

## **CABINET – 19TH OCTOBER 2017**

### **Report of the Head of Strategic and Private Sector Housing Lead Member: Councillor Paul Mercer**

#### **Part A**

#### **ITEM 6      CHOICE BASED LETTINGS HOUSING ALLOCATION POLICY**

##### Purpose of Report

This report presents the proposed Choice Based Lettings Housing Allocation Policy following a review and full consultation process for approval. The Allocation Policy guides the principles of how homes will be allocated in a fair and transparent manner, taking account of both the Council's duty to meet housing need and its wish to offer as much choice as possible.

##### Recommendations

1. That the Choice Based Lettings Housing Allocation Policy, attached as Appendix 1, be approved, effective from 1st April 2018.
2. That delegated authority be given to the Head of Strategic and Private Sector Housing, in consultation with the Cabinet Lead Member for Strategic and Private Sector Housing, to make any minor typographical/graphical amendments to the Choice Based Lettings Housing Allocation Policy 2018 prior to its publication.

##### Reasons

1. To ensure that the Council can meet its obligations in respect of the strategic housing needs of the Borough.
2. To enable the timely publication of the Choice Based Lettings Housing Allocation Policy 2018.

##### Policy Justification and Previous Decisions

There is a statutory requirement for a Local Authority to produce an Allocation Policy, Councils still have the primary responsibility to assess and meet the housing needs of their local population as housing delivery enablers. The Choice Based Lettings Housing Allocation Policy is one of the elements setting out how this will be achieved.

##### Implementation Timetable including Future Decisions and Scrutiny

The proposed Choice Based Lettings Housing Allocation Policy covers the period 2018-2022.

##### Report Implications

The following implications have been identified for this report.

### *Financial Implications*

It is proposed to request a capital application of £50,000 through the Capital Programme procedures to replace the current Choice Based Lettings Platform, subject to the appropriate capital appraisal and procurement exercise.

### *Risk Management*

There are no risks associated with this report.

### *Equality and Diversity*

An Equalities Impact Assessment of the Choice Based Lettings Housing Allocation Policy has been carried out attached as Appendix 2.

Key Decision: Yes

### Background Papers:

1. Strategic and Private Sector Housing Service Meetings 3<sup>rd</sup> and 17<sup>th</sup> March 2017
2. Policy Scrutiny Group Report, 25<sup>th</sup> April 2017
3. Policy Scrutiny Group Minutes, 25<sup>th</sup> April 2017
4. Registered Provider Benefit and Liaison Group Minutes, 9<sup>th</sup> May 2017
5. Housing Management and Advisory Board Report, 10<sup>th</sup> May 2017
6. Housing Management and Advisory Board Minutes, 10<sup>th</sup> May 2017
7. Homelessness Strategy Steering Group Minutes, 15<sup>th</sup> May 2017
8. Housing Register Applicant Feedback, 26<sup>th</sup> September 2017

Officer to contact: Alison Simmons  
Head of Strategic and Private Sector Housing  
(01509) 634780  
[alison.simmons@charnwood.gov.uk](mailto:alison.simmons@charnwood.gov.uk)

## Part B

### Background

1. The Council's Choice Based Lettings Allocations Policy provides a framework for assessing and prioritising housing need, and determining who will be nominated for housing. It takes into consideration all legal requirements outlined in the Housing Act 1996, Part VI; amendments made under the Homelessness Act 2002; the Fair and Flexible statutory guidance on social housing allocations for local authorities 2009 and the Localism Act 2011.

### Consultation

2. The Council have held consultation events between March and September 2017 to review the Choice Based Lettings Housing Allocation Policy and proposed changes to the Policy:
  - Strategic and Private Sector Housing Service Staff Meetings
  - Lead Member for Strategic and Private Sector Housing
  - Cabinet Members Briefing
  - Policy Scrutiny
  - Homelessness Strategy Steering Group
  - Statutory and voluntary agencies
  - Registered Providers Liaison Forum
  - Housing Management Advisory Board
  - Housing Register Applicants Workshop
3. In addition an online survey monkey questionnaire has been available for completion by partners and stakeholders and promoted at these events, on the Abris Choice Based Lettings website and the Council's website. A letter was sent to all Housing Register applicants to advise them of the survey and invite them to attend a consultation workshop.

### Summary of Consultation Outcomes

4. Appendix 3 presents the results of the consultation in relation to the main proposed changes to the current Allocations Policy.
5. All of the proposals within the questionnaire were supported by at least 60% of the respondents. 28 of the 33 survey questions were supported by at least 70% of the respondents.
6. The 5 questions with the lowest scores were:
7. **Question 27** - 60.78% of respondents agreed with the proposal to place applicants into Band 3 for an initial period of 12 months and suspend them from bidding if they do not bid for any suitable properties within the initial 12 month period.
8. Taking into consideration this feedback and the limited impact that this behaviour would have on other applicants within the same Band who do actively bid, we would like to amend this proposal and remove the suspension for

applicants in Band 3 who do not bid within the initial 12 months. We would instead complete a review of applications in Band 3 after 12 months to confirm whether the applicant still has a housing need, whether their circumstances have changed and whether they still qualify to be on the Housing Register.

9. **Question 5** - 63.06% of respondents agreed with the proposal to introduce a maximum age limit of 35 years for new lets to General Needs bedsits. This proposal relates to the Government's plan to limit the amount of Housing Benefit a single person below the age of 35 years can claim to the "single room rate" (currently £59.99 per week in Charnwood) as the rent for these bedsits is within this limit.
10. Many of the comments by applicants who did not agree with this proposal suggested a concern over the reduced availability of these properties for applicants over the age of 35 years.
11. This proposal will be taken forward because the number of General Needs Council bedsits is small in comparison with the overall number of flats and bungalows in Charnwood that are suitable for single applicants over the age of 35 and shared accommodation options for single non-students below the age of 35 are very limited within the area.
12. The situation will be monitored to ensure that there continues to be a sufficient level of available affordable properties for applicants over the age of 35.
13. **Question 28** - 63.73% of respondents agreed with the proposal to place applicants into Band 2 for an initial period of 16 weeks and reduce their banding if they do not bid for any suitable properties within the initial 16 week period.
14. The feedback received shows that some applicants felt that this time limit should be increased or removed altogether, whereas others felt the time period should be reduced. Many of the concerns and comments received in relation to this proposal relate to the potential lack of suitable properties being advertised within the initial 16 week period.
15. This proposal will be taken forward as the banding period can be extended if there are insufficient suitable properties advertised and or there is a good reason for an applicant being unable to bid during the initial 16 weeks. The Band would be monitored to confirm whether 16 weeks is a sufficient time frame for the majority of applicants to secure an offer of suitable accommodation or if the time limit may need to be increased.
16. **Question 30** – 64.00% of respondents agreed with the proposed banding categories and priorities shown in the table. The majority of the applicants who disagreed with the proposals did not provide details of the reasons for their disagreement or made comments that appear to relate to separate questions, so it has not been possible to analyse the responses effectively.
17. We would like to proceed with the proposals outlined in the table and propose to include an option for "exceptional circumstances" where officers are satisfied that an applicant has a high or emergency level need to move that is not reflected within the main banding structure, on the condition that all such cases

would require authorisation by the Housing Needs Manager and Head of Strategic and Private Sector Housing.

18. **Question 15** – 66.36% of respondents agreed with the proposal to suspend applicants who have refused 3 suitable offers of accommodation from bidding for a period of at least 12 months. Some of the comments referred to concerns that applicants may be sanctioned for refusing properties that would not be considered to be suitable, for example if the property is unaffordable or likely to have a detrimental impact upon an applicant's mental health condition.
19. However this sanction would only apply following refusal of 3 suitable properties. When applicants bid for and subsequently refuse properties this leads to delays that can have implications for the Council and for other applicants, such as increases in property void times and void rent loss and applicants who are homeless having to spend a longer period in temporary accommodation pending the outcome of offers to higher placed applicants.
20. We would therefore like to proceed with this proposal, and will consider whether there are options for increasing the amount of information that is included on property adverts to enable applicants to consider whether they are interested in a property before they place a bid.

### Proposals

21. The key proposed changes to the Policy following the consultation process are summarised below:
22. The Policy will not apply to supported accommodation schemes, extra-care housing or shared ownership properties and customers will instead be assisted to access these types of accommodation schemes outside of the Choice Based Lettings Housing Allocation Scheme.
23. There will be the option for nominations to Private Sector Rented properties to be covered by the Policy and for these properties to be advertised alongside Council and Registered Provider (formerly known as Housing Associations) on the Choice Based Lettings system.
24. There will be changes to maximum and minimum age limits for new lets to certain properties.
25. Applicants who do not have a Local Connection will continue to be disqualified from the Housing Register and the time period for a connection through residence within Charnwood will be increased from 6 months to 2 years (some examples of exemptions to the Local Connection requirement will be added to the Policy).
26. Applicants who own a property or have the financial means to buy a property within Charnwood that can meet their own housing needs will not qualify for the Housing Register and the thresholds for this financial assessment have been increased from £53,265 to £60,000 for annual household income and from £20,100 to £21,450 for household savings (some examples of exemptions to the Financial Criteria will be added to the Policy).

27. Applicants who do not have a confirmed "Housing Need" will not qualify for the Housing Register.
28. Applicants who have been guilty of unacceptable behaviour will continue to be disqualified from the Housing Register and some additional examples will be added.
29. Applicants who have an outstanding housing related debt of £250 or over will qualify for the Housing Register but will not be permitted to bid for properties until they have adhered to a repayment plan for at least 12 consecutive weeks (under the current Policy applicants who have a housing related debt of £300 or over do qualify for the Housing Register and are permitted to bid for properties, but are restricted to the low Band).
30. Applicants who do not have the ability or skills to manage or sustain an independent tenancy will be permitted to join the Housing Register but will not be permitted to bid for properties until they are ready for independent living.
31. There will be a reduction in the number of Housing Need Bands from 4 to 3 and applicants who currently fall within the lowest band because they do not have a "Housing Need" will no longer qualify for the Housing Register.
32. Applicants who are placed in Band 1 (i.e. those who have an emergency level of housing need) will be expected to bid for suitable properties that are advertised within the initial 8 weeks of their banding and if an applicant does not do so the Council may place bids on their behalf until an offer of accommodation is made
33. Multiple housing needs from within the same band will no longer lead to an increase in banding.
34. The current category of "Insecure Accommodation" will be removed and applicants who have been served with a valid notice to leave their accommodation will now fall within the category of "Homeless or at Risk of Homelessness" and be placed in Band 3 (applicants who are living with relatives will only qualify for the Housing Register if they have a housing need).
35. Applicants who are applying for Sheltered Accommodation will now fall within the category of "Welfare or Hardship Need" and be placed in Band 3.
36. The category of "Overcrowding, Disrepair or Poor Housing Conditions" will now include applicants who have dependent children under the age of 5 years who are living in an upper floor flat that is accessed via a communal stairwell within a block of flats and these applicants will be placed in Band 3.
37. A new category of "Supported Accommodation" will be introduced for applicants who are living in supported accommodation schemes, with those who are not yet ready for independent living being placed in Band 3 and those who are ready for move-on to independent living being placed in Band 2.

38. Applicants who fall within the category of “Management Need” will be placed in Band 2, for example those who have succeeded to a tenancy following the death of a relative but need to move because they are not eligible for their current property
39. The Policy will specify the types of armed forces members who will be given additional preference over other applicants within the same housing need band
40. A set criteria will be used to determine whether an applicant’s current accommodation is overcrowded.

### Implementation

41. The proposed changes will require every Housing Register application to be re-assessed in accordance with the new Policy. This is a labour intensive task that will present operational challenges and temporary resources will be required for the re-registration exercise.
42. The current IT system used to provide the Choice Based Allocation Scheme is Abris which was procured on a sub-regional basis. The current contract is due to expire in July 2018 so discussions have been held with our sub-regional partners to see if a new contract could again be procured on a sub-regional basis.
43. All the Local Authorities are in the process of reviewing and seeking approval for their Allocation Policy’s and it was decided as there were many variances in how each organisation would like to allocate accommodation a common Allocation Policy was not therefore possible. It was agreed a Statement of Principles could be agreed and this is being taken forward.
44. In light of the timetables for each Local Authority for the approval of their new Policy’s and the likelihood of one provider being able to provide a system that could deliver seven different Allocation Policies a number of the Local Authorities have gone ahead and procured their own systems.
45. The current IT system used will either require upgrading to be able to provide the advert and bidding process for the Scheme and or replacement and a review of the most cost effective mechanisms is underway. A budget will be required for the upgrade and or replacement of the current system, following discussions with the Council’s current provider and demonstrations from various other providers an estimated sum of up £50,000 would be required.
46. The new system specification will provide the opportunity to provide an online Housing Register form and the facility to produce Personalised Housing Plans a requirement of the Homelessness Reduction Act to be implemented in April 2018.
47. Once a decision on the best way forward has been agreed and following the IT system development, testing and delivery, and eventual sign off an implementation date of the new Policy will be announced.

## Performance Monitoring

48. The effectiveness and delivery of the Choice Based Lettings Housing Allocation Policy will be monitored through the following forums:

- Strategic and Private Sector Housing Management Team
- Housing Needs Team
- Housing Strategy and Support Team

## Appendices

Appendix 1	Housing Allocation Policy 2018
Appendix 2	Equality Impact Assessment
Appendix 3	Consultation Results



# Housing Allocations Policy

2018



---

	<b>Page</b>
Introduction	1
The Housing Register	5
Eligibility and Qualification	12
Local Connection	15
Financial Means	17
Unacceptable Behaviour	18
Housing Need	19
Reviews and Complaints	25
Appendix 1 – Overcrowding	26
Appendix 2 – Bedroom Eligibility	27



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

In developing this Policy the Council has taken into consideration Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 and Homelessness Reduction Act 2017, the Fair and Flexible statutory guidance on social housing allocations for local authorities 2009, the Localism Act 2011 and relevant case law.

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

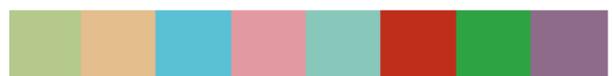
In developing this Housing Allocations Policy the Council consulted with staff, Registered Providers of social housing (formerly known as Housing Associations) within Charnwood, local voluntary and statutory agencies, elected members, Council tenants and housing applicants.

The Council's objectives for the Choice Based Lettings 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 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, for example due to limited availability.

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 allocations are not covered by this Policy:

- Tenancy successions
- Tenancy assignments (such as mutual exchanges)
- Tenancy transfers pursuant to Court Orders
- Tenancy changes, such as introductory to secure tenancies
- Management allocations, for example:
  - joint to sole or sole to joint tenancies
  - allocations to designated temporary accommodation
  - temporary lettings of general needs properties to homeless households
  - temporary lettings of general needs properties to existing Council or Registered Provider tenants who need to be decanted pending major refurbishment or repair works
  - where there has been a compulsory purchase of a property and there is a legal requirement to offer a specific property
  - where applicants pose a risk to individuals or other members of the community
  - where the Council decides that an allocation would make the best use of stock, for example where a joint tenant serves notice to quit and a tenancy is granted to the remaining tenant in their sole name (these types of allocation only take place in exceptional circumstances).

Allocations to the following types of accommodation will not be 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)
- Shared Ownership Schemes (applicants for this type of accommodation will be signposted or referred to the local Help to Buy scheme).

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. The Council operates in accordance with its equal opportunities Policy, a copy which can be made available on request.



---

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

All personal information provided by applicants will only be used in relation to their applications for housing and in accordance with Data Protection legislation. Information may be disclosed to Registered Providers or other landlords who may be able to offer accommodation. Information will not normally be passed to third parties without the applicant's prior consent.

In exceptional circumstances disclosure without consent will be warranted, for example:

- Where the information is required by the police as part of a criminal investigation
- Where the information is required by an authority for the assessment or collection of any tax or duty of a similar nature
- To detect and prevent fraud
- Where the information is required for statistical purposes and the Council may pass information, in confidence, to the relevant Government department.



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 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 need to provide documentary evidence to support their application and demonstrate that they have a housing need, for example proof of identity, address, income, savings and access to children.

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

Applicants who have indicated that they have a medical or mobility need to move will be asked to complete a Medical and Mobility Assessment Form. Applicants may be required to provide supporting evidence or be referred to an appropriate agency for an assessment.

The Council's Allocations Team will assess the application and information provided to confirm whether the applicant qualifies for the register and which Banding is applicable to the household's circumstances.

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 to bid for and information on 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 as appropriate. The applicant will be notified of the outcome of the reassessment.

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 will be expected to respond to such a request within a specified time period. 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.



Where an applicant has knowingly or recklessly provided false information or withheld information in relation to their application, the Council reserves the right to disqualify the applicant from the register, withdraw an offer of accommodation or recover possession of an existing tenancy. Knowingly or recklessly providing false information or withholding information is an offence and could result in a fine of up to £5,000.

## Application Types

Any existing social housing tenant who holds an introductory, secure, full assured or flexible tenancy with a Council or Registered Provider will be regarded as a transfer applicant. Social housing tenants can only make a joint application if both applicants are existing joint tenants. Social housing tenants who hold a joint tenancy can only apply for a transfer if both tenants are applying to move together.

Any applicant who is not a transfer applicant will be regarded as a new applicant.

## Adverts

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

The Choice Based Lettings System will provide details of other affordable housing options within Charnwood, for example Private Rental and Low Cost Home Ownership options.

## Bidding for Properties

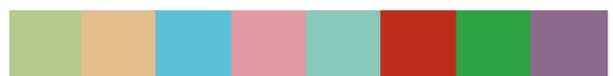
Applicants can express an interest in available properties by placing bids through the Choice Based Lettings System. Applicants can bid for up to 2 properties in every weekly bidding cycle. Applicants may place and withdraw bids at any time during a bidding cycle.

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.

## Bidding Restrictions

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



---

Some properties may be restricted to certain types of applicant, for example by:

- Application type (transfer application or new application)
- Application Banding
- Household type
- Household size
- Age of applicant and household members
- Support need (e.g. sheltered)
- Medical or mobility need (e.g. wheelchair standard or adapted properties).

Minimum and maximum age criteria apply to some advertised properties, for example:

- Minimum age criteria for older person's sheltered accommodation
- Maximum age criteria for general needs bedsits where the rent is within the Local Housing Allowance shared room rate
- Minimum age criteria for properties that are unsuitable for young children, such as duplex flats.

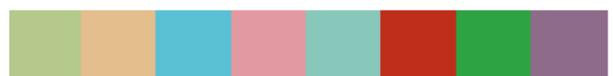
Applicants will normally only be eligible to bid for properties if they meet the applicable age criteria or have a specialist need for the accommodation that cannot be met within available non-age restricted properties.

Some advertised properties are restricted to certain household types, for example:

- Bedsits will normally be restricted to single persons
- Family houses will normally be restricted to households that contain dependent children
- Properties within older persons' sheltered schemes will normally be restricted to applicants who are above the age of 60 years and are suitable for sheltered accommodation
- 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 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 have a need for sheltered accommodation will only be eligible to bid for properties within sheltered schemes.



---

## 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 household members (see Appendix 2 for further details).

Any adult who resides with the applicant as their main and principle home will be classed as a permanent resident.

Any child below the age of 16 who resides with the applicant for a minimum of 4 nights per week will be classed as a permanent resident. Exceptions will apply, for example where the child is residing elsewhere on a temporary basis but their permanent home is with the applicant.

Any unborn child will be taken into account when assessing bedroom eligibility once the expected delivery date is within 3 months.

If an applicant has access to children (i.e. whose children stay with them on a regular basis for at least 2 nights per week but do not reside with them on a permanent basis), the applicant will be permitted to bid for 2 bedroom flats. These applicants will not normally be permitted to bid for larger properties, regardless of how many children they have access to. These applicants will be required to provide proof of the access arrangements, for example 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. These applicants will be required to provide proof that Social Services have approved them as a foster carer subject to the availability of suitably sized accommodation
- Where the applicant, or a member of their household, has a need for an additional bedroom for an overnight carer on either a permanent or casual basis
- Where the applicant, or a member of their household, has a medical or welfare need for an additional bedroom
- Where a member of the applicant's household is in full-time education or serving in the armed forces and does not reside in the property all year round, but their permanent home is with the applicant.



---

Due to limited availability, larger families 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 support the development of balanced and sustainable communities. Local Lettings Policies include criteria that are designed to address specific issues, for example:

- 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 are designed to be time limited and will be monitored regularly.

Where a Local Lettings Policy is applicable to a property, this will be specified in the property advert.

## Hard to Let Properties

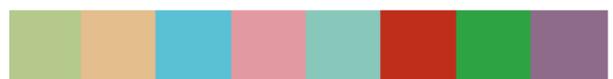
The Council will monitor bids for properties and consideration will be given to changes in the eligibility criteria for properties for which there are no bids or limited bids to ensure the best use of available housing stock.

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.

## Shortlisting

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

- By any specialist eligibility criteria applied to a property (e.g. need for a level access shower or other adaptations)
- By housing need Band (from Band 1 down to Band 3)



- By Banding effective date (from oldest to newest).

If more than 1 applicant with the same Band and effective date bids for the same property, the Council will make a decision taking into consideration the individual housing circumstances of each case. In addition other factors such as previous offer refusals may be taken into consideration.

Wheelchair standard properties or properties with similar significant specialist disabled adaptations will be matched to applicants who have a need for the adaptations and who are most suited to the vacancy. An Occupational Therapist may need to be consulted on the suitability of the 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.

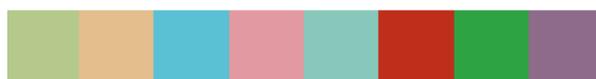
Where there is a shortage of accessible or adapted properties the Council may, subject to budget availability, identify properties that are potentially suitable for adaptation and consider giving applicants who have disabilities preference for these properties.

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

- Where the applicant has been awarded priority due to a need for additional bedrooms (for example 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 is already under offer for another property
- Where an applicant has bid for a property for which they are not eligible (for example due to a system or administrative error)
- Where an applicant has bid for a property for which they are no longer eligible (for example following a change in their circumstances).

## 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 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 an applicant's ability to respond. Failure to respond to an offer by the specified deadline will be treated as a refusal. Where an applicant fails to respond to an offer, their application will be suspended pending contact and confirmation of their circumstances.

Applicants will be required to provide documentary evidence to confirm the circumstances detailed on their application form at the point of offer. Applicants who owe a housing related debt will need to provide evidence to confirm that repayment plans have been maintained and/or the debt has been paid in full. Applicants may be required to complete an affordability assessment to confirm that the accommodation offered will be suitable.

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

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 will count as a refusal.

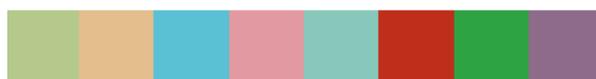
Applicants who refuse 3 offers of suitable accommodation will not be permitted to bid for further properties or considered for another offer of accommodation for a period of 12 months.

Applicants who have been placed in Band 1 due to an emergency level housing need who refuse an offer of suitable accommodation may lose their priority status. Where a homeless applicant who has been placed in Band 1 because they are owed the full Housing Duty under Section 193 of the Housing Act 1996 refuses an offer of suitable accommodation, the homelessness duty will be discharged and the applicant will lose their priority status.

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

## Direct Matches

The Council may make a direct offer of accommodation to an applicant, for example a direct offer to an applicant who has specialist needs and where the availability of suitable accommodation is limited.



Applicants who are eligible for an allocation of accommodation 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:

- Applicants who are persons from abroad who are not eligible for an allocation of accommodation by virtue of section 160ZA of the Housing Act 1996
- Applicants who are subject to immigration control under the Asylum and Immigration Act 1996 (excluding the classes prescribed by the Secretary of State)
- Applicants who are persons from abroad who are not entitled to housing benefit by virtue of section 115 of the Asylum and Immigration Act 1999
- Applicants who are not “habitually resident” in the UK.

Please note: the above eligibility criteria does not apply to applicants who are already introductory, extended-introductory, secure or assured tenants of a Council or Registered Provider.

## Qualification

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

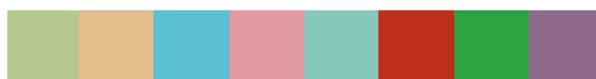
- Applicants who do not meet any of the Charnwood Local Connection criteria (see page 15 for further information)
- Applicants who are homeowners or have the financial means to purchase a property within Charnwood that meets their housing needs (see page 17 for further information)
- Applicants who have been guilty of serious unacceptable behaviour that makes them unsuitable to be a tenant (see page 18 for further information)
- Applicants who do not have a confirmed “Housing Need” as defined within this allocations Policy (see page 19 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 is in place.
- 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 is prepared to sign a tenancy agreement on the applicant's behalf and the Council is satisfied that the necessary support 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 is in place and the applicant is willing to effectively engage with available 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 other Landlord will not be permitted to bid for properties or considered for an offer of accommodation until they have adhered to a repayment plan for at least the last 12 consecutive weeks (or 3 consecutive months).



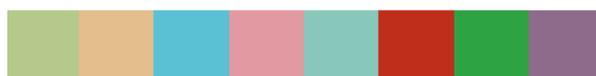
---

Examples of Housing related debts include:

- Rent or service charge arrears for a current tenancy or licence
- Outstanding rent or service charge arrears for a former tenancy or licence
- Recharge debts relating to a current or former tenancy
- Charges relating to temporary accommodation placements such as bed and breakfast or hostel accommodation
- 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 if they have not been able to consistently maintain repayments for 12 consecutive weeks.

- Applicants who have refused 3 suitable offers of accommodation will not be permitted to bid for properties or 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.

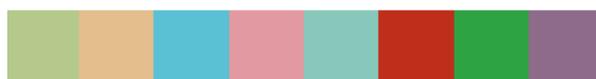
## Charnwood Local Connection Criteria:

- Applicants who are currently resident within Charnwood and have been normally resident\* within Charnwood for at least the last 2 years
- Applicants who were normally resident\* within Charnwood for at least 3 out of the last 5 years
- Applicants who have close adult relatives (parents/guardians, siblings or children over the age of 18, including step-equivalents) who are currently resident within Charnwood and have been normally\* resident within Charnwood for at least the last 5 years
- The applicant has paid employment within Charnwood (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).

\* Time spent in an institution such as a prison or secure unit or in a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme would not normally qualify.

## 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 located outside of Charnwood, but who were normally resident within Charnwood for the 2 years (or 3 out of the last 5 years) 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 areas where they do have a local connection
- Care Leavers below the age of 21 years who were accommodated by Leicestershire County Council under the Children Act 1989



- 
- Applicants who are serving or former serving members of the regular armed forces who are applying for housing within 5 years of discharge
  - Applicants who are serving or former serving members of the regular armed forces or reserve forces and need to move due to 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 armed forces and are leaving services accommodation following the death of their spouse/civil partner.
  - Other exceptional circumstances.

DRAFT



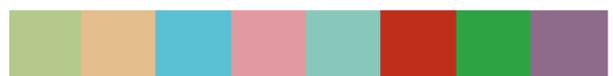
Applicants who are homeowners or have the financial means to purchase a property that meets their housing needs and who do not meet any of the exemptions will not qualify for the Housing Register.

## Financial Means Criteria:

- Applicants who own a residential property in the UK or elsewhere (including freehold, leasehold, joint ownership, part ownership or shared ownership)
- Applicants who have a total annual household income of £60,000 or more
- Applicants who have savings or assets of £21,450.00 or more.

## Exemptions:

- Applicants who have a need for older person's sheltered accommodation
- Applicants who have a need for specialist accommodation that is not available or affordable in the private sector
- Applicants who are unable to safely access their property or finances, for example because they are fleeing domestic abuse
- Other exceptional circumstances.



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

Examples include:

- Violence
- Domestic abuse
- Physical, sexual or financial abuse
- Threatening behaviour or intimidation
- Harassment
- Discriminatory abuse
- Anti-social behaviour
- Drug dealing
- Property damage
- Serious and persistent rent arrears
- Fraud/making false statements in an attempt to obtain housing.

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

- The action a landlord has/would have taken against the perpetrator of the unacceptable behaviour and whether the behaviour was serious enough that a landlord would have been entitled to a possession order. For example cases relating to noise problems, domestic violence, racial harassment, intimidation and drug dealing are likely to lead to a possession order whereas rent arrears often only lead to a suspended possession order
- Whether the behaviour was serious enough to make the applicant unsuitable to be a tenant. For example rent arrears which have resulted from factors outside of the applicant's control, such as delays in Housing Benefit payments or liability for a partner's debts would not make the applicant unsuitable to be a tenant
- The length of time that has elapsed since the unacceptable behaviour took place
- Other relevant factors such as health, vulnerabilities and dependants.

Applicants who have been guilty of serious 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 they are 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 Needs 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 is not statutorily overcrowded) and their household has a need for 1 or more additional bedrooms. Please see Appendix 1 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 through a communal stairwell within a block of flats (this will only apply if the child resides with the applicant on a permanent basis).



---

## Medical or Mobility Need

Examples include:

- Applicants who have mobility issues and need to move to ground floor or level access accommodation
- 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 and 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, emotional 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, emotional 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 an 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 are applying for older person's sheltered accommodation
- 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).



### Supported Accommodation

- Applicants who are living in a supported accommodation scheme.

### Homeless or at Risk of Homelessness

- Applicants who are at risk of becoming homeless within the next 56 days
- Applicants who are homeless, but are not owed the full Housing Duty under Section 193 of the Housing Act 1996.

Applications are placed in Band 3 for an initial period of 12 months. After this period the application will be re-assessed to confirm whether the applicant's circumstances have changed, whether they still have a housing need and whether they still qualify to be on 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” from Supported Accommodation

- Applicants who are living in a supported accommodation scheme and are ready to “move-on” to independent accommodation (this will only apply where Charnwood Borough Council has referral rights into scheme and the scheme has a local connection requirement).

### Management Need

Examples Include:

- 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)
- 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 within the initial 16 weeks or refuses an offer of suitable accommodation after the initial 16 weeks, their application will be 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

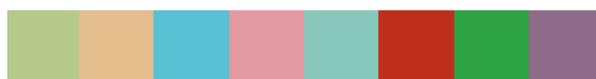
Examples include:

- 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
- 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 has been temporarily “decanted” 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 have accommodation that is not suitable
- Applicants who have a progressive, chronic or life threatening medical condition and cannot access the toilet and/or bathroom facilities in their current accommodation
- Applicants who have a progressive, chronic or life threatening medical condition and urgently require accommodation with significant adaptations, such as wheelchair standard accommodation.



---

## Emergency Welfare or Hardship Need

Examples include:

- Applicants who are suffering severe harassment, violence or threats of violence that are likely to be carried out
- Applicants who are suffering physical, sexual, financial or emotional abuse
- Applicants who are “care leavers” or similarly vulnerable person who have difficulty securing settled accommodation and are ready for independent living.

## Full Homeless Duty

- Applicants who are homeless and owed the full Housing Duty under Section 193 of the Housing Act 1996. The Banding effective date for homeless applicants will be the date of their homeless application. Homeless applicants will only receive 1 offer of suitable accommodation.

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 within the initial 8 weeks, the Council may place bids on their behalf for suitable properties until an offer of accommodation is made. If an applicant who has been placed in Band 1 refuses an offer of suitable accommodation after the initial 8 weeks, their application will be moved down to Band 3.

## Exceptional Circumstances

In exceptional circumstances other applicants who do not fall within any of the above “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.

## Additional Preference

The following applicants will be given “additional preference” within Bands:

- Applicants who are former serving members of the regular armed forces
- Applicants who are serving or former serving member of the regular armed forces or reserve forces and need to move due to a serious injury, illness or disability sustained as a result of their service



- Applicants who are a bereaved spouse or civil partner of a former serving member of the regular armed forces and are leaving services accommodation following the death of their spouse/civil partner.

## Deliberate Worsening of Circumstances

Applicants will not be awarded “reasonable preference”, Charnwood “local preference” or any increased priority if their housing need arises as a result of deliberately worsening their own 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 or in a poor state of repair
- Applicants who reside in a property that is in a poor state of repair due to neglect or damage caused by the applicant
- 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 colluded with their landlord in the service of a notice
- Applicants who have created overcrowding within their accommodation by moving extended family into the property when there was no need to do so.

## 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 Council receives confirmation that the Banding is applicable, regardless of the date the 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 homeless applicants who are placed in Band 1 will be the date of their homeless application.



## 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 following where an applicant:

- Has been excluded from the register
- Believes their application has been assessed incorrectly and placed in the wrong Band
- Believes they should be eligible to bid for type of property
- Has an offer of accommodation withdrawn
- Has an application cancelled and their 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. In exceptional circumstances the Council may be prepared to consider late requests.

All reviews will be completed by a Senior Officer who was not involved in the original decision. The 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, the notification letter can be collected from the Council offices. Copies will be available for collection for period of at least 21 days.

If an applicant has been matched for a property but has been refused the 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, a copy of which can be made available on request.

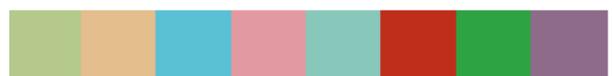
## Complaints

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, a copy of which can be made available on request.



If an applicant is dissatisfied with the service they have received from a Registered Provider, they should make a complaint to the Registered Provider. Each Registered Provider operates its own complaints procedure, a copy of which can be made available on request.

DRAFT



The following criteria will be used to determine whether a property is overcrowded.

A property will be classed as overcrowded if there are not enough bedrooms for each of the following household members:

- 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

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.

Please Note: Overcrowding assessments will only take into account current permanent residents and will not include unborn children.

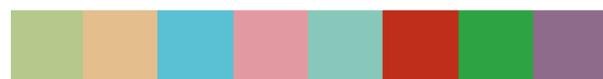


The following table shows how many bedrooms applicants will be eligible to bid for.

Household Type	Property Type
Single Person	1 Bedroom Flat 1 Bedroom House 1 Bedroom Bungalow
Couple	1 Bedroom Flat 1 Bedroom House 1 Bedroom Bungalow
Single Person + child access	Studio Flat 1 Bedroom Flat 1 Bedroom House 1 Bedroom Bungalow 2 Bedroom Flat
Lone Parent or Couple + 1 other	2 Bedroom Flat 2 Bedroom House 2 Bedroom Bungalow
Lone Parent or Couple + 2 others of the same gender (both below the age of 16)	2 Bedroom Flat 2 Bedroom House 2 Bedroom Bungalow
Lone Parent or Couple + 2 others of the same gender (one or both above the age of 16)	2 Bedroom Flat 2 Bedroom House 2 Bedroom Bungalow 3 Bedroom Flat 3 Bedroom House
Lone Parent or Couple + 2 others of opposite gender (any ages)	2 Bedroom Flat 2 Bedroom House 2 Bedroom Bungalow 3 Bedroom Flat 3 Bedroom House



Household Type	Property Type
Couple or Lone Parent + 3 others (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 3 others (one or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
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, two male and 2 female (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Couple or Lone Parent + 4 others, three male and one female (all below the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 4 others, three female and one male (all below the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 4 others (one or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 5 others (all below the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Couple or Lone Parent + 5 others (one or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House 5 + Bedroom House
Couple or Lone Parent + 6 or more others (any ages)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House 5 + Bedroom House



---

Please Note:

- 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
- Applicants may be required to complete an affordability assessment following an offer of accommodation to confirm whether the accommodation is affordable
- Separate criteria will be used to determine whether a property is overcrowded (overcrowding assessments will only take into account current permanent residents and will not include unborn children).

DRAFT

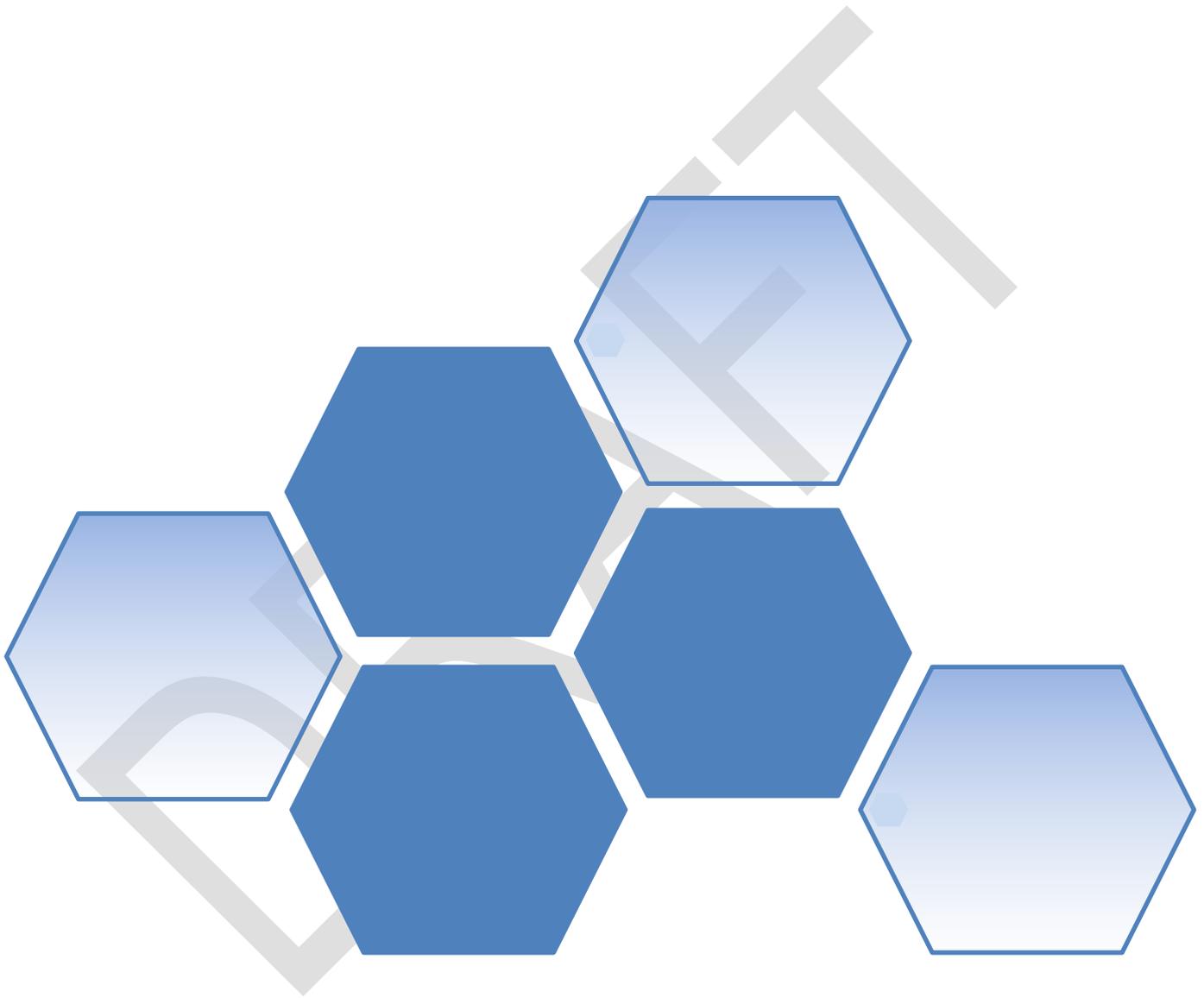




This page is intentionally blank

DRAFT





## Charnwood Borough Council

### Equality Impact Assessment 'Knowing the needs of your customers and employees'

#### ■ Background

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

#### ■ Legislation- Equality Duty

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- ✓ Eliminate discrimination, harassment and victimisation
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex (Gender)
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

**Note: Complete the action plan as you go through the questions**

■ **Step 1 – Introductory information**

Title of the policy	Choice Based Lettings Housing Allocations Policy
Name of lead officer and others undertaking this assessment	Alison Simmons
Date EIA started	August 2017
Date EIA completed	September 2017

■ **Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)
The Council's Choice Based Lettings Allocations Policy provides a framework for assessing and prioritising housing need, and determining who will be nominated for housing. It takes into consideration all legal requirements outlined in the Housing Act 1996, Part VI; amendments made under the Homelessness Act 2002; the Fair and Flexible statutory guidance on social housing allocations for local authorities 2009 and the Localism Act 2011.
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
Residents of Charnwood who are in housing need and are seeking affordable housing.  Registered Providers (formerly Housing Associations) and Private Sector Landlords are key stakeholders, in that their supply of housing will form part of the Scheme.
Which groups have been consulted as part of the creation or review of the policy?
The Choice Based Lettings Housing Allocations Policy Consultation took place between March and September 2017.  The Council have held consultation events between March and September 2017 to review the Choice Based Lettings Housing Allocation and proposed changes to the Policy: <ul style="list-style-type: none"> <li>• Strategic and Private Sector Housing Service Staff Meetings</li> <li>• Lead Member for Strategic and Private Sector Housing</li> <li>• Cabinet Members Briefing</li> <li>• Policy Scrutiny</li> <li>• Homelessness Strategy Steering Group</li> <li>• Statutory and voluntary agencies</li> <li>• Registered Providers Liaison Forum</li> <li>• Housing Management Advisory Board</li> <li>• Housing Register Applicants Workshop</li> </ul> <p>In addition an online survey monkey questionnaire has been available for completion and promoted at these events, on the Arbitas Choice Based Lettings website and the Council's website. A letter was sent to all Housing Register applicants to advise them of the survey and invite them to attend the workshop.</p> <p>The consultation took place with a wide range of stakeholder, including representatives from each of the protected characteristics and the Council received 133 responses to the consultation questionnaire.</p>

■ **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

- Leicestershire Choice Based Lettings- Statement of Shared Policy EIA (2009)
- Complaints and compliments information received about the Service
- Equalities monitoring data of residents using the Service and or Scheme
- Demographic profile of Charnwood residents

What does this information / data tell you about diverse groups? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

Charnwood has a diverse population and a range of individuals with complex issues and differing housing needs/ requirements access/ have the potential to access the Choice Based Lettings Scheme.

■ **Step 4 – Do we need to seek the views of others? If so, who?**

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

Further equalities monitoring may be required in the future. However, at this stage of analysis it is felt the information currently held is sufficient to analyse trends and determine any barriers to individuals accessing Choice Based Lettings Scheme.

■ **Step 5 – Assessing the impact**

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).

	<b>Comments</b>
<b>Age</b>	<p>Neutral impact/ positive impact identified</p> <p>If any applicant is under-occupying a Council or Registered Provider property and applying to downsize to smaller accommodation the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>If any applicant has succeeded to a Council or Registered Provider tenancy following the death of a relative, but needs to move because they are not eligible for their current property (e.g. because it is too large) the Choice Based Lettings Housing Allocation Policy will support individual's with their housing need.</p> <p>If any applicant needs to move closer to relatives in order to give or receive assessed care or support and moving would</p>

	<p>prevent significant physical, emotional or financial hardship the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>If any applicant has a need for older people sheltered accommodation the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>It is acknowledged that applicants 16 -17 years old may require additional support to assist them in maintaining a tenancy and adjusting to independent living.</p> <p>The proposal to introduce a maximum age limit of 35 years for new lets to General Needs bedsits will be taken forward and relates to the Government’s plan to limit the amount of Housing Benefit a single person below the age of 35 years can claim to the “single room rate” (currently £59.99 per week in Charnwood) as the rent for these bedsits is within this limit.</p> <p>The number of General Needs Council bedsits is small in comparison with the overall number of flats and bungalows in Charnwood that are suitable for single applicants over the age of 35 and shared accommodation options for single non-students below the age of 35 are very limited within the area.</p> <p>The situation will be monitored to ensure that there continues to be a sufficient level of available affordable properties for applicants over the age of 35.</p> <p>The Council has a number of 1 bedroom bungalows that are reserved for applicants who are over the age of 60 years. The Council will be removing the age restrictions from some of these bungalows and allowing applicants of all ages who have a medical need for a bungalow to bid for them.</p>
<p><b>Disability</b> (Physical, visual, hearing, learning disabilities, mental health)</p>	<p>Individuals with physical disabilities have the opportunity to live in a Council or Registered Provider property that has significant Disabled Adaptations (e.g. a wheelchair standard property) and therefore the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>If any applicant is living in a supported accommodation scheme and is now ready to “move-on” to independent accommodation then the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>In terms of specific disabilities the Choice Based Lettings Housing Allocation Policy will support individual’s with their housing need in relation to:</p> <ul style="list-style-type: none"> <li>• If any applicant has specific mobility issues and needs ground floor or level access accommodation.</li> <li>• The applicant has a significant physical or mental health condition that is directly affected by their current accommodation and a move to alternative accommodation would help to ease or resolve their condition.</li> <li>• The applicant has a medical need for an additional</li> </ul>

	<p>bedroom for an overnight carer or to accommodate large medical equipment</p> <p>There are slight concerns relating to mental health and learning difficulties. Mitigating action will take place, ensuring that a robust method of assessing people with mental health issues and/or learning difficulties occurs in order to determine if an applicant has the capacity to sustain a tenancy.</p>
<b>Gender Reassignment (Transgender)</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocation Policy will not discriminate individuals or families based on gender reassignment.
<b>Race</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocations Policy offers more choice about where people wish to live; it will up to the home seeker to identify whether a location is suitable, appropriate or appealing.
<b>Religion or Belief (Includes no belief)</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocations Policy offers more choice about where people wish to live; it will up to the home seeker to identify whether a location is suitable, appropriate or appealing.
<b>Sex (Gender)</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocations Policy offers greater choice, more mobility options and offers greater opportunity for support for male and female home seekers.
<b>Sexual Orientation</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocations Policy will not discriminate individuals or families based on their sexual orientation.
<b>Other protected groups (Pregnancy &amp; maternity, marriage &amp; civil partnership)</b>	Neutral impact/ no impact identified. The Choice Based Lettings Housing Allocations Policy will not discriminate individuals or families based on these protected characteristics.
<b>Other socially excluded groups (Carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee Homelessness communities etc.)</b>	<p>Where applicants are considered homeless the Choice Based Lettings Housing Allocation Policy will support individuals with their housing need.</p> <p>If any applicant is having difficulty meeting their housing costs and moving to more affordable accommodation to prevent significant financial hardship, the Choice Based Lettings Housing Allocation Policy will support individual's with their housing need.</p> <p>If any applicant is suffering harassment, violence or threats of violence or physical, sexual, financial or emotional abuse the Choice Based Lettings Housing Allocation Policy will support these individual's with their housing need.</p> <p>If any applicant is a "care leaver" or similarly a vulnerable person who has difficulty securing settled accommodation and is ready for independent living, the Choice Based Lettings Housing Allocation Policy will support these individual's with their housing need.</p>

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

Please note:

a) If you have identified adverse impact or discrimination that is illegal, you are required to take action

<p>to remedy this immediately.</p> <p>b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.</p>
<p>Ensure applicants 16 -17 years old are able to access support to assist them in maintaining a tenancy and adjusting to independent living.</p> <p>Ensure that people currently residing in residential care receive appropriate support in finding suitable accommodation which suits their needs.</p> <p>Ensuring a robust method of assessing people with mental health issues and/or learning difficulties occurs in order to determine if an applicant has the capacity to sustain a tenancy.</p>
<p>Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).</p>
<p>It is the opinion that the Choice Based Letting Allocation Policy will comply with equality and diversity responsibilities. Where potential barriers are identified at this stage, it is recognised that it will be necessary to plan effectively to ensure adverse impact is not created for any particular communities of interest.</p> <p>We will continue to undertake analysis and monitoring to ensure discrimination and adverse impact does not occur.</p>

**Step 6- Monitoring, evaluation and review**

<p>Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?</p>
<ul style="list-style-type: none"> <li>▪ Complaints and compliments information received about the service</li> <li>▪ Equalities monitoring data of clients</li> </ul>
<p>How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.</p>
<p>All recommendations made will be addressed in relevant service/ team plans and monitored, as appropriate.</p>

**Step 7- Action Plan**

<p><b>Please include any identified concerns/actions/issues in this action plan:</b>  <b>The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan</b></p>			
Reference Number	Action	Responsible Officer	Target Date
01	Ensure applicants 16-17 years old are able to access support to assist them in maintaining a tenancy and adjusting to independent living.	Housing Needs Manager	1 <sup>st</sup> April 2018
02	Ensuring a robust method of assessing people with mental health issues and/or learning difficulties occurs in order to determine if an applicant has the capacity to sustain a tenancy.	Housing Needs Manager	1 <sup>st</sup> April 2018
03	Monitor complaints and compliments information received about the service alongside equalities monitoring data to ensure all barriers/ adverse impacts are removed as appropriate.	Housing Needs Manager	1 <sup>st</sup> April 2018

■ **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	<b>Who needs to know</b> (Please tick)	<b>How they will be informed</b> (we have a legal duty to publish EIA's)
<b>Employees</b>	✓	The EIA will be attached to the associated Cabinet report for decision making and will then be published on the Charnwood website for all to view.
<b>Service users</b>	✓	
<b>Partners and stakeholders</b>	✓	
<b>Others</b>	✓	
<b>To ensure ease of access, what other communication needs/concerns are there?</b>		

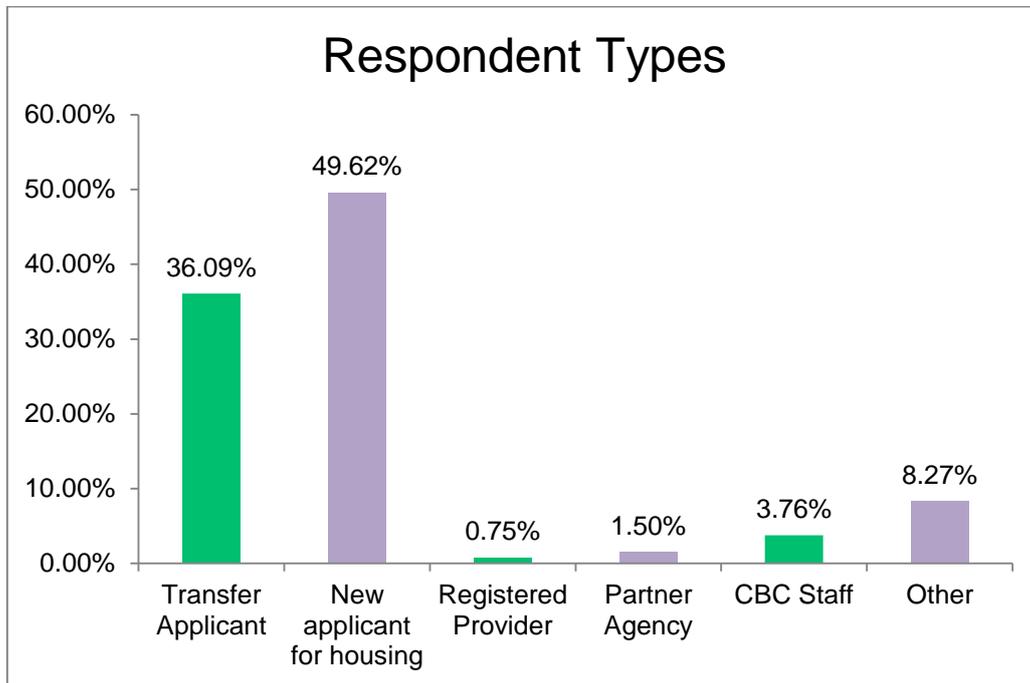
■ **Step 9- Conclusion (to be completed and signed by the [Service Head](#))**

<b>Please delete as appropriate</b>
I agree with this assessment / action plan
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:
Signed (Service Head): <b><i>Alison Simmons</i></b>
Date: 29 <sup>th</sup> September 2017

[Please send completed & signed assessment to Suzanne Kinder for publishing.](#)

Appendix 3 – Consultation Survey Results

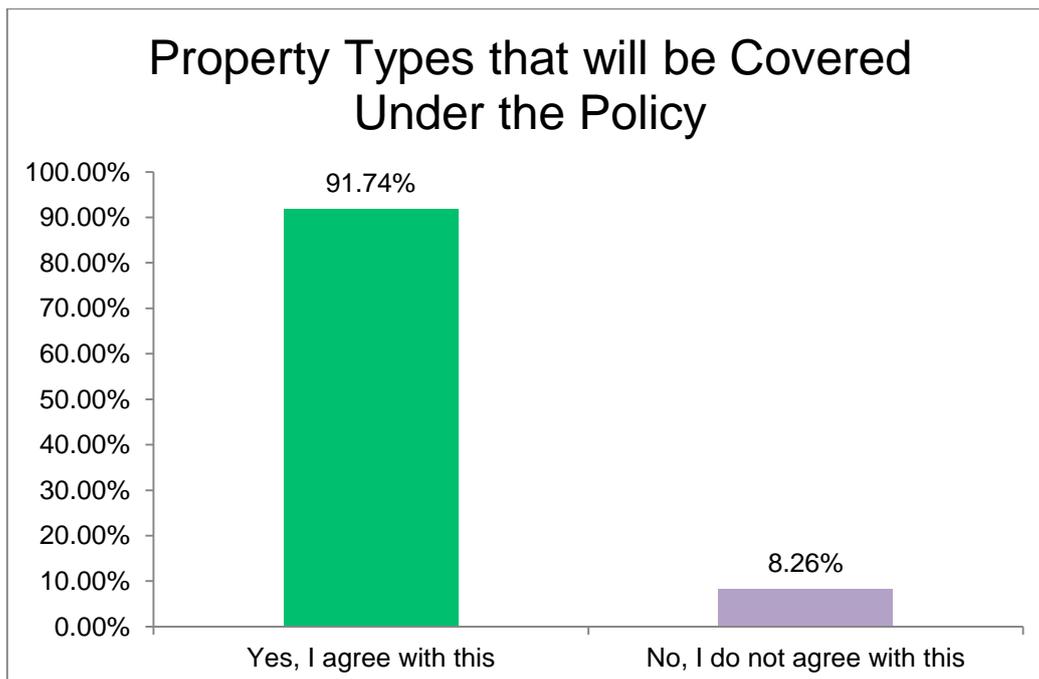
Q1. Please start by telling us who you are...



Q2. The following types of properties will be advertised through the Council's Choice Based Lettings system:

- General needs properties for families, couples and single people (including Council and Registered Provider properties)
- Older person's sheltered accommodation (including Council and Registered Provider properties)

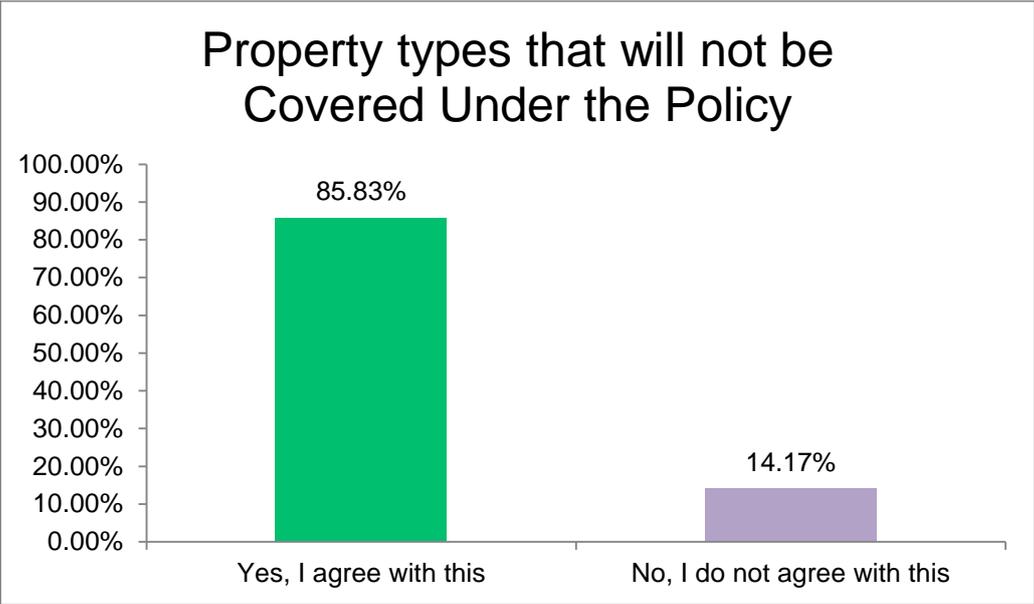
Do you agree with this?



Q3. The following types of properties will not be advertised through the Council's Choice Based Lettings system:

- Supported Accommodation Schemes (applicants for this type of accommodation will be referred directly to the supported accommodation provider for consideration)
- Extra Care Housing Schemes (applicants for this type of accommodation will be referred to Adult Social Care for consideration)
- Shared Ownership Schemes (applicants for this type of accommodation will be referred to the Help to Buy scheme)

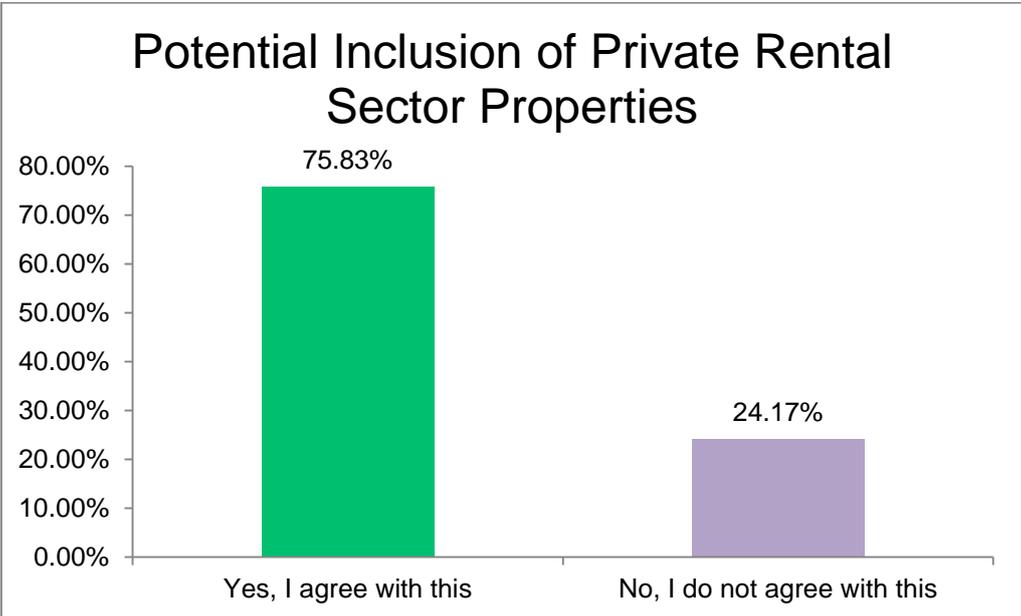
Do you agree with this?



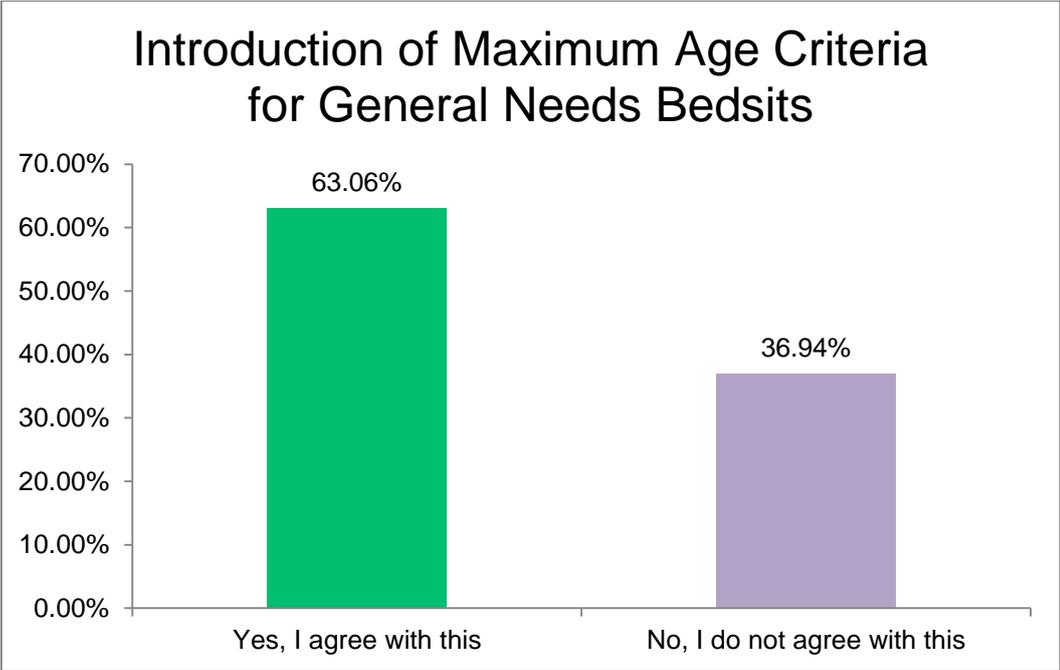
Q4. The following types of properties may be advertised through the Council's Choice Based Lettings system:

- Private Sector Rental Properties (properties that are owned by Private Landlords and are available to rent).

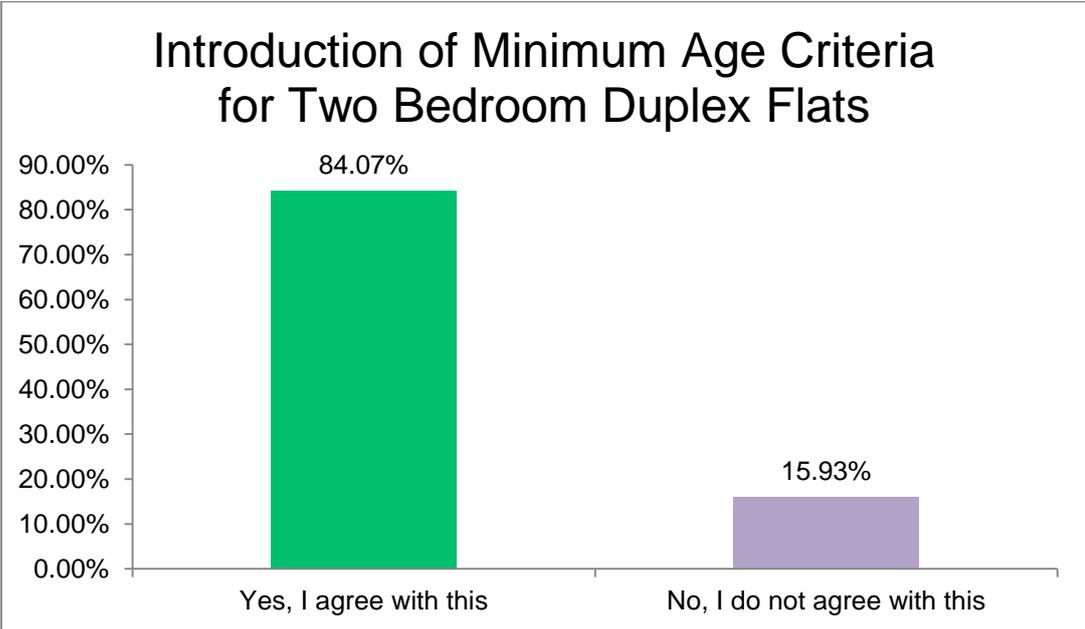
Do you agree with this?



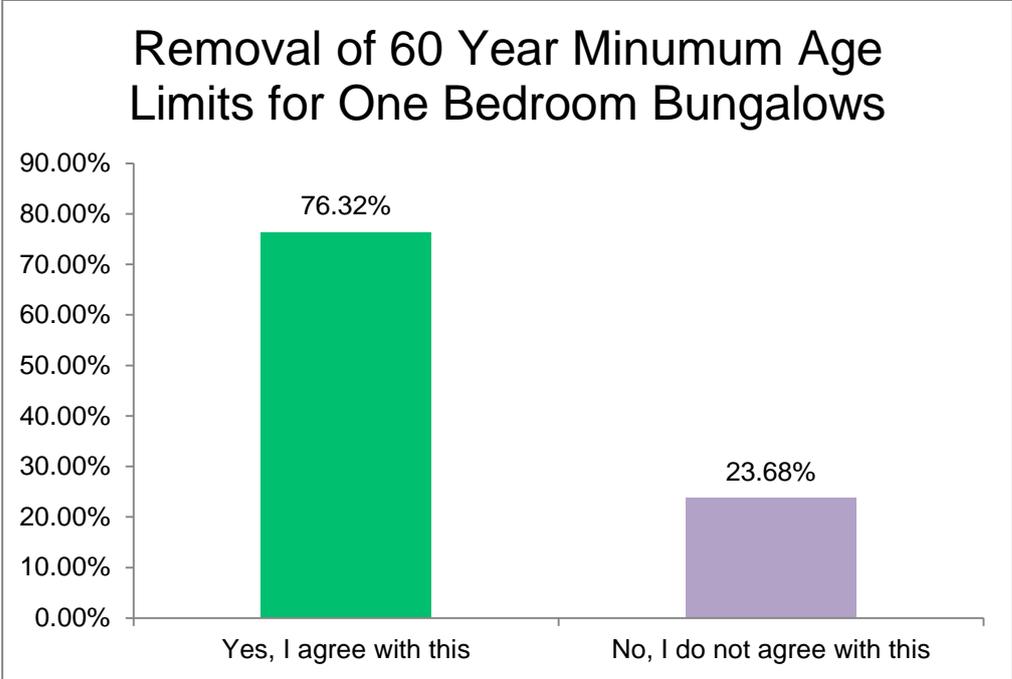
Q5. The government is planning to limit the amount of Housing Benefit a single person below the age of 35 years, who is living in a Council or Registered Provider property, can claim to the “single room rate” (currently £59.00 per week in Charnwood). The rent for most properties in Charnwood is higher than £59.00 per week. The rent for a small number of Council bedsits is less than £59.00 per week. The Council is considering introducing a maximum age limit of 34 years for these properties when they are advertised. (This would not apply to bedsits in older person’s sheltered accommodation schemes). Do you agree with this?



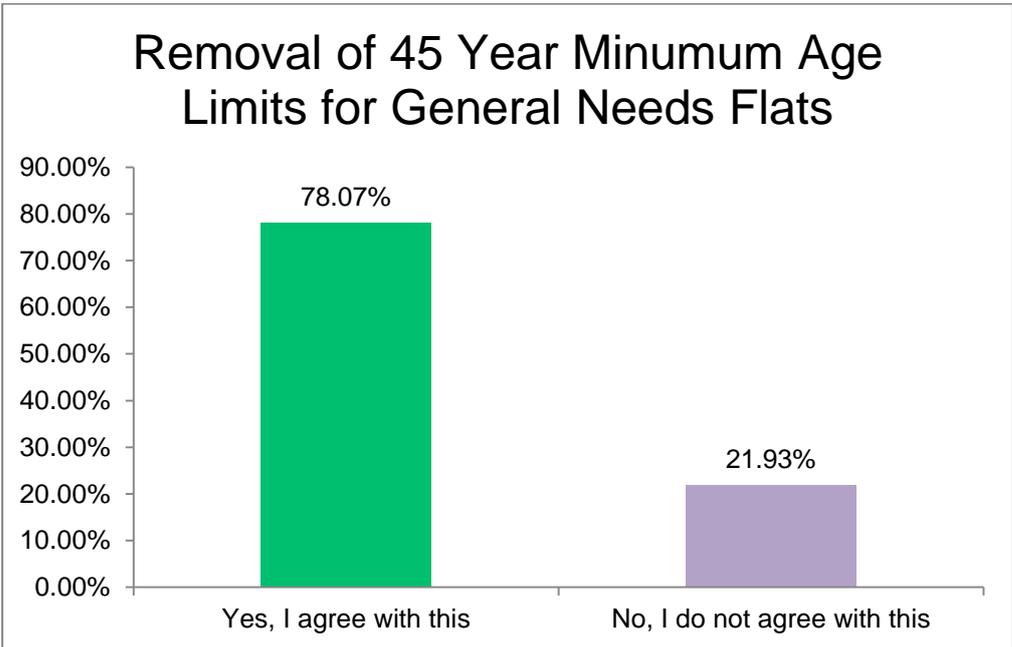
Q6. The Council has a small number of duplex-style two bedroom flats (these properties have limited space and do not have a living room so are not ideal for families with young children). The Council is considering introducing a minimum age limit of 16 years for these properties when they are advertised. Do you agree with this?



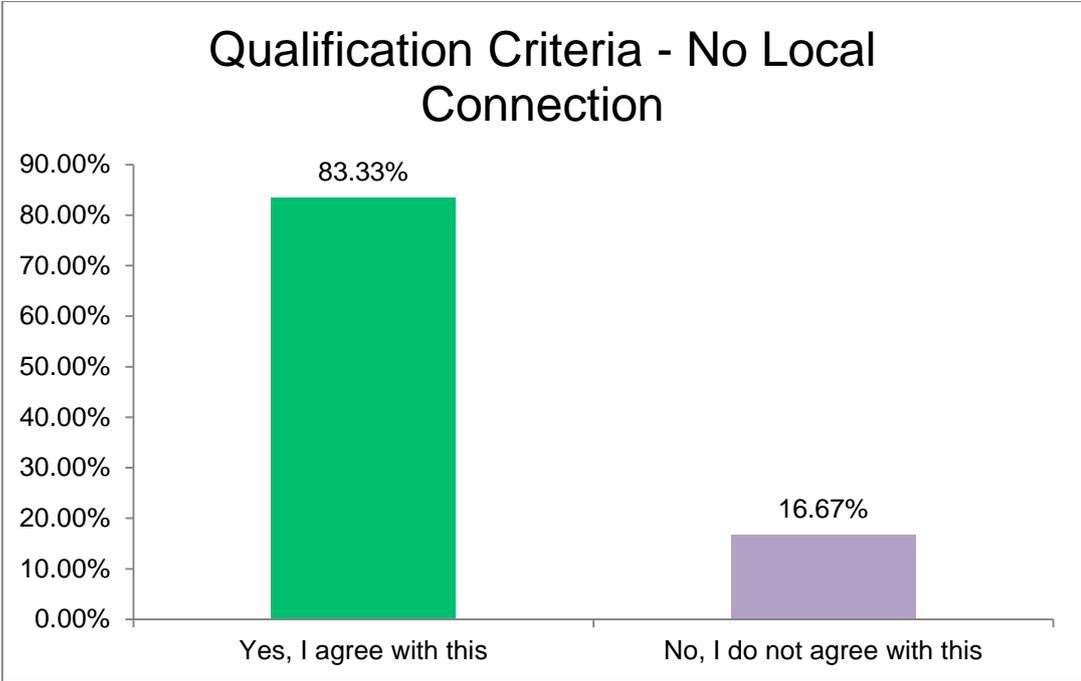
Q7. The Council has a number of one bedroom bungalows that are reserved for applicants who are over the age of 60 years. The Council is considering removing the age restrictions from some of these bungalows and allowing applicants of all ages who have a medical need for a bungalow to bid for them. Do you agree with this?



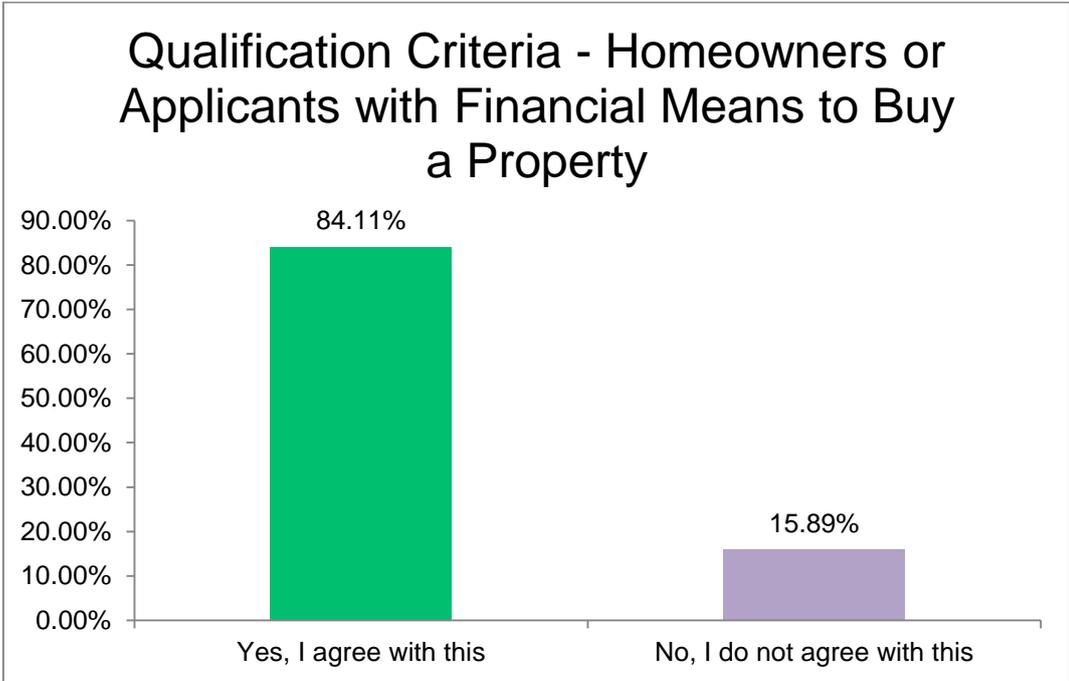
Q8. The Council has a number of flats reserved for applicants who are over the age of 45 years. The demand for these properties (particularly the two bedroom flats) from applicants over the age of 45 is low. There are more applicants below the age of 45 on the Housing Register who urgently need accommodation. The Council is considering removing the age restriction from some of these flats where it is no longer required and allowing applicants of all ages to bid for them. Do you agree with this?



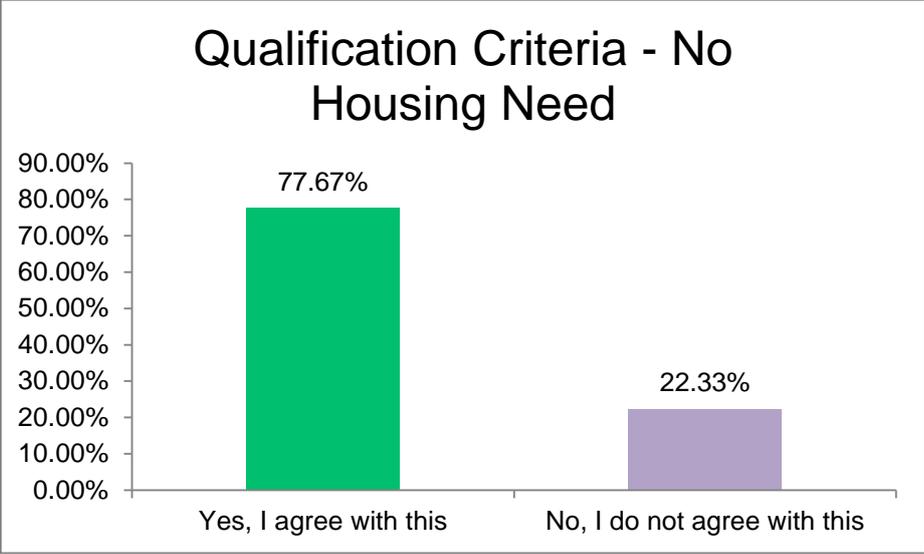
Q9. Applicants who do not meet any of the Charnwood Local Connection criteria will not be able to join the housing register. (See questions 16-23 for details of the local connection criteria). Do you agree with this?



Q10. Applicants who own a property or have financial means to buy a property that meets their housing needs will not be able to join the housing register. (See question 24-25 for details of the financial means criteria). Do you agree with this?



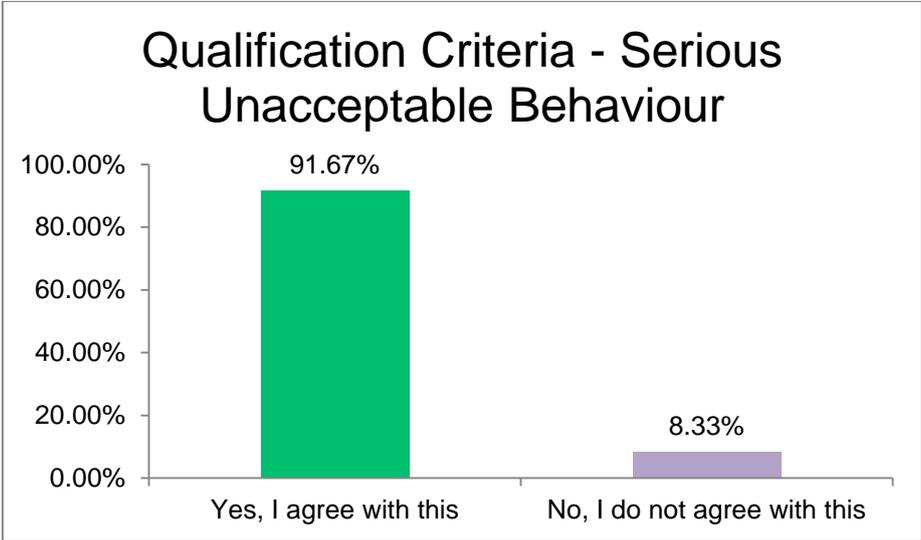
Q11. Applicants who do not have a confirmed Housing Need will not be able to join the housing register. (See question 30 for details of the Housing Need criteria). Do you agree with this?



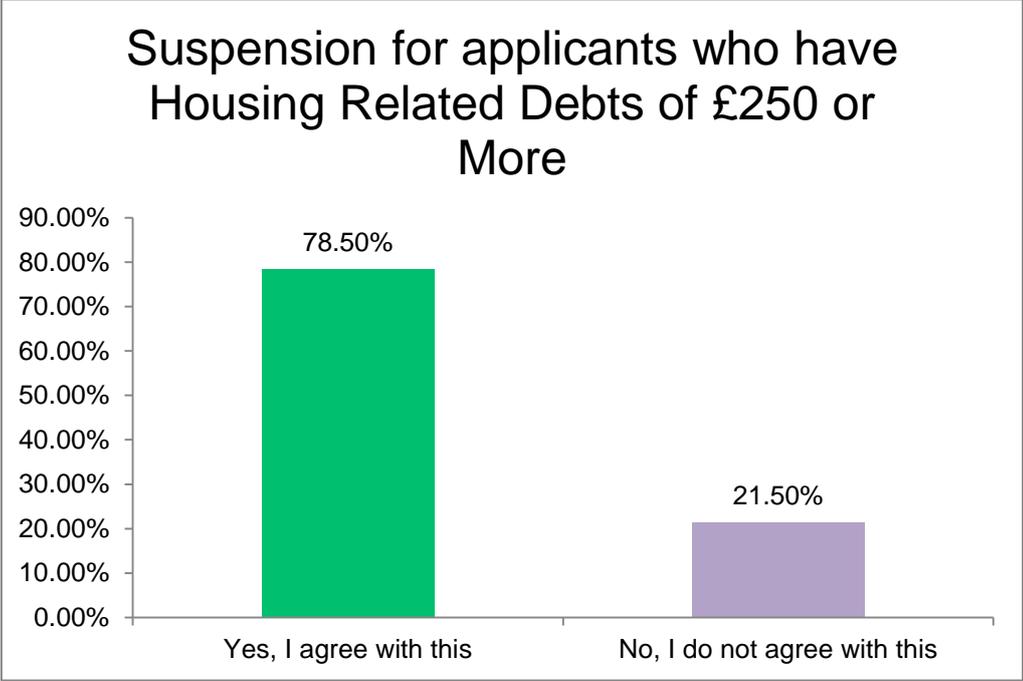
Q12. Applicants who have been guilty of serious unacceptable behaviour that makes them unsuitable to be a tenant will not be able to join the housing register. Examples include:

- Violence
- Domestic abuse
- Threatening behaviour / Intimidation
- Harassment
- Anti-social behaviour
- Drug dealing
- Property damage
- Persistent rent arrears
- Making false statements in order to obtain housing
- Deliberately worsening own housing circumstances in order to obtain housing.

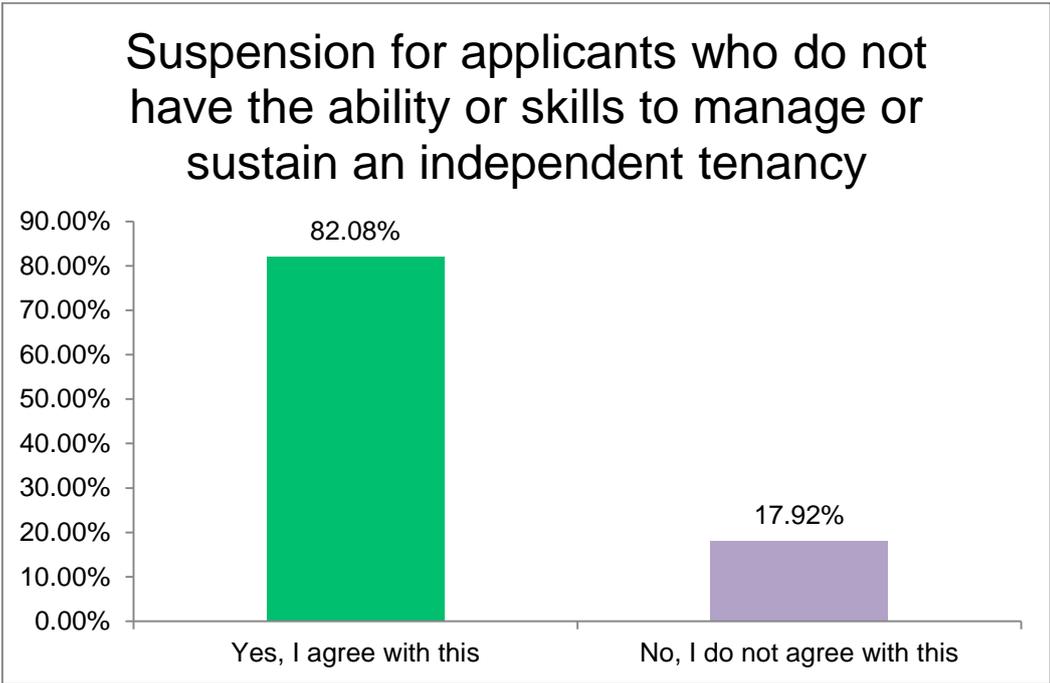
These applicants will not be permitted to join the register until they have demonstrated a significant change in their behaviour that confirms they are now suitable to be a tenant. Do you agree with this?



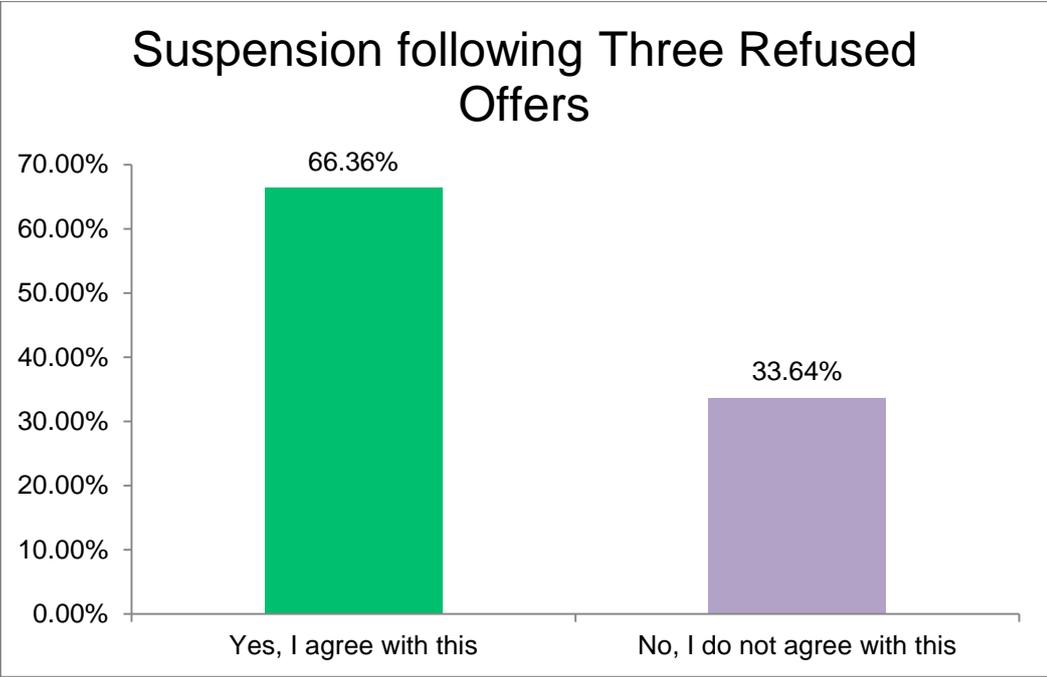
Q13. Applicants who have a housing related debt of £250 or more will be able to join the housing register but will not be permitted to bid for properties until they have set-up a re-payment plan and have maintained payments for at least 12 consecutive weeks (or at least three consecutive months). Housing related debts will include rent arrears for a current or former tenancy, service charge arrears, bed and breakfast debts, recharge debts, housing benefit overpayments, tenant finder scheme debts. Do you agree with this?



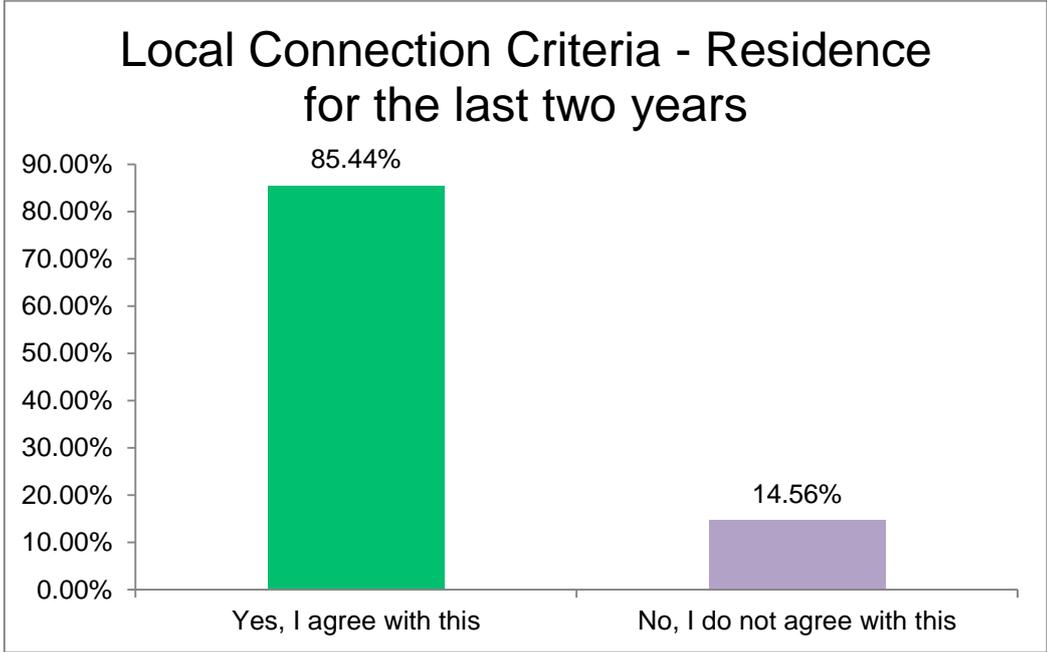
Q14. Applicants who do not have the ability or skills to manage or sustain an independent tenancy will be permitted to join the Housing Register but will not be permitted to bid for properties until they are ready for independent living. Do you agree with this?



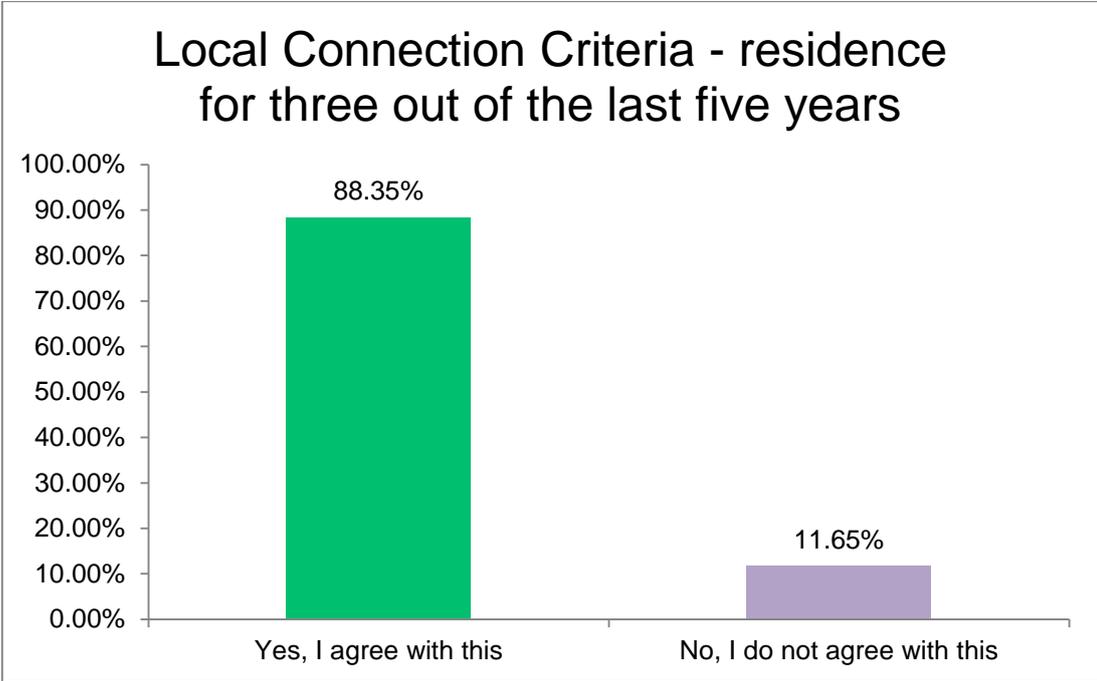
Q15. Applicants who have refused three suitable offers of accommodation will not be permitted to bid for properties for a period of at least 12 months. (This will only apply if the properties offered were suitable for the applicant). Do you agree with this?



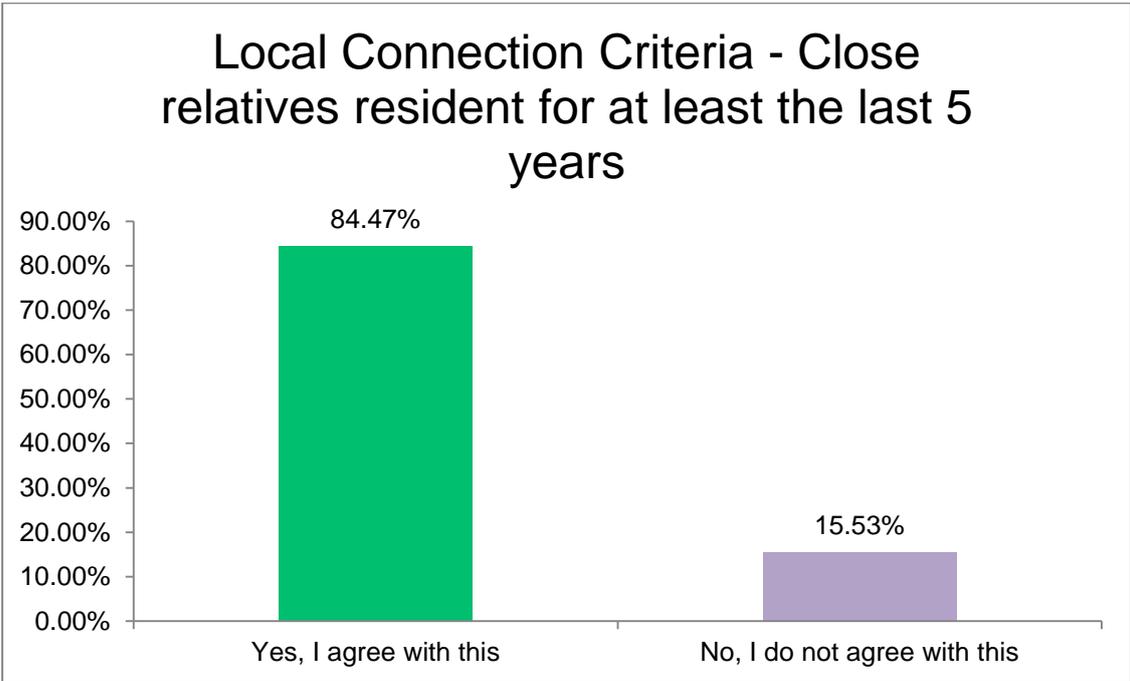
Q16. Neighbouring authorities such as Leicester City Council and Oadby and Wigston Borough Council have increased their minimum residence criteria for a local connection from 6 months to 2 years and other nearby authorities are considering the same limit. This may lead to an increase in demand for housing within Charnwood. Charnwood Borough Council therefore intends to increase the minimum residence criteria from 6 months to 2 years. Applicants who are currently resident in Charnwood and have been living in Charnwood for at least the last two years will be eligible to join the housing register. Do you agree with this?



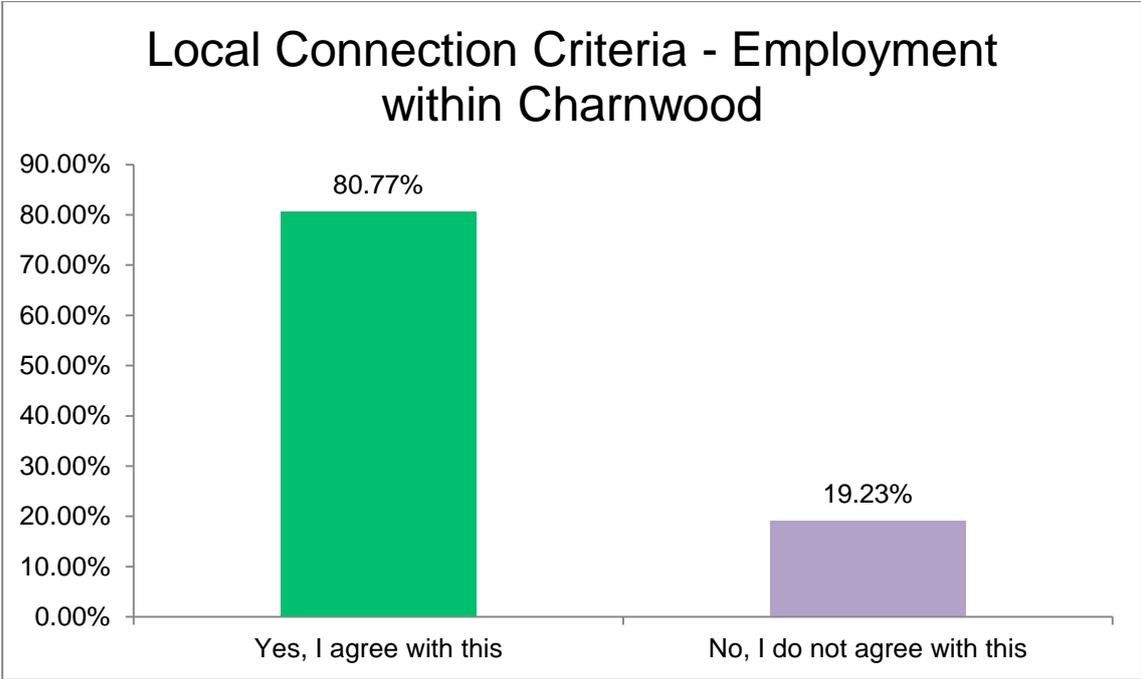
Q17. Applicants who have previously lived in accommodation within Charnwood for at least three out of the last five years will be able to join the housing register. Do you agree with this?



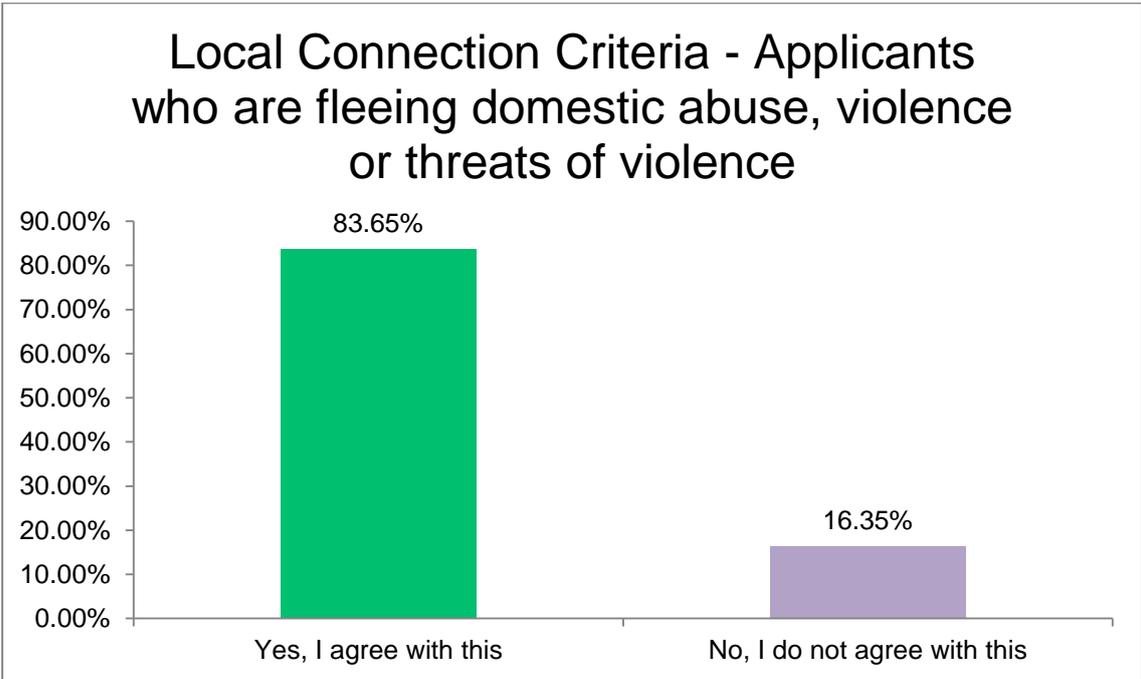
Q18. Applicants who have close relatives (parents/guardians, adult siblings or adult children) who are currently resident within Charnwood and have been living in Charnwood for at least five years will be able to join the housing register. Do you agree with this?



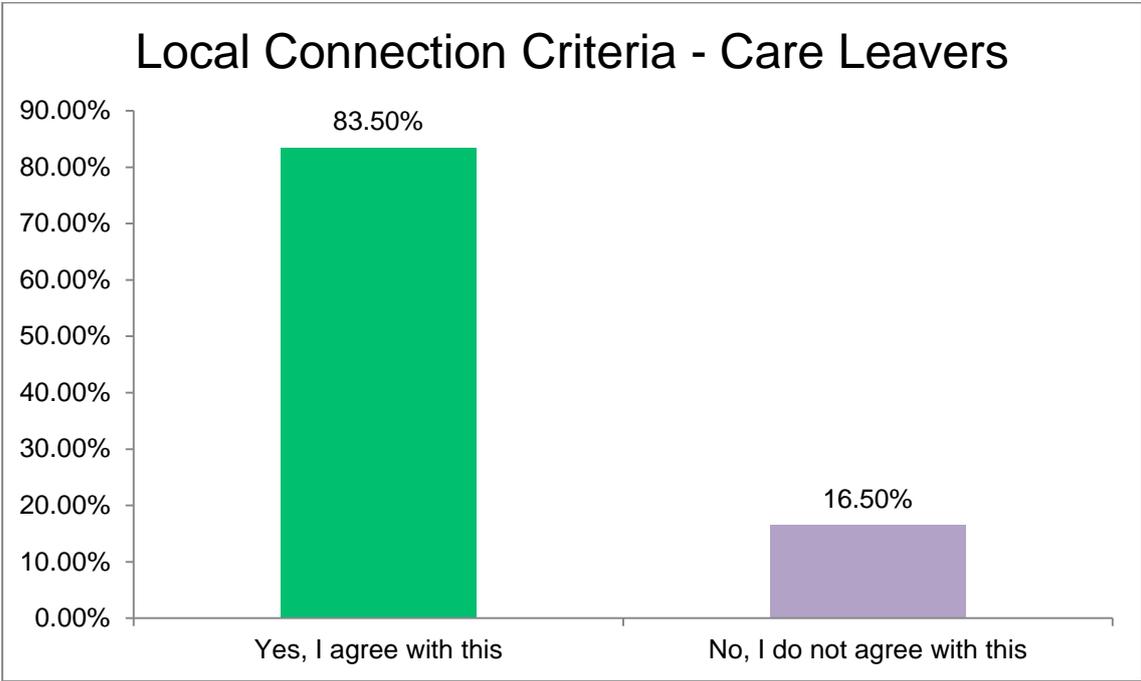
Q19. Applicants who have employment within Charnwood will be eligible to join the housing register. This employment must be for at least 16 hours per week and must be permanent or under a contract that lasts for a period of at least 12 months. Do you agree with this?



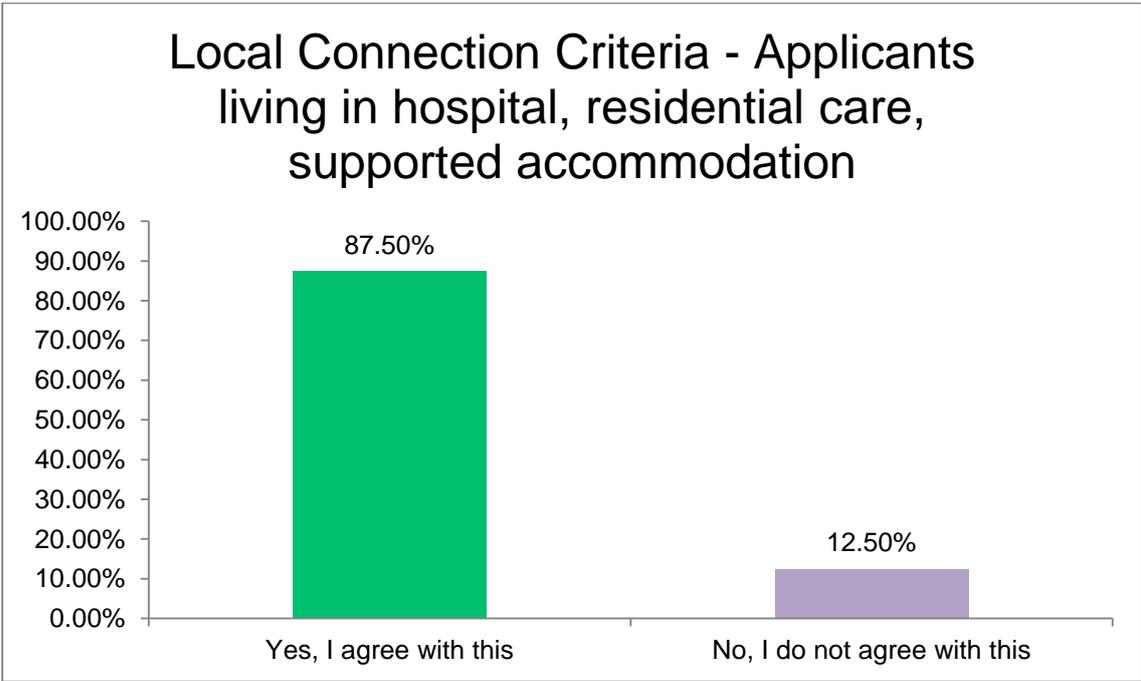
Q20. Applicants who have moved to Charnwood because they are fleeing domestic abuse, violence or threats of violence and cannot safely reside in any of the area(s) where they do have a local connection will be able to join the housing register. Do you agree with this?



Q21. Care Leavers who are below the age of 21 years and who were accommodated by Leicestershire County Council under the Children Act 1989 will be able to join the housing register. Do you agree with this?



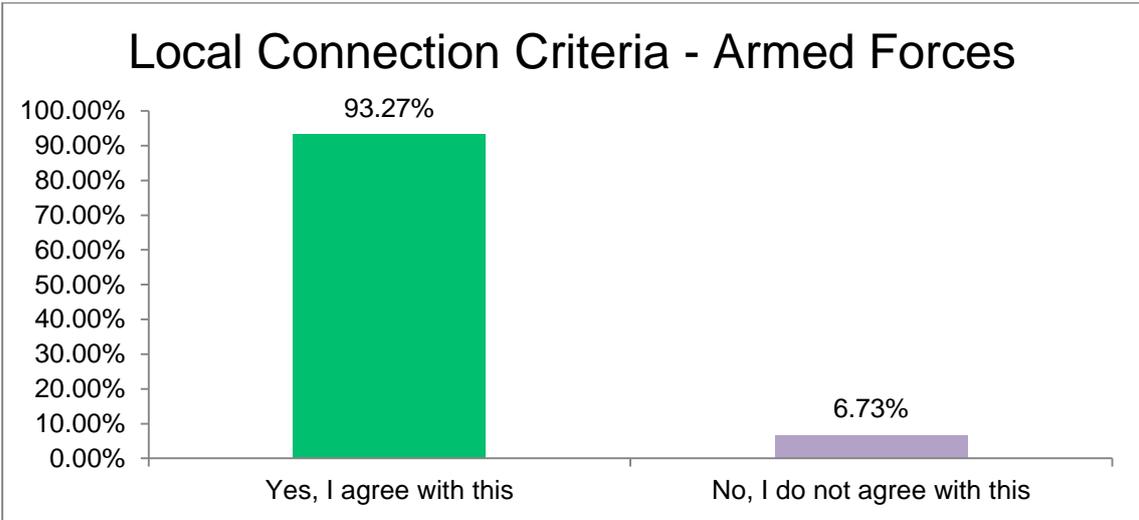
Q22. Applicants who are living in accommodation such as hospital, residential care or supported accommodation outside of Charnwood, but were resident in Charnwood for the two years or three out of the five years immediately before they moved into their current accommodation will be able to join the housing register. Do you agree with this?



Q23. Applicants who are current / former members of the Armed Forces will be able to join the register in the following circumstances:

- The applicant is a serving or former serving member of the regular armed forces who is applying for housing within five years of discharge
- The applicant is a serving or former serving member of the regular armed forces or reserve forces and needs to move due to a serious injury, illness or disability sustained as a result of their service
- The applicant is a bereaved spouse/civil partner of a former serving member of the armed forces and is leaving services accommodation following the death of their spouse/civil partner.

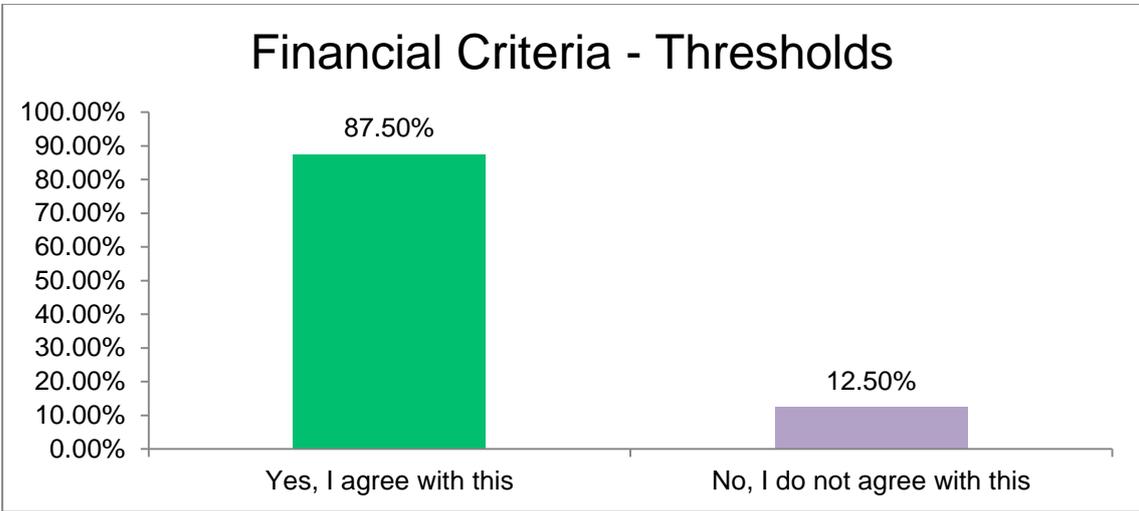
Do you agree with this?



Q24. The following financial limits will apply:

- Applicants who own a property, caravan, mobile home or houseboat (including freehold, leasehold, joint ownership, part ownership or shared ownership) will not be able to join the Housing Register
- Applicants who have a household income over £60,000 per year will not be able to join the Housing Register
- Applicants who have savings over £21,450 will not be able to join the Housing Register.

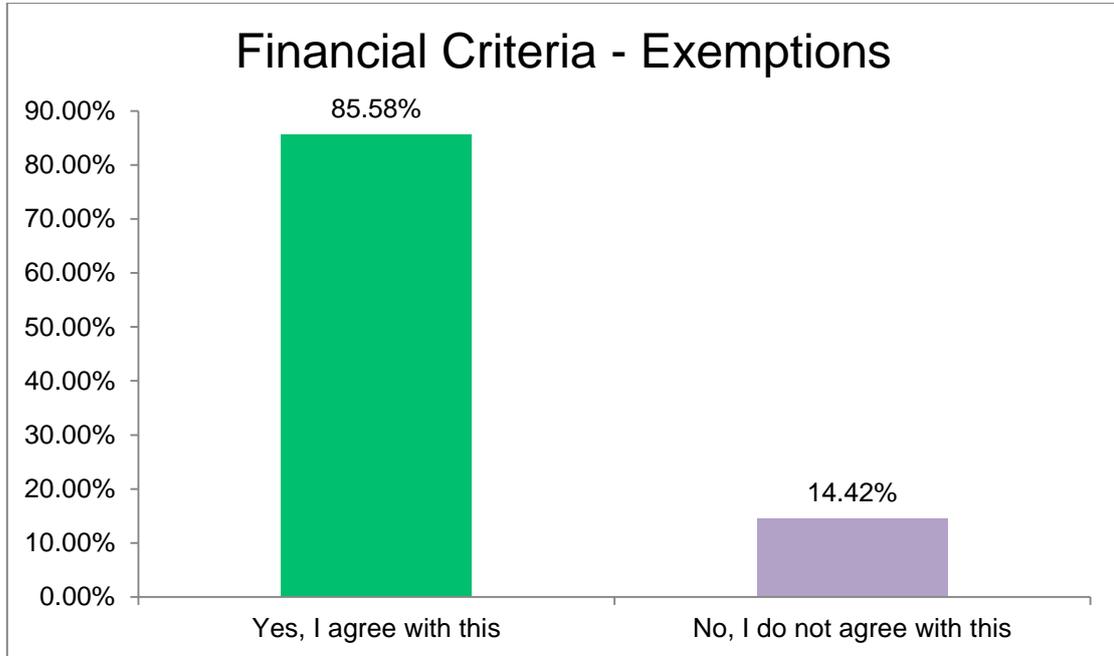
Do you agree with this?



Q25. These financial limits will not apply to the following applicants:

- Applicants who have a need for older person's sheltered accommodation
- Applicants who have a need for specialist accommodation that is not available in the Private Sector or is not affordable in the Private Sector
- Applicants who are unable to access their finances, for example because they are fleeing domestic abuse.

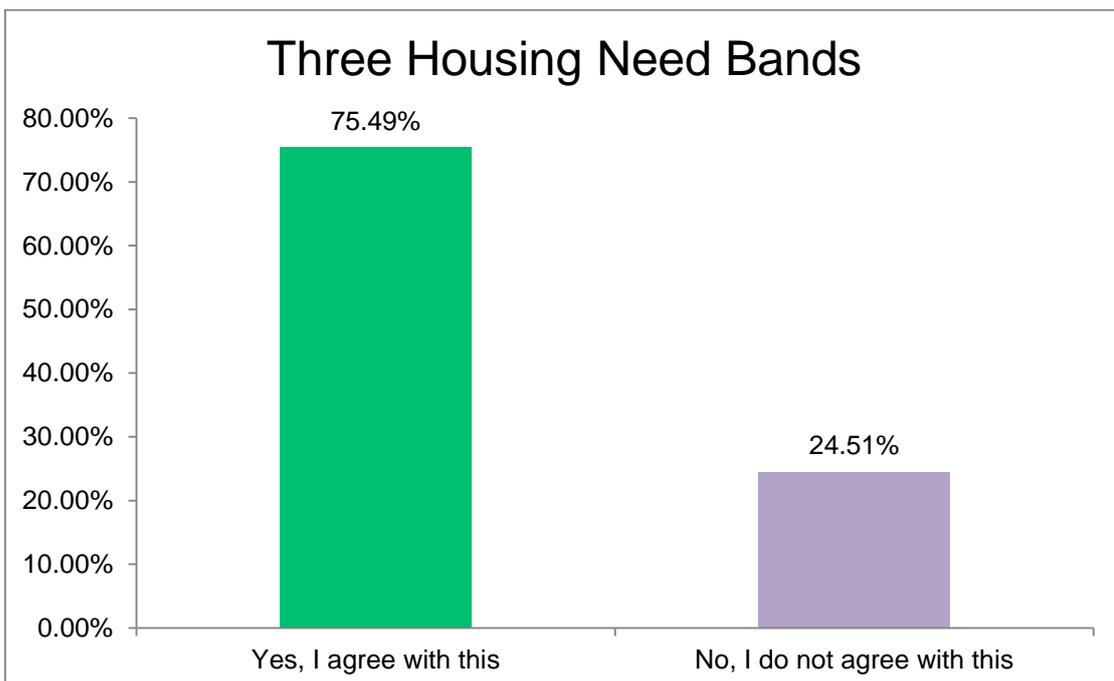
Do you agree with this?



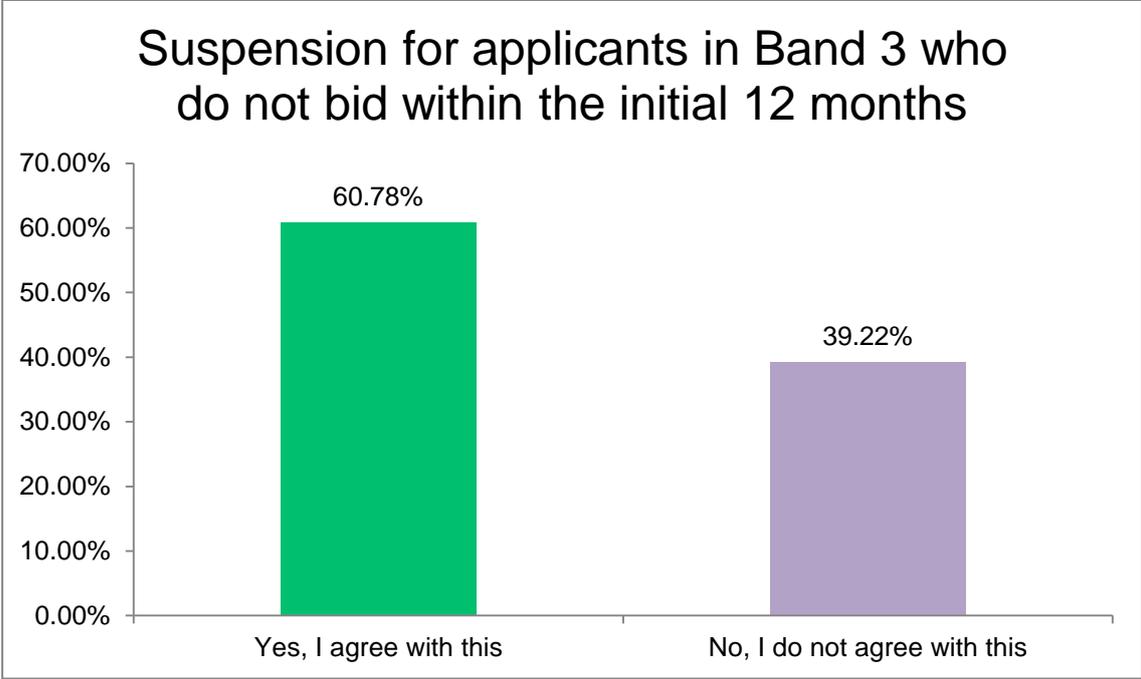
Q26. There will be three Housing Need "bands":

- Applicants who have a Housing Need will be placed in band 3
- Applicants who have an Urgent Housing Need will be placed in band 2
- Applicants who have an Emergency Housing Need will be placed in band 1

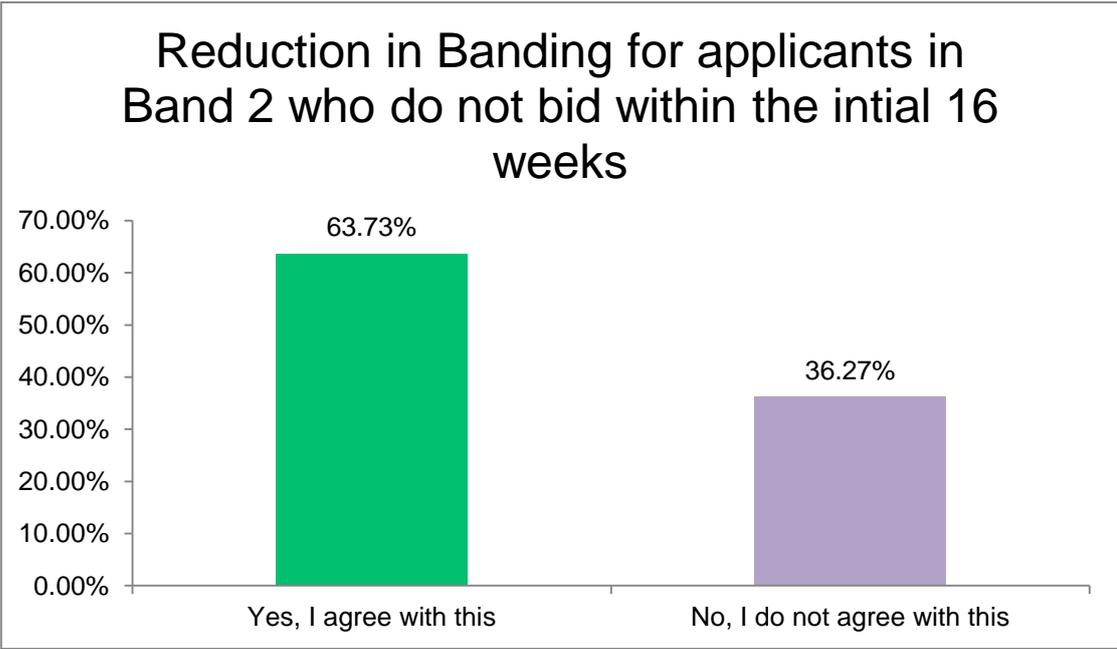
Do you agree with this?



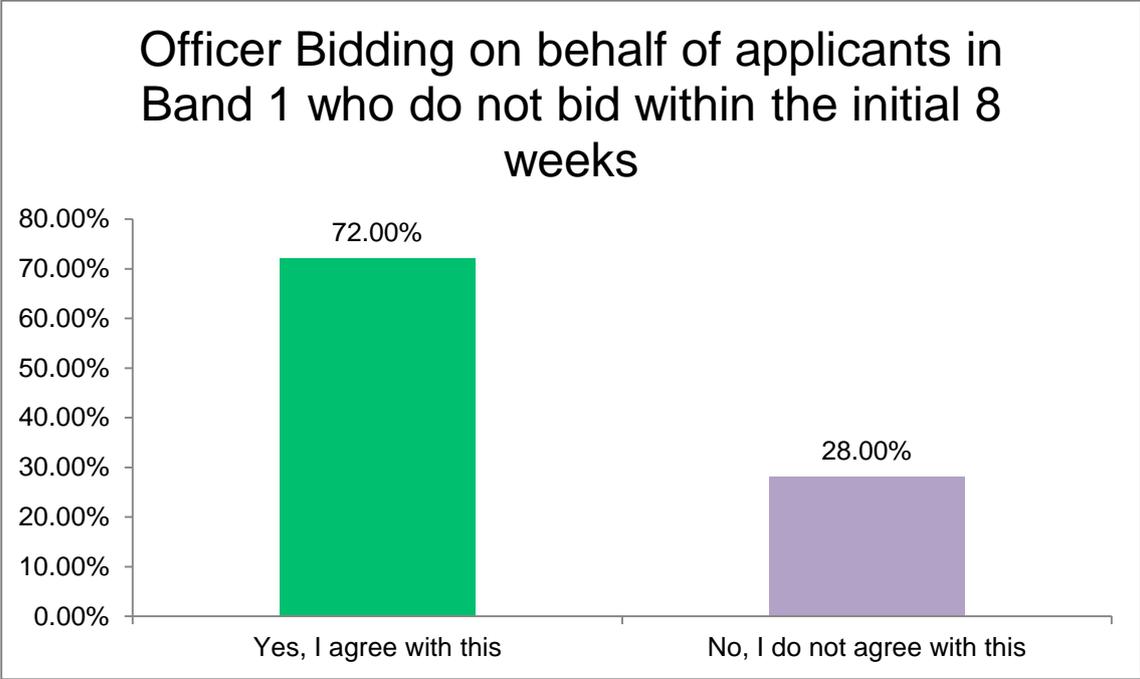
Q27. Applicants who have a Housing Need will be placed in band 3 for an initial period of 12 months. If an applicant who has been placed in band 3 does not bid for suitable properties that are advertised within the first 12 months, their application will be suspended and they will not be permitted to re-join the register for a period of at least 12 months. Do you agree with this?



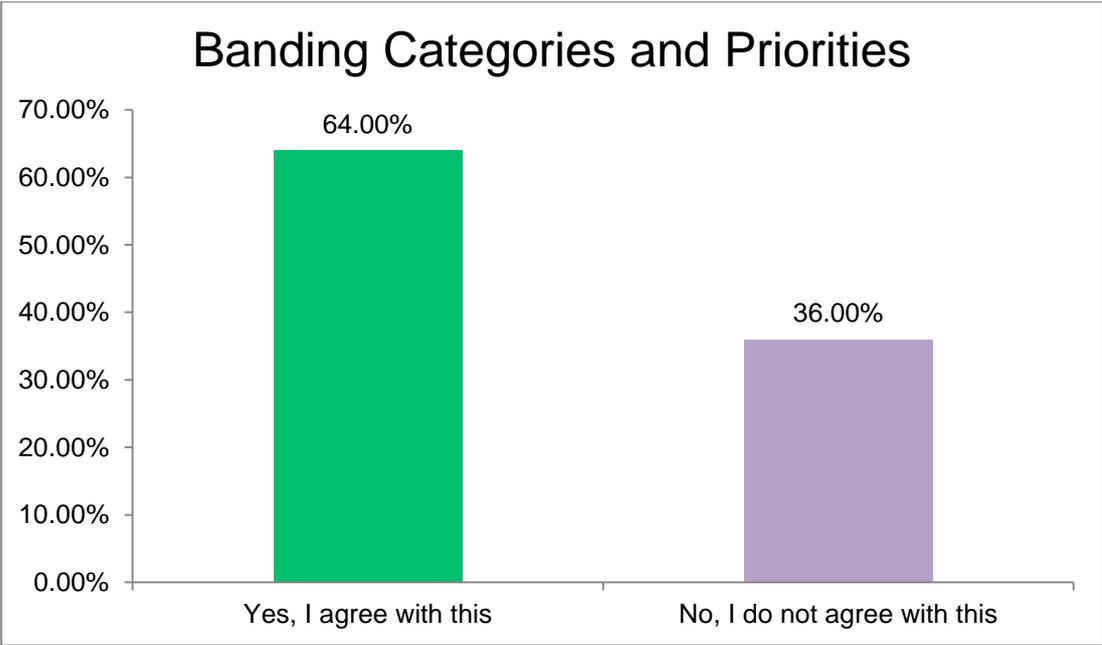
Q28. Applicants who have an Urgent Housing Need will be placed in band 2 for an initial period of 16 weeks. If an applicant who has been placed in band 2 does not bid for any suitable properties that are advertised within the first 16 weeks or refuses a suitable offer of accommodation, their application will be moved down to band 3. Do you agree with this?



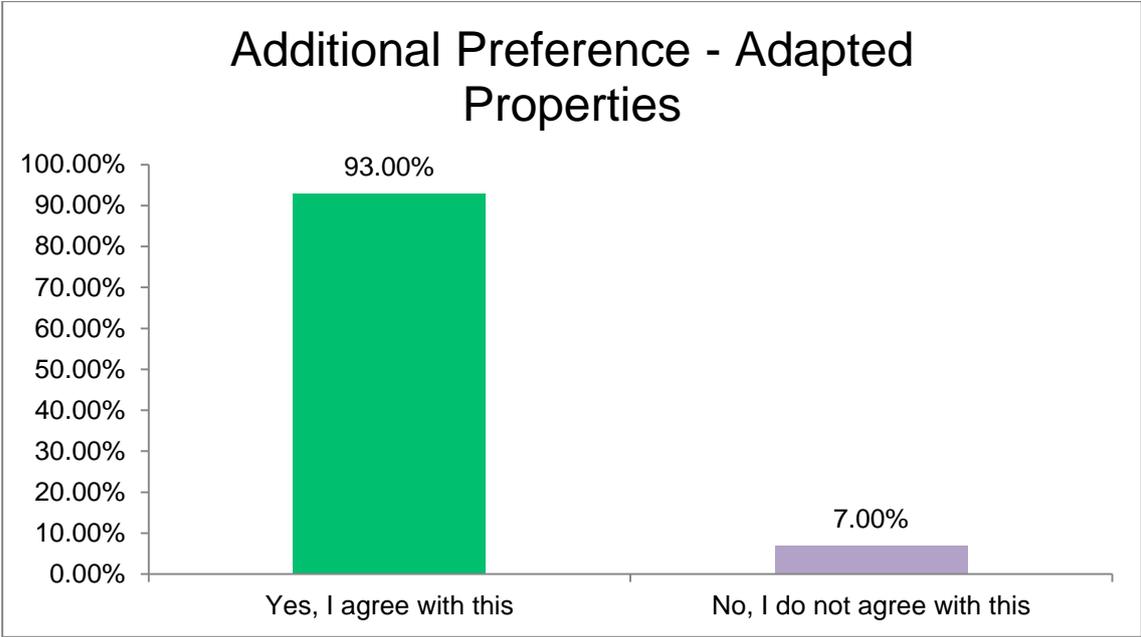
Q29. Applicants who have an Emergency Housing Need will be placed in band 1 for an initial period of 8 weeks. If an applicant who has been placed in band 1 does not bid for suitable properties that are advertised within the first 8 weeks, the Council will place bids on their behalf for suitable properties until an offer of accommodation is made. If the applicant refuses a suitable offer of accommodation, their application will be moved down to band 3. Do you agree with this?



Q30. The enclosed table shows the different types of Housing Need and when applicants will be placed into each of the bands. Do you agree with the banding categories and priorities in this table?



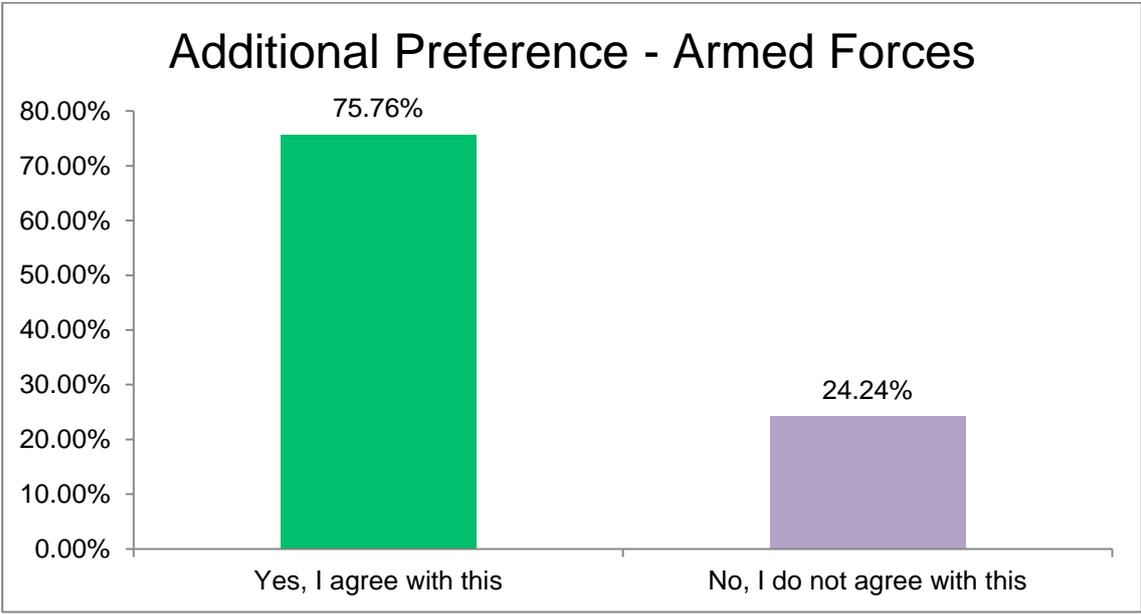
Q31. Applicants who have a medical need for accommodation with specialist adaptations, for example Level Access Showering Facilities or a Stair-lift, will be given preference for properties that already have these adaptations in place. Do you agree with this?



Q32. Applicants who are current / former members of the armed forces will be given preference over other applicants within the same band in the following circumstances:

- The applicant is a former serving member of the regular armed forces
- The applicant is a serving or former serving member of the regular armed forces or reserve forces and needs to move due to a serious injury, illness or disability sustained as a result of their service
- The applicant is a bereaved spouse or civil partner of a former serving member of the regular armed forces and is leaving services accommodation following the death of their spouse/civil partner.

Do you agree with this?



Q33. An applicant will be classed as living in overcrowded accommodation if their household has a need for one or more additional bedrooms. One bedroom is needed for each of the following:

- Any married or co-habiting couple
- Any other single 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.

Do you agree with this?

