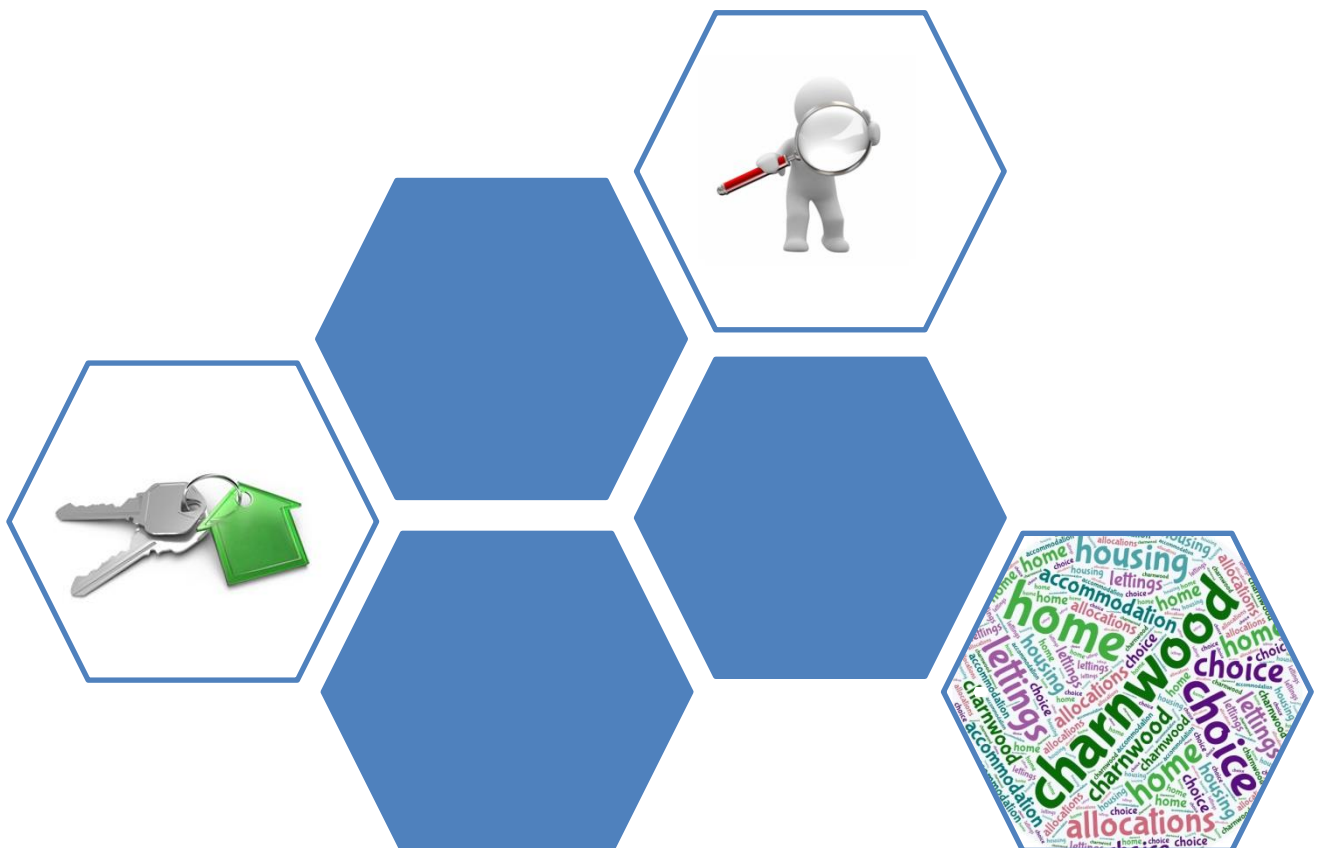




Housing Allocations Policy

April 2019



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This Housing Allocations Policy outlines how Charnwood Borough Council will assess applications for housing, determine eligibility, qualification and level of housing need, prioritise applications and allocate accommodation.

In developing this Policy the Council has taken into consideration the Housing Act 1996 and other relevant legislation, regulations and guidance (see Appendix 1 for more information).

This Policy is consistent with the Council's Tenancy Strategy, Housing Strategy and Homelessness Strategy.

In developing this Policy the Council consulted with staff, Registered Providers of Social Housing (formerly known as Housing Associations) within Charnwood, local voluntary and statutory agencies, elected members, Council tenants and housing applicants.

The Council's objectives for the Housing Allocations scheme are to:

- Provide an accessible, fair and transparent service
- Meet local housing needs
- Meet the housing needs of the most vulnerable
- Prioritise those with the greatest/most urgent housing needs
- Make the best use of existing social housing stock
- Support safe and sustainable communities
- Offer applicants choice in relation to available accommodation.

The Council operates a Choice Based Lettings Scheme under which applicants are able to express preference for available properties by applying (or bidding) for advertised properties.

The Council seeks to give all applicants choice in relation to accommodation but may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

Letting of Council properties and nominations to Registered Provider properties within Charnwood are covered by this Housing Allocation Policy. This includes general needs accommodation for single persons, couples and families and sheltered accommodation for older persons.



The following types of allocation are **not** covered by this Policy:

- Tenancy successions
- Tenancy assignments, such as mutual exchanges
- Tenancy status changes, such as introductory to secure tenancies
- Tenancy transfers pursuant to Court Orders
- Management Allocations, such as:
 - Joint to sole or sole to joint tenancies
 - Temporary lettings to existing Council tenants who need to be decanted pending major refurbishment or repair works
 - Temporary lettings to homeless households
 - Where a property that has been temporarily let to a homeless applicant is offered to the applicant in order to discharge the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996
 - Where there is a legal requirement to offer accommodation to a household following a compulsory purchase of a property
 - Where there is a legal requirement to offer accommodation to a displaced agricultural worker under the Rent (Agriculture) Act 1976
 - Where accommodation needs to be allocated to an individual who poses a risk to individuals or the community
 - Where the Council decides that an allocation would be in the Council's financial interest and reduce expenditure on temporary accommodation
 - Where the Council decides that an allocation would make the best use of available social housing stock.

Allocations to the following types of accommodation are **not** covered by this Policy:

- Supported Housing schemes (applicants for this type of accommodation will be signposted or referred to the relevant Supported Accommodation Provider)
- Extra Care Housing schemes (applicants for this type of accommodation will be signposted or referred to Adult Social Care)
- Affordable Home Ownership schemes (applicants for this type of accommodation will be signposted or referred to the local Help to Buy Agent).

The Council promotes equal opportunities and aims to implement and maintain services that ensure no applicant is treated unfairly on the grounds of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability or disadvantaged by the application of criteria that has a direct or indirect discriminatory effect that cannot be justified by law.



Advice and assistance is available to ensure that the Allocations Policy and Choice Based Lettings scheme are accessible for all applicants. Assistance can be provided to applicants who are unable to search or bid for properties as a result of a disability or assessed vulnerability if required. Information can be translated or made available in different formats, such as large print, upon request if required.

Personal information that the Council hold in relation to applications will be processed in accordance with Data Protection legislation. Information may need to be disclosed to Registered Providers or other landlords who may be able offer accommodation. More information about how and why the Council may process personal data, data protection rights or how to contact the Council's Data Protection Officer is available in the Council's Privacy Notice, accessible on the Council's website.



The Council maintains a Housing Register of households who are applying for Council or Registered Provider properties within Charnwood.

An individual can only be included on one active application at any one time, either as a main or joint applicant or as a member of another applicant's household.

All applicants must complete the Charnwood Choice Based Lettings Housing Application Form. The information included on the application form must be accurate. Applicants will be required to provide documentary evidence to support the information on their application and demonstrate that they have a housing need, for example proof of identity, address, income, savings and custody/access to children.

Applicants who have indicated that they have a medical, mobility, welfare or hardship need will be required to provide supporting evidence and may need to be referred to an appropriate agency for an assessment.

The Council may make any further enquiries it deems necessary in order to confirm the information provided on an application, such as contacting current or previous landlords, the Police or support workers. Applicants may be required to provide further information and evidence in relation to their circumstances.

The Council's Allocations Team will assess completed applications and the supporting evidence provided and will decide whether the applicant qualifies for the register, which Banding is applicable to their circumstances and the type of properties they are eligible for. Incomplete applications will not be assessed and will be cancelled after 28 days.

If an applicant is accepted onto the Housing Register, the applicant will be notified of the Band their application has been placed in, the properties they are eligible for and how to bid for properties. If an applicant is refused entry to the Housing Register, the applicant will be notified that their application has been refused and of the reasons for the refusal.

Applicants must notify the Council of any relevant change in their circumstances. Following notification of a change in circumstances, the application will be reassessed and may be moved from one Band to another or removed from the register. Applicants will be notified of the outcome of any reassessments.

Applicants will be periodically contacted and asked to confirm whether they wish to remain on the Housing Register and whether their circumstances have changed. Applicants must respond to such requests within a specified time period (normally 28 days). Failure to respond within the specified time period will result in the application being cancelled.

If at any time the Council receives evidence that an applicant who has already been accepted onto the Housing Register no longer qualifies, the applicant will be notified that their application has been cancelled and of the reasons for the cancellation.



It is a criminal offence for an applicant to knowingly or recklessly provide false information, withhold information or allow a third party to provide false information on their behalf in relation to a Housing Register application. Such an offence could result in prosecution and an unlimited fine. If an applicant provides false information, withholds information or allows a third party to provide false information on their behalf, the Council reserves the right to disqualify the applicant from the register, withdraw any offer of accommodation and recover possession of any tenancy obtained.

Application Types

Any applicant who does not hold an introductory, secure, starter or full assured or fixed-term tenancy with a Council or Registered Provider will be regarded as a new applicant.

Any existing social housing tenant who holds an introductory, secure, starter, full assured or fixed-term flexible tenancy with a Council or Registered Provider will be regarded as a transfer applicant. Social housing tenants can only make a joint transfer application if both applicants currently hold a joint tenancy. Social housing tenants who currently hold a joint tenancy can only make an application to transfer their tenancy if both tenants will be moving together.

Adverts

Vacant properties are advertised on the Council's Choice Based Lettings System. Adverts will contain information about the property and the applicable eligibility criteria.

The Choice Based Lettings System may include information about other affordable housing options within Charnwood, such as affordable Private Rental properties and affordable Home Ownership.

Bidding for Properties

Applicants can express an interest in available properties by placing bids through the Choice Based Lettings System. Applicants can bid for up to 2 properties in every bidding cycle. Applicants may place and withdraw bids at any time during a bidding cycle. Applicants will **not** be able to place bids after a bidding cycle has closed.

Assistance can be provided to applicants who are unable to search for properties or place bids themselves. Applicants can contact the Council if they need such assistance.

Bidding Restrictions

Eligibility criteria will apply to each property that is advertised and applicants will only be able to place bids for properties for which they are eligible.



Eligibility for some properties may be restricted by:

- Application type (transfer application or new application)
- Application Banding (Band 1, Band 2 or Band 3)
- Household type
- Household size
- Age of applicant and/or other household members
- Support need (such as sheltered housing schemes)
- Medical, mobility or adaptation need (such as wheelchair standard properties).

Minimum age criteria apply to some advertised properties. Examples include:

- Minimum age criteria for older person's sheltered housing schemes
- Minimum age criteria for properties that may be unsuitable for young children, such as duplex flats.

Applicants will normally only be eligible to bid for properties if they meet the applicable age criteria or have a specialist need for the accommodation that cannot be met within available non-age restricted properties.

Some advertised properties are restricted to certain types of household. Examples include:

- Bedsits will normally be restricted to single persons
- Houses with 2 or more bedrooms will normally be restricted to households containing dependent children
- Properties within older persons' sheltered schemes will normally be restricted to applicants who are above the age of 60 years and where all members of the applicant's household are above the age of 45 years and are suitable for sheltered accommodation schemes
- Wheelchair standard properties will normally be restricted to households that contain a wheelchair user.

In exceptional circumstances other household types may be permitted to bid for restricted properties, for example households that do not contain any dependent children but have a specialist need that cannot be met within other available properties may be permitted to bid for family houses.

Applicants who exceed the financial means criteria but have been permitted to join the Housing Register because they are above the age of 60 years and are applying for sheltered accommodation will only be eligible to bid for properties within sheltered schemes.



Household Members and Bedroom Eligibility

Set criteria will be used to determine the number of bedrooms an applicant is eligible to bid for, taking into account the number and ages of all “permanent” members of the applicant’s household (see Appendix 2 for further details).

Any adult who resides with the applicant, where the accommodation is their main and principle home, will be classed as a permanent household member.

Any child below the age of 18 who resides with the applicant for at least 4 nights per week will be classed as a permanent household member. In exceptional circumstances, a child who does **not** reside with the applicant for at least 4 nights per week may be classed as a permanent household member, such as where the child is residing elsewhere on a temporary basis but their permanent home is with the applicant. Any unborn child will be classed as a permanent household member and taken into account when assessing bedroom eligibility once the expected delivery date is within the next 3 months.

In cases where child custody is shared between 2 parents, the child will only be classed as a permanent household member if the applicant is the child’s primary carer. Applicants who have access to children (i.e. children who stay with them overnight on a regular basis for at least 2 nights per week who are not classed as permanent household members) will be permitted to bid for 2 bedroom flats. These applicants will not normally be permitted to bid for 2 bedroom houses or for larger properties, regardless of how many children they have access to. Applicants will be required to provide proof of child access/custody arrangements, such as a letter from the other parent/guardian, a social worker or solicitor or a copy of a relevant court order.

Where there is evidence that additional bedrooms are required, the applicant may be permitted to bid for larger properties. Examples include:

- Where the applicant is a prospective foster carer and requires an additional bedroom in order to foster a child (proof that Social Services have approved the applicant as a foster carer subject to the availability of suitably sized accommodation will be required)
- Where the applicant has a need for an additional bedroom for an overnight carer on either a permanent or casual basis (proof of the applicant’s need for an overnight carer will be required)
- Where the applicant has a medical or welfare need for an additional bedroom
- Where a member of the applicant’s household is in full-time education or is serving in the armed forces and does not reside with the applicant throughout the year, but their permanent home is with the applicant.



Due to limited availability, families with 5 or more children may be given preference over smaller eligible households for properties with 4 or more bedrooms.

Local Lettings Policies

In exceptional circumstances the Council may develop Local Lettings Policies for specific properties or areas, in order to meet local housing need or support the development of balanced and sustainable communities. Local Lettings Policies include criteria that are designed to address specific issues or needs. Examples of these criteria include:

- Village or Parish Connection
- Age
- Behaviour.

Clear evidence of the need to vary the usual Policy will be required before a decision to introduce a Local Lettings Policy can be made. Consideration will always be given to the implications of a Local Lettings Policy for equal opportunities and the statutory 'reasonable preference' criteria. Local Lettings Policies will be reviewed and removed once their objectives have been achieved. Where a Local Lettings Policy is applicable to a property, this will be specified in the property advert. Details of current Local Lettings Policies are available on the Council's website.

Hard to Let Properties

The Council will monitor bids for properties and consideration will be given to changes in the eligibility criteria for properties for which there are no bids, or limited bids, in order to ensure the best use of available housing stock.

The Council may consider advertising hard to let properties more widely, for example to applicants on other Council's Housing Registers or to local residents who do not qualify for Charnwood Borough Council's Housing Register because they do not meet any of the Charnwood Local Connection criteria.

Shortlisting

Applicants who place bids for properties will be shortlisted in the following order:

- By need for any specialist components in the property (such as a level access shower or other significant disabled adaptation)
- By housing need Band (from Band 1 down to Band 3)
- By Banding effective date (from oldest to newest).



If more than one applicant with the same Band and Banding effective date bids for the same property, the Council will make a decision taking into consideration the individual housing circumstances of each case and relevant factors, such as previous offer refusals.

Wheelchair standard properties or properties with similar significant disabled adaptations will be matched to applicants who have a need for the adaptations and who are most suited to the vacancy. A specialist such as an Occupational Therapist may need to be consulted on the suitability of a property for the applicant(s).

If an applicant who has a need for accommodation with disabled adaptations bids for a property that does not meet this need, the Council will consider whether it is reasonable and practical to adapt the property taking into account budget availability and best use of available housing stock.

Where there is a shortage of accessible or adapted properties the Council may, subject to budget availability, identify properties that are suitable for adaptation and consider giving applicants who have disabilities preference for these properties.

The Council reserves the right to overlook bids, such as in the following circumstances:

- Where the applicant is already under offer for a different property
- Where the applicant has been awarded priority due to overcrowding or a medical or welfare need for an additional bedroom and has bid for a property with the same or fewer bedrooms
- Where the applicant has been awarded priority due to under-occupancy and has bid for a property with the same or more bedrooms
- Where the applicant poses a risk to individuals or the community
- Where the applicant has bid for a property for which they are not eligible due to a system or administrative error
- Where the applicant has bid for a property for which they are no longer eligible following a change in their circumstances.

Allocations and Offers

The Council's Housing Allocations Team will review bidding shortlists and allocate properties in accordance with this Policy. Successful applicants will be contacted if they have been matched to a property.

Applicants will have 3 working days to respond to an offer of accommodation. Some applicants may be given longer to consider an offer, for example where there are identified vulnerabilities that significantly affect the applicant's ability to respond.



Failure to respond to an offer by the specified deadline will be treated as a refusal. If an applicant fails to respond to an offer, their application will be suspended pending contact and confirmation of their circumstances. The application will be cancelled if there is no contact within 28 days.

Applicants will be required to provide documentary evidence to confirm the circumstances detailed on their application at the point of offer. Applicants who owe housing related debts will need to provide evidence to confirm that repayment plans have been maintained and/or their debts have been reduced below £250. Applicants may be required to complete an affordability assessment to confirm that the accommodation offered will be suitable.

If the applicant provides proof that demonstrates their circumstances have changed to such an extent that they are no longer eligible for the property, the offer will be withdrawn. If the applicant is unable to provide proof of their circumstances, the offer will be withdrawn. The application will be suspended until the required information has been provided and the application has been reassessed.

If an applicant accepts an offer of accommodation, arrangements will be made for a viewing of the property and subsequent signing of a tenancy agreement. Failure to attend an arranged viewing or sign-up appointment will be treated as a refusal.

If an applicant refuses 3 offers of suitable accommodation, they will not be permitted to bid for further properties or considered for another offer of accommodation for a period of 12 months. Their application will be suspended until 12 months have passed.

If an applicant who has been placed in Band 1 because they have an emergency level housing need refuses an offer of suitable accommodation, they will lose their priority status.

If a homeless applicant who is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 has been placed in Band 1 because they have an emergency level housing need refuses a final offer of suitable accommodation, they will lose their priority status and the relevant homeless duty will be discharged.

The Council reserves the right to withdraw any offer of accommodation where there is just cause. The Council will explain to the applicant why an offer has been withdrawn.



Direct Matches

The Council may make a direct offer of accommodation to an applicant, for example where an applicant has a specialist need for adapted accommodation and the availability of suitable accommodation is limited or where an applicant poses a risk to individuals or the community.

The Council may also make a direct offer of accommodation to a homeless applicant where a property has been advertised and refused by another applicant, the property is ready to let and the homeless applicant has a higher banding or banding effective date than the remaining applicants on the bidding shortlist.



Applicants who are eligible and who qualify for an allocation of accommodation will be able to join the Housing Register.

Eligibility

The following applicants are **not** eligible for an allocation of accommodation:

- Persons from abroad who are subject to immigration control (excluding classes prescribed as eligible for an allocation of accommodation in regulations made by the Secretary of State)
- Persons who are not subject to immigration control, but who are not habitually resident in the Common Travel Area (excluding classes prescribed as eligible for an allocation of accommodation in regulations made by the Secretary of State)
- Persons who are not subject to immigration control but whose only right to reside is:
 - An initial 3 month right to reside (or equivalent right derived from EU Treaty)
 - Derived from their status as a jobseeker or family member of a jobseeker (or equivalent right derived from EU Treaty)
 - Derived from their status as the parent of a UK citizen child.

Please Note: The eligibility criteria do not apply to transfer applicants who already hold an introductory, secure, starter or full assured tenancy with a Council or Registered Provider.

Qualification

The following applicants do **not** qualify for an allocation of accommodation:

- Applicants who do not meet any of the Charnwood Local Connection criteria (see page 16 for further information)
- Applicants who are homeowners or who have the financial means to purchase a property within Charnwood (see page 18 for further information)
- Applicants who have been guilty of serious unacceptable behaviour and are unsuitable to be a tenant (see page 19 for further information)
- Applicants who do not have a confirmed “Housing Need” as defined within this Policy (see page 20 for further information)
- Applicants who are below the age of 16 years.



The following applicants will be able to join the Housing Register, but will **not** be permitted to bid for properties or considered for an offer of accommodation:

- Applicants who are 16 or 17 years of age will not be permitted to bid for properties or be considered for an offer of accommodation until a responsible adult such as a parent/other close relative or a representative from a support agency such as Social Services agrees to act as a trustee for the applicant and the Council is satisfied that the necessary support to sustain a tenancy is in place and the applicant is willing and able to meaningfully engage with the support.
- Applicants who lack the mental capacity to enter into a tenancy agreement, meet the obligations of holding a tenancy or make informed decisions relating to an offer of accommodation will not be permitted to bid for properties or considered for an offer of accommodation until a responsible person with lasting power of attorney, enduring power of attorney or authorisation from the Court of Protection (as appropriate to the circumstances of the case) is prepared to sign a tenancy agreement on the applicant's behalf and the Council is satisfied that the necessary support to sustain a tenancy is in place. Where there are concerns that an applicant lacks capacity, the Council may refer the applicant to an appropriate agency such as Social Services for an assessment.
- Applicants who do not have the ability or skills to manage or sustain an independent tenancy will not be permitted to bid for properties or considered for an offer of accommodation until the Council is satisfied that the necessary support to sustain a tenancy is in place and the applicant is willing and able to meaningfully engage with the support. Where there are concerns that an applicant does not have the ability or skills to manage or sustain an independent tenancy, the Council may refer the applicant to an appropriate agency such as Social Services for an assessment.
- Applicants who are serving a custodial sentence will not be permitted to bid for properties until 56 days before their release date and will not be considered for an offer of accommodation until their release is imminent.
- Applicants who owe a housing related debt of £250 or more to any Council, Registered Provider or Landlord will not be permitted to bid for properties or be considered for an offer of accommodation until they have adhered to a repayment plan for at least the last 12 consecutive weeks (or the last 3 consecutive months).



Examples of Housing related debts include:

- Rent or service charge arrears for a current or former tenancy or licence
- Recharge debts relating to a current or former tenancy or licence
- Court costs relating to a current or former tenancy or licence
- Debts relating to temporary accommodation placements, such as bed and breakfast or hostel accommodation placements
- Debts relating to rent in advance/deposit schemes or other homelessness prevention schemes
- Housing Benefit overpayments.

If there is evidence of genuine financial hardship or an overriding housing need, an applicant may be permitted to bid for properties and be considered for an offer even if they have not been able to consistently maintain repayments for at least the last 12 consecutive weeks.

- Applicants who have refused 3 suitable offers of accommodation will not be permitted to bid for properties or be considered for another offer of accommodation for a period of 12 months.



Applicants who do not meet at least 1 of the Charnwood Local Connection Criteria or exemptions will not qualify for the Housing Register.

Charnwood Local Connection Criteria:

- Applicants who are currently resident in settled accommodation within Charnwood and have been resident in settled accommodation within Charnwood for at least the last 2 years
- Applicants who have been resident in settled accommodation within Charnwood for at least 3 out of the last 5 years
- Applicants who have close adult relatives who are currently resident within Charnwood and who have been resident within Charnwood for at least the last 5 years. Close adult relatives include parents/guardians, siblings or children over the age of 18 (including step-equivalents).
- Applicants who have paid employment or a confirmed offer of paid employment within Charnwood (the applicant's main place of work must be located within Charnwood and the employment would normally need to be for at least 16 hours per week and on a contract that is permanent or expected to last for a period of at least 12 months).

Exemptions:

- Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and did have a qualifying local connection to Charnwood through residence in settled accommodation immediately before they moved into their current accommodation
- Applicants who have fled domestic abuse, violence or threats of violence that are likely to be carried out and cannot safely reside within any of the council areas where they have a local connection
- Applicants who are Gypsies or Travellers who have a nomadic lifestyle and have been unable to establish a local connection as a result, and who do not have a local connection to any other Council areas



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- Care Leavers below the age of 21 years who are owed a duty under Section 23C of the Children Act 1989 by Leicestershire County Council or who are owed a duty under Section 23C of the Children Act 1989 by another Local Authority and have been accommodated within Charnwood for a continuous period of at least 2 years (including some time before they were 16 years of age)
 - Applicants who are serving members of the regular armed forces
 - Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
 - Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
 - Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner
 - Applicants who are a divorced or separated spouse/civil partner of a serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the breakdown of their relationship
 - Other exceptional circumstances (such cases will be referred to the Head of Strategic and Private Sector Housing for consideration).



Applicants who are homeowners or have the financial means to purchase a property within Charnwood that meets their housing needs (and who do not meet any of the exemptions) will **not** qualify for the Housing Register.

Financial Means Criteria:

- Applicants who own a residential property in the UK or elsewhere, including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds)
- Applicants who have total savings, investments and/or assets of £21,450 or more (for single persons) or joint savings, investments and/or assets of £21,450 or more (for couples)
- Applicants who have a total annual income of £45,000 (for single persons or lone parents) or joint income of £60,000 or more (for couples).

Exemptions:

- Applicants for older person's sheltered accommodation
- Applicants who have a need for specialist accommodation that is not available or affordable in the private sector within Charnwood, for example wheelchair standard accommodation
- Applicants who are unable to safely access their property or finances, for example because they are fleeing domestic abuse, and who are taking legal action in order to recover their funds/share of the funds
- Other exceptional circumstances (such cases will be referred to the Head of Strategic and Private Sector Housing for consideration).



Applicants who are unsuitable to be a tenant because they (or any member of their household) have been responsible for unacceptable behaviour will not qualify for the Housing Register.

Examples of unacceptable behaviour include:

- Violence or threats of violence
- Domestic abuse
- Physical, sexual or financial abuse
- Threatening behaviour or intimidation
- Harassment
- Discriminatory abuse or harassment
- Anti-social behaviour
- Drug dealing
- Property damage
- Serious and persistent rent arrears
- Giving false information or withholding information in relation to an application for housing within Charnwood or any other area.

When assessing whether an applicant is unsuitable to be a tenant the Council will consider:

- The seriousness of the applicant's behaviour
- The duration of the behaviour and/or the number and frequency of incidents
- The length of time that has elapsed since the behaviour took place
- Relevant vulnerabilities and support needs
- Whether there has been meaningful engagement with support agencies
- Whether there has been a significant and sustained change in the applicant's behaviour.

Applicants who have been guilty of unacceptable behaviour will not be able to join the Housing Register until they have demonstrated a significant change in their behaviour and the Council is satisfied that the behaviour is unlikely to reoccur and the applicant is now suitable to be a tenant.



Applicants who do not fall within one of the statutory “reasonable preference” categories or Charnwood “local preference” categories will not be considered to have a housing need and will not qualify for the Housing Register.

Applicants who have a confirmed housing need will be placed in 1 of 3 Housing Need Bands:

- Band 3 – applicants who have a housing need
- Band 2 – applicants who have a high level of housing need
- Band 1 – applicants who have an emergency level of housing need.

Band 3 – Housing Need

Applicants who have 1 or more of the following Housing Needs will be placed in Band 3.

Overcrowding, Disrepair or other Poor Housing Conditions

Examples include:

- Applicants who are living in accommodation that is overcrowded, but not statutorily overcrowded, where their household has a need for 1 or more additional bedrooms (see Appendix 3 for further information)
- Applicants who are living in accommodation that has significant disrepair issues, where the issues cannot be remedied by the landlord within a time period that the Council considers to be reasonable (this will be assessed in partnership with the Council’s Private Sector Housing Team)
- Applicants who are living in accommodation that does not have reasonably modern facilities (this will be assessed in partnership with the Council’s Private Sector Housing Team)
- Applicants who have a dependent child under the age of 5 years within their household and are living in an upper floor flat that is accessed via a communal stairwell within a block of flats (this will only apply if the child is a permanent household member).

Medical or Mobility Need

Examples include:

- Applicants who have mobility issues and need to move to ground floor or level access accommodation



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- Applicants who have mobility issues and need to move to accommodation that has level access showering facilities
 - Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
 - Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment).

Welfare or Hardship Need

Examples include:

- Applicants who have been suffering from ongoing anti-social behaviour, such as noise nuisance or verbal abuse, where the issues have been reported to their landlord and/or the Police for action but it has not been possible for the issues to be satisfactorily resolved
- Applicants who need to move closer to relatives in order to give or receive assessed care or support and where moving would prevent significant physical, psychological or financial hardship
- Applicants who need to move closer to a specialist organisation, agency or institution within Charnwood and where moving would prevent significant physical, psychological or financial hardship
- Applicants who are having difficulty meeting their housing costs and where moving would prevent significant financial hardship
- Applicants who do not currently reside within Charnwood but have paid employment or a confirmed offer of paid employment within Charnwood and where moving would prevent significant financial hardship (the applicants main place of work must be located within Charnwood and the employment would normally need to be for at least 16 hours per week and on a contract that is permanent or expected to last for a period of at least 12 months)
- Applicants who qualify for older person's sheltered accommodation
- Applicants who are living in a supported or semi-independent accommodation scheme
- Applicants who have a welfare need for an additional bedroom (e.g. because they have a child with behavioural difficulties who cannot safely share a bedroom with siblings).



Homeless or at Risk of Homelessness

- Applicants who are at risk of becoming homeless and are owed the Prevention Duty under Section 195 of the Housing Act 1996
- Applicants who are homeless and are **not** owed (or have **not** been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council.

Applications are placed in Band 3 for an initial period of 12 months. After this period a reassessment will be completed to confirm whether the applicant's circumstances have changed, whether they still have a housing need and whether they still qualify for the Housing Register.

Band 2 – High Housing Need

Applicants who have 1 of the following High Housing Needs will be placed in Band 2.

Ready for “Move-On”

- Applicants who are living in supported or semi-independent accommodation and are ready to move to independent accommodation (this will only apply where Charnwood Borough Council has a “move-on” agreement in place for the accommodation scheme)
- Applicants below the age of 21 years who need to leave Local Authority care and are ready to move to independent accommodation
- Vulnerable applicants who are at risk of exclusion from the family home and are ready to move to independent accommodation (this will only apply where Charnwood Borough Council is satisfied that the accommodation would not be sustainable in the long-term but the family have agreed to continue to accommodate the applicant for at least 6 months).

Management Need

- Applicants who are under-occupying a Council or Registered Provider property and applying to downsize to smaller accommodation (e.g. because they are affected by the “under-occupancy charge”)
- Applicants who have succeeded to a Council or Registered Provider tenancy following the death of a relative but cannot remain in the property (e.g. because the property is too large for the applicant's household)



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- Applicants who are not eligible to succeed to a Council or Registered Provider tenancy following the death of a relative but lived in the property with the tenant for at least 12 months prior to the tenant's death and remain in the property
 - Applicants who hold the tenancy of a Council or Registered Provider property that has significant Disabled Adaptations and who no longer require these adaptations
 - Applicants who hold the tenancy of a Council or Registered Provider property and are affected by re-designation.

Applications are placed in Band 2 for an initial period of 16 weeks. If an applicant who has been placed in Band 2 does not bid for suitable properties that are advertised during the initial 16 weeks, their application will be reassessed and moved down to Band 3.

Band 1 – Emergency Housing Need

Applicants who have 1 or more of the following Emergency Housing Needs will be placed in Band 1.

Dangerous or Hazardous Housing Conditions

Examples include:

- Applicants who are living in accommodation that has been classified as being “statutorily overcrowded” (this will be assessed in partnership with the Council's Private Sector Housing Team). This Banding will not apply if the applicant has been placed in the accommodation temporarily by Charnwood Borough Council
- Applicants who are living in accommodation with conditions that have been classified as being unsafe or posing an imminent risk of significant harm and where the issues cannot be remedied by the landlord within a time period that the Council considers to be reasonable (this will be assessed in partnership with the Council's Private Sector Housing Team). This Banding will not apply if the applicant's landlord has/is able to temporarily “decant” the applicant into alternative accommodation whilst works are carried out
- Applicants who are residing in a property that is subject to a demolition order.

Emergency Medical or Mobility Need

Examples include:

- Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged from hospital because they do not have any accommodation or their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property



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- Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move because their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property
 - Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as wheelchair standard accommodation.

Emergency Welfare or Hardship Need

Examples include:

- Applicants who are suffering violence, or threats of violence that are likely to be carried out, where a move would prevent further violence
- Applicants who are suffering severe harassment or severe discriminatory harassment, where a move would prevent further harassment
- Applicants who are suffering domestic, physical, sexual or financial abuse, where a move would prevent further abuse.

Homeless Duty

- Homeless applicants who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council
- Homeless applicants who are owed the Relief Duty under Section 189B(2) of the Housing Act 1996 by Charnwood Borough Council and have been issued with a S184 Decision confirming that they will be owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council if the Relief Duty comes to an end after 56 days.

Applications will be placed in Band 1 for an initial period of 8 weeks. If an applicant who has been placed in Band 1 does not bid for suitable properties that are advertised during the initial 8 weeks, the Council may place bids on their behalf for properties until an offer of suitable accommodation is made. If an applicant who has been placed in Band 1 refuses an offer of suitable accommodation, their application will be reassessed and moved down to Band 3. If a homeless applicant who has been placed Band 1 and is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be reassessed and moved down to Band 3.



Exceptional Circumstances

In exceptional circumstances other applicants who do not fall within any of the “reasonable preference” or Charnwood “local preference” categories may be considered to have a housing need and fall within 1 of the 3 Bands (such cases will be referred to the Head of Strategic and Private Sector Housing for consideration).

Banding Effective Dates

When a new application is assessed and placed into a Band, the effective date applied to the Banding will be the date on which the applicant provides all of the necessary evidence to support their application, regardless of the date their application was initially made.

When an application is moved up into a higher Band, the effective date applied to the Banding will be the date on which the Council receives confirmation that the higher Banding is applicable.

When an application is moved down into a lower Band, the effective date applied to the Banding will be the effective date that was applied when the applicant was previously in that Band. If the applicant has not previously been in the lower Band, the effective date will be the effective date that was applied to their most recent Band.

The Banding effective date for applicants who are placed in Band 1 because they are homeless and are owed (or have been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council will be the date they made their homeless application.

Additional Preference

The following applicants will be given additional preference over other applicants who are within the same Band:

- Applicants who are former serving members of the regular armed forces
- Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
- Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.



Deliberate Worsening of Circumstances

Applicants will not normally qualify for Band 1 or Band 2 if their housing need arises as a result of deliberately worsening their own housing circumstances.

Examples include:

- Applicants who have sold a property or given up a tenancy of a property that was suitable and reasonable to occupy and moved into accommodation that is overcrowded, in a poor state of repair or unaffordable
- Applicants who reside in a property that is in a poor state of repair due to neglect or damage that they, or a member of their household, caused
- Applicants who reside in a property that is in a poor state of repair and will not permit their landlord access to carry out repairs or improvement works
- Applicants who have created overcrowding within their accommodation by moving extended family into the property when there was no need to do so
- Applicants who have colluded with their landlord in the service of a notice.



Reviews

If an applicant does not agree with a decision made by the Council in respect of their application, they have the right to request a review of the decision. Circumstances in which an applicant may request a review include:

- The Council has decided that an applicant is not eligible or does not qualify for the Housing Register
- The applicant believes their application has been assessed incorrectly and placed in the wrong Band
- The applicant believes they should be eligible to bid for a size or type of property that they have not been permitted to bid for
- The Council has decided to withdraw an offer of accommodation
- An application has been cancelled and the applicant's request to have the application reinstated has been refused.

Applicants who wish to request a review of a decision will need to submit their request in writing within 21 days of the date of the decision. The Council will only be prepared to consider late review requests in exceptional circumstances and where there is good reason for the delay.

A review request should include details of why the applicant feels the decision is incorrect and any points the applicant wants the Council to take into account when carrying out the review. If the applicant submits new information or evidence that was not available when the original decision was made, such as information relating to a change in circumstances, the application may be referred for a reassessment rather than a review. If the applicant does not agree with the decision made following the reassessment, they have the right to request a review.

All reviews will be completed by a Senior Officer who was not involved in the original decision. A review will normally be carried out within 56 days. Written notification of the review decision, including grounds for the decision, will be sent to the applicant at the correspondence address provided for their application. If the applicant does not have a correspondence address, a copy of the letter will be made available for collection from the Council Offices for period of at least 21 days.

If an applicant has been matched for a property but has been refused an offer of accommodation by a Registered Provider, they should make a request to the Registered Provider in the first instance to review its decision. Each Registered Provider operates its own appeals process.



Complaints

If an applicant is dissatisfied with the service provided by the Council's Housing Needs Team they can make a complaint. All complaints will be dealt with by a Senior Officer and in line with the Council's Corporate Complaints Procedure.

If an applicant is dissatisfied with the service they have received from a Registered Provider, they can make a complaint to the Registered Provider. Each Registered Provider operates its own complaints procedure.



Relevant Legislation, Regulations and Guidance

The following legislation, regulations and guidance were taken into consideration by the Council when developing this policy.

- Rent (Agriculture) Act 1976
- The Housing Act 1985
- The Housing Act 1996
- The Homelessness Act 2002
- The Housing Act 2004
- The Equality Act 2010
- The Localism Act 2011 (England)
- The Homelessness Reduction Act 2017
- The Data Protection Act 2018
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- 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;
- 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



Bedroom Eligibility

Household Type	Property Type
Single Person	Studio Flat/Bedsit 1 Bedroom Flat 1 Bedroom House/Bungalow
Couple	1 Bedroom Flat 1 Bedroom House/Bungalow
Single Person or Couple + need for an additional bedroom for carer, medical or welfare reasons	1 Bedroom Flat 1 Bedroom House/Bungalow 2 Bedroom Flat
Single Person or Couple + need for an additional bedroom for child access	1 Bedroom Flat 1 Bedroom House/Bungalow 2 Bedroom Flat
Lone Parent or Couple + 1 other (any age)	2 Bedroom Flat 2 Bedroom House/Bungalow
Lone Parent or Couple + 2 others of the same gender (both below the age of 16)	2 Bedroom Flat 2 Bedroom House
Lone Parent or Couple + 2 others of the same gender (1 or more above the age of 16)	2 Bedroom Flat 2 Bedroom House/Bungalow 3 Bedroom Flat 3 Bedroom House
Lone Parent or Couple + 2 others of opposite gender (any ages)	2 Bedroom Flat 2 Bedroom House/Bungalow 3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 3 others (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 3 others; 2 male and 1 female (1 or both males above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 3 others; 2 female and 1 male (1 or both females above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House



Household Type	Property Type
Couple or Lone Parent + 4 others of the same gender (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 4 others; 2 male and 2 female (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 4 others; 2 male and 2 female (1 or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 4 others; 3 male and 1 female (any ages)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 4 others; 3 female and 1 male (any ages)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 5 or more others (any ages)	3 Bedroom Flat 3 Bedroom House 4+ Bedroom House

Please Note:

- Minimum and maximum age and occupancy criteria may apply to some properties
- Applicants who have a confirmed medical or welfare need for additional bedrooms will be permitted to bid for properties with the required number of bedrooms
- Any unborn child will be taken into account when assessing bedroom eligibility once the expected delivery date is within 3 months
- Houses with 2 or more bedrooms will normally be restricted to households containing dependent children
- Due to limited availability, families with 5 or more children may be given preference over smaller eligible households for properties with 4 or more bedrooms
- Applicants may be required to complete an affordability assessment following an offer of accommodation to confirm whether the accommodation is suitable
- Separate criteria will be used to determine whether a property is overcrowded (overcrowding assessments will only take current permanent residents into account and this will not include unborn children).



Overcrowding Assessments

A property will be classed as overcrowded if there are not enough bedrooms for all current permanent members of an applicant's household. One bedroom is required for each of the following:

- Any married or co-habiting couple
- Any other adult aged 21 years or over
- Any pair of children aged under 10 years (regardless of gender)
- Any pair of children/young people of the same gender aged under 21 years
- Any other child or young person aged under 21 years.

Overcrowding assessments will not take unborn children into account.

A referral to the Council's Private Sector Housing Team may be made for a home visit if there are concerns that a property may be statutorily overcrowded, as defined within the Housing Act 1985.



