Appendix 1

South Cambridgeshire District Council

LETTINGS POLICY DOCUMENT

This document sets out how South Cambridgeshire District Council will let its property through the "Cambridge Sub Regional Choice Based Lettings Scheme" Which is detailed in the Framework Document, which precedes this document.

Post Consultation final doc: June 2007

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1.1 Introduction

- 1.1.1 This is the letting policy for South Cambridgeshire District Council, ("SCDC") and should be considered in conjunction with the Cambridge Sub-regional Choice Based Lettings scheme ("CBL"), framework document, which outlines how the CBL scheme will work. The Partnership Organisations ("PO's") to the Sub-regional CBL scheme are:
 - Cambridge City Council
 - East Cambridgeshire District Council
 - Fenland District Council
 - Forest Heath District Council
 - Huntingdonshire District Council
 - South Cambridgeshire District Council
 - St Edmundsbury Borough Council
- 1.12. This document outlines our letting's policy with regard to registering and assessing the priority of applicants who wish to access social rented housing. Applicant's housing need will be determined based on the household's current circumstances and the type of home they currently live in.
- 1.1.3 The CBL scheme and this lettings policy have been designed in collaboration with the sub regional POs listed above, with the aim of having as much consistency in the letting of social housing as is possible in a very diverse sub-region. The lettings policy aims to ensure that all people seeking social housing in South Cambridgeshire are able to exercise choice in deciding where they wish to live and in the type of property they would prefer.
- 1.1.4 The policy enables us to consider the individual needs of its applicants whilst making best use of the scarce resource of social rented homes. The policy sets out:
 - How to apply for housing
 - Who is eligible to be accepted onto the housing register
 - Who is not eligible to be accepted onto the housing register
 - How priority for housing applicants will be given
 - What the decision making processes are
 - How homes will be let
- 1.1.5 The CBL framework document and this lettings policy, may be viewed at www.scambs.gov.uk or request a copy from any of the PO's offices. (See appendix 1)

1.2 Objectives of the lettings policy

- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002)
- To assist applicants in the highest assessed need
- To let properties in a fair and transparent way and provide a consistent lettings process
- To make best use of housing stock
- To ensure that applicants are not discriminated against, whether directly or indirectly
- To support vulnerable applicants
- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the CBL scheme
- To improve mobility across the sub-region
- To promote social inclusion and help achieve sustainable communities

1.3 Statement on choice

- 1.3.1 We are fully committed to enabling applicants to play a more active role in choosing where they live, whilst continuing to house those in the greatest need in the district.
- 1.3.2 The CBL scheme will enable applicants from South Cambridgeshire district to have access to a percentage of available homes from all the PO's across the sub region.

1.4 Legal context

- 1.4.1 All applicants for housing will be placed in the appropriate housing needs band, based on an assessment of their household's needs. This is to ensure that we let homes to those in the highest assessed need and to ensure that we meet our legal obligations as set out in the Housing Act (1996) as amended by Homelessness Act (2002).
- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:
 - People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
 - People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
 - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
 - People who need to move on medical or welfare grounds (including grounds relating to a disability); and
 - People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
- 1.4.3 The Lettings Policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference.
- 1.4.4 Every application received by us will be considered according to the facts unique to that application. As we recognise that every applicant's situation is different, applications will be considered on an individual basis and individual circumstances will be taken into account. However, all lettings will be made in accordance with this lettings policy

1.5 Equal opportunities and diversity

1.5.1 Through this lettings policy we will endeavour to be responsive, accessible and sensitive to the needs of all applicants. We will not tolerate prejudice and discrimination and we will actively promote equality.

1.6 Monitoring and reviewing the lettings policy

1.6.1 We will monitor the operation of the lettings policy by regularly reviewing the policy to ensure that it meets its stated objectives and complies with legislative changes.

2. Applying for housing

2.1 How to apply for housing

- 2.1.1 Anyone can apply to us for housing. However, not everyone will be eligible for housing. We will not register people who are not eligible to be housed. Evidence of eligibility may be required to complete registration. (See chapter 3). Applicants are advised that due to a high demand for available housing in South Cambridgeshire district, not everyone who is eligible to be housed is guaranteed housing from the register.
- 2.1.2 To apply to go on the housing register, applicants are required to complete and sign a housing application form. The form can be obtained from any sub-regional POs office, or via the following Internet address: www.scambs.gov.uk. The form can be returned to SCDC or any of the POs offices as detailed in appendix 1.
- 2.1.3 An applicant may include anyone on their application form that may reasonably be expected to live with them as part of their household.
- 2.1.4 Where more than one eligible applicant wishes to have a shared application they will be known as joint applicants.
- 2.1.5 On receipt of the application form we will assess the form and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. We will verify the information provided which may include inviting the applicant for an interview.
- 2.1.6 After assessment we will write to applicants to inform them:
 - Whether the applicant is eligible for housing and if so:
 - Their unique reference number, which allows them to bid for homes through the CBL Scheme
 - The Housing Needs Band in which the application has been placed
 - The date that the application was placed in the band (the "date in band")
 - The size of property for which the applicant is likely to be able to bid (this may be different for different PO's).
 - How decisions may be reviewed

2.2 Date of registration

2.2.1 The registration date of an application form will be the date the housing application form is received at the office of SCDC, or any of the POs. All relevant documentation as specified by us should be provided within 28 days of initial contact. Failure to provide relevant documentation may result in a later registration date.

2.3 Date in band

- 2.3.1 A principle of the policy is that no applicant should overtake existing applicants in a band. Therefore applicants will be placed within a band in date order.
 - **New application**, the date in band will be the same as the applicant's registration date.
 - Change in circumstances which results in a higher band assessment: the date in band will be the date the applicant provides satisfactory evidence to us of the change
- 2.3.2 When applicants move down bands due to a change in their circumstances the following applies:

Where an applicant is moving down into a band they have been in previously, the date in band reverts to the date that applied when the applicant was in that band, or their initial registration date if they have not previously been in that band.

2.4 Multiple applications

2.4.1 An applicant can have only one active application as a main applicant on the housing register at any time.

2.5 Change of circumstances

- 2.5.1 Where an applicant registered with us has a change in their circumstances they must inform us. Applicants can obtain a change of circumstances form from any PO, but this must then be sent to the PO where the original application was made. We will carry out a housing needs assessment based on the new circumstances. Examples of change of circumstances are detailed below, although this list is not exhaustive.
 - Change of address
 - People joining or leaving the household
 - Pregnancy/birth of a child
 - Relationship breakdown
 - Change to the medical circumstances of anyone included in the application
 - Death of a household member
 - Death of a joint applicant
 - Change of income/capital
 - Or any other material change in circumstances which will affect the application for housing

2.6 Applicant's consent and declaration

- 2.6.1 When an applicant applies for housing, they will be required to sign a declaration to confirm that:
 - The information they have provided is true and accurate
 - They will inform us of any change in circumstances
 - They understand that information will be shared with all the POs
 - They consent to us making enquiries of any relevant persons to confirm the information on the application form is correct
 - They consent to the release of any relevant information
- 2.6.2 We may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been let a property as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

2.7 Data protection

2.7.1 Our policy on Data Protection can be viewed at www.scambs.gov.uk

2.8 Application review

2.8.1 When an applicant has not expressed an interest in any available properties for one year, we will write to them to see if they still wish to be on the housing register. If there is no response within the required time limit, (28 days from the letter being sent) the application will be cancelled. We will write to the applicant to notify them of this. If an applicant contacts us within 28 days of their application being cancelled and indicates that they still want to be

considered for housing the application will be reinstated from their last applicable date in band (see section 2.3. above)

2.9 Cancelling an application

- 2.9.1 An application will be cancelled from the housing register in the following circumstances:
 - At the applicant's request
 - If the applicant becomes ineligible for housing (see chapter 3)
 - When the applicant has been housed through the lettings policy
 - When a tenant completes a mutual exchange
 - Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address
 - Where the applicant has died
- 2.9.2 When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, we will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision, (see chapter 6)
- 2.9.3 Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply.

3. Eligibility to be accepted onto the housing register

3.1 Eligibility categories

- 3.1.1 Under the Housing Act (1996), local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.
- 3.1.2 We cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:
 - Already hold a secure tenancy with us
 - Already hold an assured tenancy allocated to them by us
 - Are in a class prescribed by regulations made by the Secretary of State
- 3.1.3 Any person making an application who is identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. We reserve the right to seek independent advice and assistance to resolve the issue of eligibility.

3.2 Notifying an ineligible applicant

Applications from ineligible applicants will not be registered. The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them. If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be cancelled and the applicant notified.

Applicants found to be ineligible have a right to ask for a review of the decision (see chapter 6).

3.3 Exclusions from the housing register due to unacceptable behaviour

- 3.3.1 We may exclude someone from the register if it is considered proportionate and reasonable to do so as a result of unacceptable behaviour. We will take into account all relevant factors such as health, dependents and the individual circumstances of the applicant when making these decisions.
- 3.3.2 "Unacceptable behaviour" is defined as behaviour, which would, if the person was either a secure tenant or a member of a secure tenants household, entitle a landlord to a possession order under any grounds 1 to 7 of the Housing Act 1985 sch 2.
- 3.3.3 If an applicant who has previously been refused an application onto the housing register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application form.
- 3.4 When making a decision regarding unacceptable behaviour we will consider:
- 3.4.1 If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of SCDC.
- 3.4.2 Unacceptable behaviour can include tenancy related debt or other breach of tenancy.
- 3.4.3 When the unacceptable behaviour took place and consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances

3.5 Notifying applicants who are excluded due to unacceptable behaviour

- 3.5.1 All applicants who are excluded due to unacceptable behaviour, will be informed of this decision in writing and how they can become eligible, for example, by agreeing an arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed.
- 3.5.2 If an applicant is accepted onto the register, but subsequently becomes ineligible, due to unacceptable behaviour, their housing application will be removed and the applicant will be notified.
- 3.5.3 Applicants found to be ineligible due to unacceptable behaviour have a right to ask for a review of the decision (see chapter 6). A delegated senior officer will undertake the review.

3.6 16/17 year olds

- 3.6.1 Any customer aged 16 or over can apply for housing. Applicants aged 16 or 17 will be referred to the housing advice service for further advice.
- 3.6.2 If a tenancy is offered to an applicant who is under 18 an equitable tenancy will be offered and a rent guarantor may be required until the customer reaches the age of 18.

4. Assessment of housing need

4.1 Legal background

4.1.1 All applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that we meet our legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002).

4.2 Advice and information

4.2.1 We will ensure that housing advice and options information is available free to everyone in South Cambridgeshire district on how to apply for housing. If applicants are likely to have difficulty in making an application without assistance, then any necessary assistance they require will be made available by us.

4.3 Assessment and decisions

4.3.1 Assessment decisions are made by officers. In some circumstances (see chapter 6), reviews of assessment decisions will be carried out by a senior officer.

4.4 Local connection criteria

- 4.4.1 To ensure local housing needs are met, 90% of properties advertised through the CBL scheme will be labelled as available to applicants with a local connection to South Cambridgeshire district. It has been agreed that 10% of advertised properties will be available to applicants who have a local connection to any authority within the Cambridge Sub-region. It has also been agreed that 25% of new growth homes will be made available for cross boundary mobility. The relevant local connection requirement will be clearly labelled on the property advertisement.
- 4.4.2 The housing register is open to all applicants who are eligible for housing even if they do not have a connection to us. They are able to express interest in advertised homes, but usually the property will be labelled as available to applicants with a local connection to SCDC or the Sub region. If there is no local connection criteria required for the property, this will be stated on the property label.
- 4.4.3 To be considered as having a local connection to SCDC one of the following must apply:
 - Applicants work in the local authority area for sixteen hours or more per week
 - Applicants are normally resident in the local authority area. Normally residents might typically be at least 6 of the last 12 months, or 3 of the last 5 years
 - Applicants are an ex-resident from the local authority area who previously lived there for 5 years or longer
 - Applicants have family members who are resident in the local authority area. Family members are defined as parents, adult children or brothers or sisters who have been resident in the local authority for a period of 5 years or longer.
 - There are special circumstances which we consider give rise to a local connection

This local connection definition does not apply to exception sites where the legal agreement stipulates a local village connection – see section 5.18.

4.4.4 When applying for a sub-regionally advertised property a local connection to any of the POs will enable applicants to bid

4.5 Housing needs bands

4.5.1 Housing need is assessed and applicants will be placed in one of the following four bands in date order. Applicants placed in band A will have the highest assessed need. When an applicant is placed in a housing needs band the same level of priority will apply with all PO's in the sub-region.

4.6 Band A: Urgent Need

Applicants with the following circumstances will be placed into band A

a) Urgent transfer

Where a tenant of SCDC or PO needs to move urgently because of circumstances that could include:

- Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property
- The property is being demolished
- Urgent social needs to move

b) Statutorily overcrowded

Applicants who have been assessed as being statutorily overcrowded as defined in the Housing Act 1985.

c) Urgent health and safety risk

Applicants whose current accommodation has been assessed by us or a PO as posing an urgent health and safety risk. This will apply where the assessment has classified the accommodation as unsafe, or where there is a risk of imminent harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

d) Urgent medical need

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

Urgent medical need will be awarded where an applicant's current housing is having a major adverse effect on the medical condition or disability of the applicant or member of their household and this will be significantly improved by alternative accommodation.

e) Current supported housing resident

The applicant has been assessed by a PO and the supported housing provider as ready to move into independent accommodation, and the applicant has not been placed in band A for any other reason.

f) Homeless households (Main homelessness duty owed)

Where an applicant is not homeless intentionally or threatened with homelessness intentionally, is eligible for assistance and has a priority need for accommodation, and we or

a PO have accepted a main homeless duty under s193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002.

g) Urgent multiple needs

Where a PO has assessed a household as having two or more band B needs. This may include an application where two household members have the same assessed need i.e. two high medical needs.

For multiple needs in band A please see emergency housing status (see chapter 5)

4.7 Band B: High Need

Applicants with the following circumstances will be placed into Band B.

a) High health and safety risk

Applicants whose current accommodation has been assessed by us or a PO as posing a high health and safety risk. This will apply where the assessment has identified that the applicant is living in a property, the condition of which places them at a high risk of harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

b) High medical need

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

High medical need will be awarded where an applicant's current housing conditions have been assessed as having a significant adverse effect on the medical condition or disability of the applicant or member of their household and this will be improved by alternative accommodation.

c) Victims of harassment, violence or abuse

Where we or a PO has investigated and an assessment has identified that the applicant or a member of their household is being subjected to harassment or other conduct causing alarm and distress that will be improved by alternative accommodation. Harassment might be, but is not limited to, harassment due to, race, gender, sexual orientation, mental health, physical disability, learning disability, religion, domestic abuse or harassment by a former partner or associated persons.

We will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

d) Lacking two bedrooms

Based on the assessment of overcrowding in chapter 5, the household is assessed as lacking two bedrooms.

e) Under-occupancy by two or more bedrooms or release of adapted property

Where an existing social housing tenant in the sub-region is living in a property, which:

- Has two bedrooms more than are required by the household
- Where a property has been adapted and the adaptations are no longer required. For example if the person requiring the adaptations has moved or died.

f) Homelessness prevention (prior to homelessness decision being made)

Where an applicant is threatened with homelessness within a period of more than 28 days, we will work with the applicant to try and prevent their homelessness. Those applicants, who would appear likely to have a priority need in the event of a homelessness application, will be placed in band B whilst the prevention measures are being pursued. Existing housing register applicants within band A will retain their band A status.

Where homelessness prevention has not been possible and an applicant remains threatened with homelessness within the next 28 days, where appropriate, they may choose to make a homeless application which will be assessed by us, under part VII (7) of the Housing Act 1996 as amended by the Homelessness Act 2002.

g) Multiple needs

Where a PO has assessed the applicant as having three or more band C needs. This may include an application where more than two household members have the same assessed need i.e. three medical needs.

4.8 Band C: Medium Need

Applicants with the following circumstances will be placed into band C.

a) Medium medical need

An assessment of medical need will be made by a medical professional or senior officer, using a sub-regionally agreed criteria for assessment.

Medium medical need will be awarded where an applicant's current accommodation is having a minimal effect on the medical condition or disability of the applicant or member of their household, but a move to different accommodation would be likely to improve their quality of life.

b) Under-occupancy by one bedroom.

Where an existing social housing tenant in the sub-region is living in a property, which has one bedroom more than is required by the household

c) Need to move for social reasons

Where we or a PO have assessed the applicants need to move for social reasons.

For example, where it has been confirmed that an applicant:

- Needs to move to or within an area in the sub-region to give or receive support and a proven level of support is required and can be given
- Has found employment in the area and needs to move closer to work, or will otherwise
 lose their employment
- Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight
- Is living above ground floor with children under 10 years of age

This list is not exhaustive.

d) Housing conditions.

Where the applicant/s share facilities with persons, who are not members of their household.

Shared facilities may include:

- A living room
- Bedroom
- Kitchen
- Bathroom

e) Lacking one bedroom

Based on the assessment of overcrowding in chapter 5, the household is assessed as lacking one bedroom.

f) Other homelessness

Applicants who are homeless or threatened with homelessness and are either:

- Intentionally homeless
- Homeless or threatened with homelessness but not in priority need
- Sleeping rough and not in priority need
- Where the applicant is owed a main homelessness duty by a local authority that are not a PO in the sub-region.

4.9 Band D: Adequately Housed

An applicant assessed as being adequately housed will be placed in band D.

4.10 Low priority

- 4.10.1 In certain circumstances, applicants will be accepted onto the housing register, but their application will be considered as low priority. Their application will be placed in a housing needs band however they will not receive priority for an offer of accommodation whilst their application remains low priority.
- 4.10.2 This may include applicants who have failed to pay their rent or other tenancy related charges or debts, or are considered to be guilty of anti-social behaviour, or applicants who are considered to have sufficient financial resources to secure their own accommodation.
- 4.10.3 All applicants who are considered low priority will be informed of this decision in writing, and how their application could be re-assessed, for example, by agreeing an arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or their behaviour has changed.
- 4.10.4 Applicants found to be low priority have a right to ask for a review of the decision (see chapter 6). A delegated senior officer will undertake the review.
- 4.10.5 Former and current rent arrears, and any incidents of anti-social behaviour will be taken into account and low priority may be given to these applicants, following consideration of the amount of debt outstanding, the date the debt accrued, arrangements to clear these debts and adherence to these arrangements and/or current behaviour
- 4.10.6 We expect applicants to clear any tenancy related debts that they owe us before an offer of a tenancy, is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or significant savings to draw on).

4.10.7 All low priority applicants will have their application reviewed on the anniversary of the decision to make them low priority.

4.11 Intentionally worsening housing circumstances

- 4.11.1 If, in the reasonable opinion of a PO, an applicant has intentionally worsened their housing situation in circumstances in which a PO considers this was deliberate in order to improve their housing priority, their housing need will continue to be assessed on the basis of their previous accommodation.
- 4.11.2 Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see chapter 6). A delegated senior officer will undertake the review.
- 4.11.3 All applicants deemed to have intentionally worsened their circumstances will have their application reviewed on the anniversary of the decision, unless there is a change in their circumstances in the meantime.

4.12 Officer review for band A applicants

- 4.12.1 Where an applicant has held band A status for three months from their applicable date in band, we will carry out a review of their circumstances. This will result in either:
 - Priority being maintained
 - A direct let usually for statutorily homeless applicants living in temporary accommodation
 - Moving into a lower priority band if the circumstances under which they were placed in band A no longer apply

5.1 Assessment information and criteria

5.1.1 The following section outlines criteria taken into account when considering assessments of housing need.

5.2 Homeless applications

- 5.2.1 Applicants who are already on the housing register will remain in their existing housing needs band whilst a homeless assessment is carried out.
- 5.2.2 When a decision has been made by a PO that an applicant is owed a main homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed in band A.
- 5.2.3 Where a person is threatened with homelessness within a period of more than 28 days, SCDC will work with the applicant to try and prevent their homelessness. Those persons, who would appear likely to have a priority need in the event of a homelessness application, will be placed in band B whilst the prevention measures are being pursued.
- 5.2.3 A person who is threatened with homelessness may have an existing housing register application. Applicants in band A will retain their existing band status whilst homelessness prevention measures are pursued.
- 5.2.4 An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in band C (unless other circumstances are such that they are eligible for placement within a different band).
- 5.2.5 Applicants who have been assessed as being in priority need but are intentionally homeless will have their housing application assessed on their current accommodation, if an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account.
- 5.2.6 Applicants owed a main homelessness duty under s.193 (2) will be expected to bid for permanent accommodation.

5.3 Split household

5.3.1 Where members of a household who would normally be expected to live together are unable to do so, they will have their particular circumstances assessed by us to assess the best way of addressing their housing needs.

5.4 Civil partnership

- 5.4.1 Civil partnership is a new legal relationship, which can be registered by two people of the same sex, so that their relationship is legally recognised. The Civil Partnership Act came into force on 5 December 2005.
- 5.4.2 Civil partners will have equal treatment with married couples in the lettings policy, including:
 - Parental responsibility for the other civil partner's child
 - Succession and assignment of a tenancy agreement
 - Protection from domestic violence
 - Immigration and nationality purposes

5.5 Overcrowding assessment

- 5.5.1 Housing assessment for overcrowding will be made taking into account the size of the property and the best use of the available space. For example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.
- 5.5.2 Bedroom assessment guidelines The list below, will be used to assess overcrowding and therefore whether they are lacking any bedrooms in their current home;
 - Couples require one double bedroom
 - Single applicants require one bedroom
 - Non co-habiting joint applicants require two bedrooms
 - Two children of the same sex under 10 years old require one double bedroom
 - If there are three children in one room they will be assessed as lacking one bedroom
 - Two children of the opposite sex, where the oldest child is aged 6 years or over require two bedrooms
 - Two children of the same sex who are both over 10 years old need a bedroom each.
 - A pregnant woman expecting her first child requires two bedrooms after 24 weeks of pregnancy

5.6 Staying contact with children

- 5.6.1 Where an applicant has staying contact with children, the children will only be considered as part of that housing application if they live with the customer for the majority of the time (over 50%).
- 5.6.2 Where access has been shared equally between two partners, it is unlikely that accommodation of the same size will be made available to both parents. Usually, a parent with staying contact for children for less than 50% of the time will not be allocated an additional bedroom.

5.7 Medical assessments

5.7.1 Medical assessments will be carried out for any applicants who believe that their medical condition or disability is being affected by their current accommodation. Where there is a temporary medical condition, a medical assessment will not normally be undertaken. The applicant will be required to fill in a self-assessment medical form, detailing the effect that their current accommodation is having on their medical condition or disability. Either a medical professional or senior officer will assess these forms.

5.8 Harassment and domestic violence

5.8.1 Where the applicant is a victim of harassment, domestic violence or anti-social behaviour, we will offer advice and support to assist applicants in identifying possible ways of resolving their situation.

5.9 Applicant subject to Multi Agency Public Protection arrangements, (MAPPA)

Where an applicant is subject to Multi Agency Public Protection (MAPP) arrangements, we will liaise with the panel to ensure an appropriate housing solution to meet the needs of the applicant and the community as a whole.

5.10 Financial resources

5.10.1 All eligible applicants are entitled to apply for housing regardless of income levels. However if an applicant has an income and/or capital, which will enable them to purchase a suitable

property (including low cost home ownership). They will not receive any preference for rented housing and have low priority.

The assessment will be based on the following

- The total income of the applicant/partner
- Any capital available to the applicant/partner
- Average property prices in the area for the type of accommodation needed by the household
- The ability of the applicant/partner to service the required mortgage repayments based on a realistic assessment of their financial position and commitments.
- 5.10.2 Customers aged over 60 who have sufficient capital through ownership of property and/or in savings at the time they apply, or have owned a property at any time within five years of their application, will normally be considered for sheltered housing only in villages with such schemes and will be expected to take part in our leasehold equity share scheme. If an applicant wishes to live in a village with no sheltered housing scheme, in order to receive support from family or other formal or informal care networks, then they may be offered a non-sheltered bungalow but will be expected to take part in the shared ownership scheme.

Full details of the equity share scheme are available from the housing advice and options service.

A person who would normally be required to take part in this scheme, but who does not have enough money to do so, for example they need to move from a part of the country where house prices are lower, then we may consider offering a home to that applicant. A full financial assessment will be carried out to decide whether the applicant is eligible or not for rented accommodation.

5.11 Emergency housing

5.11.1 The award of emergency housing status will be given by a senior officer. An emergency housing status may be awarded to applicants in circumstances, where remaining in their current accommodation may cause risk of death or serious injury. In cases where the customer has been assessed as having multiple needs that fall within band A, they will also be awarded emergency status.

An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band.

The emergency housing status will be continually reviewed.

5.12 Direct lets

- 5.12.1 Most properties will be advertised through the CBL scheme. However in certain circumstances we may let some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where we might do this. This list is not exhaustive.
 - Where a homeless household (in band A) has not secured suitable accommodation during a period of choice through the CBL scheme.
 - Where an applicant and their household require a very specific size, type or adapted property and suitable accommodation through the CBL scheme has not been secured.
 - Where an existing social housing tenant is required to move to make the best use of stock, and suitable accommodation through the CBL scheme has not been secured.

- Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection panel, or where a customer has been referred as part of the witness protection scheme.
- Where an existing social housing tenant in the district needs to move due to imminent risk to safety.
- Where a sensitive let is required for a particular property, because of issues such as drug dealing, violence, public protection, or anti-social behaviour in the area.
- Where an applicant's property is being repaired and they need to be moved from the property on a temporary or permanent basis.
- Properties let as temporary accommodation.
- 5.12.2 Information as to which properties have been allocated though direct lets will be made available though the CBL feedback mechanism.
- 5.12.3 Direct lets will be made on the basis of a suitable property becoming available.

5.13 Direct lets to homeless applicants

- 5.13.1 Homeless applicants who have been found to be owed a main homelessness duty are eligible for a direct let in addition to being able to express interest in available property.
- 5.13.2 Where a homeless applicant refuses an offer of accommodation that they have bid for, they will remain within the same housing band and the s.193 (2) duty under the Housing Act 1996 as amended by the Homelessness Act 2002, will continue. Although such an offer may well be suitable, the council will use its discretion to make further offers to ensure maximum availability of choice during the initial 3-month period following acceptance under s.193 (2)
- 5.13.3 Where homeless applicants in band A have not been successful in bidding for properties, after a period of 3 months from their date in band, we reserve the right to make a direct let of a property in any area of the District, although regard will be given to a selection of 25 villages chosen by the applicant.
- 5.13.4 We will continue to review each homeless applicant's circumstances and property availability. The applicant will be informed of the date from which they are to be considered for accommodation via a direct let.
- 5.13.5 Where a homeless applicant is to be allocated a property through the direct let process we have responsibility for determining the suitability of any allocation. We will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions prevailing in the area as a whole.
- 5.13.6 If a suitable offer made after a period of choice, as a direct let is refused, our duty towards the person as a homeless applicant will come to an end and they will have to leave any temporary accommodation being provided.
- 5.13.7 Where a homeless applicant is offered accommodation via a direct let, but does not feel that this offer is suitable, they have the right to request a review of the decision that the offer is suitable. For details of the review process (see chapter 6).
- 5.13.8 Homeless applicants will usually be advised to accept and move in to the accommodation pending the decision on review. In that way, if the property is deemed suitable at review, no further offer will be made but the applicant will be able to remain there.
- 5.13.9 If the property is refused by the homeless applicant and it is then deemed suitable at review, the s.193 (2) duty will have come to an end, the homeless applicant will not be made a further offer of accommodation and will also have to vacate any temporary accommodation

that is being provided if still in occupation. It should be noted that we do not have a duty to provide temporary accommodation whilst a review is considered.

5.13.10 If, on review, the property is deemed to be unsuitable, the duty under s.193 will continue and the applicant will be made a further offer of suitable accommodation.

5.14 Applicants who require a specific size, type or adapted property.

- 5.14.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if we have a shortage of suitable properties. For example:
 - An applicant requires a very large property to accommodate their household
 - An applicant requires a property of a specific type in a specific area
 - An applicant requires a property with specific adaptations and such a property becomes available
 - Where an applicant is willing to move to release a large family home

5.15 Sheltered housing

Sheltered housing will be advertised through the CBL scheme. Sheltered housing is available to applicants over 60 years of age (unless there are exceptional circumstances), applicants for sheltered housing will be subject to an assessment by us to establish the prospective tenants support needs and suitability to living in sheltered housing.

5.16 Extra care homes

5.16.1 Extra care homes are properties for older people where additional services are provided. Extra care homes will not be advertised through CBL, unless specifically requested by the landlord.

5.17 Refusals of direct let

5.17.1 Where an applicant refuses a reasonable offer of a direct let, a senior officer will review the refusal and the applicant may lose any housing priority they hold, dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see chapter 6)

5.18 Area specific policies

5.18.1 Area specific policies, also known as local lettings policies, are used within the sub region to help create balanced and sustainable communities. Where an area specific policy applies, it will be stated in the property label. Details of these area specific policies/ schemes will be available from the local authority. Some schemes may ask for an applicant to have a local connection to a specific parish or village. In those cases, the connection criteria will be stipulated in the legal agreement for the development.

Reviews of decisions

6.1 Senior officer decision making processes

- 6.1.1 A senior officer will carry out reviews of assessment decisions as required.
- 6.1.2 Officers will make all assessment decisions. In cases where we, the applicant or support agency believe that there are exceptional or unusual circumstances that are pertinent to the assessment decision, a request can be made for a senior officer to review the application:
- 6.1.3 Examples of circumstances that may be reviewed are:
 - Multiple need in band
 - Emergency housing required
 - Moving people up a band or down a band
 - Priority assessments, in complex cases.
 - Housing people in different accommodation to designated need size
 - Low priority review decisions
 - Direct lets

This list is not exhaustive.

6.2 Statutory reviews

- 6.2.1 An applicant has the right to request a review of decisions made under part V1 (6) of the Housing Act 1996 in particular:
 - Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to the applicant
 - Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
 - Ineligibility for an allocation based on immigration status s160A (9).
- 6.2.2 Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from us.
- 6.2.3 A request for a review of a decision can be made in writing or verbally to us. The request should be made within 28 days following the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.
- 6.2.4 An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the council's complaints procedures, contact the Local Government Ombudsman or seek to challenge the decision via a judicial review.
- 6.2.5 Reviews will be undertaken by an officer who was not involved in the original decision, and who is senior to the decision-making officer.

6.3 Statutory Homeless reviews

6.3.1 Homeless applicants have the right to request a review of certain decisions made by us in respect of a homelessness application.

- 6.3.2 This includes the decision to discharge a homelessness duty through a suitable offer of permanent accommodation via the housing register.
- 6.3.3 A review request must be made within 21 days of notification of a decision, although a late review request can be accepted under exceptional circumstances at our discretion.
- 6.3.4 Having requested a review, the applicant will be advised to make representations in writing. Someone who is acting on behalf of the applicant can also make representations. The case file together with any new information provided as part of the review request will be sent to the reviewing officer. Once the review has taken place, we will write to the applicant notifying him or her of the outcome.
- 6.3.5 Reviews will be undertaken by an officer who was not involved in the original decision, and who is senior to the decision-making officer.
- 6.3.6 Applicants that are requesting reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. This is because if the review goes in their favour alternative accommodation will be provided as quickly as possible, however, if the decision remains the same, no further offer of accommodation will be made.
- 6.3.7 The applicant has the right of appeal to the county court if he or she is dissatisfied with the decision on a review.

6.4 The Local Government Ombudsman

- 6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.
- 6.4.2 If a complainant is not satisfied with the action we take; he or she can send a written complaint to the ombudsman. A complainant must give us an opportunity to deal with a complaint first, using its internal complaints procedure.
- 6.4.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman The Oaks No 2 Westwood Way Westwood Business Park Coventry CV4 8JB

Tel: 024 7682 0000 Website: <u>www.lgo.org.uk</u>

If an applicant wishes to make a complaint against a housing association, they should contact:

The Housing Ombudsman Service Norman House 105 -109 Strand London WC2R 0AA

Tel: 08457 125 973 E- mail: <u>ombudsman@ihos.org</u> Website <u>www.ihos.org.uk</u>

7.1 Letting of accommodation

- 7.1.1 We will advertise available property through the sub regional CBL scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as an advertising cycle. (See framework document).
- 7.1.2 The Partner Organisations recognise the importance of advocacy and where appropriate will allow an applicant to appoint someone to express an interest in available homes on their behalf, acting as a proxy.

When there is a formal advocacy role a form will be needed to be signed by the applicant to ensure compliance with the Data Protection Act.

7.2 Labelling property advertisements

All adverts will include a description of the property and any other relevant information, for example rent charge, property size, local facilities, any disabled adaptations or if the property is sheltered housing. The property will be labelled to show who is able to express an interest in it, for example, where a local connection is required, or if there is an age restriction on the property.

7.3 Bedroom requirements

The matching policy will be used to assess applicant's/household bedroom requirements.

The table on the following page shows the size of property that applicants may be considered for based on their household composition, either when expressing interest for an advertised property or for a direct let.

Please note that these are general guidelines. All properties that are advertised through the CBL scheme will be clearly labelled to identify the household size eligible to bid for each property. We and the POs will label their properties to make best use of their individual homes.

Matching Policy: Housing Register

Household Type		5 Bed House	4 Bed House	3 Bed House	2 Bed House	1 Bed House	2 Bed Maisonett e	2 Bed Flat		1 Bed Flat	3 Bed Bungalow	2 Bed Bungalow	1 Bed Bungalow	Bedsit Flat	Bedsit Bungalow	Sheltered Flat/Bungalow (1 or 2 Bed)	Sheltered Bedsit
								First Floor or above	Groun d Floor								
Joint Applicants	Aged 60+											1	1			1	
Single Applicants	Aged 60+											1	1		1	1	1
Joint Applicants	Aged 40-60				2	2	1	1	2	2		1	2				
Single Applicants	Aged 40-60					1				1		2	1	1	1		
Joint Applicants	Aged <40			3	1	2	1	1	1	2		3	3				
Single Applicants	Aged <40				3	1			3	1		5	2	1	2		
Families	1 child			2	1		2	2	1		2	4					
	2 children		3	1							1						
	3 children	3	2	1							1						
	4 children	2	1	1*							1*						
	5+ children	1	1	1*							1*						

Notes:

1. The numbers in the table indicate the priority order for that property type. All applicants within each priority group to be considered before moving to the next priority group.

2. Households with special needs may be considered for any suitable property types and not just those falling within their particular household's size under the above policy.

3. Details of the number and type of homes in each parish that are either owned by the Council or a Housing Association can be provided separately by the Housing advice and options service upon request.

4. In certain circumstances bedroom entitlement may be increased to take account of additional factors, e.g. need for a live-in carer, etc.

5. * Due to the limited supply of larger properties, these households will also be considered for 3 bedroom properties

7.3 Transfer applicants

7.3.1 Transfer applicants are those applicants who are tenants of a social landlord living in the local authority area who are requesting a move or need a move to alternative accommodation.

7.4 Short listing

- 7.4.1 After the close of advertising, a shortlist of eligible applicants will be taken from the CBL system. The shortlist will identify the order of applicants based on who has been in the highest housing needs band for the longest time. In circumstances where there is more than one applicant in the same band and they have the same date in band, the system will give priority to the applicant with the earliest registration date. If in the unlikely circumstances that there is more than one applicant with exactly the same band, date in band and registration date a senior officer will make an offer based on the best use of the property and needs of the applicants.
- 7.4.2 When a short list of applicants is completed, the top applicants will be offered an accompanied viewing of the property. This is to ensure that if the applicant who tops the short list decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.
- 7.4.3 The applicant at the top of the shortlist will be given 24 hours after viewing a property and receiving a verbal offer of a tenancy, to accept or refuse the offer. If the offer is refused the person next on the short list will be offered the property.
- 7.4.4 In exceptional circumstances a senior officer may make a decision not to offer a property to the applicant who tops a short list if, in doing so, the offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing.

7.5 Formal offer of the property

- 7.5.1 Once the applicant has confirmed that they want to accept the offer of the tenancy, the landlord of the property, which could either be SCDC, a PO or a Housing Association, will give the applicant a formal offer of the tenancy in writing. During the period after a verbal offer and before tenancy sign up the CBL system will not allow the applicant to be considered for other properties.
- 7.5.2 The landlord of the property will conclude the tenancy sign up.

7.6 Types of tenancies

The types of tenancies offered by PO's include secure, assured, introductory or starter tenancies.

7.7 Withdrawal of offers

- 7.7.1 In the following very exceptional circumstances, we may withdraw an offer of a property:
 - Where there has been a change in the applicants circumstances
 - Following verification the applicant is not eligible for the property; or
 - Where an error has been made in the advertising criteria
 - Where an offer of accommodation could put a vulnerable person at risk of any harm

7.8 Refusing an offer of accommodation

7.8.1 Usually, if an applicant refuses an offer of accommodation made through CBL, they will remain in their housing needs band. If an applicant refuses three offers of a property made through CBL, we will contact the applicant to offer support and assistance and verify their circumstances.

7.9 Allocations to staff, council members or their family members

- 7.9.1 Members of staff, their close family and elected members who require housing with us may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.
- 7.9.2 If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property the Executive Director will be informed and must approve the letting prior to the formal offer being made.

7.10 Tenancy management outside the scope of the lettings policy

- 7.10.1 The following tenancy management areas fall outside of Part 6 of the Housing Act 1996, and are outside the scope of this lettings policy:
 - Mutual exchanges
 - Persons transferring from introductory/starter to secure/assured tenancies in the same property
 - Where a secure tenancy is assigned by way of succession to the same property
 - Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
 - Where court orders are made under one of the following:
 - Section 24 of the Matrimonial Causes Act 1973
 - o Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
 - Paragraph 1 of schedule 1 to the Children Act 1989

8 Confidentiality and access to information

8.1 Applicants' Rights to Information

- 8.1.1 Applicants have the right to request such general information as will enable them to assess:
 - How their application is likely to be treated under the Lettings Policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of this Policy)
 - Whether housing accommodation appropriate to their needs is likely to be made available to them.
- 8.1.2 Applicants have the right to request information regarding any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

8.2 Data protection

- 8.2.1 When an applicant applies to the CBL scheme, we and our POs will seek only information that we require to assess the applicant's application and housing needs. We and our POs will collect and keep data in accordance with the guidelines on handling personal data.
- 8.2.2 These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.
- 8.2.3 The data protection principles, which underpin the Data Protection Act 1998, are that data must be:
 - Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate
 - Not kept longer than necessary
 - Processed in accordance with the data subjects rights
 - Secure
 - Not transferred to countries without adequate protection
- 8.2.4 Confidential information held about applicants will not be disclosed to third parties apart from:
 - Where the individual who is the subject of the confidential information has consented to the disclosure
 - Where SCDC or a PO is required by law to make such disclosures
 - Where disclosure is made in accordance with an information sharing protocol

8.3 Freedom of information

8.3.1 The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003 and more information is available on the website (http://www.scambs.gov.uk). The second part of the Act came into force on 1 January 2005 and from then we have been obliged to provide information to anyone who requests it, unless an exemption applies.

8.4 Requesting information

8.4.1 If you are looking for your own personal information, this is handled via the Data Protection Act and more information about Data Protection can be found at http://www.scambs.gov.uk or by contacting the Council. Please note that we cannot provide you with personal information about other people if doing so will breach the Data Protection Act 1998.

Appendix 1

Cambridge Sub regional Choice Based Lettings Partner Organisation list

Local Authority

LSVT Landlord

Cambridge City Council Hobson House 44 St Andrews Street Cambridge CB2 3AS

South Cambridgeshire District Council

Cambourne Business Park Cambourne Cambridge, CB3 6EA

East Cambridgeshire District Council,

The Grange, Nutholt Lane, Ely, CB7 4PL

Huntingdonshire District Council

Housing Services Pathfinder House St Mary's Street Huntingdon PE29 3TN

Fenland District Council

Fenland Hall County Road March Cambridgeshire PE15 8QN

Forest Heath District Council

District Offices College Heath Road Mildenhall Bury St Edmunds Suffolk IP28 7EY

St Edmundsbury Borough Council

Borough Offices Bury St Edmunds Suffolk IP33 1XB

Kings Forest Housing

College Heath Road Mildenhall Bury St Edmunds Suffolk IP28 7EY

Havebury Housing Partnership,

Havebury House, Western Way Bury St. Edmunds, Suffolk IP33 3SP and also Manor Road, Haverhill, Suffolk CB9 OEP. Email is <u>Office@Havebury.com</u>

Hereward Housing St Mary's Lodge St Mary's Street Ely Cambridge CB7 4EY Luminus Group Brook House Ouse Walk Huntingdon Cambs PE29 3QW

Appendix 2

GLOSSARY OF TERMS

Adapted properties

Property that has been adapted for an applicant with disabilities.

Adequately housed

Living in a property that is suitable for you families needs.

Advertised

Properties that are advertised and are available for applicants to bid for under CBL.

Age restrictions

Where a property is labelled, as only being available to applicants of a certain age.

Applicants

Anyone who applies to the housing register, including current tenants of SCDC or Housing associations property.

Application number

A unique housing number generated by the computer system.

Bedroom eligibility

How many bedrooms a household is assessed as needing

Bid

The process of applicants saying which property they would like to live in

Choice Based Lettings (CBL)

A method of letting social housing through openly advertising property, and allowing applicants to bid for those advertised properties.

Date of registration

The date an application form is registered with a PO

Date in band

The date an application is placed in a housing needs band, used as the applicable date when short-listing.

Decision making organization

The PO that made a particular decision with regard to a housing or homeless application **Direct lets**

Property that is offered directly to an applicant, without them having to bid.

Domestic violence

Is threatening behaviour, violence or abuse (physical, psychological, sexual, financial or emotional) by a former partner or associated person.

Household

People who can be reasonably expected to live with you, for example, children, carers, dependent adults

Housing Associations

Also known as Registered Social Landlords. These are landlords who also provide social rented housing for which applicants/ customers can bid through the CBL scheme.

Housing options

Looking at what housing might be available to an applicant, including private rented accommodation and other solutions.

Housing needs register

A list of those requesting and eligible for housing

Joint Application

Where two applicants apply to join the housing register on one application form. **Labelling properties**

Describing who is eligible to bid for a property

Local Connection

The connection an applicant has to a specific area within the sub region

Local elected members

Each local authority is governed by a group of elected member.

LSVT Landlord

Local Stock Voluntary transfer, where a Local authority has sold its housing stock to a Registered Social Landlord

Mutual exchange

A scheme which allows two tenants to swap their homes.

Partner organizations (POs) All the organizations that are partners to the Sub regional CBL scheme these may be local authority or RSL organizations.

Tenancy Related Debts

Are defined as current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge arrears and court costs. They do not include Council Tax debts or Housing Benefit overpayments.

The Cambridge Sub Region

The seven Local Authorities that make up the sub-region.

Transferring tenant

Tenant of a social landlord living within the LA area