

# Housing Allocations Policy



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## **Part One: Purpose and Context**

### **1. Purpose**

- 1.1 The purpose of this policy is to explain the framework by which the Council will allocate affordable homes in West Berkshire. This document sets out the Council's locally agreed qualifying criteria and the priority that will be given to applicants with a housing need for assistance with finding a home.
- 1.2 The Executive approved the Housing Allocations Policy on 17<sup>th</sup> December 2020.

### **2. Applicability**

- 2.1 This Policy applies to applicants or potential applicants seeking housing through the Council's Common Housing Register (CHR) in West Berkshire
- 2.2 This document is publicly available for reference and viewing.
- 2.3 The Council has consulted with applicants on the CHR, West Berkshire residents, relevant stakeholders, including social landlords known as Registered Providers; Social Services, and other agencies who are engaged in supporting applicants on the CHR; Elected Members; and relevant Council Officers.

### **3. Roles and Responsibilities**

- 3.1 The Council continues to manage and administer the CHR and the allocation of social and affordable rented accommodation through the Choice Based Lettings (CBL) system. Whilst this Allocations Policy provides an over-arching framework, it should be noted that each Registered Provider (RP) will have their own Allocations and Lettings Policy which they will have regard to when deciding whether or not to make an offer of accommodation.

### **4. Review**

- 4.1 The Council will review this Allocations Policy every five years or sooner if there is a legislative or policy requirement to do so. All material changes (ie changes that are not minor but constitute a significant change that could have an adverse impact on applicants) will be subject to formal consultation and Executive approval.

### **5. Housing in West Berkshire**

- 5.1 West Berkshire is a very popular place to live with limited supply of social and affordable rented properties. However, there are many different types of homes in the district, including homes to buy on the open market or through affordable home ownership schemes; homes to rent from a private landlord or registered provider; homes designed for particular groups, for example, sheltered housing for older people, or housing with on-site support.
- 5.2 West Berkshire Council allocate affordable homes through its website which advertises vacant properties on a bidding cycle and applicants can then bid for the properties that they are eligible for and interested in. Once the bids are closed, the system will then shortlist applicants in priority band and then in date order according to their housing needs.
- 5.3 The aims of this policy are to:
  - Ensure that social rented and affordable housing in the district is let to those in the greatest need.

- Ensure the housing needs of vulnerable applicants and those in priority need are given reasonable preference.
- Make the process of allocating properties as transparent as possible.
- Enable applicants to express choice and preference about where they want to live thus increasing the likelihood that tenancies will be sustained.
- Make best use of social rented and affordable housing stock in the district.
- Encourage safer and sustainable communities.

5.4 This Allocations Policy meets the legal requirement for the Council to provide a statement on choice and it adheres to the “Allocation of Accommodation: Guidance for Local Housing Authorities in England” (CLG, June 2012). For more information, go to: [www.communities.gov.uk/publications/housing/allocationaccommodationguide](http://www.communities.gov.uk/publications/housing/allocationaccommodationguide).

## 6. Legal Context

6.1 This is the Council’s Housing Allocation policy as required by Part 6 of the Housing Act 1996. Applicants are able to apply for housing to the Council and all applications will be fully assessed.

6.2 In developing this policy the Council has followed and fully considered the following:

6.3 Legislation:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- The Housing Act 1996, Part 7 amended by the Homelessness Reduction Act 2017.
- The Children Act 2004.
- The Equality Act 2010.

6.4 Statutory guidance:

- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”.
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
- Homelessness code of guidance for local authorities (February 2018).
- Improving access to social housing for members of the Armed Forces: Statutory guidance for local authorities to improve access to social housing for members of the Armed Forces community (MHCLG June 2020).

6.5 Regulations:

- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483.
- Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.

- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861).

6.6 In framing the allocations scheme, regard has also been given to the council's Preventing Homelessness and Rough Sleeping Strategy, Housing Strategy, the Tenancy Strategy and the Armed Forces Covenant 2011.

## Part Two: Eligibility and Qualification

### 7. Eligibility to join the register

7.1 Eligibility for an allocation of accommodation is set nationally and the regulations setting out which classes of person from abroad are eligible or ineligible for an allocation are set out in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No. 1294) - the Eligibility Regulations.

7.2 The following categories of people are currently ineligible:

- A person subject to immigration control, unless s/he comes within a class prescribed in regulations made by the Secretary of State.
- A person from abroad other than a person subject to immigration control who is prescribed as ineligible.

7.3 A 'person subject to immigration control' is defined in s.13 (2) of the Asylum and Immigration Act 1996 as a person who requires leave to enter or remain in the United Kingdom under the Immigration Act 1976 (whether or not such leave has been given).

7.4 A person from abroad other than a person subject to immigration control who is prescribed as ineligible include (but are not limited to) people who fail the 'habitual residency test', are short-term visitors, and are in breach of the EU Rights of Residence Directive.

7.5 The rules are complicated and anyone who is impacted or believes they may be impacted by the rules can approach the Council for advice on the rules or seek independent legal advice.

7.6 Further detail and information relating to eligibility can be found in:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294.
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'.

7.7 The Housing Service will have regard to this guidance, and any subsequent guidance, when determining an applicant's eligibility for acceptance onto the CHR.

### 8. Qualification

8.1 The Localism Act 2011 amended provisions under Part 6 of the Housing Act to enable local authorities to set their own local qualifying criteria. This will assist with managing the high demand for housing in the district, set against the limited supply.

8.2 In particular, the Council wishes to increase access for households who have a defined local connection to West Berkshire and who have insufficient financial resources to secure accommodation in the private sector themselves (whether in rented, part-owned or full home ownership).

8.3 Under section 160ZA (7) of the Housing Act, the Council has been granted the power by the Government to decide the classes of people who the Council may decide are, or are not, qualifying persons. West Berkshire Council has adopted qualification and disqualification rules. What these are and how they will be applied is set out below.

#### 8.4 Qualifying households

Subject to being eligible for an offer of accommodation (section 7), an applicant will qualify for the CHR if they are aged 16 or over and they or an adult member of their household:

- Have been resident in West Berkshire for at least 2 consecutive years immediately prior to their application being made.

OR

- They have a parent or adult sibling or adult child who has lived in West Berkshire for 5 consecutive years. In addition the circumstances must be that the applicant needs to give or receive essential support for the foreseeable future. It is for the Council to assess and decide if the claim of support, to be received or given, is essential. The Council will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where a person was brought up by an extended family member, in the absence of their own parents.

(Note: the level of support required must be significant and cannot be short term or low level eg to carry out shopping once a week. Evidence will need to show there would be savings to the public purse ie via the health budget or reduces pressure on the care system especially where there is no existing support package in place.)

OR

- They have been employed in meaningful paid employment within the district, for 16 hours or more a week, for at least the last 2 consecutive years. The local connection criteria must be maintained for the duration of the application.

AND

- They have insufficient financial resources to secure accommodation, whether rented, part-owned or owned in the private sector. This will normally mean that the household has a gross joint income from all sources of less than £60,000 (couples) or less than £44,000 (for single persons). It also means the household has total savings, investments and/or assets of £16,000 or less. Owner-occupiers will be considered to have sufficient resources to secure accommodation unless they are able to provide appropriate evidence that this is not the case.

AND

- They are assessed as having a housing need that places them within one of the reasonable preference categories (see Section 11).

#### 8.5 Non-Qualifying Households

The Council has decided to close the CHR to households who do not meet the qualifying criteria above.

#### 8.6 Suspended or Removed Applications

When an application is suspended, the applicant will be unable to bid for the duration of the suspension. A suspended application is one where the household has been accepted onto the housing register and given the requisite reasonable preference in accordance with their assessed housing needs however sanctions in

8.7 below are deemed applicable. The council is also at liberty to remove an application from the housing register in line with the sanctions listed below.

## 8.7 Sanctions

The Council wishes to encourage financial responsibility and independence and being a good neighbour within the community. As such in order to assist with this the sanctions listed below will be applied in the following circumstances:

### 8.7.1 Serious behaviour

If an applicant, or a member of their household, has committed an offence for which they have been charged, or in the locality of their home or have admitted (or have a finding of fact made against them in a civil court) that they have behaved in a way which is capable of causing nuisance and annoyance to other people in the locality, the application will be removed. The applicant will need to demonstrate that there has been a significant change in circumstances, and be able to evidence that their behaviour has been suitably amended over a reasonable period of time (usually one year) depending on the severity of the circumstances and that there have been no repeat occurrences before any new application can be considered to qualify for inclusion on the register. This sanction will be subject to an annual review. The responsibility will rest with the applicant to demonstrate to the Council that they have fulfilled these conditions and that a new application should be accepted. The Council may seek a Police Disclosure Request as part of the assessment to determine whether an applicant or a member of their household is unsuitable to be a tenant or as part of the assessment to determine whether a new application should be accepted.

### 8.7.2 Money owed to the Council for a housing-related debt where no regular payments are being made

If the applicant has been given financial assistance by the Council to facilitate access to private rented accommodation and is failing to adhere to the repayment plan, or has not paid ineligible charges arising from a temporary accommodation placement, or has other housing-related charges (eg housing benefit overpayment, court, travel, or storage costs or repair recharges) their application will be suspended. Applicants will need to demonstrate that they have made and adhered to an agreed payment plan for a period of at least three months before the suspension will be lifted.

### 8.7.3 Rent arrears or where no regular repayments are being made with a private landlord or Registered Provider

If the applicant has rent arrears that exceed eight weeks their application will be suspended. They will need to demonstrate that they have maintained a repayment plan for at least three months and that the arrears have been cleared or reduced to below eight weeks rent before the suspension is lifted.

### 8.7.4 Deliberate Worsening of Circumstances

Where it is considered that an applicant has deliberately worsened their housing circumstances, their application will be suspended for a period of 12 months. At the end of the 12 month period, the applicant can approach the Council and request that their application be reassessed in accordance with the current circumstances and that the suspension be lifted.

Examples of this are:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Applicants who have moved from previously suitable or more suitable accommodation which was reasonable for them to continue to occupy, into a less suitable property.
- Applicants who have transferred their property to another family member within the last five years from the date they made their application to the Housing Register.
- Giving up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

These are examples only and do not represent an exhaustive list. There will be other circumstances that the Council can consider to decide whether an applicant has deliberately worsened their circumstances.

#### 8.7.5

Refusal of three reasonable offers of accommodation:

- Where an applicant refuses three reasonable offers of accommodation, the application will be suspended for 12 months. An refusal by an applicant is considered if they placed the bid for the property (either themselves or upon request via a member of staff or automatic bidding) and a) they have been made a formal offer of accommodation which they then declined; or b) they would normally receive the formal offer of accommodation but inform the RP they do not wish to be considered, whether or not they have attended a viewing, before the RP has an opportunity to make the offer.
- Criteria setting out what is considered or not considered a reasonable offer is set out in Appendix 2. A refusal of an offer of the correct size and type in an area where there is no risk of violence against the applicant will normally be considered unreasonable.
- If an applicant owed any of the statutory homelessness duties under the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, refuses a written offer of suitable accommodation made through this policy, the homelessness duty owed to them will be discharged and they will lose any priority status afforded to them because of that duty owed to them.
- In these circumstances unless they have another reason to be awarded a priority band under this policy, they will be removed from the CHR. If they have another reason to be awarded a priority band under this policy the offer will count as their first offer out of the 3 allowed under the policy but, they will no longer be owed any banding priority under the statutory homelessness duty as that duty would have been brought to an end.

A statutory homeless duty is defined as:

- The 'prevention of homelessness duty' under Section 195(2).
- The 'relief of homelessness duty' under Section 189B(2).
- Where the relief duty has come to an end and an applicant is then owed a section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty).
- The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty.

(Note 1: Where it has been decided to refer the case to another authority at either the 'Relief Stage' or at the 'Main Duty stage' of their homeless application, an applicant will not receive any banding for being owed any homelessness duty as the Council will owe no duty (other than, depending on the circumstances) an interim accommodation duty. Being owed an interim accommodation duty pending the outcome of a local connection referral does not qualify an applicant to receive a priority band under 8.7.5 above.)

(Note 2: Where the Council has ended any statutory homeless duty and is exercising its power to provide accommodation pending a review decision (section 188(3) power) no statutory duty will be owed by the Council unless the outcome of any review is positive for the applicant. Therefore where a review has been requested any banding priority for being owed any of the homelessness duties set out in 8.7.5 above will be removed.)

#### 8.7.6 Violence and abuse towards staff

Violence and abuse towards staff (including staff of a Registered Provider) is not acceptable. If an applicant, or someone acting on their behalf, abuses or harasses a member of staff (including staff of a Registered Provider) in any way, including using offensive language, the Housing Service will take appropriate action that will include restricting the type of contact that they will have. In addition, the application will be suspended for a minimum of 12 months or, in extreme circumstances, removed. At the end of the 12 month period, the applicant can approach the Council and request that the suspension be lifted. If the applicant re-applies following removal, they will need to demonstrate that there has been a significant change in circumstances, and be able to evidence that their behaviour has been suitably amended over a reasonable period of time (usually twelve months depending on the seriousness of individual circumstances) and that there have been no repeat occurrences in order for the application to be accepted.

#### 8.7.7 Providing false or misleading information

Providing false or misleading information under Section 171 of the Housing Act 1996 is a criminal offence: If an individual knowingly provides false or misleading information or withhold information relevant to their housing register application, the Council will remove the application. The applicant will not be entitled to reapply to join the register for a period of 12 months. In addition, consideration will be given as to whether prosecution will proceed for suspected tenancy fraud under the Prevention of Social Housing Fraud Act 2013 or other legal action is appropriate.

## 8.8 Exceptions to Qualifying Criteria

In order to comply with the provisions of legislation and in order to make provision for exceptional circumstances, the following exceptions to the qualifying criteria will be applied:

### 8.8.1 Armed Forces Personnel

Subject to verification, the following groups will be exempt from the local connection qualifying criteria and will be treated as qualifying applicants:

- Those who are currently serving in the regular armed forces or who were serving in the regular armed forces at any time in the five years preceding their application to the CHR.
- Bereaved spouse or civil partners of those serving in regular armed forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their spouse or civil partner and (ii) the death was wholly or partly attributable to their service.
- Existing or former members of the reserve armed forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.

### 8.8.2 Fleeing violence and/or threats of violence

In exceptional circumstances, an applicant may be fleeing violence, or threats of violence. In such cases, the Council may decide to exempt the household from the local connection criteria, and treat them as qualifying applicants, subject to meeting all of the other qualifying criteria. This could be due to domestic abuse or racial violence, for example. This will normally be the case where the applicant is working with the Housing Service to resolve their issues and will be in accordance with homelessness provisions under Part VII of the Housing Act 1996 (as amended).

### 8.8.3 Witness programmes

In exceptional circumstances the housing authority may be approached to assist a household who are witness in a serious criminal case and who need to be moved to an alternative area for their own protection. In such cases, the housing authority will seek to cooperate with the relevant agencies and may decide to exempt the household from any or all of the qualifying criteria.

### 8.8.4 Looked After Children

For the purposes of local connection, a looked after child for whom West Berkshire Council has responsibility and who has resided in a placement outside of West Berkshire, will be deemed to have lived within West Berkshire for the length of the placement.

### 8.8.5 Keyworkers

Keyworkers, as defined by the Thames Valley Local Enterprise Partnership, who are moving to work in the West Berkshire District.

### 8.8.6 Homeless Households

Applicants who are homeless and West Berkshire Council owe them a statutory duty as in 8.7.5.

(Note: There is an exemption to the qualification rule for applicants to whom West Berkshire Council has accepted a homelessness duty under section 189B(2) or 193 (2) of the Housing Act 1996 because either a) They have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996 but do not otherwise meet the local connection criteria for joining the register or b) they do not have a local connection with this council but do not have a local connection with any other area therefore remain the responsibility of this Council.)

There is however, no exception for applicants owed any homelessness duty by any other council and have:

- Been placed into temporary accommodation by another council in this district, or
- Have been placed into private rented accommodation of any tenure in this district by another local authority to end any homelessness duty owed to that applicant. A homeless duty includes any accommodation to end a section 195 prevention duty, 189B relief duty, any 193 duty or to meet any intentional homelessness duty under section 190 of the Housing Act 1996 Part 7. These applicants will be regarded as non-qualifying persons regardless of the length of time they have been placed unless the period of time is longer than 3 years since they were placed, or
- Do not reside in the district but have applied to join the councils housing register but are owed a statutory homeless duty by another local authority. Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 (this includes households owed a s.188, s.190, s.198, 195, 189B, 193(2) or 193C(4) duty will be regarded as non-qualifying persons regardless of whether they have been placed in this district or not. That other local authority retains the responsibility for housing or helping the applicant to obtain housing.

#### 8.8.7 Social tenants and labour mobility

The Government has stated that housing authorities must make appropriate exceptions to their residency test for current social tenants who are seeking to move to take up a job or to be closer to their work. An exception to the local connection criteria will be made where a current social housing tenant wishes to move to take up a job or to be closer to their work and:

- They have a permanent contract for 16 or more hours each week.
- Their place of work (not the head office) is within the district of West Berkshire.
- The travelling time if they do not move will exceed one and a half hours or more each way by a route and means of travel that is appropriate to their circumstances or circumstances of employment (based on current DWP guidance).
- The travelling time is unreasonable because of the applicant's health or their caring responsibilities.

Employment Verification checks will be undertaken at the point of application and when considering making an allocation.

Further detail and information relating to social tenants and labour mobility can be found in the “Right to Move”: Statutory guidance on social housing authorities in England” (CLG, March 2015). For more information, go to [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418437/Right to move - statutory guidance.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418437/Right_to_move_-_statutory_guidance.pdf) The Housing Service will have regard to this guidance, and any subsequent guidance, when determining an applicant’s qualification status in relation to labour mobility.

Social tenants are encouraged to pursue mutual exchange or landlord transfer as a means of meeting their relocation needs as they may encounter a longer wait for accommodation through the Common Housing Register.

## 9. **Applicants and specific circumstances**

### 9.1 16 and 17 year olds

Applicants who are 16 or 17 years of age are able, subject to meeting the eligibility and qualifying criteria, to join the CHR. However, they will not normally be granted a tenancy by a RP without a Guarantor, usually an adult relative or friend acceptable to the RP, or the Head of Children’s Services if the applicant has been looked after, accommodated or fostered by West Berkshire Council Social Services. In addition, if a tenancy or Deed of Trust accompanied by a Guarantor is offered by the RP, the young person may still need to agree to engage with an agreed support plan.

### 9.2 Applicants who are residing in HM prisons

Applicants who are residing in HM prison are able, subject to meeting the eligibility and qualifying criteria, to join the CHR but will be unable to bid for properties until one month before their release. To manage this process, their application will be registered from the date of receipt but will be suspended until the Housing Service is notified of the release date and it is one month before the notified date.

### 9.3 Applicants subject to MAPPA

Serious offenders, including applicants who are the subject of MAPPA (Multi Agency Public Protection Arrangements) will be allowed onto the housing register, subject to meeting the eligibility and qualifying criteria, but will only receive an offer of accommodation after an appropriate risk assessment, which will take account of all factors, not just the legal conditions they may be subject to. Bids made for properties that are deemed inappropriate following risk assessment will be disregarded.

## 10. **Transfer Applicants**

10.1 Existing tenants of RPs or local authorities are entitled to apply to the CHR, subject to meeting the qualifying criteria and will be subject to the CHR rules.

10.2 Existing tenants of RPs or local authorities will be identified on the CHR as ‘Transfers’. Other applicants will be identified as ‘Homeseekers’.

10.3 The Housing Service may approach the applicant’s landlord for a reference, particularly to confirm that the social tenant is not in breach of their tenancy agreement, either for reasons of behaviour or rent arrears, and to confirm the household details in order to verify occupancy.

- 10.4 All RPs participating in the scheme will complete a landlord's reference form for all their tenants applying for re-housing upon request. This is to ensure applicants are placed in the correct band but also to reduce void times and former tenant arrears. In the majority of cases the applicant will not be made active on the register until the landlord reference has been completed. In exceptional circumstances, the Housing Service may place an applicant in a band without a landlord's reference.

## Part Three: The Banding System

### 11. The Banding system

- 11.1 The banding system will normally be used to identify what priority an applicant has been awarded in accordance with their housing need unless the Council apply the direct lets procedure set out in this policy.
- 11.2 There are four active bands. Applications will be placed in bands based on the applicant's assessed housing need.
- 11.3 The Council has chosen to adopt a simpler and transparent system creating four bands where people will be ranked by priority (date) order in that band. Applicants in housing need can better understand the logic of why they have or have not been placed in Bands A, B, C or D as the levels of housing need to qualify for each of these bands are clearly set out in this policy.
- Band A - Emergency housing need to move.
  - Band B - Urgent housing need to move.
  - Band C – Medium housing need to move.
  - Band D – Low housing need to move.
- 11.4 Direct Offers - Not all properties that become available will be advertised and offered through the Choice Based Lettings (CBL) process and not all properties will be allocated by band and date order. There may be exceptional circumstances where for urgent operational or financial reasons there is a need to make direct offers of housing outside the CBL, band and date order criteria set out in this policy. For example:
- Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council, the Council may make a direct offer of suitable accommodation at any time.
  - If an applicant is not being realistic in the areas they are bidding for accommodation and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
  - Where a vacant adapted property or a property designed to disability standards becomes available the Council may need to offer that property to an applicant whose disability needs best matches that property regardless of the date they were registered.
  - Where the Council considers that it is inappropriate for the applicant to participate in Choice Based Lettings. For example, vulnerable applicants nominated by Adult Social Care where the Council will work closely with social workers and care managers to decide on the best letting method for these applicants.
  - This list is not exhaustive and other examples could include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA) or presents a risk to themselves or others Furthermore the Council may restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation would be in any area of the

district that the Council has assessed is suitable and safe for the applicant to live in.

## 12. Reasonable and Additional Preference

- 12.1 The Council operates a banding system. Applicants will be placed in a band based on the outcome of their housing needs assessment. (Each application is assessed by a Housing Advisor in accordance with their specific circumstances and placed in a band).
- 12.2 Where two or more households have the same level of assessed housing need (ie they have been placed in the same band) priority between them will be determined by their CHR verification date which will be known as their priority date.
- 12.3 The priority date is the date an applicant was placed in a particular band, it is not necessarily the same as the date of registration for example; if an applicant was in band C and following a change of circumstances they are assessed as band B, their priority date in band B would be the date they are awarded the band B status.
- 12.4 In the event that an applicant has moved up a band and a further change of circumstances leads to an assessed housing need for a lower band, the original priority date in the lower band will be retained where the further change leading to the lower band happens within six months.
- 12.5 The housing needs assessment has been framed to ensure that certain applicants, as defined in the Housing Act 1996 as amended, are given 'reasonable preference'. In addition, the Council has determined that some applicants should receive 'additional preference'.
- 12.6 The Housing Act 1996 provides that applicants who fall within the following groups should be given 'reasonable preference':
- People who are homeless within the meaning of Part 7 of the Housing Act 1996 (as amended) (including those who are intentionally homeless and those not in priority need).
  - People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (as amended) or who are occupying accommodation secured by any housing authority under s.192(3).
  - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - People who need to move on medical or welfare grounds, including grounds relating to a disability.
  - People who need to move to a particular locality in the district of the housing authority where failure to meet that need would cause hardship (to themselves or others).
- 12.7 The Council has determined that the following groups of people who fall within the reasonable preference groups should receive 'additional preference':
- Households who currently occupy social or affordable housing within West Berkshire that is too large for their current needs and who have expressed a desire to move.

- Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remain in their current homes.
- Households that contain a member who needs to move as a matter of child or adult protection.
- Households who need to move urgently because a member of the household requires substantial care that cannot be provided or received unless they move or who requires adaptations that cannot be made unless they move.
- Households who are experiencing multiple problems, which can only be resolved by a move, and who have a care or support plan in place supported by relevant agencies.
- Keyworkers as defined by the Thames Valley Local Enterprise Partnership data source who have a housing need.

## 12.8 Additional Preference & the Armed Forces

The government has published regulations requiring local housing authorities to give certain groups of the Armed Forces additional preference where they fall within a reasonable group and have an urgent housing need. To give effect to this, the Council will make an award of additional preference to members of the following groups who are deemed to have an urgent housing need:

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- Formerly served in the regular forces;
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service.
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the service.
- Is a divorced or separated spouse or civil partner of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.
- In order to be awarded the additional preference in this category, the applicant must either be homeless (within the meaning of Part 7 of the Housing Act 1996) OR be owed a duty under section 190(2), 193 or 195 of the 1996 Act OR have extensive disrepair which has been determined by the Environmental Health Team and cannot be resolved within a reasonable time normally six months OR have medical or social need AND need to move urgently due to a life threatening illness or disability or be statutorily overcrowded or be homeless or at risk of homelessness as a result of violence or threats of violence.

## 12.9 Adjusting Preference

In certain circumstances, some applicants may be given more or less preference than others. The following are examples of the circumstances in which the preference given for a property may be adjusted:

### 12.9.1 Rural Exception Sites

Rural Exception Sites are housing developments in rural settlements that have been developed as an exception to normal planning policy. To qualify as a rural exception site, a local housing need must be established via the results of a recent local housing needs survey and occupancy of the dwellings must be prioritised for people who live and/or work locally.

To ensure that the occupancy of rural exception sites is prioritised for local people, a cascade mechanism is used that prioritises different groups of applicants for each scheme.

The cascade mechanism allows for under-occupation in certain parts of the cascade. Given the welfare benefit reforms that restrict occupation of social tenancies on the basis of household need, and the potential financial implications that this will have for tenants, RPs will carry out a financial appraisal for the household before an offer of accommodation is made that allows under-occupation. Where it is deemed that the household may be eligible but could not afford the accommodation, a bypass will be applied.

### 12.9.2 Local Letting Plans

Local Letting Plans serve to achieve agreed objectives, such as minimising the likelihood of anti-social behaviour, reducing family densities in certain areas or improving the success rate of integrating young or vulnerable people into general needs housing.

Local Letting Plans are developed on a site by site basis to address the requirements of that specific area, development or block of accommodation.

Local lettings may be used to:

- Enable new schemes to be allocated to a mixture of tenants in order to develop a sustainable community.
- Enable an existing community to become more sustainable, for example, by encouraging more working families to move into the area.
- Enable households to return to an area they left for redevelopment to take place.
- This list is not exhaustive and Local Letting Plans may be agreed in other circumstances where there is evidence that the local community would benefit from such a plan and there is no significant adverse impact on other communities. The equalities impact of local lettings schemes will be considered before they are agreed.
- When a property advertised under the Choice based lettings scheme is subject to a Local Letting Plan, this will be stated clearly on the advert. The adoption of this Policy has delegated authority to agree Local Letting Plans to the Head of Development and Planning in consultation with the Portfolio Holder. Any Local Letting Plan will be agreed for a limited time, after which it will be reviewed, and lettings will revert to the main policy if possible.

### 12.9.3 Sensitive Lets

Occasionally, the Housing Service may agree with a registered provider that an individual property be identified as a 'sensitive let'. This may be because

the landlord is seeking to maintain a sustainable community. For example, if there has been significant anti-social behaviour in the locality and a property becomes available for re-let, it may be advertised as a sensitive let to try and prevent further issues arising. Where a property is advertised as a sensitive let giving preference to particular households, the property advert will clearly state that the property is being treated as a sensitive let.

#### 12.9.4 Adapted Homes

If a property becomes available for let and has been adapted to meet the needs of a disabled person, it will be advertised as giving preference to a household who have need of those adaptations.

#### 12.9.5 Preference to Over/Under-Occupying Social Tenants

In order to make best use of stock and to ensure that the housing needs of applicants are met appropriately, a property that becomes available for let may be advertised as giving preference to social tenants living in West Berkshire who are either over- or under-occupying their accommodation. It is expected that the home they would free up should they move will be released back into CBL.

## Part Four: Housing Need Assessments and the Banding Scheme

### 13. Housing Need Assessment

13.1 The assessment of housing need is made upon receipt of an application, section 11 explains how the housing needs assessment has been framed. This section provides additional detail on each specific housing need identified within the housing needs assessment.

13.2 Assessments of housing need are primarily based upon the information provided within the application. However, further information may be sought from the applicant and/or relevant professionals. The Housing Service may also undertake visits to verify information.

#### 13.3 Overcrowding

13.3.1 This assessment is included as it relates to the reasonable preference groups. The Council uses a bedroom standard as an appropriate measure of overcrowding for allocation purposes. For the purpose of this policy, overcrowding is defined by using the Department for Work & Pensions 'bedroom standard':

- Every adult couple (married or unmarried).
- Any other adult aged 16 or over.
- Any two children of the same sex aged under 16.
- Any two children aged under 10 (regardless of sex).
- Any other child.

13.3.2 The assessment will be made on the basis of the rooms available for use as a bedroom, regardless of how the household chooses to use those rooms. For example, it may be reasonable to class a dining room as a room usable as a bedroom.

13.3.3 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom, as it has been designed to provide live/sleep accommodation.

#### 13.4 Under-Occupancy

The Council has decided that applicants who currently occupy social or affordable rented housing within West Berkshire that is too large for their current needs and who have expressed a desire to move should be given additional preference. This is because the under-occupancy sanctions for social tenants of working age may increase rent arrears and potentially, eviction.

#### 13.5 Lacking or Sharing Amenities

13.5.1 Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. Lack of access to essential amenities, for example, a toilet, bath or shower, kitchen, clean drinking water or electricity, would fall within this category.

13.5.2 If an applicant is completely lacking one or more of the above-named essential amenities, they will be awarded priority based on the banding scheme below. In order to be awarded the relevant priority, a verification visit may be completed.

13.5.3 For clarification, lacking amenities will be deemed to place an applicant in a reasonable preference category, whilst sharing amenities will not. This is because it is considered reasonable for people to share facilities, for example with their parents or if they live in a room in a shared house.

### 13.6 Security of Tenure

The reasonable preference groups include applicants who may be homeless or threatened with homelessness under Part VII of the Housing Act 1996 (as amended) and in addition, the Council focuses on the prevention of homelessness through its housing options work. The banding scheme reflects both of these requirements.

### 13.7 Medical Needs

13.7.1 The Council is required to give reasonable preference to people who need to move due to their health, disability or access needs. Reasonable preference awarded in this category will not be awarded simply because an applicant has a medical condition. The assessment will consider:

- The degree to which the health condition of the applicant, or a member of their household, is negatively impacted by their housing circumstances.
- The degree to which a change in housing circumstances would enable the applicant, or a member of their household living with the health condition will maximise their recovery potential and achieve enhanced social inclusion.

13.7.2 Evidence will be sought from the applicant's GP or other medical practitioners who have knowledge of their health condition. The award of medical priority may be accompanied by a condition that the applicant is only considered for certain types of accommodation (for example, ground floor or adapted accommodation).

13.7.3 A medical form may be submitted for each member of a household who has a health condition that would be relieved by a move to alternative accommodation.

### 13.8 Welfare & Social Needs

13.8.1 The Council is required to give reasonable preference to people who need to move on welfare grounds, for example, to allow someone to give or receive care or support, to address child or adult protection concerns, to move-on from supported housing where support is no longer required, or to address urgent multiple issues that can only be resolved by a move.

13.8.2 Applicants who consider that they may fall into the category of welfare and social needs should clearly indicate this on their housing application and discuss this with their Housing Advisor, their Housing Options Officer or other professional with whom they are working.

### 13.9 Disrepair

13.9.1 Households that occupy insanitary or otherwise unsatisfactory living circumstances are expected to be given reasonable preference. This is reflected in the banding scheme below.

13.9.2 Applicants who consider that their home is in disrepair should send relevant evidence (for example, if they have had an enforcement notice served by Environmental Health) to the Housing Register Team, who will review it and

determine whether an award of reasonable preference is appropriate to the application.

13.9.3 One of the most common issues raised by applicants is damp and mould. In the majority of cases, this is due to lifestyle and the Housing Register Team will send advice to the applicant on how to manage this. Reasonable preference will not be awarded for damp and mould arising from lifestyle but if the problem is extreme, the Housing Register Team may consult with Environmental Health to confirm whether it is a more serious underlying problem that would warrant an award.

#### 13.10 Armed Forces Personnel

This additional preference award is made to applicants who meet the criteria set out in Section 12.8.

#### 14. The Banding Scheme

<b>Where Band A Will be awarded - <i>Emergency need to move</i></b>
<b><i>Medical Grounds</i></b>
1. Unable to continue to occupy their current accommodation due to severe or life threatening medical need or disability recommended by the GP, hospital consultant or other qualified health practitioner.
<b><i>Armed Forces Criteria</i></b>
2. Serious injury, medical condition or disability sustained as a result of service in the Armed Forces.
3. Recently ceased to be entitled to reside in accommodation provided by the Ministry of Defense, following the death of their spouse or civil partner who served in the regular forces and whose death was attributable (wholly or partly) to that service.
<b><i>Under Occupancy</i></b>
4. Social tenant who has agreed to downsize by two bedrooms or more.
<b><i>Management Transfer</i></b>
5. RP Management transfer on a like for like basis in accordance with RP's policy.
<b><i>Release of Adapted Property</i></b>
6. Social tenant who has agreed to transfer to a non-adapted property.
<b><i>Succession</i></b>
7. Where a succession has been agreed and the succeeding tenant has agreed to move into smaller accommodation.
<b><i>Domestic abuse, Fear of violence, Witness Protection</i></b>
8. Fleeing domestic abuse or other forms of violence assessed by relevant agencies as being in immediate danger and need to move urgently for the safety of themselves and any dependent children.
<b><i>Statutory Notices</i></b>
9. Where a tenant occupies a rented property where a Prohibition Order has been served or other statutory notice requiring an immediate move due to safety risks.
<b><i>Decants</i></b>
10. Property is subject to major works or demolition or Compulsory Purchase Order for redevelopment by RP.
<b>Where Band B will be awarded – <i>Urgent need to move</i></b>
<b><i>Medical Grounds</i></b>
1. Current housing conditions exacerbates a serious medical condition or disability.
<b><i>Overcrowding by 2 bedrooms or more</i></b>
2. Severely overcrowded defined as being either statutory overcrowded or requiring 2 or more additional bedrooms to reach the bedroom standard.
<b><i>Move on from care</i></b>

3. A former "Relevant Child" as defined by the Children Leaving Care Act 2002 at risk of homelessness confirmed by leaving care service in West Berkshire Council.
<b><i>Under Occupancy</i></b>
4. Social tenant who has agreed to downsize by one bedroom.
<b><i>Unsatisfactory housing conditions</i></b>
5. Occupies a private sector property that has multiple Category 1 Hazards (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) that cannot be resolved within 6 months and there is a serious risk to the occupant's health.
<b><i>Foster Carers</i></b>
6. To enable fostering or adoption by West Berkshire residents where agreement has been reached to provide long term accommodation on the recommendation of the Head of Children and Family Services and agreed by the Housing Services Manager.
<b>Where Band C will be awarded – Medium need to move</b>
<b><i>Applicants owed a statutory homeless duty</i></b>
1. Verified rough sleeper in West Berkshire and meets the local connection rules.
2. The full housing duty under section 193.
3. The prevention of homelessness duty under Section 195(2).
4. The relief of homelessness duty under Section 189B(2).
5. The intentionally homeless temporary accommodation duty to provide reasonable opportunity to find alternative accommodation (section 190(2) duty).
<b><i>Domestic abuse</i></b>
6. Fleeing domestic abuse assessed by MARAC (or any subsequent multi agency arrangement) as needing to move but not in immediate danger.
<b><i>Need to move for reasons of welfare</i></b>
7. High social/welfare needs (identified by an external agency).
8. Applicants who need to move closer to relatives in order to give or receive care or support that has been assessed as being essential and where moving would prevent significant physical, psychological hardship.
9. Need to access specialist facilities in the district (eg specialist school) identified and approved by external agency.
<i>Note: not every circumstance can be captured thus the policy only sets examples of welfare circumstances that may be awarded Band C priority under this category. Whether the award is granted will be determined by the assessing officer, manager or panel.</i>
<b><i>Move on from supported housing</i></b>
10. Is ready to move on from supported to independent housing. On-going support needs have been assessed and support plan in place.
<b><i>Keyworkers</i></b>
11. Keyworkers as defined by the Thames Valley LEP data source who have a housing need.

<b>Armed Forces</b>
12. Divorced or separated spouse or civil partner of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
<b>Where Band D will be awarded – Low need to move</b>
<b>Overcrowding and insecure accommodation arrangement</b>
1. Sharing with family or others who are not part of their household but not statutorily overcrowded.
<b>Overcrowding and secure accommodation arrangement</b>
2. Lacking one bedroom in own rented accommodation but not statutorily overcrowded ie requiring one additional bedroom to reach the bedroom standard.
<b>Right to Move</b>
3. Existing social tenants of accommodation in England who wish to exercise their Right to Move (under the Government's Right to Move regulations) to a social tenancy in West Berkshire.  Allocation to applicants who qualify is limited to a maximum of 1% of properties allocated each year, amounting to an estimated 4 properties per year.

## **Part Five: Management of Applications**

### **15. Who can be included on a CHR Application as part of the household?**

- 15.1 The Council will consider their partners, immediate family, and anyone else with an exceptional need to live as part of the household. This is because the Council have such a shortage of properties that families need to consider whether other people living in their household could move into smaller properties of their own.
- 15.2 Partner means someone who lives with the applicant as a partner, or who would live with them if they were able to. This includes mixed-gender and same-sex couples, whether or not they are married or in a civil partnership.
- 15.3 Immediate family means the applicant's children or their partner's children, aged 20 or less, who live with the applicant all the time, or for four or more nights every week. If a child is living with a partner or has his/her own children, s/he may not be included on the application unless they have an exceptional need to live with the applicant. Young people living away from home as students will not be included on the application. They may apply to the Housing Register in their own right, but may have low priority, in which case they will need to consider all other options.
- 15.4 Applicants who have shared responsibility for children will only have them considered as part of their household if it is determined that the children reside with them for at least 50 per cent of the week or more. Children will not be provided with a second home when they already have adequate accommodation with one parent. What this means is that if the children have adequate accommodation with one parent, they would not be considered to be part of the application of the other parent. Each case will be assessed on its own merits and determined alongside current legislation and case law.
- 15.5 People who have an exceptional need to live with you means people who are not included in the definition of 'immediate family', but who need to live as part of your household in order to give or to receive care or support. Evidence of this must be provided. This may include:
- A child (of the applicant or partner) aged 21 or over, who cannot live independently because of a disability or care need.
  - A carer, if someone in the household needs full-time care and no one in their immediate family is able to provide this. A housing application to include a carer will only be considered if the carer has been assessed by Adult Social Care and Health services as needing to provide overnight support.
  - An adult (or elderly) relative who needs to receive care. For some elderly people, moving to sheltered or extra care accommodation may be a more suitable option.
- 15.6 If you wish to include people not in your immediate family on your housing application, you must explain on your application why it is necessary for them to live with you. The Council may also require you to provide evidence such as: a court order, a social services or occupational therapy assessment, or evidence that you are in receipt of carer's allowances. If you have not had a care assessment for a relative, you may be required to arrange one. If the person coming to live with you is moving from abroad, you will need to provide evidence that they have recourse to public funds or sponsorship arrangement.

15.7 Where a household has been accepted as statutorily homeless by the Council, the application can include anyone who was accepted as part of the original homelessness application. For families with adult children, the Council will encourage them to seek independent housing if possible, to increase the chance of the applicant being re-housed in a reasonable time.

15.8 If you are a social housing tenant, and the Council agrees to re-house your immediate family but not everyone who is currently living with you, you will be asked to make sure that none of them remain in the property once you have left.

## 16. **Eligible property sizes:**

16.1 The policy on property size (bedroom allocation), is as follows:

16.1.1 You are entitled to one bedroom for:

- Every adult couple (married or unmarried).
- Any other adult aged 16 – 20.
- Any two children of the same sex aged under 16.
- Any two children aged under 10 irrespective of sex.
- Any other child.

16.1.2 For households that include a pregnant woman, the calculation will not make allowance for the baby until the baby is born and the birth certificate has been provided.

16.1.3 For the purposes of overcrowding assessment a bedsit or studio flat is deemed to have one bedroom and suitable for a single person or a childless couple.

16.2 Households who require a carer

Housing Benefit provisions permit an extra bedroom to be included in the Housing Benefit assessment for tenants in the private rented sector who have care provided by someone who lives elsewhere. This will apply where a customer or their partner has a recognised need assessed by Adult Social Care for overnight care and has a bedroom that is used by a carer, or carers, for overnight stays as part of caring for the customer or partner. In line with these Housing Benefit provisions, this policy makes provision for an extra bedroom to be awarded in exceptional circumstances after discussion with the Benefits Service.

16.3 Households with a disabled child

An additional bedroom may be awarded in exceptional circumstances where there is a severely disabled child who cannot share with siblings, subject to consideration of the following:

- Medical evidence.
- Whether the child is in receipt of Disability Living Allowance Personal Independence Payment.
- The nature and severity of the disability.
- The nature and frequency of care required during the night.
- The extent and regularity of the disturbance to the sleep of the child who would normally be expected to share the bedroom.

A decision to award an additional bedroom is not an indication that Housing Benefit will be paid. Applicants will therefore need to ensure that they are able to meet any potential rental shortfall arising through Social Sector Size Criteria before accepting an offer of accommodation.

#### 16.4 Foster Carers

16.4.1 The council recognises the contribution that foster carers make towards ensuring that children in West Berkshire are cared for. For this reason, one additional bedroom can be awarded to those applicants approved to foster and where recommendation is made by Children and Families Services to provide accommodation because the current accommodation is not large enough or would cause overcrowding. A check will be made with the Family Placement team prior to allocation to ensure that the applicant is still an approved foster carer.

16.4.2 Housing Benefit Regulations allow approved foster carers an extra bedroom for use by a foster child or children under the size criteria rules where:

- Approved foster carers have a child placed with them.
- Approved foster carers who are between placements but only for a period of up to 52 consecutive weeks from the date of the last placement.
- Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of the approval, if no child is placed with them during that period.

16.4.3 A decision to award an additional bedroom to approved foster carers for the purposes of the CHR is not an indication that Housing Benefit will be paid. Applicants will therefore need to ensure that they are able to meet any potential rental shortfall if they do not fall into one of the above categories or cease to be an approved foster carer.

#### 17. **Assessment of Application**

Upon verification of a new application or receipt of a Change of Circumstances or Annual Review Form, the applicant's housing need will be assessed and priority awarded by means of the housing needs assessment banding scheme (section 14). The applicant's living circumstances, security of tenure, medical and social needs, condition of property, length of time in housing and local connection will be taken into account.

#### 18. **Notification of band awarded**

18.1 All applicants will be notified in writing of the outcome of their application, including whether or not their application is eligible, qualifying, what band they have been awarded, the priority date and details about how to bid if relevant.

18.2 Applicants on the CHR have a right to general information such as whether the application will fall into the reasonable preference category, whether a bid is likely to be successful, and the likely waiting time. This information will be available through the West Berkshire choice based lettings system.

## 19. **Changes in circumstances**

- 19.1 Applicants are required to keep their application up to date. Some minor changes can be made online by the applicant, other changes need to be notified to the Council, and the applicant will need to complete a Change of Circumstances Form.
- 19.2 If an applicant's circumstances change, for example, they move house, have a baby, or someone moves in/out of their home, they must update their application. If the Housing Service needs more information to reassess the applicant's housing needs, they will contact the applicant. The Housing Service will not reassess needs if it is unlikely to change the applicant's banding: for example, medical needs will not be reassessed if the applicant has developed another minor illness but will be reassessed if the applicant has moved to alternative accommodation.
- 19.3 If the Housing Service becomes aware, or have reason to believe, that an applicant's circumstances have changed, the application will be suspended until the Housing Service has been able to verify the applicant's circumstances or an on-line Change of Circumstances Form is received.
- 19.4 If the on-line Change of Circumstances Form is not received, requested information has not been provided or verification has not been possible within 28 days of the Housing Service becoming aware of a change in an applicant's circumstances, the application will be removed.

## 20. **Annual Re-Registration**

- 20.1 Applicants will be contacted annually on the anniversary of the date of their application and asked to complete an on-line Change of Circumstances Form (to act as the Annual Review Form) confirming their basic details and any changes in their circumstances. They will be advised to complete the form within 28 days and that if they fail to do so, their application will be cancelled and removed.
- 20.2 Removed applications can be re-instated for up to 3 months after removal, upon contact from the applicant, subject to the applicant being able to provide a reasonable explanation of their failure to complete the form.
- 20.3 If applicants wish to cancel their application at any time, they must submit this in writing to the Housing Service.

## 21. **Homeless Households**

- 21.1 The allocation of non-secure accommodation under Part 7 of the Housing Act 1996 (ie providing temporary accommodation to accepted homeless families) is outside the scope of this policy.
- 21.2 The Housing Service reserves the right to make direct offers or place bids on behalf of applicants to whom it owes a homelessness duty, in order to discharge the duty. In making such an offer, the Housing Service will need to be satisfied that it is suitable for the applicant and that it is reasonable for the applicant to occupy. Applicants have the right to request a review of suitability of accommodation made to discharge a homelessness duty and are therefore advised to accept the offer, rather than refuse it, and to request a review if they do not consider it to be suitable or reasonable to occupy.

## 22. **False or misleading information and fraud prevention**

- 22.1 It is an offence to make a false statement and/or knowingly withhold information when making an application for the Housing Register. The offence carries an unlimited maximum fine.
- 22.2 Any failure to include relevant information, to hide material facts or to attempt to obtain housing through false information will be treated as fraud. The Council treats housing fraud seriously and will take legal action against applicants found to have committed fraud.
- 22.3 The Housing Service may visit applicants at home to verify details of an application. Visits may be undertaken without notice. If an applicant cancels or misses two or more pre-arranged appointments for verification visits, the application will be disqualified for having no housing need.
- 22.4 If an applicant knowingly provides false or misleading information on their housing application in order to gain an advantage over other applicants, the Council will remove their application. The applicant will not be allowed to re-apply for 12 months, in addition, consideration will be given to whether prosecution or other legal action is appropriate.

## 23. **Cancelling and Suspending Applications**

- 23.1 A housing application may be cancelled and removed if the applicant:
- Or a member of their household is deemed to have displayed behaviour serious enough to make the applicant unsuitable to be a tenant.
  - Has asked in writing for it to be cancelled.
  - Has been housed by a RP in an assured or an introductory tenancy.
  - Has moved and not informed the Housing Service of any new address or circumstances, and the Housing Service is unable to contact the applicant.
  - Has not responded to a written request for information needed to assess the application, within 28 days.
  - Has not replied to an annual review request within 28 days.
  - Has not completed a Change of Circumstances Form within 28 days of the Housing Service becoming aware of the applicant's change in circumstances.
  - Has provided false or misleading information.
- 23.2 A housing application may be suspended, if
- The applicant has asked for it to be suspended until a later date.
  - The applicant is temporarily unable to move, for example due to being admitted to hospital.
  - The applicant requires housing with support and is refusing a support package required to sustain the tenancy.
  - The applicant has had a change in circumstances and the Housing Service are awaiting a Change of Circumstances Form.
  - Information has been requested from the applicant.
  - Information has been requested from a third party.

- The applicant has made a homelessness application that is pending a decision.
- The applicant has requested a review of a homeless decision.
- Owes money to the Council and no regular payments are being made.
- Has rent arrears that exceed eight weeks rent OR where no regular repayments are being made.
- Has deliberately worsened their circumstances.
- Has refused three reasonable offers of accommodation.
- Is in HM Prison, until one month prior to release date.
- Has been violent or abusive to staff (including RP staff).

## Part Five: Management of Allocations

### 24. Advertising Properties

- 24.1 In the first year of this policy, properties will be advertised on a weekly basis, with new properties advertised on a Thursday and bidding closing at midnight on the following Wednesday.
- 24.2 From the second year of this policy, properties will be advertised daily with each advert being available for one week.
- 24.3 The adverts will be placed:
- On the website.
  - In the reception areas of West Berkshire Council.
- 24.4 Applicants have the right to request general information from local housing authorities that will enable them to assess whether accommodation appropriate to their needs is likely to be available and, if so, how long it is likely to be before such accommodation becomes available. To facilitate such requests, the weekly Property Sheets will provide information on previous adverts, including:
- The date of the property sheet.
  - The advert reference.
  - The property type.
  - The location.
  - The number of bids received.
  - The band in which the property was let.
  - The registration date of the successful applicant.
- 24.5 In exceptional circumstances the Council may choose not to advertise a property and make a direct allocation to an applicant. This may be as a result of an emergency, to meet the Council's legal obligations to a homeless applicant, to support an applicant with specialist needs (including, but not limited to disabled adaptations), or where the property has previously not attracted any bids.

### 25. Bidding

- 25.1 The Council seeks to offer applicants on the CHR a choice over the areas and properties in which they wish to live. In order to be considered for an allocation of a particular property, applicants must bid via Choice Based Lettings. In certain circumstances, for example, where the Council has accepted a homelessness duty to an applicant or where a risk assessment is required (eg for an applicant subject to Multi Agency Public Protection Arrangements), choice may be restricted.
- 25.2 Applicants may only bid for properties for which they meet the eligibility criteria specified in the advert. Any bids that are ineligible for the property advertised will be disregarded.
- 25.3 Applicants can make as many bids as they wish in any weekly cycle, subject to being eligible for the properties advertised. There is no need to bid more than once for any one property.

- 25.4 Applicants must view the advert prior to placing a bid and should be sure that they would accept an offer if made.
- 25.5 In the case of new developments where there are a number of properties with the same characteristics only one advert may be placed, and each applicant will need to submit one bid only.
- 25.6 In the first year of this policy, the bidding cycle will start at midnight on a Thursday and close at midnight on the following Wednesday. Bids received after this deadline will not be accepted.
- 25.7 From the second year of this policy, properties will be advertised daily at midnight and close at midnight seven days after being advertised.
- 25.8 Applicants (or the applicant's advocate) can register a bid for the property by:
- Telephoning the Housing Office (during office hours).
  - Using the website [www.homechoicewestberks.org.uk](http://www.homechoicewestberks.org.uk).
  - In person at West Berkshire District Council Offices.
- 25.9 To register a bid, the applicant will need to supply the following information:
- Registration number.
  - Name.
  - Date of birth.
  - Property reference number.

## 26. **Assisted and Auto Bidding**

- 26.1 Vulnerable applicants will be identified from the application process. Housing Service staff will contact potentially vulnerable clients and seek to establish what their support needs are in relation to bidding for properties, and identify ways of enabling the applicant to participate in the bidding process.
- 26.2 Vulnerable applicants will be able to nominate a person to bid on their behalf or to help them bid for suitable properties. The applicant can also nominate a family member or friend to receive correspondence or make applications for vacancies on their behalf.
- 26.3 If an applicant is receiving support from another professional or voluntary agency or organisation, the Housing Service will, with the applicant's agreement, contact the worker to ensure that they understand the procedures and that necessary support is provided.
- 26.4 'Auto bidding' may be activated for homeless households to place bids on their behalf once the household falls into the longest waiting 10% of households for the relevant property size. This is a scenario where the choice based lettings system is configured to automatically place a bid on behalf of the applicant when a suitable property is advertised.
- 26.5 An applicant will not be allowed to cancel or withdraw an auto bid made on their behalf by the system.

## 27. **Assessment of Bids**

- 27.1 Once bidding has closed, a shortlist will be produced that lists applicants in order of the highest band followed by priority date.
- 27.2 Where an advert sets out letting restrictions (eg subject to a local letting plan etc.), the shortlist will prioritise those applicants who meet the preference criteria by order of housing band and then priority date, followed by those who do not meet the preference criteria by order of housing band and priority date.

## 28. **Making an offer**

- 28.1 The relevant RP will contact up to the top three applicants for each property, arrange a home visit as necessary to complete a pre-tenancy assessment, and offer the applicant a viewing date and time. The offer of a viewing does not constitute an offer of accommodation.
- 28.2 The RP will ensure each applicant is aware of their priority place ie 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> and the applicant must inform the RP at the viewing whether they are interested in the property. The RP will then send a formal offer to the applicant with highest priority who has expressed an interest in that property.
- 28.3 Applicants who advise a RP that they no longer wish to be considered for a property, and who would potentially have been made an offer, should be aware that this will be classed as a refusal.

## 29. **Bypassing Applicants**

In exceptional cases a RP may elect not to offer a property to the highest priority applicant on the shortlist. The RP must request written authorisation from the Housing Allocations Team Leader before bypassing an applicant. The RP must give the exceptional reason for requesting the bypass and have received agreement from the Council prior to offering the property to the next applicant on the shortlist.

## 30. **Refusals**

- 30.1 An applicant is considered to refuse a property suitable for their needs if a) they have been made a formal offer of accommodation which they then decline; or b) they would normally receive a formal offer of the accommodation but tell the RP they do not wish to be considered, whether or not they have attended a viewing; or c) they fail to attend a viewing for the property.
- 30.2 Applicants should therefore be sure that they are interested and would be willing to accept the property, if offered, prior to placing a bid. A refusal will not be counted as such if the property can be shown to be unsuitable. This could include: medical grounds, social grounds (including potential harassment or violence), or financial hardship.

## 31. **Discharge of Homelessness Duty**

- 31.1 The Council will seek to allow applicants, to whom a homelessness duty is owed, the opportunity to exercise choice and bid in the normal way. However, given the shortage of accommodation and the pressures on the Housing Service, the Council retains the right to make a direct offer of accommodation or to place bids on applicant's behalf for accommodation that is considered to be suitable and reasonable to occupy.

31.2 If a property is offered and then refused, the Council may discharge its homelessness duty if the property is held to be suitable for the applicant's needs. The right to occupy temporary accommodation would be brought to an end.

## 32. **Housing for applicants in need of specialist accommodation**

32.1 The district benefits from a number of supported housing schemes. These are managed by a range of agencies and have individual referral and allocation criteria, depending upon the client group and the level of support offered.

32.2 Given the specialist nature of these schemes, it will not be appropriate to advertise such vacancies for general needs occupation. For access to supported accommodation, applicants will be considered through the relevant housing and support panel.

32.3 Individuals who wish to apply for specialist accommodation should make a housing needs application for an assessment under part VII of the Housing Act.

## 33. **Equality and Diversity**

33.1 West Berkshire Council is committed to championing equality and diversity. This policy provides that subject to the nationally prescribed eligibility criteria, priority for housing is based on housing need and that equality of access is afforded to the common housing register.

33.2 Where required, the Housing Service will provide interpretation, large print or signing services to ensure that applicants and potential applicants have advice and assistance to make an application.

33.3 All applicants for housing or re-housing will be asked to provide details of age, gender, ethnic origin, religion and sexual orientation. This is to ensure that properties are being offered and allocated fairly.

## 34. **Annual Lettings plan**

34.1 A proportion of properties becoming available every year will be allocated in line with the lettings plan at appendix 1.

34.2 The Annual Lettings Plan is designed to set allocation percentage targets, which are set by the Council to determine the proportion of social housing offered to different applicant types within the Common Housing Register, in order to best balance competing demands and needs.

34.3 The CHR consists of three types of applicants:

- First time applicants otherwise known as homeseekers which includes all households applying for social housing in West Berkshire.
- Transfer applicants who are social tenants of Registered Providers in West Berkshire applying for a move to alternative accommodation.
- Homeless applicants to whom West Berkshire Council has accepted a statutory homeless duty who are owed statutory reasonable preference.

34.4 The lettings plan will be reviewed annually. The Housing Services manager will approve a reviewed plan if a significant change to the lettings plan is required.

## **Part Six: Reviews and Complaints**

### **35. Right to Review**

- 35.1 An applicant has the right to request a review of a decision regarding:
- Whether s/he is eligible for an allocation of accommodation.
  - Whether s/he is a qualifying applicant.
  - Which household members are to be included on the application.
  - Bedroom size assessment.
  - Medical assessments.
  - The suspension, cancellation, or removal of an application.
  - Refusals.
  - Failures to bid and the decision to set up auto bidding for them.
  - Local lettings plans, rural exception sites and sensitive lets.
- 35.2 Applicants wishing to review a decision must advise the Council in writing within 21 days of the decision date giving their reasons for doing so.
- 35.3 As evidence is taken in written form it is very important that, when making the request for a review, the applicant, or someone acting on their behalf:
- Brings to the Council's attention any new information that they wish to have considered.
  - Explains why they think the decision is wrong.
- 35.4 If no written representations are received the matter will be decided on the facts already known.
- 35.5 An officer senior to the officer who made the original decision, and who has not been involved in the original decision, will carry out the review and respond to the applicant.
- 35.6 The Council will determine the review within 56 days. If there is a delay with the review decision the applicant will be advised in writing of the reason for the delay and a revised timescale.
- 35.7 If the applicant disagrees with the review decision, they can seek judicial review or take their case to the Local Government Ombudsman.

### **36. Complaints**

- 36.1 Where an applicant considers that they have been treated unfairly or believes that there has been maladministration of the scheme, they can make a formal complaint to the Council. This is distinct from the procedure to request a review of a decision that has been made in accordance with this policy and the complaints procedure cannot be used to challenge the outcome of reviews.
- 36.2 The Council's complaints procedure is detailed on the Council's website and in the leaflet 'How to complain' which can be obtained from Council offices.
- 36.3 Where the complaint concerns a Registered Provider, the applicant should contact the RP direct in accordance with their complaints process. If this fails, the Independent Housing Ombudsman should be contacted.

37. **Monitoring**

- 37.1 The scheme will be closely monitored by the Housing Service to ensure that it is operating equitably and fairly, and regular checks undertaken to verify details on the CHR to prevent fraud.
- 37.2 The policy will be reviewed every 5 years. The review will include an Equality Impact Assessment on the Policy as a whole. Should any significant amendments be required, consultation would be undertaken with relevant stakeholders including elected members prior to a decision being made.

## Appendices

### Appendix 1

#### Annual Lettings plan

Applicant Type	Family Sized Accommodation	One bed (and studios)	Age Limited (Sheltered, bungalows)
First time (Homeseeker)	50%	50%	50%
Transfer	25%	25%	30%
Homeless	20%	20%	20%
Special lets (Including care leavers)	5%	5%	0
Total	100%	100%	100%

## **Appendix 2: Definition of a reasonable offer**

### **Property Size**

A refusal of an offer of the correct size and type will normally be considered unreasonable

A property of the appropriate size in line with the bedroom standards for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the Council's housing standards, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

### **Property Type**

It will not be considered a reasonable refusal due to a dislike of the property type because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. Medical grounds for refusing a property should already have been disclosed and considered as part of the assessment of the application unless new information is submitted that is accepted by the Council.

### **Property Condition**

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the Voids Team decides to withdraw the property from letting for further works to be carried out.

### **Area of Choice**

Where the offer is within one of the applicant's specified areas, the property will be considered reasonable.

### **Pets**

Properties where pets are allowed would be indicated in the advert. Refusal of a property after a successful bid because it is not permissible to keep a pet is not reasonable.

## Glossary

Additional Preference	Groups of people who are within a Reasonable Preference Group and to whom a local authority may give additional preference for an allocation of social housing under the Housing Act 1996.
Affordable Rent	Tenancies let by Registered Providers on rent levels of up to 80% of open market rents.
ASBO	Anti-Social Behaviour Order – a civil order made by the Court against perpetrators of anti-social behaviour. The ASBO will usually restrict behaviour in some way, for example, it may state that they are not to be abusive to neighbours or are not to enter a certain area.
CBO	Criminal Behavior Order - A CBO is an order on conviction, available following a conviction for any criminal offence in the Crown Court, magistrates' court or youth court.
Choice Based Lettings (CBL)	A system to advertise available social housing that enables applicants to bid on properties that they wish to be considered for. Once the advert closes, a shortlist is run and the property is allocated to the applicant with the highest housing need.
Common Housing Register (CHR)	A single waiting list for all social housing in West Berkshire, managed by the Council.
Homeseekers	Applicants who do not currently live in social housing but who wish to move into social housing.
Multi-Agency Public Protection Arrangements (MAPPA)	A statutory process through which the Responsible Authorities (Probation, Police and Prison Services) work together with Duty to Cooperate Agencies such as Mental Health/Youth Offending Services/Housing/Social Care (children and adults) Job Centre Plus/Health to manage the Risk and help reduce the re-offending behaviour of Sexual and Violent Offenders in order to protect the public including the victims from serious harm.
Priority Date:	The date an applicant is placed in a particular band following assessment of their application.
Reasonable Preference	Groups of people to whom preference must be given for an allocation of social housing under the Housing Act 1996.
Registered Providers (RPs)	Housing providers who are registered with Homes England.
Section 106 Agreement	A legal agreement under the Town & Country Planning Act 1990 that sets out planning obligations that the developer is required to meet as part of the planning consent. A Section 106 Agreement can be used to require the developer to provide affordable housing and, in the case of rural exception sites, to restrict occupancy

of that social housing to people with a specified local connection.

Suspended Application

The application is suspended so the applicant is unable to bid.

Social Rent

Tenancies let by Registered Providers on rent levels set at 'target' rents (usually 40-50% of open market rents) set by Homes England.

Transfers

Applicants who are currently living in social housing but who wish to move to alternative social housing.