



Executive, 27<sup>th</sup> May 2014

## Appendix 1

# Central Bedfordshire Council

## Housing Allocations Scheme

**May 27th 2014**

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## FOREWORD



As the Council's Executive Member for Social Care, Health & Housing, I would like to welcome you to the Council's new Housing Allocations Scheme. Its purpose is to let social and affordable housing in Central Bedfordshire in a fair and transparent way.

Housing has a central role to play in everything we are seeking to achieve in Central Bedfordshire. During 2013, a Councillor led Task and Finish Group worked closely with stakeholders and local residents to develop our local Housing Green Paper, which sets out the Council's thinking to date on housing issues and challenges and our priorities for action in driving forward with a new agenda. A copy of our local Green Paper can be found at – <http://www.centralbedfordshire.gov.uk/home-and-housing/housing/housing-policies-strategies/housing-policies-strategies.aspx>

One of the key concerns for us is making sure we maximize and make best use of the supply of affordable housing stock in Central Bedfordshire, to ensure that it is as affordable as housing finance allows it to be and that it is appropriately targeted at households who are in genuine housing need. We work closely with developers to make sure the type and mix of housing in the area is appropriate.

This Allocations Scheme, like the already published Tenancy Strategy, takes advantage of the opportunities provided by the Localism Act in creating a truly local Allocations Scheme, based on research into our local housing needs, a comprehensive evaluation of evidence on how we are able to meet these needs and within what time frames. Each year we have between 850 and 1050 lets to make to homes that are provided by social landlords in Central Bedfordshire, including the Council. The average waiting time for a property is in the region of 35 to 40 weeks, for those households in need, who are likely to be re-housed.

We have worked hard to make the scheme simpler, easier to understand and fairer than any Allocations Scheme we have had before, whilst at the same time meeting a number of fundamental objectives. These are set out below:-

### **Encouraging applicants who are out of work to seek employment**

We want to use the Allocations Scheme to encourage housing applicants who are not in work, and can work, to seek it. They will be rewarded with additional priority at the time of short-listing for a property. This is explained in more detail in the policy, but we believe that applicants who seek and obtain work should have increased housing prospects for social housing as a result. The Council is ambitious to deliver new housing in Central

Bedfordshire through the Local Development Framework, and is ambitious to work with partners and business to create new jobs.

2,000 jobs have already been achieved as part of an ambitious target to achieve 27,000 new jobs through our strategy for growth. We want to ensure that our Allocations Scheme supports those aims.

This will encourage applicants who are not working, to seek employment as a way of gaining additional priority for housing. The same priority will also be available to people who are in formal volunteering roles, as we believe these are a route into employment, and show commitment from applicants in making a valid contribution to the community. There are exceptions for those people who have retired or are not able to work. These exceptions are also explained in more detail, within this policy.

### **Balancing reasonable preference with local priorities**

We wanted to develop an Allocations Scheme that is based around the statutory reasonable preference groups, but with the scope to take on board particular local priorities. We have also given additional preference to certain categories of persons from the forces, in line with the Council's legal responsibility and long standing commitment to helping veterans and their families to resolve their housing need, in the context of the Central Bedfordshire Armed Forces Community Covenant.

This has been achieved in the form of setting aside quotas (or a number of properties) each year for those applicants who have a particular need to move and who the Council wishes to support into independent living. These groups include Foster Carers, people with Mental Ill-Health or Learning Disability who are ready to leave supported housing, as well as households who wish to move in order to become foster parents. These are the groups of households that the Council wishes to support in their home seeking. These groups may change from time to time, and will be reviewed annually.

### **Providing support for low paid workers in the private sector**

The Council is keen to provide access to housing to those who may be adequately housed in the private rented sector, but who struggle to make ends meet because of higher rent levels and low wages. We have included these households in our reasonable preference group as we believe low paid workers in the private rented sector would otherwise suffer hardship.

### **Practical help for those threatened with homelessness**

We anticipate that those threatened with homelessness will be assisted into private sector accommodation, with the help of our private sector access scheme. Where we have properties that are advertised in our "Available Now Window", we are likely to offer these homes to those people threatened with homelessness, in order that the Council is able to discharge our legal re-housing duty. These properties are the ones that don't get let in the first bidding cycle.

### **Supporting households who work locally**

Attracting working households to Central Bedfordshire will support our corporate goal of making Central Bedfordshire "a great place to live and work". In our local Housing Green

Paper we gave a commitment to support people's working lives and our new Allocations Scheme provides us with an opportunity to do this. We are keen to support those seeking work locally and those who already have a job here who want to move to be nearer to their place of employment. We think this is important in building sustainable communities and to support the efforts of those working to find jobs locally so that they can contribute to the local community.

### **Supporting older people to live close to established networks**

The Council recognises that whilst older people may need to move to alternative and more suitable accommodation as their housing needs change; established community and support networks are very important to this particular age group. Many of our older residents will have lived within the same community for a long time, and have very strong ties. As such, where possible, we wish to support our older residents to remain within their communities by giving them enhanced priority for vacancies that arise within sheltered and older person's designated accommodation in close proximity to their current address.

### **Offering choice**

The Council is still committed to offering choice in housing. Social and affordable homes let using this Allocations Scheme, will continue to be advertised through our choice based lettings website – Homefinder. Our housing applicants are able to choose the type of property they wish to live in (appropriate to their household size); and in which area. We will offer a range of housing products; social rented homes, affordable rented homes and low cost home ownership.

The Council also recognise the benefits of being able to create chains of moves, as a result of direct letting. Also, during 2013/14, the Council has enabled many people to move to accommodation they can afford, where previously the household has under-occupied a property. Direct lets and transfers have been used to manage the impacts of welfare reform, with significant success.

It is the Council's intention, over time, to develop an Allocation Scheme that is effectively a hybrid of a Choice Based Lettings Scheme and Direct lettings/Quota system, on the basis of an Annual Lettings Plan. This will take time to evolve. The Annual Lettings Plan will identify any lettings priorities and quota schemes that will sit alongside the published Allocations Scheme. The Annual Lettings Plan will be evidence based and any proposals for further change will be evidence based, having regard to the outcomes being achieved, with our limited supply of social housing.

Our intention is that the Policy framework will provide definitive guidance as to who will have priority for social housing, whilst the Lettings Plan will allow some flexibility as to how we target and make best use of our limited supply, for the number of lettings we anticipate.

We intend to keep this Allocations Scheme under review to ensure that it is delivering the outcomes that we intend. Officers will carry out the first review within 6 months of the introduction of the Scheme, and this will focus on lettings outcomes delivered so far.

We aim to make the best use of a limited, valuable resource – social housing.

Councillor Ms Carole Hegley

Executive member responsible for Social Care, Health and Housing.

## 1. Introduction

This document describes the criteria that Central Bedfordshire Council (CBC) uses to prioritise applications for housing in Council homes, homes owned by Aragon Housing Association and homes owned by other housing associations (sometimes called Registered Providers [RP's]) and let through nomination agreements with the Council.

The Council has divided its Housing Register into two main sections, to reflect how lettings will be made. These are:

- General Needs Housing Register
- Older Persons Housing Register

The Allocations Scheme sets out the eligibility criteria for each part of the Housing Register and the criteria used for advertising and letting within these.

The Council is faced with a substantial demand for social housing, and an insufficient supply to meet the demand within Central Bedfordshire.

Encouraging workless housing applicants to seek work is a key aim of this Allocations Scheme. To facilitate this, applicants who are working will be given priority for vacancies above applicants who are not working. Applicants who are not in work, will be given advice and practical assistance in finding work from the council and by other key agencies in order to give them better prospects of re-housing via the Housing Register.

In reading this Allocations Scheme, please have regard to the Council's published Tenancy Strategy and the Local Housing Green Paper. Both are found on the Council's website.

## 2. Aims and objectives

The Allocations Scheme describes how the Council prioritizes housing applicants to ensure that those with housing need, as described by the legal definition of "Reasonable Preference" are given access to the majority of available social housing lets. This Allocations Scheme sets out in detail who is and who is not eligible to become a member of the Housing Register and how this assessment is made. It sets out how applicants can apply for housing, how they are assessed and what service standards an applicant can expect to receive.

The Council has designed the Allocations Scheme to meet the legal requirements and in particular the requirements set out by Section 167 of the Housing Act 1996. It explains the procedures and priorities for the letting of Council and Registered Provider (RP) properties in the area.

***The key objectives of this Allocations Scheme are to:***

- ***Help applicants in housing need to find suitable housing***
- ***Provide housing applicants in Central Bedfordshire with a fair and transparent system***
- ***Provide an incentive for applicants to seek employment***
- ***To create a simpler system – by reducing the number of bands used to distinguish or differentiate need***
- ***Make efficient and best use of social housing stock in the area***
- ***To encourage applicants to take a measured and long term view on housing options and to take responsibility for planning their own housing provision***
- ***To support older people to remain close to established support networks***

The Allocations Scheme is supported through the Council's Housing Options approach which informs applicants of their realistic prospects of obtaining social housing and likely time frames, and promotes other housing options such as low cost home ownership and private renting.

The Council recognises that some applicants are vulnerable; or, a member of their household may be vulnerable. Where it is appropriate, the Council will provide appropriate support to enable a person to apply for housing. This can include advice, automatic bidding for available properties; a direct let to a suitable property; or a referral to an appropriate agency to provide support or access to an accommodation based support service. The support that is available will depend on the household's particular needs.

### **Annual Lettings Plan**

This Allocations Scheme is accompanied by a Lettings Plan. The aim of this plan is to ensure the Scheme is working to meet the aims and objectives set out above and is specifically intended to ensure that the Council is making "best use of the social housing resource". The Lettings Plan will be updated regularly and will cover:

- Predicted supply of homes for letting through the Housing Register, for that year
- Identification of new schemes coming on stream for the year. Identification of the (%) percentage of lettings for these schemes that will be set aside for transfer applicants
- Performance against quotas
- The out turn of lettings for the previous year, as an evidence base for revising any quotas that are in place

More detail on the exact content of the Lettings Plan is contained in Appendix 1.



## Statement of choice

The Council is fully committed to enabling applicants to play an active role in choosing where, and in what property type and tenure they wish to live. At the same time the Council needs to continue to house applicants in housing need and comply with all relevant legislation. Applicants can therefore apply, subject to eligibility, for vacancies that are advertised. In making this choice applicants need to consider their housing need priority against the availability of properties in any given area.

The Council also recognise the benefits of being able to create chains of moves, as a result of direct letting. During 2013/14, the Council has enabled many people to move to accommodation they can afford, where previously the household has under-occupied a property. Direct lets and transfers have been used to manage the impacts of welfare reform, with significant success.

It is the Council's intention, over time, to develop an Allocation Scheme that is effectively a hybrid of a Choice Based Lettings Scheme and Direct lettings/Quota system, on the basis of an Annual Lettings Plan. On balance however, the allocations scheme will be significantly weighted towards choice being the dominant feature.

## Managing choice

In some circumstances, applicants will be made a direct let of accommodation. In these circumstances, applicants will not be offered choice as the need to manage risk or to resolve a particular problem will be the primary determinant of any accommodation offered. This applies to those offered re-housing under the Witness Protection programme and Multi Agency Public Protection Arrangement, as well as in some other limited circumstances.

Applicants awarded Band 1 status will be expected to bid for the next suitable vacancy. This will be extended where no suitable property was advertised.

Where an applicant does not use the Band 1 status that has been awarded to bid for a suitable property, the Council will review the decision to award a high degree of priority and may decide to reduce the level of priority. The onus is always on the applicant to secure a suitable, permanent home, at the earliest opportunity.

## Managing choice – homelessness

The Council will re-house homeless households who are owed the re-housing duty under homelessness legislation through a direct let to suitable accommodation in either the private rented sector or to a Housing Association or Council property, or through choice based lettings. Where an offer of accommodation is made but refused, the process of rehousing will cease and the applicant will be required to make his/her own arrangements for accommodation. He / she will be able to access the Housing Register, assuming they fall into one of the preference categories described in Band 1 or 2.

Homeless households who are subject to investigation and / or an offer of a private rented sector property, will not be granted access to the housing register. Once the Private Rented Sector Offer has been accepted, the applicant may apply, and will be assessed in line with the Allocations Scheme.

## Introductory Tenancies

Introductory Tenancies and Starter Tenancies provide increased management support for new tenants usually during the first twelve months of a tenancy but may be extended beyond this. This initial period also provides reduced security of tenure. The Council's aim is that tenants will be offered a full secure, assured or fixed-term tenancy at the end of the introductory period. This is likely to happen, provided that there have been no breaches of tenancy resulting in the commencement of possession proceedings.

The Council introduced Introductory Tenancies from 1<sup>st</sup> April 2013. Aragon Housing Association issues Starter Tenancies, and other Registered Providers in the area may do the same. For more information about the tenancies offered by the Council and Housing Associations, please contact the Council or refer to the Council's Tenancy Strategy.

## 3. Legal Framework

The Allocation Scheme sits within a tight and complex legal framework. This section describes this legal framework.

The Housing Act 1996 (as amended by the 2002 Homelessness Act) requires Local Authorities to make all lettings and nominations in accordance with a published Allocation Scheme. A summary of the Allocation Scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Allocation Scheme and general principles is available from Central Bedfordshire Council offices at Watling House and Priory House and on the Council's website ([www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)). The full printed version of the Allocation Scheme will be made available on request at a cost of £10 per copy.

The Housing Act 1996 (as amended), requires Local Authorities to provide 'Reasonable Preference' in their Allocation Scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move due to welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the Local Authority's area.

The Localism Act 2011 allows local authorities to have significant control over who qualifies for housing and the priority given to national and locally determined groups that are assessed as being in housing need. These flexibilities are now reflected in this Allocations Scheme.

The Council has embraced the changes to allocations legislation brought about by the Localism Act 2011, with particular emphasis on the introduction of qualifying criteria for access to the Housing Register and the new priority giving priority to working households.

This Allocations Scheme takes into account the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 which replaced all previous statutory guidance on social housing allocations. The Allocations Scheme is drafted and framed to ensure it is compatible with the Council's equality duties including the Equality Act 2010 and has been subject to a full published Equalities Impact Assessment which is available on the Council's website. The policy will be regularly reviewed to ensure that its implementation does not have a disproportionate disadvantage for a person with a protected characteristic as compared to those that do not share that characteristic.

## Rural Exception Schemes

Rural exception schemes are an important provision of affordable housing and contribute to the sustainability of rural and village communities. In Central Bedfordshire, a number of successful schemes have been delivered in recent years. The Council has an obligation to ensure that priority for vacancies in rural areas is given to households with a relevant local connection. The Council adopted in February 2013 a Local Lettings Policy on Rural exception Sites, which is set out as Appendix 2 to the main Policy. It should be noted that the criteria established by the Housing Allocations Policy in relation to Local Connection do not apply to lettings within rural exception schemes, which shall continue to be let in line with the approved Local Lettings Policy.

Special rules will apply when prioritizing applicants who are being considered for housing in a village where a rural exception policy is in place. All such village vacancies will be advertised with priority given to those with a local connection to that village.

The intention is that properties will be let to applicants having a local connection to the parish. Where there are no eligible applicants having a connection with the parish, the allocation has to be made to eligible applicants with a local connection to a neighbouring parish. If still no such applicants exist, an allocation can be made to eligible applicants with a local connection to the Central Bedfordshire area. In this instance, the eligibility of any applicant shall be in line with the criteria established by this Housing Allocations Policy.

A local connection is (in order of priority):

- Current residence in the parish for a minimum of 2 years, or a previous residency in the parish for a period of not less than 10 years
- Family connection through mother, father, brother or sister, son or daughter being resident in the parish for a period of not less than 2 years
- Employment in the parish as a main place of work, for a period of not less than 2 years
- Current residence, family residence, or an employment connection where the time period does not meet those stated above.

Please refer to appendix 2 for more information about this Local Lettings Policy.

## 4. How the Housing Register is structured

The Housing Register is divided into two sections. This is explained below.

### Section 1 – General Needs Housing Register

Section 1 of the Housing Register is for all general needs applicants. This is applicants who are NOT applying for sheltered accommodation for older people, designated older persons housing or extra care housing (see Section 2 below).

Applicants must fall into one of the qualifying groups for access to the Housing Register – set out on in Section 5.

In addition, applicants must attract Reasonable Preference. The Housing Register is only for applicants who can demonstrate they are in housing need.

The law requires that reasonable preference is given to the following categories:

- People who are homeless, including those who are intentionally homeless and in priority need
- People who are owed a re-housing duty under the homelessness legislation, where this duty has not been discharged by an offer of suitable accommodation, which may be to a letting in the private rented sector.
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds related to a disability
- People who need to move to a particular locality, where failure to meet that need would cause hardship to themselves or to others

In this Allocations Scheme, all of these categories are equal. If an applicant falls into any of the categories, he or she will be admitted to the Housing Register. The categories all have equal standing; having housing circumstances that cover more than one of those categories does not warrant additional priority.

The Council retains the power to give additional preferences to such persons, if it chooses to. The Council must and will give additional preference to certain categories of persons from the forces, in line with the Council's legal responsibility and long standing commitment to helping veterans and their families to resolve their housing need, in the context of the Central Bedfordshire Armed Forces Community Covenant.

### **Rural Exception sites – recording the interest of applicants**

The interest of applicants applying for homes available through Rural Exception sites will be recorded in a separate Register that shall be maintained solely for the purpose of lettings to Rural Exception Site schemes, where the eligibility criteria are different to the eligibility criteria for the General Needs Register. An applicant applying for housing in a particular village or Parish, to which they may have a local connection, may not be eligible (in terms of their need or their local connection to Central Bedfordshire) to qualify for the General Needs Register. If you are in any doubt, please contact the Council to discuss your personal circumstances.

## **Section 2 – Older Persons Housing Register**

Section 2 of the Housing Register is for applicants over the age of 50 years who wish to apply for sheltered accommodation for older people and designated older person's accommodation.

Vacancies that fall within this category will only be open to this group of applicants. The Council does have discretion, in certain circumstances, to let to households with a particular need. For example, the Council may let a property within a sheltered scheme to a younger person, who has a learning disability. Each case shall be considered with regard to

the personal circumstances of the person involved, as well as those persons living as part of a community of older people in a sheltered housing scheme.

Older people wishing to apply for general needs vacancies, who are in housing need may also apply for accommodation through the General Needs Housing Register.

The Council has embarked on an ambitious programme to deliver a substantial number of new build homes that are described as Extra Care housing, designed to meet the needs of frail older people, who typically may have both a need for support and also personal care.

This Policy does not set out the criteria for Allocations to Extra Care housing schemes. The Council is developing a new Policy, which will be consulted upon separately. In time, the Extra Care Housing Allocations Policy will be included as an appendix to the main Housing Allocations Policy.

### **Designated keyworkers**

This Allocations Scheme does not currently provide for any designated key workers. The Council believes that those seeking affordable accommodation locally, because they work in Central Bedfordshire, will be able to access the Housing Register and local homes, by virtue of the employment priority set out on page 18. However, this will be reviewed as part of the Lettings Plan.

If the Council finds that there are specific groups of employees who have difficulty accessing homes locally because of low income, for example, or where there are shortages of particular types of workers locally, then the Council may provide for these groups in the future by making available a quota of homes, of particular types, in prescribed locations, that are designated as being available to let to an identified group of key workers.

Whilst the Council's Allocation Scheme does not afford priority to a designated group of key workers, the Policy does provide scope to let homes to key workers in future where there is an identified need that is set out within the Lettings Plan. Specific criteria for priority will be identified and published within the Lettings Plan, in the event that a quota of homes are being made available to meet an identified need.

### **Supporting new business in Central Bedfordshire**

The Council is keen to support companies who will bring employment opportunities into Central Bedfordshire, and require affordable homes for workers who may be low paid. To support these companies, the Council will consider making a percentage (%) of properties available in a given year – to assist the business in being set up, and attracting workers who can afford to live nearby. This will be done in the form of a quota and will be a one off number of properties. As such, this will be included in the Annual Lettings Plan and will be the result of joint working with colleagues across the entire council to ensure that corporate objectives are met. It is anticipated that these businesses will be required to make use of the local labour force wherever possible first.

## Quotas

The Council may choose to make a percentage of annual lets available to certain groups of applicants, via quota schemes. Where this is the case, these will be set out in our Lettings Plan. Groups likely to be subject to a quota include:

- Clients with mental health issues, who are ready to move on from supported housing schemes; or are assessed as being ready to establish a tenancy on a permanent basis, with support as required
- Clients with a learning disability, who are ready to move on from supported housing schemes; or are assessed as being ready to establish a tenancy on a permanent basis, with support as required
- Foster carers, who need particular type or size of accommodation in order to foster, and have been approved as such by the relevant authority and are awaiting a placement
- Lettings for employees of new business in the Central Bedfordshire area, where this has been agreed as a corporate priority, or where a specific commitment is being made to support a local business or attract a business to re-locate to Central Bedfordshire
- Children Leaving Care or those persons responsible for looked after children
- Other people or groups of people who are identified as part of consultation with partner agencies.

The exact number of units available to each agency will be determined through a process of negotiation with each agency based on previous demand and projected need. The Annual Lettings Plan – drawn up at the beginning of each financial year, will set out the number of units available to each client group.

Clients who could be subject to a quota letting may well be registered on the housing register anyway – in Band 2 – if they are assessed as having a housing need. If they have no housing need at the time of application, they may not be registered.

Wherever possible, quotas will be managed through Choice Based Lettings (CBL). This is for the purposes of choice for the client, for transparency and to place responsibility with the client, as they are taking on the responsibility for managing their own tenancy. When a client is put forward by a partner agency as suitable for taking up a quota – the request will be assessed by the Housing Register Team. Once approved, the client will be awarded Band 1 status. This will be awarded for 3 bidding cycles (or longer if there are no suitable properties to bid for).

The client will be supported in bidding by the referring agency and / or floating support worker. If no bids are made, where a suitable property was advertised, the referring agency will be notified and the Priority Status may be withdrawn.



This Policy allows the Allocations Scheme to be varied through adoption of the Lettings Plan, to enable a quota of homes to be made available, to meet an identified, quantified need, provided that the Lettings Plan is adopted by the Council's Executive. In this way, the Allocations Scheme can be responsive to identified needs.

These quotas will be available to the designated service as a minimum number of properties available for that client group, for (typically) a one year period that is reviewed on an annual basis.

A quota may also be set for transfer applicants. This will enable applicants in housing need to transfer via the housing register. This is particularly important for those affected by the spare room subsidy limitation. Transfer applicants will also have access to properties within the Available Now window (see page 33 and 34)

New lets on new developments may also be set aside for transfer applicants as part of the quota arrangements. This will be set out in the Annual Lettings Plan.

## **5. Who can join the housing register?**

This section sets out those who qualify for inclusion on the housing register.

### **Section 1 – General Needs Housing Register**

Everyone who wants to join the general needs housing register has to fill in an application form. This is to make sure that the Council has the information needed to decide priority for housing and to make sure everyone is assessed in the same way.

It is envisaged that during 2014/15, the Council will cease to use a paper based system of application forms to apply for social housing. Our aim is to reduce administration cost and to ensure that our staff resources are directed to where they can make the most difference.

The paper forms will be replaced with on line application methods, that are being designed to inform applicants whether they are eligible for social housing; how likely they are to be offered a home and how long they might typically have to wait. Whilst the new on line systems will include an element of self assessment, Council staff will be available to assist people to use the new systems, when they are introduced.

**Normally**, anyone can join the housing register so long as they are –

- Over the age of 16 years – conditions apply, see below
- In housing need
- Not prevented from joining as prescribed by law (see below page 15)
- Not disqualified by the Council because
  - They do not meet the residency criteria i.e. have not lived in the area continuously for the last 3 years, or meet the employment criteria

- They are guilty of poor behaviour
- They owe debt to the Council or to a Registered Provider
- They have a poor tenancy history i.e. non compliance with a previous tenancy agreement
- They have a household income of more than £30,000-£50,000 per annum (before tax) depending on the size of accommodation they need
- Are a home owner

Every application will be considered on its own merits and the Council will consider all circumstances before making a final decision on eligibility. If an applicant is deemed to be ineligible for the Housing Register, the Council will advise of this and inform the applicant of the right to request a review of the decision if he /she believes the decision is unjust. The Council, on review, will take into account exceptional or mitigating circumstances.

The Council makes use of a credit reference agency in order to verify the information applicants give for assessment purposes.

### Looked after children and young people

Central Bedfordshire Council has a statutory responsibility towards looked after children, which includes children in care and those children in need of fostering or adoption. This is often referred to as 'Corporate Parenting responsibilities'.

The Corporate Parenting Panel ensures that the Council fulfills its corporate parenting responsibilities by working effectively with partner agencies, such as the NHS and the voluntary sector. The Panel helps to ensure that the services provided to children and young people who are looked after by Central Bedfordshire Council are of good quality and meet their needs. In particular, the Panel examines ways in which the Council as a whole and partner agencies can improve the life chances of looked after children and care leavers.

In Central Bedfordshire, the Corporate Parenting Panel has a strategic responsibility to ensure that close collaboration is achieved between the Council's Children's and Housing Services. This responsibility applies to the allocation of social housing, where the primary aim is to ensure that looked after children are able to secure permanent settled accommodation. This applies to young people as they become independent and settle in their own home, as well as to foster children and those seeking adoption. The Council will support those families who are seeking to adopt or foster children, by enabling them to access suitable accommodation.

Priority within the Allocation Scheme can include an offer of suitable accommodation during a transitional phase, where people learn about their responsibilities as a tenant and gradually gain independence and confidence. The provision of specialist accommodation, as well as ordinary housing, falls within the scope of the Allocations Policy, as well as the Annual Lettings Plan.



## **Young people aged 16 and 17 years**

Children aged 16 and 17 years, who are in housing need, will be offered a housing options interview, by a housing officer. Advice will be sought from Children's Services where necessary, and if the child is known to the local authority then a joint assessment will be carried out. The application will be managed on the basis of close collaboration between the Council's Children's and Housing Service to achieve the outcome that is in the best interests of the child. This is an important point of principle that is established by relevant case-law.

The council has a commitment to joint working. Additionally the council is working to develop housing solutions for care leavers and other young people who are vulnerable and in housing need. There is a commitment to develop both physical housing provision and appropriate support for this client group.

Details of applicants that are ineligible are set out below:

### **Those prescribed by law**

This includes –

- Persons disqualified under Part VI of the Housing Act 1996 and associated statutory instruments that provide for accommodation, on the grounds that they are subject to immigration control or subject to the Nationality, Immigration and Asylum Act 2002, except for those allowed by law
- Persons not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland, except for those allowed by law
- EU nationals with no leave to remain in the UK

### **Applicants under the age of 18 years – certain conditions apply**

Applicants aged 16 or 17 years of age will be accepted onto the Housing Register, provided they are not otherwise ineligible. However, when allocating a tenancy to an applicant under the age of 18, then:

- A trustee must be appointed. A person under the age of 18 cannot be the legal owner of an interest in land, including a tenancy. The trustee would be the legal owner of the tenancy and hold it in trust until the young person reached 18 years of age. Any such case will need to be jointly assessed by the Housing service and Children's / Adult Services before an offer of accommodation is made

### **AND,**

- A suitable guarantor (i.e. somebody liable for the rent if the tenant does not pay) for the tenancy would need to be identified until the applicant reaches 18 years of age.

Applicants under the age of 18 years will always be granted an Introductory Tenancy or a Starter Tenancy and this will not become a secure tenancy until such time as they reach the age of 18.

### **Applicants with a history of poor behaviour**

The Council does not allow access to the housing register to those applicants with a history of poor behaviour. This includes any applicant, partner or other member of their household who has been convicted of, or had legal action taken against them for violence, harassment, threatening behaviour, any physical or verbal abuse towards staff and residents in the area. Legal action includes relevant convictions, service of injunction, notice of intention to seek possession, a court order or revocation of licence to occupy.

Applications will be assessed on their own merits taking into account current and recent conduct along with any relevant supporting information provided by partner organisations, support workers and the Police.

Applications from people excluded under this section will need to demonstrate a change in behaviour. Usually, applications will be reconsidered after 12 months, during which time it must be demonstrated that there has been no repeat occurrence. Earlier reviews may be considered in exceptional circumstances, particularly where a household is engaging with support as part of the “Supporting Families Programme” approach in Central Bedfordshire.

### **Non compliance with a previous tenancy agreement**

This applies where the Council is satisfied, having considered all available evidence, including the use of credit agencies, that an applicant (or a member of their current or prospective household) has failed to adhere to the terms of any current or previous social housing or private sector rented tenancy agreement terms and conditions. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived.

It also includes outstanding debt with a private landlord (subject to assessment, as per the process outlined below where debt is owed to the Council). Non-qualification will apply until the applicant has demonstrated, to the satisfaction of the Council that circumstances have changed such that the previous conduct is unlikely to reoccur. In many cases this could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.

Any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of twelve months.

### **Applicants who owe debt to the Council or Registered Provider**

This includes current or former rent arrears (including temporary accommodation arrears), damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy. It also includes money owed where there has been a claim against the deposit scheme for damage or rent arrears.

This will be assessed at the point when the applicant's priority is being assessed unless new information comes to the Council's attention after their initial assessment.

The following procedure will apply:-

- The Council will consider whether the applicant still owes arrears/debt, and if they do, the extent of the arrears/debt. Practice notes will guide staff decisions in this area.
- The Council will consider whether there are exceptional circumstances (see below). If there are exceptional circumstances then the applicant may not be subject to ineligibility despite the arrears/debt.
- The Council will consider whether the claimant has taken debt advice, acted on it, and entered into and begun to implement any arrangement to clear the arrears.
- The Council will consider whether an arrangement has been made, the amount of arrears paid off, any debt outstanding, and the regularity of any payments made.

The Council is keen to only deem applicants ineligible where there has been wilful refusal to pay debt.

Those who demonstrate that either they or a member of their household face life threatening circumstances and as a consequence require immediate re-housing, including domestic violence cases, will still be admitted to the Housing Register.

Applicants who have been deemed to be ineligible will be able to reapply after 12 months, when another assessment of circumstances will be made.

### **Residence and employment criteria**

The Council has adopted a simple residential qualification criteria for persons applying for accommodation. They must have lived continuously in the Central Bedfordshire area for 3 years at the time of registration and need to remain resident in the area to preserve that registration, or be in permanent contracted employment in the area and have been for a period of at least 6 months (see below).

The requirement to establish a residency criteria does not apply to the Older Person's Housing Register, but may apply to the Extra Care Housing Policy, at such time as a Policy is developed and approved.

Home-swapping, or mutual exchange, does not require a residency criteria to be established and is managed quite separately from the Housing Register.

**Existing social housing tenants, resident in Central Bedfordshire, who wish to transfer because they have a housing need will not be required to demonstrate a residency criteria. Nor will they be subjected to a savings or earnings test.**

Any new homeless applicants will have to satisfy the 3 year continuous residency criteria for access to the Housing Register. This does not affect their position / assessment under the Homelessness Legislation. This is purely for access to the Housing Register.

A person cannot claim to meet the residency criteria simply because they have relatives living in the area, however, if they are able to demonstrate a strong connection to the CBC area by reference to strong family associations whether by residence or employment, they are likely to meet the residency criteria. This must be a strong family association either by residence or employment of close family members in the area - that meets the residence or employment threshold in the policy.

This means that the close family member must have lived continuously in the Central Bedfordshire area for 3 years at the time of registration and need to remain resident in the area to preserve that registration, or be in permanent contracted employment in the area and have been for a period of at least 6 months. Such cases will be considered by the Housing Needs Panel.

If the applicant gives or receives care, access to the housing register may be granted – see next page.

### **Employment criteria**

Where an applicant wishes to move to the Central Bedfordshire area because of employment, they will be included on the Housing Register, once they have worked in the area for 6 months. This restriction to a minimum of six months may be varied where a specific commitment is being made to a business relocating to Central Bedfordshire, within the terms of a quota, within the Annual Lettings Plan.

At the first review of this Policy, following implementation and a period of operation, the Council will consider whether employment within Central Bedfordshire for a period of 6 months is the appropriate minimum time period to be eligible to join the Housing Register.

The following conditions apply:

- The employment must be permanent employment and not simply engaged doing agency work on a temporary basis.
- The employment must be for a minimum of 16 hours a week
- Applicants may be self-employed with their business base in Central Bedfordshire.

See also page 30 and 31 for further information with regard to self employment and volunteering..

Applicants that fall into this category – seeking to join the Register by virtue of employment – will have a full assessment made of their status by a member of the Housing Register Team, who will make a determination on eligibility. As with other decisions, this will be subject to a review if the applicant so wishes.

## Exceptions to the Residency or Employment Criteria

There are a number of exceptions to the employment and residency criteria requirement. These are:

- A person who is serving in the Regular Armed Forces or
- A person who has served in the Regular Armed Forces
- In a class of people prescribed by regulation who cannot be deemed a non-qualifying person due to a lack of connection or residency to one of the local authority areas. (For example MAPPA, MARAC, Witness Protection, owed a homelessness duty as a person fleeing Domestic Violence.)
- A 'looked after child' as defined by Children's Services in another region
- Giving or receiving care to a member of the family and to be denied access to the housing register would be detrimental to this. The Council will only give access to the Housing Register to somebody where care and support are an issue if there is no one currently living with the applicant who can reasonably provide the support they need.
- A person in receipt of care packages assessed and provided by social services in the Central Bedfordshire area.
- Covered by agreed reciprocal arrangements between Central Bedfordshire Council and any other local authority.
- Their residence in Central Bedfordshire has been broken due to placement in an institution or care placement or supported living scheme outside the area; and had this placement not occurred they would have satisfied the residence criteria above.
- Applying for the Older Persons Housing Register
- Existing CBC tenant or tenant of a Registered Provider and living in the Central Bedfordshire area
- Where an applicant believes that they have strong grounds for needing to live in the Central Bedfordshire area, which are not detailed above, their case can be considered by the Housing Needs Panel.

## People earning a high salary or significant assets

Applicants will not be entitled to join the housing register where there is a household income as set out below:

Over £30,000 per year where there is a one bedroom requirement

Over £40,000 per year where there is a two bedroom requirement

Over £50,000 per year where there is a 3 or more bedroom requirement

This figure, set as of 31<sup>st</sup> March 2014, will be increased annually by the rate of Retail Price Index (RPI). If the income threshold is exceeded following application to the Housing Register, the application will be cancelled.

The Council considers these figures per annum household income to be a sufficient financial resource to buy a home or pay market rent in the area and therefore such applications will not qualify to register for housing.

Applicants will also not be entitled to join the Housing Register if they have significant assets or savings to resolve their own housing difficulties. Savings or assets of £23,250 are considered to be sufficient to do this locally.

However, these figures will be kept under review and an applicant may challenge on the basis of their individual circumstances, and the Council after a full assessment, will determine whether the applicant can afford to access the private market and whether access to the Housing Register is granted

### Home owners

Home owners will not qualify to join the Housing Register. This includes those who own a home abroad. However, the Council recognizes that a number of exceptional circumstances will exist where access to the Housing Register should be granted. These exceptional circumstances might include:

- When ownership is shared across more than one person/couple and the option to realise their assets to source their own housing solution is not available. The Council will insist that any action under the Matrimonial Homes Act is taken by the applicant where there is a right to do so.
- Households with insufficient equity in the property, so that once sold, they will not be able to resolve their own housing situation
- An older person who needs sheltered accommodation and does not have sufficient resources to secure this in the open market
- A disabled person whose home is deemed unsuitable for adaptations
- Emergency medical reasons to move e.g. cannot be discharged from hospital.
- Where an applicant is fleeing domestic violence and the ownership of the matrimonial home is still in the hands of the court.

The applicant will be required to provide appropriate documentation, e.g. proof of shared ownership, property valuation, income, report from social care team, hospital, GP, occupational therapist regarding the suitability and viability of adaptations in current property and any risk to health or life in order for an assessment and decision to be made.

### **Deliberately worsening circumstances to gain extra priority**

Although relatively uncommon, it is appreciated that some people deliberately make their housing circumstances worse to give themselves an advantage over others. Examples include moving into accommodation that is unsuitable on health grounds and then applying for a medical priority, or moving others into their home to receive an overcrowding priority. The Council takes the inequity of this to the many others who ask to be assessed in line with the policy and who are simply waiting their turn very seriously.

Those who engineer their own circumstances so as to get an extra advantage over others will be penalised by the Council removing their application from the housing register for a period of 2 years and then reassessing the application on genuine circumstances upon reapplication.

### **Obligation to be truthful**

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council may reasonably require to assess your application, or to provide false information that leads to an applicant gaining a tenancy. The Council will take appropriate action (including legal action) against anyone who gains a tenancy, or tries to gain a tenancy, through knowingly providing false information. A person guilty of an offence under this section is liable on summary conviction to a fine. Legal proceedings may begin if:

- any false information is given, or information withheld, on application to the housing register
- any false information is given, or information withheld, in response to subsequent review letters or other update mechanisms
- any false information is given, or information withheld, by applicants during a review.

Applicants who give false or misleading information will be excluded from the Housing Register for a period of 2 years. Possession proceedings will be issued if a tenancy has already been granted.

### **Council's Discretion**

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Register. Such cases will be referred to the Housing Needs Panel for agreement.

All decisions made by the Council will take into account Article 8 of the Human Rights Act 1998.

### **Right of review**

The Council will write to anyone who is being excluded from the Housing Register detailing the reasons for this decision. Applicants will have a right to ask for a review of the decision made on their housing application. A fresh application will be considered if, for example –

- The applicant's immigration status has changed



- The applicant can demonstrate good behaviour for a minimum of 12 months (see above)
- A minimum of 2 years has passed since the applicant has knowingly given false or misleading information, or withheld information that has been reasonably requested.
- The applicant's financial circumstances have changed and income and capital assets reduced below the threshold.

Proof of changes will be required to enable a review to take place and decisions at review will be made by the Housing Solutions Team

## Section 2 – “Accommodation for Older People” Housing Register

To qualify for this section of the Housing Register, applicants must be over the age of 50 years. Applicants should note though, that scheme eligibility may vary, and will be included in any advertising criteria. Some schemes may be advertised with higher age limits.

The qualification criteria set out in the previous section – for general needs accommodation, will **not** apply. The following requirements will, however, have to be met.

**Normally**, anyone can join the Older Persons Housing Register so long as they are –

- Over the age of 50 years
- Not prevented from joining as prescribed by law
- Not disqualified by the Council on any of the following grounds-:
  - They are unable to demonstrate a link to the Central Bedfordshire area through residency, employment or immediate family living in the area.
  - They are guilty of poor behaviour
  - They owe debt to the Council or to a Registered Provider
  - They have a poor tenancy history i.e. non compliance with a previous tenancy agreement

### Residency qualification

There is a more generous residency qualification for people over the age of 50, in recognition of the different needs of older people. Applicants should be able to demonstrate a link to the area, either through residency, employment, or because they have immediate family living in the area.

Applicants will not physically need to apply for both registers if they wish to apply for both general needs and older person's accommodation – one application will suffice.



## **Sheltered housing**

The same restrictions apply for sheltered housing as they do for the Older Persons Housing Register.

However, the Council is conducting a review of sheltered housing and may decide, in the future, to de-designate some accommodation, such that it becomes available for general needs.

This could reduce the supply of sheltered housing, in which case, new Policy provisions will be adopted by the Council that are specific to sheltered housing, which shall then replace this part of the Allocation Scheme.

## **Applicants with No housing need**

Applicants who wish to register for Older Persons Housing, but who do not have a housing need will be placed in a special OP Band. This band will sit below Band 1 and 2, from which applicants will be shortlisted first. Applicants with no housing need, in the OP Band, will only be successful for properties where there are no applicants from Bands 1 and 2 who are shortlisted. The OP band is strictly limited for older person's accommodation. Applicants with no housing need under the age of 50 years will be deemed to be ineligible.

## **Employment Priority**

The employment priority will not apply to the "Accommodation for Older People" Housing Register.

## **Older Person's Residency Priority**

Applicants on the "Accommodation for Older People" Housing Register, who live within 2 miles of the advertised vacancy will be shortlisted above applicants who do not live within this proximity (within each band). This means that where more than one applicant in the same band bids for a property, priority for the property will be given to applicants who currently live within 2 miles of the vacancy.

Where there is more than one applicant living within 2 miles of the property for which they are bidding, priority will be given to the applicant who has been in the band the longest.

Where no applicant living within 2 miles of the property bids, priority for the property will be given in line with the allocations policy. Applicants who live more than two miles away from the advertised property will be given no more priority for the vacancy than any other applicant.

The applicant must provide proof of residency at the qualifying address. Only originals of recent official documents, which must include the name and address of the applicant, will be accepted. The proof must be supplied at the time of application and verified at the time of offer.

Distance between the applicant's current address and the advertised vacancy will be calculated using Google maps to ensure consistency in the application of this policy.

## 6. The Banding System

The Banding Scheme applies to all housing register applicants– General Needs Applicants and applicants for Accommodation for Older People.

It does not apply to applicants for Extra Care schemes – this is being developed separately.

It does not apply to applicants for Rural exception Site Schemes, as lettings to these properties are determined in accordance with the Local lettings Policy at appendix 2.

Applicants who apply to join the Housing Register will have their housing need assessed, and will be given a priority band if sufficient housing need exists. Where an applicant has no housing need, they will not be registered. Instead they will be able to access online housing advice and will be restricted to properties that may become available through the Available Now process.

If applicants have no need but wish to apply for the Older Persons Housing Register, they will be placed in the special “OP” Band.

Bands are the Council’s way of making sure that homes go to people most in need. The bands take into account the people the Council has to give preference to by law and those people considered to attract additional preference for housing by the Council.

The Allocations Policy contains 2 bands. If a person is not assessed as being in housing need, in accordance with this Policy, they will not be awarded priority within either band. They will not have access to the Housing Register.

These two bands are summarized below:

### **Band 1**

Applicants placed into Band 1 have been assessed as qualifying for reasonable preference and have been granted additional preference in recognition of their emergency and extremely urgent need to move. Band 1 cases will be reviewed every month or where appropriate from the date of being awarded to ensure there is still an urgent need to move.

Applicants in Band 1 are expected to bid for the first suitable property.

Direct offers may be made to applicants that are not properly participating in the bidding process. Where a suitable direct offer is made and refused, the award of band 1 priority is likely to be withdrawn.

A summary of Band 1 categories and criteria is set out in the table below:

<b>Band 1 – Emergency need to move. Reasonable preference plus urgent priority</b>	<b>Summary of criteria</b>
Armed Service Personnel with urgent housing need	<ul style="list-style-type: none"> <li>• 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</li> <li>• Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner</li> <li>• Serving or former members of the Reserve Forces who need to move as a result of a serious injury, medical condition or disability sustained as a result of their service.</li> </ul>
Emergency medical or disability	<ul style="list-style-type: none"> <li>• Where the applicant's condition is expected to be terminal and re-housing is required to provide a basis for the provision of suitable care</li> <li>• The condition is life threatening &amp; the applicant's existing accommodation is a major contributory factor and would be resolved by a move to alternative accommodation</li> <li>• The applicant's health is so severely affected by the accommodation that it is expected to become life threatening</li> <li>• The applicant is unable to mobilize adequately in their accommodation and requires re-housing into accommodation suitable for their use</li> <li>• Applicants who are bed blocking in an institution or supported housing scheme at a significant cost to the authorities, and they have been agreed as suitable for independent living, and the relevant support is in place ready to go as soon as accommodation is found. <i>Please note this is a different definition to Band 2, ready to move on.</i></li> <li>• Applicants who cannot manage stairs or be mobile within their existing accommodation, and the property cannot be adapted.</li> </ul> <p>The Council will require a medical assessment to be carried out. This will include contact with a range of health professionals where necessary.</p>
Release of an adapted property	<p>Where an existing social housing tenant who lives in the CBC area is willing to transfer to a suitable non adapted property, and no longer requires adaptations. This award is only given where there</p>

<b>Band 1 – Emergency need to move. Reasonable preference plus urgent priority</b>	<b>Summary of criteria</b>
	is a demand for that type of adapted property in that area.
Under-occupation	Where an existing CBC Council or RP tenant living in the CBC area will downsize to release 1 or more bedrooms, and is currently affected by the bedroom subsidy and as a result needs to move. Or where the applicant is moving into sheltered or designated older person's accommodation.
Statutorily overcrowded	Applicants who are statutorily overcrowded
Private sector property that is in a seriously defective condition likely to significantly impact upon the health and/or safety of an occupant.	Where the Council's appropriately authorized Officers have determined that the property poses a Category 1 Hazard under the Housing Health & Safety Rating System and the Council is satisfied that the problem cannot be resolved by the landlord reasonably or practicably, or in any case within 6 months; and continuing to occupy the property will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects, seriously detrimental internal arrangements, collapse of roof, flooding and dangerous access arrangements.
Decant of Council Tenants where demolition is approved	Where approved for a move as part of a demolition programme that is authorized by the Council's Executive or agreed via a partner RP.
Urgent management move	This will only be permitted in very exceptional circumstances where the applicant / tenant is facing a life threatening situation. This award can only be granted by the Housing Needs Panel
Existing tenants wishing to move to low demand properties and releasing 2 bedroom accommodation	This is only for existing CBC tenants or RP tenants residing in the CBC area. Where applicants wish to move from a 2 bedroom property into a 3 bedroom property, but do not have an assessed 3 bedroom need, but can afford to pay the rent because they are not Local Housing Allowance (LHA) dependant. Note – these applicants will be subject to an affordability assessment by the landlord.
Applicants awarded band 1 priority under the quota arrangements	This is for applicants who are awarded priority under quota arrangements, where a partner agency has agreed that priority with the Head of Housing Solutions.

## Band 2

Applicants placed in Band 2 will have been assessed as having a housing need to move and as a result have been assessed as qualifying for “reasonable preference”. Band 2 cases will be reviewed annually (from the date of being awarded) to ensure there is still a need to move. However, it is down to the applicant to ensure their application is maintained up to date and if there is a change that the Council has not been made aware of this could result in refusal of being short listed or an offer of accommodation.

A summary of Band 2 categories and criteria is set out in the table below:

<b>Band 2 – Reasonable Preference (RP)</b>	<b>Summary of criteria</b>
Armed Service Personnel	Where ex service personnel has one of the reasonable preference attributes noted within this table and does not have an urgent need to move
Under-occupiers	Where an existing CBC Council or RP tenant living in the CBC area wishes to move to smaller accommodation, but is not currently affected by the bedroom subsidy, or is not moving into sheltered accommodation or designated older persons accommodation.
Homeless households owed a duty by CBC	People who are owed a duty under Section 193(2) or 195(2) of the 1996 Housing Act by CBC – and where the duty has not been discharged by the offer of a private sector let or a direct let to a suitable housing association or council property . Where an applicant has received a direct offer of suitable accommodation as a discharge of duty, they will not be eligible to apply for access to the housing register until a minimum of 12 months after the discharge of duty notification has passed.
Homeless households	This includes applicants who are homeless, but who are not in priority need and owed a rehousing duty by the local authority. It only includes applicants who have made a homelessness application and have received a decision on that decision. Applicants who are deemed to be not homeless under Part 7 of the Housing Act 1996, will not be able to claim RP under this section.
Overcrowded households	Applicants who are overcrowded according to the bedroom standard. This includes: <ul style="list-style-type: none"> <li>• <b>Overcrowded</b> - Households lacking 1 bedroom (assessed with the Bedroom standard).</li> </ul>

Band 2 – Reasonable Preference (RP)	Summary of criteria
	<p>Relevant to Housing Act 2004.</p> <ul style="list-style-type: none"> <li>• <b>Severely Overcrowded</b> - Households lacking 2 bedrooms (assessed with the Bedroom standard). Relevant to Housing Act 2004.</li> </ul>
Medical grounds	<p>Where an applicant's housing is unsuitable for medical reasons or due to disability, but who are not housebound or whose life is not at risk due to their current housing. Housing conditions directly contribute to causing serious ill health. A medical assessment will be carried out.</p>
Living in unsatisfactory housing lacking basic facilities	<p>Applicants without access to one or all of the following facilities:</p> <ul style="list-style-type: none"> <li>• Bathroom or kitchen</li> <li>• An inside WC</li> <li>• Hot or cold water supplies, electricity, gas or adequate heating</li> </ul> <p>Applicants who have shared facilities in shared accommodation will not qualify under this criteria.</p>
Hardship / welfare / exceptional need to move for care or support or housing need due to age or vulnerability	<p>Move on from supported housing or situations where the Council's aim is to enable a vulnerable person, who has a care or support need, to secure permanent settled accommodation. In these circumstances, adequate support must be provided from relevant agencies to mitigate the risk of tenancy failure. The person's identified need shall be a recognized and assessed support need (e.g. mental health, Care Leaver, Learning Disability). A risk assessment and on going floating support must be agreed to be provided once an offer of accommodation is made.</p> <p>Clients who are assessed by a Statutory Service as being ready to establish a tenancy on a permanent basis, where on going floating support is to be provided once an offer of accommodation is made. This can include, but shall not be limited to those clients with mental health issues or a learning disability, as well as Care Leavers.</p> <p>Move on from hospitals or an institution where there is an agreed support plan in place e.g. hospitals / prison / supported housing scheme</p> <p>An up to date care plan, risk assessments, medical assessments would need to be provided to ensure</p>

<b>Band 2 – Reasonable Preference (RP)</b>	<b>Summary of criteria</b>
	<p>an applicant is suitably housed.</p> <p><i>This may include non priority homeless applicants</i></p>
People who need to move to avoid hardship	This category includes low paid workers who live in the private rented sector, who struggle to make ends meet and as a result experience hardship. Applicants may otherwise be adequately housed but are experiencing financial difficulties due to insecurity, high rent levels and low pay. Full definition is below.
People who need to move, to enable them to adopt on a permanent basis, or to provide foster care to looked after children.	This category is intended to support parents of foster children, on the recommendation of the Assistant Director, Children's Services. Each case will be considered on individual merit.

### **OP Band**

Applicants with no housing need, seeking Older Persons accommodation only.

### **Determining priority within bands**

Applicants will be able to bid for advertised properties each advertising cycle. For each advertised property a shortlist is drawn up, consisting of all of the bids received. Applicants in Band 1 will be shortlisted above applicants in Band 2. Working applicants in each band will be shortlisted above non working applicants. More details on the short-listing process are set out in section 8 on page 42.

### **Employment Priority**

The Council will provide advice and assistance to applicants who are not working, or seeking employment. Staff will be trained to provide advice to applicants, with regard to training and employment services. It is anticipated that there will be considerable joint working between housing and employment services in order to help lift people into work.

In implementing this policy the Council will monitor the recorded successes of the various access to employment schemes, in particular with regard to persons with protected characteristics to ensure that the policy does not indirectly discriminate against certain groups.

Applicants who are working will be shortlisted above applicants who are not working (within each band). The only exception to this is where applicants are being shortlisted for a sheltered scheme – employment priority does not apply to specific older persons sheltered schemes. The employment priority will not apply to the “Accommodation for Older People” Housing Register.



Applicants must be working at the time of verification (at shortlisting time) to qualify for the employment priority). The Council uses the following definition of working households:

- Applicants who are in permanent paid employment for more than 16 hours a week and have been in employment for at least 6 months (this includes those on apprenticeships where these conditions are met)
- Applicants who are on an apprenticeship scheme, and working more than 16 hours a week on the scheme
- Applicants who are self employed
- Applicants who are in long term stable volunteering positions, where a volunteering agreement (or contract) exists between the applicant and the organisation for which they work. The key point is that the applicant is able to evidence that they are a committed volunteer, who is fulfilling a long term stable volunteering position.

The applicant and or their partner must provide proof of their employment status. Only originals of official documents which must include contract of employment, payslips, bank statements showing the salary paid into the account, P45/P60 and tax returns will be accepted. Letters on headed paper from the employer will not be considered as acceptable proof. The proof must be supplied at the time of application and verified at the time of offer.

Where an applicant is self employed, they must provide proof of their self employment status and still satisfy the criteria at the point of offer. This must be evidenced through documented tax returns.

### **Disabled people of working age**

Where an applicant or their partner is providing full time care (35 hours or more per week) to an elderly resident or disabled child and is in receipt of full carers allowance (except where carers allowance is not payable because of the age of the carer or other benefit restriction – evidence will be required to prove the applicant's status in this regard), this will be considered to be in employment

Disabled applicants under retirement age who have been assessed as eligible for Support Element of the Employment Support Allowance due to their permanent disability which prevents them from participating in work related activities, will receive the employment priority.

### **Falling out of employment**

Applicants must inform the Council in writing as soon as there is a change in their circumstances, which means that they no longer satisfy the employment criteria.

### **Assisting those tenants affected by the bedroom subsidy rules**

The Banding scheme has been designed to give priority to those tenants who need to transfer because they cannot afford to remain in their current accommodation, because it is too large. Where they are adversely affected by the bedroom subsidy rules, these applicants are placed in Band 1 to facilitate a speedy move, in order to avoid significant hardship. Those wishing to move but not adversely affected by the bedroom subsidy rules will be placed in Band 2.



## **Tackling under-occupation**

Where existing social housing tenants wish to transfer to smaller accommodation, but still wish to retain a “spare bedroom”, they will be registered for a move and allowed to bid for one bedroom in excess of their assessed need. This only applies to tenants transferring to smaller accommodation who can afford to retain that additional bedroom. An affordability assessment will be carried out to ascertain this. The landlord will conduct an affordability check and should be satisfied that the tenant’s income is sufficient to cover the rent and additional on-going bills. (See also page 35 and 39 with regard to council discretion to allow under-occupation)

## **Low paid workers**

The Council wants to support low paid workers who are struggling to make ends meet in the private rented sector. This situation is not explicitly identified within legislation as attracting statutory reasonable preference; however, the Council is keen to see that a number of lets are made to these people who have resolved their housing need by renting privately, so for this reason, such applicants are identified as a Reasonable Preference group within Band 2. In order to qualify for this award, applicants shall meet the following conditions:

- Living in private rented accommodation in the Central Bedfordshire area
- Be working in a permanent role for at least 16 hours a week
- Be on a low income, unable to afford the rent that is currently being paid

A low income is defined as earning less than the gross monthly wage needed in order to be able to afford the average rent for a 2 bedroom house in Central Bedfordshire. This means that a low income is less than £24 000 per annum (before tax), or £2 000 per month.

## **Applicants with a Notice to Quit (NTQ)**

The previous allocations scheme gave extra preference to those who approach the Council with an NTQ, when living with family or friends or in private rented accommodation. This has led to these applicants gaining advantage over others in similar situations but who do not present with an NTQ. This has been removed. Where applicants receive an NTQ, they will be assisted through the online housing options calculator tool or through housing options casework. No additional priority will be awarded.

## **Applicants without Reasonable Preference**

Any applicant that has been assessed and NOT awarded Band 1 or 2 will NOT be placed on the Housing Register. These applicants will be provided with housing advice and assistance on alternative housing options available to them. The Council will do this via the provision of an online housing options calculator, to enable applicants to self assess, or through a housing options interview.

The exception to the above shall be the recording of information for applicants applying for homes within Rural Exception sites. Their interest shall be recorded solely for homes that available within the Parish / village where they are eligible.

## Transfer Applicants

Tenants of CBC or a partner Registered Provider will be placed in Band 1 or Band 2 according to their assessed need. If they have no housing need for a transfer, they will not be able to join the Housing Register and will be given advice on mutual exchange and other HomeSwap / House Exchange options.

Transfer applicants will not be subject to the eligibility criteria of local connection, earnings or savings. These will not be considered in an assessment of eligibility for the housing register.

## Shared Housing

In some instances, where there is no demand for family sized accommodation, these properties may be selected to be let as shared housing. This will provide accommodation for single people who will be nominated by colleagues from partner agencies / support workers. Nominations will be subject to approval by the Housing Needs Panel.

The Council's aim is to make best use of stock, but also to put in place an effective approach to meet the needs of single person households, in housing need. An approach to managing shared houses, with appropriate support to vulnerable people, will be developed during 2014/15

## Available Now Window

All properties will be advertised on Homefinder (unless the property is being used for a direct let). However, where a property is low demand and attracts no suitable bids from eligible applicants within the first bidding cycle, these properties will be offered first as a discharge of any homelessness duty to a homeless applicant or others due to particular urgent housing need, and then secondly they will be placed in the Available Now Window.

This is a three stage process.

**Step 1** – properties advertised on *Homefinder* for 1 bidding cycle. If not let, move to stage 2 below

**Step 2** – properties go into *property pool* for offer to homeless household as discharge of duty, or as a homelessness prevention offer to an applicant being caseworked by the housing options service, or to others deemed appropriate from the housing register due to their particular urgent housing need. These applicants may be living in homeless hostels or bed and breakfast accommodation.

**Step 3** – *available now* window advert – short bidding cycle .

These properties will be well publicised on Homefinder, the Council's own website as well as through other social media networks. Bidding for these properties will be via HomeFinder but vacancies may also be advertised elsewhere. Properties in the available now window will be offered to applicants who meet the residence criteria for Central Bedfordshire before being offered to those who do not meet the residence criteria. The residency criteria in this instance is defined as living or working in the area, or immediate family living in the area.

Applicants on the housing register will be able to bid on “available now” properties, but there is no special priority for them.

Given that the properties will previously have been advertised on the Homefinder site (for at least one bidding cycle), it is possible that the demand for these properties will be relatively low. It is not the Council’s intention to create a separate waiting list for these properties, but instead to provide a means by which Registered Providers are able to let any low demand properties in as short a timeframe as possible. A system for prioritisation will be published, if it becomes necessary to determine which applicant has priority over another, for an *Available Now* property.

The landlord will overlook a bid placed on an Available Now Window advert if the applicant(s) –

- Are not over the age of 16 years
- Are not able to bid as prescribed by law
- Are disqualified by the Council because –
  - a. They are guilty of poor behaviour
  - b. They owe debt to the Council or to a Registered Provider
  - c. They have a poor tenancy history i.e. non compliance with a previous tenancy agreement

See Section 1 on page 13 onwards for further clarification.

### **Moving up and down bands**

When an applicant first applies to the Housing Register, their application will only be accepted once all the required information is received when they will be assessed and placed in a Band with the date (and time) of acceptance as their ‘priority’ date. This is the date that will be used for any offers to be made to the applicant.

If the applicant subsequently has a change of circumstances their application will be reassessed and the applicant may:-

- Gain greater priority in accordance with the Policy and be awarded a higher Band. (Priority date will change to the date of the new banding).
- Lose priority or preference due to their circumstances and enter a lower Band. (Priority date will remain as original priority date).
- Be assessed as being in the same Band.
- May become ineligible to remain on the Council’s Housing Register and be provided with housing advice and assistance on alternative Housing Options available to them.

## **7. The Registration and Assessment Process**

It is intended that applications for the Housing Register will be made online. Support will be available for applicants who are unable to apply online. These changes will be introduced during 2014 or 2015. There will be a period of transition to this system during which paper forms will still be available.

Applicants are encouraged to complete the online self-assessment followed by the online application form themselves. However, if completed at a Council Office, staff will be available to go through the form or online self-assessment to ensure that the required information is collected. Assistance for clients is also available through support providers if required. These workers will be trained by Council staff.

Where necessary, home visits will be carried out to assist in completing application forms.

Having received the application in full, including the required supporting information, then the assessment and awarding of any priority in recognition of the applicant's housing needs will be carried out by staff from the Council.

The Council will assess the size of property the applicant requires based on the number of people living in the household.

Overriding medical and welfare factors will be taken into account when determining any additional bedroom requirement. Guidance will be sought from a medical practitioner or involved professionals and a determination will be made by the Council on whether additional bedrooms are required.

Eligibility will also be dependent on whether the property can accommodate a household size, for instance properties with very small bedrooms may not accommodate larger households.

The Council may also exercise discretion in order to facilitate transfer of tenants under – occupying family accommodation and willing to move to a smaller property, or where there is a requirement for the tenant to permanently vacate their home due to refurbishment or planned redevelopment, or where permitted by the provisions of a local lettings plan.

In some circumstances, where a household is downsizing to make a large property available, the Council may exercise discretion to allow the household that is downsizing to continue to under occupy a smaller size of property. For example, to enable a household to downsize from a 3 or 4 bedroom property, by moving to a 2 bedroom property, on the basis that they are under occupying the 2 bedroom property by 1 bedroom. Each individual case will be considered having regard to the personal circumstances of the tenant, what they can afford and the demand for the property that is being made available. The decision to allow under-occupation shall be at the discretion of the Council.

An applicant may only include immediate family on their application for housing. Immediate family includes:-

- The applicant
- Spouse or partner, including same sex partners.
- The applicant's children or partner's children and live with the applicant all the time, or for four or more nights every week. Applicants will be required to provide the Council with formal (e.g. Court Order) documentation relating to any agreement that

is currently in place regarding residency.

Immediate family does not include an applicant's or his or her partner's parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends, or lodgers unless they have an extenuating need to live with the applicant.

### **People who need to live with someone in order to provide or to receive care or support.**

Applicants can include a person on their application if they need to live with them in order to give or receive care or support. This may include a carer, if no one in the applicant's immediate household is able to provide that care. Applicants will need to explain on their application the reason why the additional person needs to live with them and demonstrate:-

- That they need to be supported or cared for and are dependent on this person (this may be for an elderly relative who requires care or an adult child who is still dependent as they are in full time education).
- That other satisfactory arrangements cannot be made.
- That the arrangement is 'permanent'.
- The member of the household will need to be resident in the UK.

A carer is someone who, with or without payment, provides care and support to a partner, relative, friend or neighbour who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Adult Social Care as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies.

### **Divided Households**

Where a household is living apart only one application can be registered. In order to determine which property provides the basis of the housing needs assessment the circumstances at both addresses will be considered. A notional housing needs assessment will be carried out of both properties as if the household were residing together. The lowest needs assessment will then be applied to the application.

### **Review of applications**

It is the intention of the Council to review all cases on the Housing Register annually and this may be extended to review cases more frequently especially where a home seeker is not actively bidding for properties that are available. Where suitable properties are advertised and a home seeker fails to bid, after the review has been conducted, the application may be removed from the Housing Register for at least 12 months.

Failure to respond to correspondence in relation to the review will result in the applicant

being deleted from the Housing Register. Applicants who are deleted will be notified in writing. If good reason can be shown why there was a failure to respond to the review within 1 month of the application being closed then the application may be reinstated.

**A Review may be initiated by the Council at any time and is likely to happen where an applicant has not been actively bidding for properties which are suitable. Applicants should not wait for their “ideal” property before bidding, but should instead be realistic / pragmatic in deciding which properties to bid for.**

### **Changes of circumstances**

All applicants are required to notify the Council immediately of any change to their circumstances which may affect their priority for housing. Applicants who have had a change of circumstances and have not informed the Council, but it comes to the Council's attention, may have their application status changed to 'application is pending' whilst an investigation takes place in order to determine eligibility.

Applicants should notify the Council of any change in their circumstances by completing the online change in circumstances form or by contacting the Housing Register Team. This will include for example:-

- A change of address, for themselves or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (Please note it is for the Council to decide whether they will allow a person/s to join the application).
- Any change in income, assets or savings
- Any change in medical conditions or property requirements

### **Cancelling an Application**

An application will be cancelled from the housing register in the following circumstances:

- At the applicant's request
- Where an applicant does not respond to an application review, within the specified time limit.
- If the applicant becomes ineligible for housing
- When the applicant has been housed by a local authority or housing association
- When a tenant completes a mutual exchange
- Where an applicant moves and does not provide a contact address
- When an applicant has not expressed an interest in any available properties for one year

When an application is cancelled, an applicant will be notified of this in writing. A right of review will be offered, so the applicant can challenge the decision if he / she believes it to be unjust. This challenge must be made within 28 days of the cancellation.

## Statutory overcrowding

An applicant who is statutorily overcrowded as defined by the statutory minimum overcrowding standards will be awarded 'Reasonable Preference' and Additional Preference and placed in Band 1.

Statutory Overcrowding is defined by the Housing Act 1985. The Government's minimum standards of space that it considers a family needs to live in.

This is determined by using two separate calculations to determine:-

- How many 'people' are considered to be part of the household?
- How many of those people are expected to sleep in each of the rooms available for this purpose.

Rooms available for sleeping:-

- All bedrooms and living rooms in the accommodation are taken into account in the calculation, whether or not the household is or wishes to use them for sleeping.
- Open plan kitchen/living rooms are included as sleeping accommodation.
- Bathrooms and kitchens are not included as sleeping accommodation.
- Rooms with a floor area of less than 50 sq foot (6.5 sq metres) are not included as sleeping accommodation.

The minimum requirement for the size of a bedroom occupied by an adult is 70sq ft or 6.5sq meters. 50 (4.65 metres sq) to 70 sq foot is only suitable for a child under 10 years of age.

Double room – 110 sq feet (10.22m<sup>2</sup>) is suitable for two people.

The Council may decide to exercise discretion in some circumstances to apply the Housing Health and Safety Rating System (HHSRS) to the consideration of whether a household is overcrowded. This is a risk based assessment that can be applied to overcrowding. It shall be the Council's decision whether to apply HHSRS or to consider overcrowding on the basis of the statutory minimum standards.

## Determining the size / type of property applicants are eligible for

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property.

When deciding the size and type of property for which applicants are eligible, the Government's Bedroom Standard used for assessing Local Housing Allowance will normally be used.

## Bedroom Policy

The bedroom policy that the Council uses falls in line with the Local Housing Allowance



standards. This provides a bedroom each for the following:

- Parent (single parent or couple)
- Children of different sexes where one child is over the age of 10
- Children of the same sex where one has reached the age of 16

**This definition will be used to assess bedroom requirement upon application, and to assess whether a household is overcrowded and therefore attracts reasonable preference.**

In exceptional circumstances the Council, delegated as appropriate, may exercise discretion in deviating from the Bedroom Policy. Examples are:

- Where applicants require larger accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of a qualified medical advisor.
- Where the applicant has been approved as a foster carer by Children's Services, and so will need a larger property than normally required by the household. Children Services in discussion with the Housing Service will determine the property size required.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.
- Where a household is downsizing to make a large property available, the Council may exercise discretion to allow the household that is downsizing to in future under occupy a smaller size of property.

The Council will also allow working families who have a 2 bedroom requirement but who wish to be considered for a 3 bedroom vacancy, and can comfortably cover the rent, to bid for larger accommodation than their assessed need. This will only be allowed where the household is working, is not in receipt of housing benefit, and the applicant passes an affordability test set by the relevant Registered Provider.

## **Verification**

Applicants accepted onto the Housing Register are required to submit, when requested, proof of identity for all the persons on the application, and proof of residence for all persons aged 16 years or over, covering the last 5 years. Examples of acceptable proof are:

For main applicants-:

- Passport and birth certificate (photo identification)
- Marriage certificate
- Driving licence
- National insurance number card
- DWP payment book or benefit aware letters



- Mortgage statements
- Council and / or housing benefit letters
- P60
- Payslips
- Bank statements

For children-:

- Birth certificates
- Child Benefit notification letters

The Council will take all necessary steps to guard against misrepresentation and fraud. Enquiries will be carried out with relevant agencies at any time. In most circumstances, an applicant's housing situation will be verified by a home visit.

### **Housing Needs Panel**

The Housing Needs Panel sits once a fortnight or more frequently if required, and will make decisions on the following areas:

The Housing Needs Panel primarily considers cases that are particularly complicated and/or urgent, and not fully covered by policy.

Urgent need is defined as a situation where there is a substantial risk to the applicant or a member of their household in remaining in their current housing situation or in other exceptional circumstances not covered by existing policies.

The Panel may decide on a joint agency approach in order to determine the best course of action, particularly where an urgent move can be avoided and other solutions are to be considered. For example in case of self neglected or where there are safeguarding issues.

Before a case is referred to the panel it must be fully investigated and an opinion reached that the household requires additional priority. Decisions to refer cases to the Housing Needs Panel are made by Housing Officers. The Housing Officer in conjunction with the applicant, will complete the Housing Needs Panel Application Form, and provide a written report, risk assessment and the relevant supporting documentation.

If an applicant does not agree with the decision of the Housing Needs Panel, they can request a review of this decision using the review process as detailed on page 47 of this Policy.

## 8. How properties are let under the policy

### Adverts

Properties will be advertised on the Council's choice based letting framework – Bedfordshire Home Finder. Applicants should bid for properties for which they would like to be considered.

Property adverts will contain clear details of any applicants restricted from bidding on the property, or any preferences as to those categories of applicants who will be shortlisted first.

Property adverts will contain clear detail of applicants who will be given preference for a property (for example, people requiring adaptations contained in a property, decanting tenants, transfers households, etc.) Where preference is given to specific applicants but no eligible bids are received from these applicants, the criteria may be relaxed and the property offered to the highest priority bidder who does not meet the preference criteria.

Some properties may be subject to a local lettings policy (LLP). In these cases it will be clearly stated in the advert and this will include details of any restrictions on households who are eligible for the property (for example, minimum/maximum ages of children). Some properties will not allow tenants to have pets. Where this is the case, this information will be included in the labelling on the advert.

Some properties are built specifically to give preference to households with a connection to a parish or village. These homes are referred to as Rural Exception Schemes (See page 10). Preference will be given to households who meet these connection criteria. Where the property is being advertised as being within a Rural Exception scheme, the advert will clearly state that the Local Lettings Policy at appendix 2 will apply.

Where the property size indicates that restrictions must be placed on the number of persons who can be accommodated, this will be stated on the advert, e.g. small bedrooms.

There may be occasions when the Council or Registered Provider may need to withdraw an advertised property. Reasons for withdrawal may include:

- An error in the advertising details
- Extensive works are required to the property
- The existing tenant has withdrawn their notice

(The list is not exhaustive.)

The Council may allocate a property outside of the Allocations Scheme by means of a direct let. In these circumstances, the property will not be advertised through the CBL scheme (Homefinder).

As part of the Annual Lettings Plan, a review will be published of all lettings activity in the previous year, setting out the number of properties let through Choice Based Lettings (CBL/ Homefinder) and also lettings through direct let, transfer or Quota.

## Making Bids

### What is bidding?

“Bidding” refers to an applicant expressing an interest in an advertised property. Bidding does not involve any form of payment. A bidder is a person registered on the scheme who expresses an interest in a property advertised through the scheme. Applicants will be able to place 3 bids in each bidding cycle.

### How to Bid

Applicants or their nominated representatives will be able to bid using the following methods:

- The internet at [www.bedfordshirehomefinder.co.uk](http://www.bedfordshirehomefinder.co.uk);
- In person at the Council;
- By Proxy (A proxy bid is a bid placed by a friend or family member of the applicant, or another person or representative that the applicant has requested to act on their behalf);
- Auto bidding (The auto-bid function automatically allows the computer system to place bids on any available properties that match the applicant’s requirements at the beginning of each bid cycle.)

When placing more than one bid applicants will be asked to place their bids in order of preference from first to third.

Where an applicant has difficulty placing bids by one of the above methods, help and advice is available from the Council.

### Auto-Bidding

The auto-bid function places bids on any available properties that match the applicant’s requirements at the beginning of each bid cycle. Auto bid will take into account:

- Type of property
- The area in which the property is located.
- Floor level.

Auto-bidding is available to applicants who are unable to access any methods of bidding and do not have a representative who can place bids on their behalf. The Council will also allow proxy bidding where an applicant is unable to bid for themselves.

### Shortlisting

Applicants may only bid on vacant properties if they are eligible for the type of property advertised. Of those eligible bidders, the order of priority will be determined as follows:

- By Banding – applicants in Band 1 will be shortlisted above applicants in Band 2.

- By employment status. Applicants who are in employment will appear on shortlists above those in the same band who are not (within bands). This does not apply to the “Accommodation for Older People” Housing Register.
- By Priority date. Where two or more applicants bid on a vacant property and have equal priority, preference will be given to the applicant who has the earliest effective date of application.
- Where two or more applicants with exactly the same level of priority and effective date on the scheme bid for the same property, a senior officer will make the allocation based on best use of the housing stock and needs of the applicants.
- Where an applicant bids successfully for more than one property, the applicant will be offered one property only, in accordance with the order of preference of their bids.
- Where sheltered or older person’s designated accommodation is advertised the older person’s residency criteria will apply. Where an applicant lives within two miles of the advertised vacancy they will appear on shortlists above those in the same band who do not (within bands)
- Where a property is subject to restrictions as part of a section 106 planning agreement, preference will be given to applicants who meet specific connection criteria to the parish.
- Where a property has specific adaptations (e.g. wheelchair access, ramps, level access shower), priority will be given to applicants who require the adaption in the property. Details of adaptations and criteria of applicants who will be given preference will be contained in the advert to allow applicants to make an informed decision whether the adaptation is suitable for their needs.

Between the period of being successfully shortlisted for an offer of tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.

The Council or RP will contact applicants who have been shortlisted for an offer of tenancy. It is the applicant’s responsibility to ensure that all contact details are up to date and that they respond within 24 hours to any contact made by the Council. If an applicant does not return contact they will be overlooked for the offer. Exceptional circumstances will be considered e.g. where an applicant is seriously ill or in hospital

At the point of short-listing, an applicant’s circumstances will be verified. This is to ensure that the application has been correctly assessed and there have been no changes to the applicant’s circumstances since assessment of the application that would alter the priority awarded to the application or the household’s eligibility for the specific property they have bid on. If any changes have occurred that would alter the priority awarded or eligibility, the application may be overlooked for the offer of tenancy. The applicant will be informed of this using the most appropriate method of communication for that applicant.

Applicants may not be offered certain properties e.g. where the medical officer has advised a specific type of property – for example, where an applicant has medical priority for a ground floor property but bids for upstairs flats without a lift, or where there is a court order preventing a person from living in a certain location.

Where an applicant refuses a property the property will be offered to the applicant who has the next highest priority (Band, date priority) on the shortlist.

Note – Landlords will want to ensure that the applicant can afford to pay the rent on the property. Where a landlord carries out an affordability test and deems the applicant to be unsuitable for a particular property on the grounds of affordability, this shall be agreed with the Council before the applicant is over-looked.

### **Rural Exception Schemes**

Some homes in rural areas will be subject to a Local Lettings Policy for Rural Exceptions Schemes, which means that these homes will be let in a different way. Homes will be let strictly in accordance with the criteria set out in this Local Lettings Policy, at appendix 2.

Because the Allocations Scheme does not allow for general needs applicants who do not meet the residence criteria to be registered, there will be a separate mechanism for applicants who qualify under rural exceptions criteria, to express an interest in a scheme. Applicant details will be registered only for the village that they qualify for under this policy (if they do not meet the main housing register eligibility criteria). This will enable all applicants with a connection to a rural area, or Parish with a housing scheme to be registered for accommodation, should a vacancy arise.

### **Ineligibility for an offer**

Prior to an offer of accommodation being made to applicants, the Council will reconsider the applicant's circumstances to satisfy itself that the applicant remains eligible and qualifies for allocation of accommodation under the allocations scheme as set out in Section 5 – who can join the housing register (page 13). Where the Council concludes that the applicant is not eligible for allocation or is not a qualifying person no offer or allocation of accommodation will be made.

### **Viewing a Property**

Upon completion of the shortlist, up to 3 applicants may be offered an accompanied viewing of the property. Viewings with multiple applicants may be used to ensure that if the highest priority applicant refuses the offer, the property can be offered to the next highest priority applicant and so on.

### **Refusals of Offer**

A refusal will include both verbal and written refusals, including those made prior to a formal written offer being issued. Failure to attend an accompanied viewing will be deemed to be a refusal of an offer.

### **Applicants in Bands 1**

If an applicant in Band 1 refuses a suitable offer of a tenancy, the application will be re-assessed, which may result in the priority banding being removed or the applicant will be placed in Band 2, with their original date of application being retained.

### Applicants in Bands 2

After two refusals an applicant in Band 2 will be contacted to discuss their exact requirements. Any subsequent bids not meeting the applicants more detailed specification will automatically be overlooked. It is not expected that an applicant will refuse offers in the hope of obtaining the “ideal” property. This Policy is intended to discourage applicants from holding out to obtain their “ideal” property and instead seeks to encourage applicants to be pragmatic in bidding for available properties. **After a third offer of accommodation is refused, the applicant will be removed from the Housing Register for a minimum period of 12 months.**

Homeless applicants that successfully bid through CBL, or who have bids placed for them, or who have been made a direct offer will be expected to accept the offer. Failure to accept the offer will mean the Council ends its duty to rehouse the applicant unless the applicant submits a request for a Review of the Suitability of the Offer and this Review is successful. This is known as a Suitability review.

A homeless applicant can move into a property and request a suitability review. If the applicant is successful in this they will be made another offer.

Due regard will be given to the individual’s circumstances and the reason for refusal of the property. Failure to attend an arranged accompanied viewing will be treated as a refusal.

### **Withdrawal of Offer**

There may be occasions when the offer of a tenancy may be withdrawn. Reasons for withdrawal could include:

- A change in the applicant’s circumstances
- The applicant is found to be not eligible for the property
- An error in the advertising details
- Where the offer might put a vulnerable person at risk
- Extensive works are required to the property
- The applicant has attempted to obtain the property by deception

This list is not exhaustive and withdrawal will be at the discretion of the Council.

### **Feedback on advert**

In the interests of providing an open and transparent service, regular feedback is provided. This will enable applicants to determine the likelihood of future bids being successful. The Council will provide this information by;

- Information about lettings in printed documents available at the Council offices or on request.
- Information about lettings on the website.

### **Lettings to council employed staff & to Members of the Council**

In order to ensure that the Council is seen to be treating all applicants fairly, any application for housing or re-housing from members of the Council, employees of the Council or associated persons must be disclosed. These applicants will be assessed in the normal way but any allocation of housing will require special approval by a senior officer in the Housing Service.

The same will apply to Registered Providers who will publish their own policies in this respect.

### **Local lettings plans**

At times, it may be necessary to agree a local lettings plan to ensure balanced communities are achieved with regard to economic and social factors of households on an estate or area and to ensure that the agreed key objectives of the Authority's Allocation Policy being met. The following criteria must be met:

- Clear objectives are agreed aimed at preventing or tackling defined social problems or creating balanced communities.
- Defined set of outcomes agreed.
- Outcomes monitored and reported on annually.
- It forms part of a strategy for tackling defined social problems or creating balanced communities.
- It has clear objectives aimed at redressing any identified inequality in accessing housing.
- It will not have disproportionate negative effect on other key objectives negating value of action.
- It will be applied for an agreed fixed period.
- Arrangements must be monitored and reviewed against established objective.
- Recommendation to adopt such an action will be considered and agreed by the Assistant Director, Housing.

### **Ineligible successors**

Where an applicant is ineligible to succeed to a property but the council wishes to make an offer of a smaller property to save the applicant having to separately approach the Housing Options Team, a direct offer of accommodation may be made. These offers will be in accordance with the Council's agreed policy on ineligible successors



Non-Successors may be offered a discretionary new tenancy depending on their circumstances and housing need. If a new tenancy is to be offered it will be a direct let and one offer only.

Successors who are under-occupying and the Council is exercising its right to gain possession will only be able to bid on suitable properties in 3 bidding cycles (suitable property to be determined by housing need and can be anywhere within the Central Bedfordshire area). If the successor is unsuccessful then an offer of a direct let may be made.

### **How medical assessments are progressed and considered**

Medical priority is restricted to two groups: Priority 1 - those with an urgent medical need for alternative accommodation and Priority 2 - those with a non-urgent medical need for social housing.

The definition of both types of priority awarded is included in the Banding table on pages 25 to 29 of this Policy..

The Council will seek the opinion of a medical professional to inform its decision on the award of priority in some cases where it is deemed necessary.

### **Letting adapted properties**

Applicants with mobility difficulties and who have a need for adapted or accessible accommodation will be assessed in accordance with the Accessible Housing Register guidance (AHR) and will be matched wherever possible to properties that match their assessed need.

Applicants seeking adapted properties will also be able to bid for properties that are generally advertised, where they believe that properties would be suitable. Officers on short-listing will make an assessment on suitability for adaptation, assisted by an Occupational Therapist as required.

### **Making best use of stock**

The Council will, wherever possible, seek to make best use of existing stock. Where accommodation has no demand, the Council and its partners reserve the right to consider a change of use for that property. For example, converting a 3 bedroom property into accommodation for shared use.

## **9. Reviews and appeals**

### **Requesting a review**

An applicant has the right to request a review of decisions made under part VI of the Housing Act 1996, in particular:

- Decisions about the facts of the applicant's case which are likely to be, or have been taken into account in considering whether to allocate housing accommodation to the applicant;
- Ineligibility for an allocation or lack of any reasonable preference based on previous unacceptable behaviour;
- Ineligibility for an allocation due to immigration status.

Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this.

A request for a review of a decision can be made in writing or verbally to a member of staff. The request must be made within 21 days of the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

An applicant will only be entitled to one internal review. If an applicant disagrees with the outcome of the review, on the basis that the material facts have not been taken into account, s/he can appeal to the Court. If an applicant disagrees with the handling of any aspect of their application or review s/he can make a complaint through the Council's complaints procedure (see below), contact the Local Government Ombudsmen usually once the complaints procedure has been exhausted or seek to challenge the decision via a judicial review. Disagreements with aspects of the policy itself will be noted and considered as part of the annual Policy review process.

Reviews will be carried out by an officer who was not involved in the original decision, and who is senior to the original decision making officer.

## Complaints

The Council has a Customer Relations Team who can advise you on how to complain and log your complaint. You can make a complaint to any member of staff over the phone, face-to-face, using the freepost form on one of our comment, compliment, complaint leaflets, writing to the manager of the service, or email Customer Relations.

You can make a comment with a suggestion on how we can improve the service. Comments are recorded to help us review the services we provide. We will write to you and tell you if there is anything we can do.

**Contact us** by telephone or email – [customer.relations@centralbedfordshire.gov.uk](mailto:customer.relations@centralbedfordshire.gov.uk)  
0300 300 6077 or 0300 300 4995

You can also contact us by **Post**: Customer Relations, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Beds SG17 5TQ

A complaint will be acknowledged in 3 working days. We will tell you how we plan to deal with your complaint, who will be dealing with your complaint and how long it will take. We will offer to discuss this plan with you.

A review of a decision is not the same as a complaint about the way a decision was made or your experience of the service that has been provided to you. If you are in any doubt, please contact the Customer Relations team who will advise you whether to appeal or

complain. You will be provided with support to ensure that the issue is resolved, if at all possible.

## **10. Confidentiality, data protection and access to information**

### **Applicant's Rights to Information**

Applicants have the right to request such general information as will enable them to assess:

- How their application is likely to be treated under the Allocations Scheme, including whether they are likely to be given reasonable preference.
- Whether housing accommodation appropriate to their needs is likely to be made available to them.
- Details of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

Applicants will also have rights to information as provided for under the Data Protection Act 1998 e.g. to know what information the Council holds on them and how it is processed (see below).

### **Data Protection**

When an applicant applies to the Housing Register, the Council will seek only information that they require to assess the applicant's application and housing needs.

The data protection principles which underpin the Data Protection Act 1998, are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in a way which maintains the data subject's rights to privacy
- Not transferred to countries without adequate protection.

### **Confidentiality**

Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure

- Where the Council is required by law to make such disclosures
- Where disclosure is made in accordance with the Data Protection Act 1998

## **11. Equality and Diversity**

The allocations scheme aims to recognize and support diversity to ensure that no sections of society are excluded and that the service meets the needs of those who may require additional care and support. This policy seeks to meet the needs of all applicants regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and to comply with all relevant legislation.

Use, operation and outcomes will be monitored to ensure no sections of the community are excluded or disadvantaged.

## Appendix 1

### Annual Lettings Plan

A Lettings Plan will be published on an annual basis and lettings made will be monitored against this. The annual Lettings Plan is devised to ensure that the Local Authority meets its statutory obligations. All lettings made under Part VI, are counted for the purposes of the Lettings Plan.

The Plan will be monitored and reviewed annually. If monitoring shows that outcomes are not as per the Lettings Plan, the Council reserves the right to implement a quota system to ensure that it meets its statutory obligations. Such a plan is a strategic tool that enables lettings practice to be linked to wider strategic issues.

This Plan outlines the anticipated supply of lettings over the coming year.

Broad targets that are to be set and agreed can be monitored and adjusted (if necessary) to ensure that priorities are delivered and the needs of those groups with Reasonable Preference are met.

A sample of reports that will be produced will be:

- Number of offers made outside of the Allocations Scheme and therefore that do not count towards this Lettings Plan.
- The number of direct offers made outside of CBL.
- High and low demand areas
- The percentage of a particular Reasonable Preference group that has been re-housed within the year.
- The outturn of which properties across areas have been let to which bands.
- Full bidding activity on the CBL system.

## APPENDIX 2

### Local Lettings Policy for Rural Exception Schemes, adopted by Executive (February 2013) as part of the Housing Allocations Policy

1. Rural Exception Sites are a valuable source of new properties to help meet the growing demand for affordable housing and to promote rural sustainability. The Council gives such properties special treatment under its planning policy and its Housing Allocation Policy.
2. The Council will apply special criteria when allocating such properties and separate allocation arrangements will be made. The availability of properties on such sites will be advertised through the arrangements described in the Choice Based Lettings Scheme for not less than three bidding cycles (typically 6 weeks) but the advertisement will make it clear that the properties will be let using the special criteria described in this Appendix.
3. The intention is that the properties on such sites will be let to applicants having a Local Connection with the Parish in which the site is situated. Where there are no eligible applicants with such a Local Connection, allocation can be made to eligible applicants with a Local Connection to a neighbouring Parish; and if there is still no such applicants, an allocation can be made to an applicant with a Local Connection to the Central Bedfordshire Council area. All allocations will be made in accordance with the priority set out in clause 5 of this appendix.
4. All applicants for properties on such sites must meet the eligibility conditions described in the Housing Allocations Policy. The applicant must be in need of affordable housing.
5. A Local Connection is (in order of priority)
  - 5.1 Current residence in the parish for a minimum period of two years; or previous residence in the parish, for a period of not less than ten years; then
  - 5.2 A family connection through mother, father, brother or sister, son or daughter, being resident in the parish for a period of not less than two years; and then;
  - 5.3 Employment in the Parish, as a main place of work, for a period of not less than two years; and then
  - 5.4 Current residence; family connection, or an employment connection, where the time periods conditions referred to at 5.1 to 5.3 above have not been met.Priority will be given in the order set out above.
6. The priority for allocation is clearly set out in paragraph 5.1 to 5.4 above. However, within each of those specific priority groups, the individual bids will be ranked in accordance with the banding criteria set out in the Housing Allocations Policy and applicants shall be allocated in accordance with the priority given by the Housing Allocation Policy



## A great place to live and work

### **Contact us...**

By telephone: 0300 300 8302 - Direct line to the Housing Register Team

by email: [customer.services@centralbedfordshire.gov.uk](mailto:customer.services@centralbedfordshire.gov.uk)

on the web: [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

Write to the Housing Register Team, Central Bedfordshire Council, Priory House,  
Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ