area of Policy Commented On**

10.7 Applications from Employees. Employees, Councillors (and their close relatives) may apply for housing, but this will be subject to an appropriate declaration of interest

Consultation Response

Should be treated like any other application

Action/Response: Noted.

Applications from employees, elected representatives and their close relatives are treated in the same manner as other applicants, other than the applicant being required to declare their connection to the Council.

We have amended the wording at 10.7 to make this clearer.

Any offers of accommodation (to an applicant with such a notification) are signed off by the Head of Service, to avoid any actual or perceived conflict of interest.

This is to ensure that the process is not only fair and transparent but can be seen to be so by the public and any other interested party.

Section 11 - Qualification

Area of Policy Commented On (*Not Specified - Section 11*)**Consultation Response**

I think the 2-year residency is fair given the demand on social housing as long as the relevant exceptions are place within section 11.1. This also puts the council in line with government guidance on a reasonable period. The changes to medical and social needs have made this area easier to understand.

Action/Response: Thank you for this feedback.

Area of Policy Commented On

11.1(a) Qualification Criteria

With limited exceptions, housing applicants will not qualify for re-housing until they have lived in the district for at least 2 years prior to their application

Consultation Response

Can we have specific clarity that the 2-year period doesn't apply to Domestic Abuse victims, please. It seems that it doesn't apply - but just wanted to check.

Action/Response:

We can confirm that this would not apply to domestic abuse victims where they are accepted as being owed a homelessness duty by the Council. Applicants who state they must move home because of domestic abuse will always be referred to our housing options team for advice and support to consider making a homeless application (where they have not done so already).

Area of Policy Commented On

11.1 (a) (ii) & (iv) Residency

11.1.(e) Members of the armed forces

The qualifying criteria related to members of the armed forces is extended to their spouse or civil partner, as if they were the applicant

Consultation Response

11.1 (a) The 2-year qualification should not apply for vulnerable residents who need to be near their family/support network.

People can be made homeless for numerous reasons and applicants should be judged on a case-by-case basis.

11.1 (e) This isn't clearly explained.

Action / Response: Thank you for these comments.

11.1 Residency - exceptions already apply to the applicants who meet 'reasonable preference' criteria as indicated at 11.1.(a)(iii) - this includes those who the Council accepts a homeless duty for, for example.

11.1.(e) Members of the Armed Forces - the opening line of (e) and bullet points (ii) and (iii) refer to how a spouse / civil partner is considered, but we have also added further reference at bullet point (iv).

Area of Policy Commented On

11.1.(d) (ii) Owner Occupiers

Consultation Response

Needs to comply with any statutory agreements

Action/Response: We can confirm that all aspects of the policy are statutorily compliant.

As part of the approval process the proposed policy has been checked by the Council's legal service to ensure such compliance.

We have clarified the meaning of 'owner occupier' for the purpose of the allocations policy within this section.

Section 11.2 & 11.3 - Non-Qualifying - Rent Arrears / Unacceptable Behaviour**Area of Policy Commented On**

Applicants with current or former rent arrears or where there is evidence of unacceptable behaviour in their current or former housing may be assessed by an exclusion panel and if appropriate, be deemed ineligible to be rehoused Is this fair to applicants?

Consultation Response

11.2 Rent arrear restrictions - are Domestic Abuse victims excluded from this?

Action/Response: Yes - Victims of domestic abuse (and other limited exceptions) apply. In addition, all cases will be considered on their own merits.

Area of Policy Commented On (Not specified - Section 11)**Consultation Response**

Yes, fair to applicants.

Action/Response: Noted. Thank you for this comment.

Area of Policy Commented On

Rent Arrears / Unacceptable Behaviour

Consultation Response

Re: arrears, see response to 9.3(c). Re: unacceptable behaviour, this is fair. Applicants/tenants should behave in an acceptable manner for the consideration of their neighbours and community.

However, by deeming such applicants as ineligible, it potentially exacerbates or relocates the problem.

Action/Response: Please see comments at 9.3(c) above 11.2.2 refers to how cases will be considered individually by the exclusion panel, enabling exceptions or individual circumstances to be considered.

Section 12 - Reasonable and Additional Preference

Area of Policy Commented On

12.1 (f) & (g), 12.2 (whole section) Medical and Welfare (Social) Needs

See Also Annex One below. We have significantly amended the wording and information provided to applicants who may have medical and/or welfare housing needs about how we will consider and apply (or not apply) increased priority banding as a result of medical or social needs assessments

Consultation Response

Regarding Domestic Abuse victims, can we have clarity between the distinctions of Band 1 and Band 1+ please. We would like to see all MARAC cases (the most serious of all Domestic Abuse cases) being given the highest possible banding.

12.2.7 - Severe welfare grounds. This only states firm recommendation from a Statutory Agency. We would request that this includes 3rd sector support agencies too. New Era, for example, holds the contract for pan-Staffordshire Domestic Abuse support and is a key member of MARAC.

Action/Response:

We cannot automatically apply an increased band to cases. We will however consider each MARAC case within the social (welfare) needs assessment process and award Band 1+ status where this is appropriate.

We accept your comments in relation to paragraph 12.2.7. and will amend the relevant bullet point to: “Where there is a need to protect a vulnerable person and there is a firm recommendation for rehousing from a statutory agency or a recognised partner voluntary agency”. The existing policy wording following the bullet points further confirms this.

Section 13 - Determining Priority Between Households

Area of Policy Commented On

13.2 (d) Cumulative Need

Consultation Response

There is no explanation of what Cumulative Need is - it only states that it is no longer being used.

Action / Response: Thank you.

13.2 (d) There is no explanation of cumulative need here as we proposed its removal. Cumulative need is in essence ‘totting up’ the housing needs of an applicant. If an applicant (and household) have more than one, they jump up a band. We are proposing replacing this through the medical and welfare (social) needs assessment approach to ensure fairness and transparency, as these enable the whole situation to be determined on a more fair and equitable basis.

Area of Policy Commented On

13.4 (whole section) Band One +

13.5 (a) (b) (c) (d) (h) & (i) Band One AND

13.5.1 Downsizing / Adapted Homes Band 1 (House/Bungalow)

Consultation Response

Yes, fair to applicants (13.4 and 13.5)

Action / Response: Noted. Thank you for this comment.

Section 14 - Assessment Criteria**Area of Policy Commented On**

14 (h) 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, **will be placed into Band 1.** (i) Reduced preference - Although the allocations scheme seeks to ensure that those in greatest housing need are re-housed more quickly.

Consultation Response

My only question for this policy would be a to have a better understanding of what the below statement is suggesting. i.e. how long is a "prolonged" period of time? This is not something we as homeless outreach workers have been aware of.

Action / Response: Thank you for this feedback. We will amend the wording of 14 (h) to:

"Rough Sleeper - somebody who has no fixed address **and** whose normal pattern of sleeping is in the open air or in a place(s) or building(s) not designed for habitation, will be placed into Band 1". (A footnote will refer to the full accepted UK Government definition of a rough sleeper will be used in cases where there is any question on qualification under this category).

Please note also that any 'rough sleepers' who are owed a duty by the council under homeless legislation will be placed into band 1 under section 14 (g) of the policy ('Homeless Duty'). The allocations team will always refer anyone who states they are a rough sleeper when applying for accommodation to our housing options team for advice and support referral and to consider making a homeless application.

We will need to distinguish those whose who may experience 'rough sleeping' on limited occasion (e.g. sleeping out for a single night before moving into a residential setting) from those for whom that is their only option as normal practice.

Area of Policy Commented On

14(i) (v - viii) Reduced Preference

Consultation Response

This is fair. However, (vii) re: housing related debts should be seen in the context of the financial distress and whether the applicant has sought help to improve their finances. Reduced preference could worsen social problems, e.g. gambling addiction, job loss, victim of crime, etc.

Action / Response: Thank you for your feedback.

14.(i) (v - viii) We will amend 14 (i) to explain that we will consider context and any reduced preference decision will be subject to right of review. (Please see also associated comments at 9.3 (c) above).

Section 21 - Making an Allocation

Area of Policy Commented On

21.8 Quarterly Review of Allocations Quotas

Consultation Response

This question is inappropriate. Anybody outside of the Councils Housing Department would not have the required data or knowledge of the system to make a reasonable assessment of the proposed quotas.

Action / Response: Noted.

21.8 - Quarterly Review of Allocations Quotas - we do not consider this was inappropriate but apologise if what we asked was not explained sufficiently. The question was seeking responses in principle about whether a split of 70:30 (between the higher and lower bands) seemed fair and proportionate. While we appreciate that this would be difficult for some to consider, we did feel that a number of agencies we work with, and some internal colleagues especially may have a view they would wish to express.

Section 22 - Refusals

Area of Policy Commented On

22.2 Re-banding of applicants who refuse reasonable offers of accommodation.

Applicants who refuse reasonable offers of accommodation may be re-banded (be given lower preference) as a result of their refusal; in the case of 3 offers being refused their application may be placed in abeyance for 12 months.

Consultation Response

With regard to Domestic Abuse/MARAC cases, it has been known previously that victims have turned down properties and as a result they have been removed from the housing list.

In situations of Domestic Abuse declining a property or not providing appropriate documentation may be perceived as the victim not wishing to move or not being co-operative. In reality, however, it often due to an inappropriate proposed new location or being unable to provide proofs due to the risk of the perpetrator discovering their intentions.

Has this been considered?

Action / Response: No changes proposed.

We are not aware of this being the case or of the individual cases being brought to our attention. We would like to investigate any recent cases if we can be advised of these.

We will ensure that individual cases are considered on their own merit taking account of all the circumstances, including the particularly sensitive issues around domestic abuse. We encourage applicants to bid for as many properties as possible, but applicants are not required to bid for all properties and can restrict bids to areas of choice. Sanctions will only be applied where a refusal is unreasonable and are subject to the applicants right to review.

Where bids are made on an applicant's behalf by the housing options team (as part of discharging a homelessness duty) the applicant can ask the housing options team to review the suitability of an offer where they consider it is not reasonable to accept it.

Area of Policy Commented On

22.2 Re-banding of applicants who refuse reasonable offers of accommodation.

Applicants who refuse reasonable offers of accommodation may be re-banded (be given lower preference) as a result of their refusal; in the case of 3 offers being refused their application may be placed in abeyance for 12 months.

Consultation Response

So long as reasonable, joint consultation is evidenced

Action / Response: Noted.

We confirm that each case of refusal will be treated on its merits taking account of the applicant's reasons for refusal. Where appropriate we will liaise with our housing options team (about a homeless applicant) or other agencies as part of the decision-making process. All such decisions are also subject to an applicant's right to request a review.

Comments on Wider Sections / Aspects of the Policy**Sections on Veterans****Consultation Response:**

Please see suggestions below. I would tend to reframe the Policy so that it reflects greater clarity in the areas that particularly affect Housing Options & Homelessness Services. Currently all HM Forces personnel are stated as being in a Band 1 plus category. I'm sure this does not happen in practice, however the Policy states that they will be Banded as such.

Action/Response: Thank you for your comments - see also below.

Section 13.4 (c) refers to circumstances where current or former members of the armed forces will be awarded Priority Band 1+. Please see comments below in relation to this.

Consultation Response:

This Policy observes the UK Guidance on improving access to Social Housing for those who have served in HM Armed Forces, of which states that the Council must not disqualify members of the Armed Forces from applying for accommodation on residency grounds. This extends to applications from former service personnel, where the application is made within five years of discharge from HM Armed Forces. (this means that local connection rules will not apply for the five-year period).

The Regulatory provisions recognise the special position of members of the Armed Forces Service Personnel and their families, whose employment requires them to be mobile and who are likely to be particularly disadvantaged by local connection requirements.

In order to qualify under the UK Armed Forces Regulations, British Armed Forces Personnel must fall under one of the following categories:-

- a. A Former member of the Regular Armed Forces*
- b. A Serving member of the Regular Armed Forces and suffering from a serious injury, illness or disability which is wholly or partly attributable to your service.*
- c. Serving or former members of the Reserve Armed Forces and suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.*
- d. Bereaved spouse or civil partner of those serving in the Regular Forces where*
 - (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled to reside*

in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

Where applicants fall into any of the above categories, they should complete our online housing application form. Their application will be assessed based on their current housing need and a Band will be awarded.

(Suggest) In order to award members of the Armed Forces, including spouses / civil partners, additional preference, differentiated by the urgency of their housing need, applicants will be awarded (suggest) a Band higher than they would normally be awarded based on their housing need. Alternatively you can consider a backdate of 6 – 12 months as method of additional preference.

NOTE:- In all cases, additional preference will be granted on the basis of an Honourable Discharge from HM Armed Forces.

NOTE:- Our Policy should make clear that applicants who have been Dishonourably Discharged from HM Armed Forces, will not receive any additional preference, instead their application will be assessed subject to their individual circumstances.

Action/Response: Accepted. We will amend:

Section 5, 'Eligibility and Qualification', 5.12 'Additional Preference Must be Given to', (a) to: "(a) Former members of the Armed Forces, excluding those who have been dishonourably discharged from the service;"

And

Section 9, 'The Council's Choice Based Lettings Scheme - Principles', 9.2 'The Council May Decide...', (b) (i) to: "(b) (i) Serving and former Armed Forces applicants as set out in para 5.7 above, excluding those former members who have been dishonourably discharged from the service".

And

Within each of Bands 1 - 3 within Section 13 - "Determining Priority Between Households - Priority Bands", we will add an additional bullet to reference that additional preference for eligible serving or former members of the armed forces will be placed in a band higher than the band which relates to their housing need.

For example, 13.5, 'Band 1':

"(i) Serving or Former Members of the Armed Forces eligible for additional preference, whose housing needs are one of the types listed under Band Two, paragraph 13.6 (a) - (h)"

We will delete 13.6, (d) as this will no longer be relevant.

Band One+ categories relating to armed forces personnel will be amended slightly. 13.4(c) to read: "Members of the Armed and Reserve Forces, whose housing needs are one of the types listed under Band One and are eligible for additional preference. This will normally include:" with the first bullet point (i) amended to: "Former members of the Armed Forces whose housing needs fall into one of the additional preference categories listed in paragraph 12.1 above".

This will also ensure we reflect the change to exclude those dishonourably discharged.

Strengthen Direct Offers

Consultation Response:

There may cases where the Council will need to make a direct offer on behalf of an applicant to a property where -:

- the applicant has not made any bids for accommodation within two months.*
- Applicants who are homeless, in priority need with children and residing in temporary accommodation, where they have not successfully bid for accommodation within a reasonable but limited period of time (two months).*
- We require the ability to fulfil duties in line with the Homelessness Reduction Act 2017.*
- There are adverse financial impacts upon the Council by not making a direct offer.*

Action/Response: We will amend 22.1 and add 22.1.1 as follows:

22.1 “There may be occasions where the Council will need to consider making one reasonable direct offer of a property to an applicant. This includes:

- Applicants who have not been actively bidding for a property over a two-month period who have been accepted as homeless by the Council, existing tenants with arrears who are eligible for a transfer, applicants who have otherwise been given additional preference or are in Band One Plus
- Applicants who are homeless, in priority need with children and residing in temporary accommodation, where they have expressed interest but have not successfully bid for accommodation within a two-month period.
- Cases where we require the ability to fulfil duties in line with the Homelessness Reduction Act 2017
- Exceptional circumstances at any time where the Head of Service determines that there would be adverse financial impacts upon the Council if a direct offer were not to be made (to one or more applicants)
- Other exceptional cases where an applicant’s needs (in relation to specific types, features or locations of accommodation) are such that there is limited reasonable likelihood of alternative suitable accommodation being available to offer within the next six months.

This does not imply a guarantee of an offer of accommodation to applicants in the above or other categories within any defined period. Applicants within one of the above categories will be reviewed periodically and a decision made as to whether a direct offer is appropriate. If it is, the applicant will be considered for a direct offer when further properties become available. The timing of the offer will be based on property availability and suitability, contact with the customer in the period after the decision and balancing the number and type of direct offers made with consideration of other applicants who would not subsequently be able to express interest in the vacancy.

22.1.1 Only one direct offer will normally be made to any applicant in one of the above categories. Where the offer is refused and if on review (including a statutory review where the offer was made under an accepted homelessness duty) 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. “

We will also amend 14.1 (i), bullets (iii) and (iv) re refusals.

Welfare and Medical Panels / Medical Needs Assessments:***Consultation Response:***

Can we articulate within the Policy that Welfare / Medical panels will have a multi-disciplined membership to ensure fairness / equity and oversight with expeditious decision making. (perhaps further discussion about panel membership and oversight would be helpful)

Action/Response: We have made improvements to both panels.

The medical needs panel is formed of clinical experts from the NHS to ensure fairness.

The social (welfare) needs panel is made up of at least 2 of three senior members of the tenancy services team.

For both panels we have now set dates for the calendar year to ensure timely decisions are made. Both panels seek supporting evidence from professionals and/or support agencies to inform decisions and have the ability to request further information or to speak directly to agencies where required.

We do not therefore consider further changes are required in format, but we will publish more details about this and the calendar, alongside the revised allocations policy once approved. We are also improving the assessment forms and individual customer correspondence about the assessments and panels. Collectively we hope this will help to ensure this is clearer and provides greater transparency.

Consultation Response:

Cases in which a couple or family who have one or more applicant with mental health conditions and are attempting to find a starter home or council property, need to be given much higher priority. Given that the cost of living is rising, more and more couples are finding it necessary to have both people working. However, many mental health conditions make this impossible and so severely restrict ability to afford private rental properties, especially if pets are also present as this makes the selection of suitable properties extremely limited. A stable calm and affordable home is conducive to improving mental health and reducing stress, and many young people are living at home with parents as a direct result of Covid when they should have their own property. Young people with mental health issues are being discriminated against in favour of families who have the means to afford a house and therefore should be given more help

Action/Response: Thank you for this feedback.

Medical needs assessments are undertaken independently by our medical needs panel which is made up of clinical experts from the NHS. They can independently award higher priority for applicants with both mental and physical conditions that are affected by their current housing circumstances, and which would be resolved or eased by rehousing.

We will however take on board your comments in relation to clearer information for applicants about the medical needs assessment process.

Prevention Duty:

Re-visit this as being in Band 2.

Suggest-: Prevention cases are placed into Band 3 to start and increased to Band 2 after 28 days. This would require additional monitoring and administration. (perhaps further discussion on this as a banding suggestion).

Action/Response: No change proposed at this time.

We appreciate the meaning behind this but given the current supply and demand challenges we expect that if this was changed, all such applicants would be affected and simply be held for 28 days before being placed in Band 2. We don't consider the benefits outweigh the additional administration which would require review from both allocations and housing options teams.

Applicants with outstanding debts-:

Consultation Response:

Re-visit the 12 months consistent payment arrangement / waiting time in Band 4.

This arrangement is a long time for people who are in a Homeless situation.

Suggest-: 6 months as a maximum payment arrangement time for 'Homeless applicants' before they can be re-considered for a higher banding.

A taper system of time depending on the amount of debt owed (perhaps further discussion on this would be helpful).

Action/Response: Thank you for this feedback.

We will amend 14.1(i), bullet (vii) to "An applicant who has a housing-related debt with their current or former landlord and has a housing need will be placed in Band 4 to reflect their reduced preference. Regular repayments must have been made for a minimum period of 13 weeks".

We will also revisit the debt limits as part of an applicant's right to review, in conjunction with our exclusion panel procedure review.

Other comments about the Policy / Consultation:

Consultation Response:

Difficult to answer many of these questions if you don't have the expertise or experience especially on the grades etc.

Action/Response: Noted.

Thank you for this comment. We have committed to providing an easy-to-understand document for applicants and others to explain what the key aspects of the revised policy mean to applicants and will be providing more and clearer information to applicants to support this as part of our housing application procedures and processes.

Consultation Response:

I've gone through the 57 pages of the housing allocation policy review over the weekend I will attempt to make a response.

The first issue I feel must be addressed is the wordiness of the policy itself, for anyone who is not familiar with reading policy documents it's a daunting and overwhelming task. In addition to this people who have difficulties with reading, writing, or understanding written text or those with dyslexia or other learning difficulties or disabilities would not be unable to understand the

policies, I feel the housing policy is not inclusive as it does not take into consideration a significant portion of our residents who are vulnerable and in need of housing support. The document should be available in alternative formats for example an easy read version, voice document, braille, and large print, I was unable to find any of these options, please direct to these formats if they are already existed. I would also be interested if we provide any policies in other languages besides English.

Representing the residents of my ward, I feel unable to direct them to the housing policy allocation review for the reasons given. I appreciate the need to cover so many aspects of social housing within the policy wording, but the length of text will only deter the residents from engaging in the process and works against the council's commitment to social inclusion.

Action/Response: Noted - thank you for these comments.

We appreciate that the main policy document is complex and lengthy because of the statutory guidance we have to follow and the range and depth of policy information which needs to be included.

We have committed to providing an easy-to-understand document for applicants and others to explain what the key aspects of the revised policy means and will be providing more and clearer information to applicants to support this as part of our housing application procedures and processes. We are also increasing applicant surgeries so that we can assist applicants with queries or who need our help.

We can provide large print or other formats for applicants on request of key information in line with wider Council policy. We also work closely with partner agencies and will liaise with support staff from a range of providers who work with individual applicants, who are sometimes best placed to help provide information or support applicants with their queries.

Consultation Response:

Initial observations are that the policy review documents are not easy to locate on the Council's website and even whether tenants or service users being given direct links or hard copies of the information if they are easy to find. As it's a request for feedback, would anyone bother? If the target audience includes tenants/prospective tenants (i.e. members of the public) the collection of different documents is not well explained or the documents themselves that easy to read and understand. 5.2f (allocations which are excluded) on the Consultation Response Table for example is gobbledey gook! Plus it hints at officers being able to move the goalposts to suit, but without any kind of transparency in their reasoning? Amended wording definitely needed in my view.

In general terms as well, my initial impression is that the new policy is designed to create more stringent conditions (obstacles?) to deter applicants and reduce the waiting list. I appreciate that the demand for council houses has to be managed, and probably therefore, some gateway assessment has to be done, but the issues lie with a lack of available housing and the council could be considered to not being open and transparent about the scale of the problem.

Specifically, though, and as an example – where there are three offers refused, (22.2) it would seem the applicant is being penalised for the lack of choice available. Not their fault surely if the housing stock is low. Also, what constitutes a “reasonable offer”? Reasonable to whom? Then there is the requirement to have 2-year residency within the district (Section 11.1(a)) – is that 2 years immediately prior to the application or at any time? I'm thinking of persons who may have been brought up in the area but left for all kinds of reasons, college, jobs, prison, gap year etc and have now returned to the district, possibly to a known support network of family and friends.

As an aside – my personal view is that people should not have obstacles put in their way when they want to “repatriate” – especially the younger generation, they are the life blood that keeps communities ticking over.

Regarding service standards (6 et seq)– and I'm sure this is a given anyway for most council officers, but it doesn't say so – include officers being overtly non-judgmental and having an

awareness of whether an applicant is looking for a “forever” home, not everyone aspires to owning their own home and are happy to be lifelong tenants; and if a person is looking for a forever home, whether that would profoundly affect them accepting an offer, again three offers being refused puts an application in abeyance for twelve months. A compromise in requirements would be inefficient in the long run and the applicant would soon be looking to transfer. Which brings me on to transfers (9.2(a)). Is it fair to have to have lived in a property 12 months? The time span on the application for a transfer could be considered in relation to the amount of time/compromise/necessity in accepting the current property.

Arrears (9.3c) – considering the current cost of living crisis and disastrous financial situations a lot of people are finding themselves in, I would not like to see arrears as a “deal-breaker” in isolation, but a consideration as part of a much more wholistic approach. In fact, the application process in its entirety should, in my view, be “wholistic” – weighing up all the circumstances for the applicant, although for the most part it probably is (s12 reasonable and additional preference covers that??). If it is generally known that there is a housing shortage, then folk will work out for themselves the likelihood of being offered a property – much like they do now I guess – and if possible work out some other options. Not ideal, but realistic and more importantly – more honest if that’s the right word to use.

We have a housing problem – like a lot of places in the country and we can’t just sweep it under the carpet, which appears to be the upshot of 20.7 Housing register review – the waiting list can be temporarily closed to ensure housing needs are met????

Action/Response:

Thank you for this feedback.

We have committed to providing an easy-to-understand document for applicants and others to explain what the key aspects of the revised policy mean to applicants and will be providing more and clearer information to applicants to support this as part of our housing application procedures and processes. We expect that this will help remove the barriers you have expressed in accessing information and understanding how applications can be made and will be managed.

In reference to refusals, we will ensure transparency in the decisions made - to help inform applicants and enable them to request a review if they consider the decision is unfair. We do not consider the changes unfair to people who unreasonably refuse offers - where they can show that the offer was not reasonable and they have a good reason for refusal, no sanction will be applied. It is not possible to define all circumstances that are reasonable or not as we will consider each application on its own merit - we will however provide some further applicant information to assist further.

In reference to rent arrears, this will be looked at for each individual case and the effort the applicant has gone to resolve the issue (e.g. are they making efforts to pay) is key rather than just having a debt itself. Applicants again have a right of review if they consider they have been unfairly excluded or their application not fairly considered.

The waiting list being temporarily closed is a reserved option, which would only be used in exceptional circumstances at the discretion of the Head of Housing. This ensures the reasons for using it are sound, thought through and for a limited period to help ensure we assist applicants in the best way possible. Closing the waiting list would not affect the council’s legal duty to help those found to be homeless.

Consultation Response:

Very clear and will work well with our Policy.

Action/Response:

Thank you for this feedback.

Consultation Response:

Summary, please consider houses that are empty in Cannock Chase, mindful some are not council houses.2. Please consider individuals that are homeless that are offered properties outside our area but feel they are not safe leaving the area, some i have come across have been suicidal due to not fitting the criteria for a property, is this fair. 3. Veterans that have problems finding properties or allocated them. 4. Damp, mouldy properties that are not healthy for residents, i believe there may be future compensation claims and that are nationwide reported on TV. 5. Customer service, follow ups with concerned residents. Please listen to residents as some are very concerned no one cares but are scared to report this. Thank you

Action/Response:

Thank you for this feedback.

Your point 1 - the potential purchase of empty homes on sale for use by the Council is a strategic decision outside the remit of this policy review.

Your point 2 - we are not aware of the cases referred to and would be grateful for further information. We do consider applicants from outside the district and those having the most serious circumstances (who are accepted as homeless) are given priority. Those with lower needs are given a lower priority.

Your point 3 - we have agreed to increase the priority of current and former members of the armed forces (see detail in our earlier response on the comments under 'section on veterans').

Your point 4 - poor property condition is a housing need which we consider under this policy. Repair and maintenance of council homes is a key priority for the service but is outside the remit of this policy review.

Your point 5 - We have committed to providing an easy-to-understand document for applicants and others to explain what the key aspects of the revised policy mean to applicants and will be providing more and clearer information to applicants to support this as part of our housing application procedures and processes. Applicants with any concerns about how their application has been treated are encouraged to let us know - either informally if they have a query or formally to request a review where a decision has been made that they consider is not in line with policy or unfair.

Consultation Response:

The respondent generally made positive comments about the changes proposed, but also made some comments on specific areas. These are set out above.

Overall, they said: "This consultation was not particularly user friendly – it was rather difficult to understand and grasp even with an existing knowledge base gained through being a Councillor. I do not feel that this consultation enabled the public to easily contribute or express their opinions."

Action / Response:

Thank you for your response to the whole consultation document. We appreciate you taking time to respond in such a comprehensive way, and we are pleased that, on the whole you considered the changes were fair and thought through. We have responded to each of those areas where you had more substantive comments about the text or the approach below.

We take on board comments about the consultation and user-friendliness. This is very difficult to achieve for the wide audience in relation to a policy which, by its nature has to include legal and technical language. Nonetheless we are producing user friendly and easy to read information for applicants and others, which should help explain key issues and which we can use as a basis for further and future consultation and discussion with applicants, colleagues, and others.

Survey Summary Results:

The survey returns were too low for the results to be considered robust. However, all of those who responded supported all of the proposed key changes and said 'Yes' when asked if the changes were clear and they understood them.

Only 1 respondent said that they disagreed with some aspects of the proposed policy, others provided positive comments or other feedback. Those comments and our response to them are reflected above.

Housing Benefit - Modified Scheme in Respect of War Disablement and Bereavement Pensions

Committee:	Cabinet
Date of Meeting:	28 March 2024
Report of:	Deputy Chief Executive (Resources)
Portfolio:	Resources and Transformation

1 Purpose of Report

- 1.1 To review the Council's modified Housing Benefit scheme which provides that payments under military compensation schemes are disregarded in the assessment of a claimant's income for Housing Benefit purposes.
- 1.2 To recommend Council continues to provide this support for veterans wounded, injured or sick in such a way that affects their life in a permanent or significant way and to the widows of those who gave their lives in service.

2 Recommendations

- 2.1 That the report be noted.
- 2.2 That at its meeting on 17 April 2024, Council resolves to adopt the policy statement as set out in **Appendix 1**.

Reasons for Recommendations

- 2.3 The Council has disregarded payment made under various military compensation schemes, in the assessment of Housing Benefit for many years. During that time legislation regarding benefit legislation and military compensation have changed and so a review and refreshment of the scheme is appropriate. The modified scheme needs to be adopted by resolution of Council.
- 2.4 The Staffordshire Armed Forces Covenant is a promise by the nation ensuring those who serve or have served, and their families are treated fairly ensuring all members of the Armed Forces community have the same access to public and commercial services as any other citizen does. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

3 Key Issues

- 3.1 Within the calculation of Housing Benefit entitlement, most incomes are included in the assessment, but some may have certain disregards.
- 3.2 Current Housing Benefit Regulations allow for a standard disregard of £10 per week but local authorities have a power to modify the Housing Benefit scheme to disregard some or all of any prescribed war disablement pension or war widow's pension.

- 3.3 No government subsidy is paid in respect of the modified schemes and the Council meets the cost of the resulting additional Housing Benefit awards.

4 Relationship to Corporate Priorities

- 4.1 Cannock Chase District Council has proudly signed the Armed Forces Covenant. Continuation of this support for veterans and their widows is consistent with our obligations under that covenant.

5 Report Detail

- 5.1 This Council, like many others have disregarded war pensions and war widow's pensions for many years, so as to increase the amount of help that affected veterans will get with their rent and council tax. We intend to continue to do so.

- 5.2 A recent audit of our benefit subsidy claim brought to our attention that the council resolution, to confirm this discretionary spend, needs to be refreshed. This report is therefore merely a refreshment of a longstanding scheme and does not change the levels of Housing Benefit that is paid, in any way.

- 5.3 5 claimants currently benefit from the modified scheme at a cost to the Council of around £14,000.

- 5.4 The incomes to be disregarded include:

- (a) pensions under the Armed Forces Pensions and Compensation schemes (and similar payments) for:
- War disablement
 - War widows
 - War widowers
 - War bereaved civil partners
- (b) payments compensating for non-payment of above.
- (c) equivalent payments from governments outside the UK
- (d) pensions paid to the victims of Nazi persecution by the governments of Germany or Austria or by the government of the Netherlands.

- 5.5 The Council's Local Council Tax Reduction Scheme similarly disregards the above incomes from the assessment. This scheme is reviewed annually and no further action is required in that regard.

6 Implications

6.1 Financial

There are no significant financial implications arising from this report. The effect of the report is to maintain the current level of spending of around £14,000 per year, as detailed at 5.3 above.

6.2 Legal

The Council's right to adopt a modified Housing Benefit Scheme to disregard War Pensions is given by of section 134 of the Social Security Administration Act 1992.

6.3 Human Resources

None

6.4 Risk Management

None

6.5 Equalities and Diversity

None

6.6 Health

None

6.7 Climate Change

None

7 Appendices

Appendix: Modified Housing Benefit Scheme Disregards for War Disablement and Bereavement Pensions

8 Previous Consideration

None

9 Background Papers

None

Contact Officer: Rob Wolfe - Local Taxation and Benefits Manager

Telephone Number: 01543 464 397

Ward Interest: None

Report Track: Cabinet 28 March 2024

Council 17 April 2024

Key Decision: No

**Modified Housing Benefit Scheme
Disregards for War Disablement and Bereavement Pensions**

April 2024

Within the calculation of Housing Benefit entitlement, most incomes are included in the assessment, but some are disregarded.

The Council is given discretion by 134 of the Social Security Administration Act 1992 to disregard some or all of any prescribed war disablement pension or war widow's pension (as defined in Part 1 of the Welfare Reform Act 2007)

Whereas statute defines that £10 per week of these must be disregarded in the assessment of a claimant's income, for Housing Benefit purposes, Cannock Chase District Council resolves to disregard those incomes in full. This 100% disregard continues to support the principles of the Armed Forces Covenant.

The incomes to be disregarded are;

- (a) pensions under the Armed Forces Pensions and Compensation schemes (and similar payments for)
 - War disablement
 - War widows
 - War widowers
 - War bereaved civil partners
- (b) payments compensating for non-payment of above
- (c) equivalent payments from governments outside the UK
- (d) pensions paid to the victims of Nazi persecution by the governments of Germany or Austria or by the government of the Netherlands.

The Council's Chief Financial Officer is given delegated authority to update this policy with consequential changes in the event of changes to legislation regarding the payment of War Disablement and Bereavement Pensions, or their treatment within Housing Benefit legislation.

Cannock Town Centre Levelling Up Fund

Committee:	Cabinet
Date of Meeting:	28 March 2024
Report of:	Head of Economic Development and Planning
Portfolio:	Regeneration and High Streets

1 Purpose of Report

- 1.1 To update Cabinet on the progress made to date with delivery of the Cannock Town Centre Levelling Up Fund (LUF) project and to confirm the necessary permissions and delegations to support the first phase of development being brought forward at pace.

2 Recommendations

- 2.1 That Cabinet note the progress made on delivery of the project.
- 2.2 That Cabinet agree to the revised project scope for the first phase of town centre regeneration as set out in 5.5 below.
- 2.3 That Cabinet approve permission to spend up to £9m from the capital programme allocation in respect of those works identified in 5.7 below.
- 2.4 That Cabinet approve permission to spend to achieve vacant possession of the relevant units within Cannock Shopping Centre, in accordance with the advice contained within the **CONFIDENTIAL APPENDIX**.
- 2.5 That Cabinet delegate authority to the Head of Economic Development and Planning in consultation with the Deputy Chief Executive - Place, Deputy Chief Executive - Resources, Head of Law & Governance and Portfolio Leader for Regeneration and High Streets to finalise all matters relating to the vacant possession process.
- 2.6 That Cabinet delegate authority to the Head of Economic Development and Planning in consultation with the Deputy Chief Executive - Place, Deputy Chief Executive - Resources, Head of Law & Governance, Portfolio Leader for Regeneration and High Streets and the Levelling Up Fund Programme Board to take all steps to implement phase 1 of the programme within the agreed scope and budget.

Reasons for Recommendations

- 2.7 A significant amount of work has been completed to inform the detail of the first phase of this project. Detailed costings and design work have illustrated which elements of the original scheme were deliverable within the LUF funding timescales.

- 2.8 Colleagues from the Department for Levelling Up, Homes and Communities (DLUHC) have confirmed that phase one of the Cannock Town Centre Regeneration programme should be progressed at pace.
- 2.9 The commercial transaction referred to in 2.4 will enable the Council to secure vacant possession ahead of proposed demolition works.

3 Key Issues

- 3.1 In June 2022 Cabinet resolved to pursue a Compulsory Purchase Order (CPO) in respect of land required to facilitate the regeneration proposals for Cannock Town Centre. The need to pursue a CPO has had a significant impact on the programme which then impacts on deliverability by the LUF spend deadline. Officers have worked with the design team to undertake a review of the scheme.
- 3.2 The review considered project budget and costings, programme, deliverability, development mix and outputs have been reviewed. This process resulted in two distinct phases of development being identified, the first of which is set out in 5.5 and has been agreed with DLUHC.
- 3.3 The first phase of works includes activity within the current footprint of Cannock Shopping Centre. In June 2023 Cabinet approved permission to spend monies associated with the acquisition, by agreement, of units within Cannock Shopping.
- 3.4 In addition to acquiring the units within Cannock Shopping Centre the Council also require vacant possession to implement the Northern Gateway element of the scheme and therefore relocation costs that would be incurred by the remaining occupier also need to be met.

4 Relationship to Corporate Priorities

- 4.1 The Cannock Town Centre Levelling Up Fund transformation supports delivery of the following priorities within the Council's Corporate Plan 2022-26:
- i) Economic Prosperity
 - ii) Health and Wellbeing
 - iii) Responsible Council

5 Report Detail

Scope of the Project

- 5.1 In October 2021 the Council secured £20m from the first round of the Levelling Up Fund (LUF) to support an ambitious and transformational town centre regeneration scheme that would deliver:
- i) Re-development of the former Multi-Storey Car Park and Indoor Market Hall site; creating a new cultural hub which includes the refurbishment of the Prince of Wales Theatre.
 - ii) Business workspace linked with the leisure hub as part of the same mixed-use building.

- iii) Creation of the Northern Gateway, removing the existing subway and connecting the town centre to the bus station and Beecroft Road car park via new high quality public realm and commercial space.
 - iv) Bike hub, storage, hire and repair within a dedicated new facility to encourage active sustainable travel.
 - v) Enabling work to pay for demolition and clearance works to unlock land for the scheme.
 - vi) New service access arrangements at street-level for existing tenants with servicing rights with removal of existing roof-top servicing to facilitate re-development of the existing shopping centre
 - vii) Retirement living complex.
- 5.2 At the point that the LUF funding bid was submitted the total cost of the scheme was £44m with a deadline for spending the LUF element of funding by 31 March 2025. In addition to the £20m LUF award at its meeting in February 2022 the Council committed a further £17.2m with the remaining £6.8m anticipated to be met by an unsecured private sector investor in respect of the retirement living complex.
- 5.3 This level of Council investment was necessary to deliver a strong Benefit-Cost Ratio (BCR) which was a prerequisite to securing the LUF award. As the project has progressed through to detailed designs up to date cost plans have been produced and with the volatility of both construction costs and inflation the total project as originally set out is not currently deliverable within the previously approved budget.
- 5.4 To address concerns around land availability, cost control and deliverability officers have been working closely with DLUHC colleagues over the last six months to agree a deliverable amended scheme, the first phase of which this report seeks appropriate approvals and delegations for. In February 2024, following an on-site meeting DLUHC have confirmed that they are comfortable with the following revised project scope being progressed at pace whilst the detail of phase two is being agreed. Members are therefore asked to agree to the following revised project scope relating to phase 1:
- i) Demolition of the former Multi-Storey Car Park and Indoor Market Hall site; creating a development platform for a new cultural hub.
 - ii) Creation of the Northern Gateway, removing the existing subway and connecting the town centre to the bus station and Beecroft Road car park via new high quality public realm and creation of a new café unit.
 - iii) Refurbishment of Beecroft Road car park, including improved accessibility and installation of electric vehicle charging points, bike hub and associated landscaping works.
- 5.5 The deadline for spending LUF grants is 31 March 2025 but DLUHC has clarified with the Council that it expects the Council to be able to demonstrate it has fully entered into contracts for works by 31 March 2025, and that either a start on site has been achieved or is imminent. The following programme demonstrates that this is achievable. Quarters quoted relate to financial years.

Milestone	Timescale
MSCP demolition / clearance	
Planning submission to determination	Q1 2024 - Q2 2024
Procurement of demolition contractor	Q2 2024 - Q2 2024
Appointment of demolition contractor and works commence	Q2 2024
Northern Gateway	
Beecroft Road carpark design works	Q4 2023 - Q1 2024
Beecroft Road procurement main works	Q1 2024 - Q2 2024
Beecroft Road works commence	Q2 2024
Northern Gateway and café planning submission to determination	Q1 2024 - Q2 2024
Procurement of demolition contractor (canopy removal and former retail units)	Q1 2024 - Q2 2024
Demolition works	Q2 2024 - Q4 2024
Procurement Northern Gateway and café works - Stage 1	Q4 2024 - Q2 2024
Procurement Northern Gateway and café works - Stage 2	Q2 2024 - Q3 2024
Northern Gateway and café works commence	Q4 2024
Highway works (pedestrian crossing and subway infill)	
Mobilise Amey to undertake design works for Highway crossing and subway infill	Q1 2024 - Q3 2024
Ground investigation works and progress detailed design	Q1 2024 - Q3 2024
Progress Major Works Agreement / completion of Section 278	Q1 2024 - Q4 2024
Amey / SCC - award works contract and mobilise	Q2 2024 - Q4 2024
Commence works Phase 1 – infill subway, remove northern parapet, and new crossing preparatory works – Make safe and demobilise.	Q4 2024 – Q1 2025

- 5.6 The second phase of delivery relates to a wider area within the town centre which brings forward a different scheme to that originally envisaged. As such officers are working with DLUHC colleagues agree a scope of works, programme and budget that is similar to the approved project to reflect the funding award. Cabinet

should note that the Council is currently progressing a CPO to facilitate land assembly to support delivery of the scheme, however the Council is continuing to seek to finalise agreements with landowners by private treaty. Further details of this second phase will be reported to Cabinet once those urgent discussions have concluded and subsequent actions will need to be delivered at pace for the second phase of the project.

Permission to Spend

5.7 Cabinet are asked to delegate permission to spend to the Head of Economic Development and Planning to deliver the Northern Gateway, Beecroft Road car park and multi-storey car park demolition works. Costings for each of these elements is set out below. Permission to spend for the acquisition of units 1 to 3, Cannock Shopping Centre was agreed by Cabinet in June 2023.

5.8	Work Package	Estimated Cost £
	Northern Gateway construction	1,700,000
	Café construction and fit-out	650,000
	Beecroft Road Car park refurbishment	1,500,000
	Highway works (including Major Works Agreement with Staffordshire County Council), design consultancy agreement (SCC /Amey) and contingency	1,500,000
	Demolition works Multi-Storey Car Park and Units 1 to 3 Cannock Shopping Centre	3,000,000.00
	Contingency (applied to all costs except SCC quotes)	650,000
	TOTAL	£9,000,000

On the basis that the costs quoted above are estimates subject to inflation and detailed procurement, Members are asked to provide permission to spend £9m from the capital programme in respect of the Northern Gateway, Beecroft Road car park refurbishment and multi-storey car park demolition.

5.9 Following a recommendation from the Council's commercial advisor, Savills, Cabinet are asked to agree permission to spend to cover compensation costs plus professional fees and associated legal costs to achieve vacant possession of the relevant units within Cannock Shopping Centre. Details are set out in the **CONFIDENTIAL APPENDIX**.

5.10 There will be additional revenue budget implications as a result of delivering the phase one works, including:

- Business rates liabilities for 2024/5 associated with units 1 to 3 Cannock Shopping Centre - estimated in the region of £41,000 and dependent on the timing of the demolition works.
- Income generated through letting of café unit - it is anticipated that the café will be pre-let to an operator and generate income to the Council. However, should the café not be pre-let and completed, the Council would be liable to pay business rates on the empty unit. At this time, it is not possible to quantify this potential cost.

- Loss of car parking revenue during the construction works period. This will have a further impact on the income of the Prince of Wales theatre as this is the primary car park patrons use when visiting the theatre. It is not possible to quantify this impact at this stage. Also, the indicative masterplan identifies a revised configuration and potential loss of car parking spaces due to installation of EV Charging points, bike hub and landscaping works. The design will need to be refined, so at this stage it is not possible to quantify the potential loss of revenue.
 - The demolition of the MSCP will remove a liability to the Council and risk to the Council in terms of structural and security issues and any further mothballing costs.
- 5.11 Further work will need to be undertaken to quantify the revenue costs to the Council and this needs to be set against the opportunity to deliver regeneration for Cannock town centre and the Council's challenging financial position going forward.
- 5.12 A further report will be presented to Cabinet in respect of phase two of the Levelling Up Fund regeneration programme once the current discussions with DLUHC have concluded. These discussions are of a particularly urgent nature and require the Council to respond at pace.

6 Implications

6.1 Financial

The report sets out a request for a capital budget of £9 million on works to the town centre as set out in paragraph 5.7 above plus the costs to achieve vacant possession of Cannock Shopping Centre. As set out in paragraph 5.5 this scheme requires spend by March 2025.

The Levelling Up Fund has an overall requirement of a 20% match contribution to the levelling up grant, the Council would seek to draw down the Levelling Up Funding first where possible, however should a further phase not progress this would give a grant usage of £7.2 million and £1.8m council contribution for this phase.

Paragraph 5.10 sets out a number of revenue implications as a result of the scheme. There is no specific budget to fund these items so will be an additional cost to the authority. The loss of income for car parking revenue income is likely to be the biggest cost to the authority, based on income for 22/23 and 23/24 to date is approximately £4,000 per week. The timeframe for these works is currently being reviewed and an estimate of the potential loss of income if customers do not relocate to other car parks will be given as part of a project update report once a contractor is in place.

The second phase of delivery will be subject to separate financial appraisal in addition to that identified in paragraph in paragraph 5.6 in respect of any revenue financial implications.

6.2 Legal

The Cannock Town Centre Regeneration programme is already identified within the Council's capital programme but Cabinet approval is required for permission to spend.

As the Levelling Up Fund award is a grant Officers need to ensure that all associated grant conditions are monitored and met.

All elements of procurement must follow the relevant procurement rules when awarding contracts.

6.3 Human Resources

The Council has procured project management services to ensure that the project delivers to budget and on time, the cost of which will be covered via existing budgets.

6.4 Risk Management

A full risk register is managed as part of the established governance arrangements and forms part of the quarterly performance returns submitted to DLUHC.

The greatest risk to the Northern Gateway and demolition of the Multi-Storey Car park demolition project is cost control. Given the unpredictability of inflation and the costs of construction an additional contingency has been built into the cost plan (enclosed as a **CONFIDENTIAL APPENDIX**).

The timescales for spending the LUF capital contribution have been impacted significantly by the CPO process however DLUHC's position on this has now been clarified to an expectation of contractually committed spend by 31 March 2025. Confirmation has been received that DLUHC will not seek to clawback any monies that have been properly incurred in terms of delivering the programme, ensuring that the Council can proceed with pace and with confidence.

The demolition works proposed to the multi-storey car park will impact on neighbouring businesses and pedestrians accessing the town centre. Alternative access routes, communication plans and on-site signage will all be used to mitigate the impacts, however, there remains a risk of compensation claims during the works. This short-term risk has to be balanced against the long-term benefits of the regeneration scheme.

The works proposed on the public highway to deliver the Northern Gateway element of the scheme need to be carefully programmed with colleagues at Staffordshire County Council to minimise the impact to residents, businesses and visitors to the town centre. This is of particular concern given the impacts currently being felt from the significant works currently underway on Ringway.

All of these risks have been considered in the context of the benefits that the project as a whole can deliver for Cannock Town Centre. If the Council were unable to implement this LUF supported scheme it may impact the Council's ability to secure future funding meaning that any regeneration of the town centre, and the associated positive outcomes for the local economy and community, would rely wholly on private sector investment which is not currently forthcoming.

6.5 Equalities and Diversity

An Equality and Impact Assessment is in place for the project - there are no direct implications for this report.

6.6 Health

It is recognised that a redevelopment of this scale will have significant impacts on many of the wider determinants of health and the Project Delivery Team will work with colleagues and partners to ensure opportunities to reduce health inequalities are maximised.

6.7 Climate Change

As part of the scheme, the Council will be installing EV charging points on Beecroft Road car park and a bike hub to encourage people to cycle into and around the town centre. Enhancements will be made to existing pedestrian routes improving the environment of the town centre. The new café will be designed to achieve the highest level of energy efficiency and built according to the latest building regulations. The demolition of the Multi-Storey Car Park will remove an unsightly and redundant building from the town centre and create an opportunity to develop a new exciting building that acts as an exemplar in terms of design and sustainability.

7 Appendices

Confidential Appendix

8 Previous Consideration

Cabinet: 2 February 2022, 16 June 2022, 15 June 2023

9 Background Papers

None

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Ward Interest:	Cannock South
Report Track:	Cabinet: 28/03/24
Key Decision:	Yes