

CABINET (HOUSING) COMMITTEE

27 MARCH 2103

SCHEME OF ALLOCATION FOR SOCIAL HOUSING

REPORT OF HEAD OF HOUSING SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Localism Act 2011 introduced new freedoms which allow councils to improve the management of their housing registers and tailor their allocation priorities to meet local needs and local circumstance.

The Council has participated in the Hampshire Home Choice (HHC) sub-regional Choice Based Letting Scheme since 2009. The HHC Allocation Framework has been revised to reflect changes brought about by the Localism Act. The Council's Scheme of Allocation has also been revised in light of these changes and having regard to The Communities and Local Government (CLG) new code of guidance '*Allocation of accommodation guidance for local housing authorities in England*', issued in June 2012.

The report highlights the key changes introduced through the revised Allocation Framework and Scheme of Allocations.

RECOMMENDATIONS:

- 1 That the draft Hampshire Home Choice Allocation Framework in Appendix 1 be adopted with effect from 1 April 2013.
- 2 That the draft revised Winchester Scheme of Allocations in Appendix 2 be adopted with effect from 1 April 2013.
- 3 That the Portfolio Holder for Housing be given delegated authority to make any necessary minor amendments to the Winchester Scheme of Allocations.

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SCHEME OF ALLOCATION FOR SOCIAL HOUSING

REPORT OF HEAD OF HOUSING SERVICES

1. INTRODUCTION

- 1.1 The Localism Act 2011 amended the law on the on the allocation of social housing contained in the Housing Act 1996. The Council needs to revise its own Allocation Scheme to reflect these amendments.
- 1.2 The Council is also a partner of the HHC sub-regional Choice Based Lettings Scheme together with East Hampshire, Havant and Test Valley Councils. The HHC Allocation Framework also needs to reflect these amendments together with the priorities and changes to the Winchester City Council Scheme.

2. BACKGROUND

- 2.1 Since 1996, each local authority has been required to have a published statutory housing allocation scheme and to allocate accommodation in accordance with that scheme.
- 2.2 The Council last revised its Allocation Scheme in 2009 when the Hampshire Home Choice sub-regional choice based lettings scheme formed.
- 2.3 The Localism Act 2011 introduced significant amendments to Part 6 of the Housing Act 1996. The main policy objectives behind the amendments are to:
 - a) Enable housing authorities to improve the management of their housing register by giving them the power to determine which applicants do or do not qualify for an allocation of social housing (qualifying persons).
 - b) Operate a more focused housing register which better reflects local circumstances and can be understood more readily by local people.
 - c) Make it easier for local authorities to manage unrealistic expectations by excluding people who have little or no prospect of being allocated accommodation.
 - d) Take social housing tenants seeking non-priority transfers out of the statutory housing allocation arrangements. Only social housing tenants in housing need (reasonable preference) would

be eligible for inclusion on the housing register, a reversal of the policy introduced in the Homelessness Act 2002.

- e) Maintain the protection provided by the statutory reasonable preference criteria ensuring that priority for social housing goes to those in greatest housing need. Reasonable preference categories of applicants include homeless households, overcrowded households, households living in unsatisfactory housing conditions and people needing to move on medical or welfare grounds.

- 2.4 The Housing Act 1996 (Additional Preference for Armed Forces) Regulations 2012 require local authorities to give additional priority for Armed Forces applicants under its Allocation Scheme. Additional priority may be given to members of the Armed and Reserved Forces, widows/widowers of Armed/Reserve Forces personnel killed whilst in service and those who have an urgent housing need, for example those who need to move urgently because of a life threatening illness or sudden disability.
- 2.5 An Allocation Scheme must also include a statement detailing the Housing Authority's policy on offering a choice of accommodation to applicants or the opportunity to express preferences about accommodation to be allocated to them.
- 2.6 Finally the Local Authority must have regard to its Tenancy and Homelessness Strategies when framing or changing their Allocation Scheme. The Council's Strategic Tenancy Strategy was approved in December 2012.

3. THE HAMPSHIRE HOME CHOICE ALLOCATION FRAMEWORK

- 3.1 The revised HHC Allocation Framework is attached to this report (Appendix 1). The Framework governs the allocation of social housing across the HHC sub-region. The framework details the policy and administrative processes followed by the four partnering Local Authorities when operating the scheme and allocating or providing nominations for social housing in each council's respective area.
- 3.2 The new Allocation Framework incorporates the following changes to the existing policy:
 - a) Housing Need - To qualify for housing, applicants must be in housing need, with the exception of an owner-occupier who cannot resolve their own housing situation and has a need for extra-care or sheltered accommodation, or wishes to be considered for housing which is normally difficult to let.
 - b) Qualification Criteria - Income, assets and savings - Have a single or joint household income of less than £60,000 per annum and/or assets and savings of less than £16,000

- c) Have a Local Connection with one of the Partner Authorities by meeting either:-
- i. Qualification Criteria - Residency - Applicants have to be resident in the Local Authority area they are applying to for 12 continuous months at the time of application OR
 - ii. Qualification Criteria - Employment - Applicants must meet all of the following:
 - The office or business establishment at which they are based or work from is managed within the Local Authority area they are applying to; and
 - be in paid employment; and
 - works a minimum of 16 hours per week; and
 - has been employed for a minimum of 12 months and is currently in employment, has a permanent or fixed term contract or is self-employed.
- d) Armed Forces Personnel - Regardless of whether the applicant has a local connection to the Local Authority area, applications from Armed Forces personnel will be awarded reasonable preference under the scheme and if they are in urgent housing need, then additional priority maybe awarded to their application.
- e) Tenancies - A variety of tenancy types, including fixed-term, flexible, Assured and Shorthold tenancies will be let on social and Affordable Rents.
- f) Homelessness - Increased flexibility to managing homelessness and the use of temporary accommodation by having more flexibility to move households living in variety of temporary housing, and to manage the use of bed and breakfast.
- g) Cross Boundary Moves - Applicants will be eligible to bid for a quota of properties identified across the four Local Authority areas.
- h) Suspension Policy - The existing Suspension Policy has been extended to include households who deliberately worsen their housing circumstances, have refused suitable accommodation, or where no repayment plan is in place or has not been adhered to for current/former rent arrears and debt.
- i) Household Size and Accommodation Eligibility - Currently a household with children of the opposite sex where at least one is over ten years of age or children of the same sex sharing, where

there is an age difference of more than 10 years is eligible for separate bedrooms.

Under the revised scheme, the number of bedrooms an applicant is eligible for has been brought in line with the Local Housing Allowance (LHA) rules, which are less generous than the existing scheme.

- j) Fostering - Additional priority may be given to foster carers where their current accommodation is not suitable to accommodate a foster child placement.
- k) Banding - The number of bands has been reduced from 5 bands to 4. Applicants in the 'no housing need' band (Band 5) will no longer qualify for the register unless they wish to be considered for housing which is normally difficult to let.
- l) Urgent Priority Banding - Emergency cases and emergency management transfers/management transfers will have their priority time limited for 3 months. Applicants will be expected to bid for the next suitable vacancy.
- m) Existing Social Housing Tenants who are Under-Occupying - Band 2 priority is extended to tenants who are under-occupying their property by one bedroom or more.

4. WINCHESTER CITY COUNCIL ALLOCATION SCHEME

- 4.1. The revised Winchester City Council Allocation Scheme is attached to this report (Appendix 2).
- 4.2. Care has been taken to ensure that the Council's Allocation Scheme is fully in accordance with the revised HHC Allocations Framework and vice versa. Each of the HHC partner authorities are adopting the same approach.
- 4.3. In addition to the changes detailed in Section 3, the Scheme of Allocation also incorporates the following:
 - a) Direct Matching - Additional provisions to assist accommodating Armed Forces customers, homeless applicants and former City Council tenants who in special circumstances agreed to relinquish their tenancy.
 - b) Properties for Older Persons - Allowing under-occupation of sheltered accommodation and prioritising extra-care sheltered housing vacancies.
 - c) Medium Priority for Housing - Awarding priority to former City Council tenants who in special circumstances agreed to relinquish their tenancy. In addition, customers left in sole

occupation of City Council stock, having no statutory right to succeed, following the death of the secure tenant will, in special circumstances, be considered for a property suitable to their housing need.

- d) High Priority for Housing - Awarding priority to existing social housing tenants under-occupying their current accommodation to downsize when they have rent arrears and will be further impacted by reduced welfare payments, and also those wishing to downsize to a property that is one bedroom larger than their housing need.

5. CONSIDERATIONS

- 5.1 The following issues should be taken into consideration when assessing the changes outlined above.

5.2 Reducing the number of Households on the Housing Register

At present the Council operates an 'open' housing register which anyone can join should they wish to. Some applicants who apply have little or no prospect of securing social housing and on occasions the hopes of these customers are unrealistically raised by being on the housing register.

Under the revised Scheme, applicants must be in housing need, as defined by the Scheme, to qualify for inclusion on the housing register. This would remove the need for Band 5 and would avoid raising unrealistic housing prospects for applicants, as well as providing a more efficient service, reducing the cost of processing and managing these applicants and customer contact time spent with those who have no prospect of rehousing.

At present there are 3652 households on the Register, of which 790 households are in Band 5 with no housing need.

The only households housed from Band 5 would be applicants applying for sheltered/older persons or difficult to let properties. The revised scheme would still allow applicants with a need for sheltered or extra care housing to qualify with Band 4 priority.

5.3 Strengthening of the Qualification Criteria

The current local connection criteria have been strengthened under the revised Allocation Scheme. Applicants must either have a residency or employment connection with one of the four councils, and also meet an income criterion:-

- a) *Residency* - The threshold for households seeking to establish a local connection through residency requires applicants to have lived locally for 12 continuous months. The current policy

stipulates only 6 out of the last 12 months. This change would assist in prioritising established local families.

- b) *Employment* - Currently, applicants need only to be in employment within Winchester to form a local connection. The revised Scheme requires a minimum number of hours to be worked (16), employment for minimum of 12 months and a permanent or fixed term contract.
- c) *Income, Assets and Savings* - It is proposed that applicants earning more than £60,000 per annum and/or having assets and savings of more than £16,000 would not qualify to join the housing register. These thresholds are consistent with the level of income required to qualify for shared ownership and the rules governing savings and Housing Benefit entitlement. This change would assist those in greatest housing need to secure social housing.

5.4 Greater Priority to Under-Occupiers

In order to enable a greater number of larger social housing properties to become available for letting, it is proposed to increase the priority given to existing social housing tenants who are under-occupying, including those who will be impacted by the introduction of the Housing Benefit Size Criteria. This will assist those under-occupying households who are likely to suffer hardship as a result of Housing Benefit reductions introduced by the Government's Welfare Reforms.

5.5 Assisting Armed Forces Applicants

The proposals for dealing with applications from members or former members of the Armed Forces in the revised Scheme will ensure that these applicants are not disqualified on the grounds that they do not have a local connection with the authority's area. The scheme will also ensure additional priority is awarded to members or former members of the Armed Forces in urgent housing need.

5.6 Additional Suspension Criteria

The existing policy allows for households guilty of anti-social behaviour to be excluded from the housing register. The revisions will allow more effective management of those applicants who deliberately worsen their circumstances, those applicants applying with a poor tenancy history, former rent arrears and those bidding but not taking up offers of tenancies.

5.7 Household Size and Accommodation Eligibility

Under the revised scheme, accommodation size eligibility will be aligned to the Local Housing Allowance (LHA) rules which affect the Social Sector from April 2013. This will mean a household with two children of the same sex under 16 years of age will be expected to share one bedroom of appropriate size. A household with two siblings

of opposite sex where one is 10 years or over, are entitled to separate bedrooms for such siblings.

Following consultation with Registered Providers, some have indicated they may be prepared on occasion to consider allowing households to bid for properties which are larger than their assessed bedroom need. However, as a general rule, allocations will be made in accordance with their assessed bedroom need and the LHA rules.

5.8 Homelessness

Currently, moving households from temporary to permanent accommodation is dependent upon the length of time an applicant has occupied a particular type of temporary housing. For example, households in Sussex Street/Lent Hill Court/Brittany House/Barnes House temporary accommodation are given additional priority after 9 months to move to a higher band. This can sometimes result in delays in managing homelessness and moving households through to more appropriate accommodation, and has the potential of increasing the use of bed and breakfast. The measures in the revised Scheme of Allocations will enable the Council more flexibility in dealing with homelessness and addressing the needs of households occupying temporary housing.

5.9 Cross Boundary Moves

Restrictions have been placed on cross boundary moves (CBM) since January 2012 as a result of concerns about the disproportionate number of moves between the 4 Councils. It is proposed that a quota of properties should be made available for CBM across all the partner authorities, based on previous years lettings. For 2013/14, this will equate to 40 properties per authority and will include all property types.

5.10 Village Properties

It is proposed to apply special rules when prioritising applicants who have bid for housing in a village (less than 3, 000 population). Priority will be given to those with a local connection to the village. This change will give additional assistance to local people, enabling them to secure housing in their village.

5.11 HHC Allocation Framework

One of the essential elements of the HHC Partnership is that each of the partner authorities formally adopts and uses the HHC Allocations Framework. This Framework provides the basis for each of the authorities' own Allocation Schemes.

In view of this, if the Council wishes to remain a member of the HHC Partnership it has no option but to adopt the Framework provided it

agrees with the content. The requirements of the framework are fully reflected in the policy changes listed in this report.

6 CONSULTATION

- 6.1 The Hampshire Home Choice Board approved the proposed changes to the HHC Allocation Framework at its October 2012 meeting. Officers were instructed to consult with Registered Provider (RP) partners and applicants and work up the detail for a revised Allocation Framework, which would be presented to the respective Councils' Cabinets in March 2013 for approval.
- 6.2 The Council is only required to formally consult with Registered Providers in the District on changes to the Allocation Scheme. The Code of Guidance however, recommends that the consultation process should involve local communities more broadly. Therefore, views have been sought by way of the following and responses have informed the review of the Allocations Framework and the Allocation Scheme:
- a) Hampshire Home Choice (HHC) applicants - eight weeks consultation exercises ended 30 November 2012 and received 594 responses.
 - b) HHC Stakeholder and Staff Conference with HHC staff and key agencies held on 3 October 2012.
 - c) Registered Providers in HHC Partnership - consultation ended 1 February 2013.
 - d) HHC Board Meeting with East Hampshire, Havant, Test Valley and Winchester Housing Portfolio Holders on 26 October 2012.
- 6.3 Feedback on the proposed changes has generally been positive with the exception of bedroom eligibility. HHC applicants were not in favour of opposite sex children having to share a bedroom until the eldest child is 10 years of age (68% respondents were against this). However, in light of the introduction of the Governments Social Sector Size Criteria Regulations from April 2013, officers of HHC and RPs remain in support of the change of policy to reflect the Local Housing Allowance rules.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 The HHC Allocations Framework was assessed by officers from the four Councils together with the HHC Manager and Ian Barrett, Winchester's Equality Advisor.
- 7.2 The group did not find any evidence to suggest that any of the customer issues/groups are negatively impacted by the proposed framework. The assessment identified some concerns regarding indirect discrimination towards women in relation to the employment

criteria but this has since been revised and no further action is required.

OTHER CONSIDERATIONS:

9 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

9.1 The proposals set out in this report have a direct relationship to the "Active Communities" Change Plan.

10 RESOURCE IMPLICATIONS:

10.1 Any revision to the HHC Framework will require changes to the IT operating system, Abrisas. The costs of these changes will be met from the HHC budget which is funded by RP partners and agreed by the HHC Board

11 RISK MANAGEMENT ISSUES

11.1 No significant risks identified.

12 TACT COMMENT

12.1 TACT wholeheartedly support proposals for restricting the number of cross border moves as part of the allocations systems and is also pleased to see proposals for local connections to apply to lettings in smaller villages.

12.2 TACT also note proposals to make allocation rules come in line with Housing benefit rules.

12.3 TACT has had an initial briefing on this from Richard Botham but is having further discussion at its meeting on 20 March 2013 and the Chair may wish to make additional comments arising from this at the Cabinet (Housing) meeting on 27 March 2013.

APPENDICES

- 1 Hampshire Home Choice Allocations Framework April 2013
- 2 Winchester City Council Scheme of Allocation v1. April 2013



Hampshire Home Choice



Hampshire Home Choice Allocation Framework

April 2013

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Hampshire Home Choice Allocation Framework

1. Introduction

- 1.1 East Hampshire District Council, Havant Borough Council, Test Valley Borough Council and Winchester City Council (known as the Councils in this document), have agreed a common approach for the allocation of affordable housing across the four local authority areas and together operate a sub-regional choice based lettings scheme called Hampshire Home Choice (HHC).
- 1.2 Local authorities are required to establish an allocation scheme for determining priorities between people who apply for housing and setting out the procedure to be followed in allocating housing accommodation.
- 1.3 The HHC Allocation Framework is a jointly agreed policy which details all aspects of the allocation process, including the responsibility for decisions, policy on offering choice to applicants, how applications will be assessed, processed and how decisions will be made across the HHC partnership.
- 1.4 Each local authority will continue to maintain its own Local Authority Scheme of Allocation which may contain separate policies to address and reflect local priorities.
- 1.5 In establishing the priorities of applicants for allocating accommodation, HHC gives reasonable preference under this scheme to eligible and qualifying:
 1. applicants who are homeless or threatened with homelessness (as defined by the homelessness legislation) or are owed a re-housing duty under the homelessness legislation.
 2. applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
 3. applicants who need to move on medical or welfare grounds (including grounds related to a disability)
 4. applicants who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others
 5. people specified by the Secretary of State by regulations, *unless* the applicant only qualifies for reasonable preference by taking into account a restricted person. (See section 10).

- 1.6 Additional preference can be awarded to applicants who are in a reasonable preference group if their housing needs are serious and urgent.
- 1.7 The HHC scheme may contain provisions for determining priorities between people in reasonable preference groups. Applicants entitled to reasonable preference will be further assessed against the following:
- a) The financial resources available to an applicant to meet his/her housing costs
 - b) The behaviour of an applicant (or a member of his household) which affects their suitability to be a tenant
 - c) The local connection of the applicant to the HHC local authority districts.
- 1.8 This document sets out the HHC Sub-Regional Allocation Framework, which has been agreed with all Registered Providers (RPs) with which the Councils have nomination arrangements, local voluntary and statutory agencies, housing applicants and tenants on the HHC housing register.
- 1.9 Partner Registered providers of social housing in the HHC scheme have a duty under Housing Act 1996 to cooperate with housing authorities to such extent as is reasonable in the circumstances in offering accommodation to applicants with priority under this scheme.
- 1.10 The Councils have also had regard to the following:
- The Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011 and other relevant legislation;
 - The Code of Guidance on the Allocation of Accommodation published by DCLG in June 2012;
 - Each Council's Homelessness Strategy
 - Each Council's Tenancy Strategy
 - The Equality Act 2010
 - Existing Case Law

2. Aims and Objectives of Hampshire Home Choice

2.1 Aims of HHC

To meet the housing needs of households across the sub region. Providing a single point of access to customers, assisting social and economic mobility and access to employment where possible, being sufficiently flexible to reflect and address local issues and to allocate housing in a consistent and as transparent way as possible.

2.2 Objectives of HHC

- (1) To meet statutory housing requirements
- (2) To give reasonable preference to those in greatest housing need across the sub region
- (3) To meet the needs of vulnerable people with support
- (4) To provide applicants with as much choice as possible
- (5) To help to create and maintain sustainable local communities
- (6) To make the best use of available housing resources
- (7) To allocate scarce local housing resources in as fair a way as possible

3. Section 1 - The Hampshire Home Choice Allocation Framework Policy

- 3.1 HHC administers a single housing register for people in housing need across the HHC sub region. The HHC Housing Register is used by the four partner local authorities to nominate and allocate social housing across the sub region. This information is shared with the partner RPs (which includes local authority landlords).
- 3.2 An allocation under Hampshire Home Choice takes place where:
 - (a) A person is selected to be a secure or introductory tenant of Winchester City Council or nominated by one of the four participating local authorities to be an assured tenant (including fixed-term, flexible, or Affordable Rent tenure) of a registered provider of social housing in the HHC sub-region.
 - (b) There is a transfer of housing accommodation where a Council or Registered Provider/Housing Association tenant is in a reasonable preference group and where the transfer has been made on the basis of the need expressed in a person's housing application.
- 3.3 The letting of accommodation to applicants not in a reasonable preference group or of temporary housing for homeless applicants will normally be made outside of this framework.
- 3.4 Tenancies let through Hampshire Home Choice will include flexible and shorthold tenancies and tenancies let on social and Affordable Rents.

4. Cross Boundary Moves

- 4.1 Applicants registered on Hampshire HomeChoice are eligible to bid for a quota of properties identified across the four Council areas (cross boundary moves), as well as homes in the Local Authority in which the

applicant has a local connection. These properties will be clearly labelled in the property adverts and it will be very clear for which properties the applicant can and cannot bid.

- 4.2 Cross boundary moves will be regularly monitored to ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas.

5. Statement of Choice

- 5.1 The Councils and its partner landlords are fully committed to enabling customers to play an active role in choosing where, and in what property type and tenure in which they wish to live, while continuing to house those customers in the greatest housing need and complying with all relevant legislation.
- 5.2 Under the Hampshire Home Choice scheme, customers can apply (subject to eligibility) for vacancies which are advertised each week. In making this choice customers need to consider their housing need priority against the availability of properties in any given area.

6. Homelessness

- 6.1 The HHC scheme recognises the need for flexibility when addressing local priorities and pressures. Each Council will retain strategic control of the way social housing is allocated in its area and ability to manage its homelessness responsibilities.
- 6.2 Applicants who have been accepted under Part 7 of The Housing Act 1996 (as amended by Homelessness Act 2002) by one of the Councils and owed a full duty to house under the homelessness legislation will only be able to bid for properties in the Council area where the homelessness duty is owed.
- 6.3 Applicants owed a full duty under Part 7 of Housing Act 1996 (as amended by the Homelessness Act 2002) and placed in temporary accommodation will be expected to bid for suitable properties. If the applicant does not bid for suitable properties, then the local authority will bid on their behalf and make a suitable offer of a vacant property within their district.

7. Village Properties

- 7.1 Special rules will apply when prioritising applicants who are being considered for housing in a village. All village vacancies (S.106 and non S.106) will be advertised with priority given to those with a local connection to the village. (less than 3,000 population).
- 7.2 Village local connection is defined as follows:

- Ordinarily resident in the Village
- Previously ordinarily resident in the village prior to the date of allocation and has family who ordinarily reside there.
- Employment – current or to take up permanent employment in village
- To support or be supported by member of family ordinarily resident in the village.

7.3 Applicants who do not meet any of the above criteria will not have a local village connection.

8. Local Lettings Policies

8.1 Local lettings policies will be used to ensure, where possible, that there is a mixed and balanced community. Local letting policies for some existing properties and initial lettings on new build schemes may specify different priorities for allocating properties. Properties subject to such a policy will be clearly labelled in the property advert.

8.2 Local lettings policies may be applied in addition to any local planning restrictions (contained in agreements made under Section 106 of the Town and Country Planning Act 1990) which may in place, but will not override them. These local lettings policies will be agreed by the respective Registered Provider and local authority Housing Manager.

9. Sensitive Lettings

9.1 There may be occasions when a Registered Provider in the HHC partnership requests that a vacant property is advertised as a sensitive letting; for example, where a previous tenant has caused anti-social behaviour and it is important to get the right mix of tenants in the area, having regard to the needs of existing vulnerable or elderly tenants. The landlord and the local authority may agree that the applicant in prime position for nomination is not suitable to be offered the property and instead agree to offer the property to a more suitable applicant. (See Appendix 1- Sensitive Lettings).

9.2 Priority may be given to working applicants taking into account all relevant factors in relation to the applicant's housing need, suitability of the property for that applicant and the needs of the community. In these cases the advert will clearly state the property is subject to a Sensitive Lettings Policy.

10. Eligibility for the Hampshire Home Choice Register

10.1 Certain people from abroad, including some subject to immigration control, are not eligible for an allocation of social housing. These are known as restricted persons. These regulations are set by Government and updated regularly.

10.2 Allocations and nominations under the HHC scheme can only be made to eligible persons. The Councils which participate in Hampshire Home Choice cannot allocate housing accommodation under the scheme to:

(1) A person from abroad who is subject to immigration control unless he/she is of a class prescribed by regulations made by the Secretary of State, or currently a tenant of the Council or a registered provider. No person excluded from entitlement to housing benefit shall be included in any class prescribed by the secretary of State.

(2) Two or more persons jointly if any of them falls under 10.2 (1) above

(3) Other classes of persons from abroad specified by the Secretary of State.

10.3 Habitual Residence Test

Most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Register.

The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

The Habitual Residence Test is used to ensure new allocations of social housing is to the applicants who are ordinarily resident in the UK, i.e. those habitually resident in the UK, and to EEA nationals exercising Treaty Rights. In applying this test, some British citizens, nationals of EEA member states, and others exempt from immigration control may nevertheless be denied an allocation on the grounds that they are 'not eligible'. The Test can be reapplied at a later date and a different outcome may arise.

10.4 Subject to section 1 and any other relevant regulations made by the Secretary of State, the Councils participating in HHC may decide what classes of people are to be treated as qualifying persons; able to join the Hampshire Home Choice Register and to be considered for housing accommodation.

10.5 Applicants deemed not to be a qualifying person by the Councils will not be able to be considered for housing and must be notified in writing.

10.6 Any applicant regarded by the Councils as ineligible to join the housing register may request a review of this decision. (see 22.12:Right to Request A Review).

11. **Qualification for inclusion on the Hampshire Home Choice Register**

11.1 The Councils will consider all applications to join the Hampshire Home Choice Register in accordance with this scheme. Applicants will be accepted onto the HHC Register for housing provided they:

- (1) Are aged 16 years of age or over and
- (2) Are eligible to be considered for housing accommodation and
- (3) Are a qualifying person and
- (4) Have a local connection with one of the Councils.

11.2 *Applicants under the age of 18 years of age,*

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

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

11.3 Qualification Criteria

An applicant will normally be a qualifying person and therefore qualify to join the HHC Register and for an allocation under the HHC Scheme, if they are:

1. In Housing Need, (See Section 14 – Housing Need Assessment) and
2. Have a single or joint household income of less than £60,000 per annum or assets and/or savings of less than £16,000, and
3. Have a local connection with one of the four partner authorities by meeting one of the following criteria:

a. Residency Qualification

- Have been resident in one of the 4 Local Authority areas for 12 continuous months at the time of application or
- have lived in the HHC sub-region for 3 out of previous 5 years or

- Have close family (mother, father, brother or sister, adult children) who have been resident for 5 continuous years and continue to be resident in the HHC sub-region.

b. Employment

An applicant may be a qualifying person if he/she or his/her partner is in employment which meets all of the following criteria:

- The office or business establishment at which a person is based or from where their work is managed is within one of the 4 local authority areas and
- Is in paid employment and
- Works a minimum of 16 hours per week and
- Has been employed for a minimum of 12 months and is currently in employment and
- Has a permanent or fixed term contract or is self-employed.

If an applicant or their partner is self-employed further information may be required including but not limited to evidence that they are registered with HMRC for tax and National Insurance payments, tax returns, payslips, accounts, etc.

12. Applicants who are not Qualifying Persons

12.1 Applicants will not normally be qualifying persons if they:

- 1) Do not have a local connection to the HHC sub-region **unless**, at the time of their application they are:
 - Owed a re-housing duty by one of the four HHC participating local authorities under the homelessness legislation or
 - A person who is serving in the regular forces or
 - A person who has served in the regular forces within five years of the date of their application for an allocation of social housing under Part VI of the Housing Act 1996 or
 - In a class of people prescribed by regulation who cannot be deemed a non-qualifying person due to a lack of connection to one of the local authority areas. (for example MAPPA, MARAC, Witness Protection) or
 - A 'looked after child' as defined by Children's Services in another region.

- 2) Are an applicant who has the means to resolve their own housing difficulties.
- 3) Are an owner-occupier, (with the exception of those with a housing and assessed care need, who cannot resolve their own housing situation and have a need for extra-care or sheltered accommodation (See Appendix 2)).
- 4) Are not in housing need, unless they are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for such a property. This will normally be extra-care or sheltered accommodation.
- 5) Are a Portsmouth City Council tenant living in Havant(because their housing need should be met by Portsmouth City Council). Havant Borough Council has a reciprocal agreement with Portsmouth City Council for individual cases.

12.2 Each application will be considered on its merits. Applicants who do not qualify or are not eligible to join the HHC Register will be advised in writing of the decision and their right of review of the decision that they do not qualify or are ineligible for the Register. (See Section 22.12)

13. HHC Suspension Policy

13.1 HHC operates a suspension policy. Applications will be suspended in the following circumstances:

- 1) Where an applicant has deliberately worsened their circumstances or
- 2) Unacceptable behaviour or
- 3) Former rent arrears and debt or
- 4) Refusal of suitable accommodation

13.2 Deliberately Worsened their Circumstances

Applicants who seek to gain an advantage on the Housing Register by deliberately worsening their circumstances, for example, moving to severely overcrowded housing or sub-standard accommodation will have their housing application suspended for 6 months.

13.3 Unacceptable Behaviour

Qualifying persons who are unsuitable to be a tenant because of behavioural issues, including anti-social behaviour or poor tenancy or household management, will have their application suspended for six months. Applications will be assessed on their own merits.

Applicants and/or their household will need to demonstrate that there has been a significant change in their behaviour and that this has been

sustained for a minimum period of 6 months before they may qualify for housing. In some cases an applicant may qualify, subject to them agreeing to accept tenancy support or signing an acceptable behaviour contract.

13.4 Behavioural issues include the following:

- (i) abusive and verbal behaviour and/or
- (ii) arson and/or
- (iii) assault and/or
- (iv) criminal behaviour and/or
- (v) criminal damage and/or
- (vi) damage to property and/or
- (vii) domestic violence and/or
- (viii) drug and alcohol misuse/abuse and/or
- (ix) harassment and/or
- (x) homophobic behaviour.

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

13.5 Former Rent Arrears and Debt

Where an applicant and/or their partner owe money to a local authority or housing registered provider in the HHC partnership and there is no payment arrangement in place, or there is a payment arrangement in place which has not been adhered to for a period of 6 months and continues not to be paid, their application may be suspended. Examples of money owed include:

- i. Current rent arrears and/or
- ii. Former tenant rent arrears and/or
- iii. Repair costs/Rechargeable works orders and/or
- iv. Claim against deposit scheme for damage or rent arrears and/or
- v. Rent in advance and or deposit scheme costs owing and/or
- vi. Outstanding debt with a private landlord may be considered.

13.6 It is the responsibility of the applicant to provide evidence confirming that there is a payment arrangement in place and that payments have been adhered to for a minimum period of at least 6 months and continue to be paid, or evidence of where serious hardship would result if accommodation is not offered.

13.7 Refusal of Suitable Accommodation

An applicant, who successfully bids, is nominated and offered suitable accommodation but subsequently refuses an offer on three occasions within a six month period will not be able to bid for further properties for three months from the date of refusal of the third property.

14. Housing Need Assessment

14.1 Household Size and Accommodation Eligibility

The number of bedrooms an applicant can be considered for is determined by looking at the size and structure of the household. The table below details the normal bedroom requirements for typical households:

Household Size	Size of accommodation
Single Person	Bedsit/studioflat/one bedroom property
Couple	One bedroom property
Household with one child	Two bedroom property
Household with two children of same sex *	Two bedroom property
Household with two children of opposite sex; where both children are under 10 years of age	Two bedroom property
Household with two children of same sex, where one sibling is over 16 years of age.	Three bedroom property
Household with two children of opposite sex, where one is 10 years or over.**	Three bedroom property
Household with three children	Three bedroom property
Household with four or more children	Three/four bedroom property
Household with five or more children	Four/five bedroom property

- (a) *Two siblings of the same sex under 16 years of age will be expected to share one bedroom of appropriate size.

- (b) **Two siblings of opposite sex, where one is 10 years or over are entitled to separate bedrooms.

14.2 Where an applicant states a separate bedroom is required for a carer/s providing overnight care, the Council will assess whether the carer is part of the household.

14.3 In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be referred to the Hampshire Home Choice Manager and relevant Council for consideration.

15. Health and Welfare Assessment

15.1 An applicant or household member who has a significant health or welfare problem caused or substantially worsened by their existing accommodation and where it could be alleviated or resolved by rehousing, maybe awarded priority on health and/or welfare grounds.

15.2 When awarding priority on health and/or welfare grounds, the award of urgent priority on these grounds need to be considered alongside the needs of other applicants who are waiting for rehousing.

16. Additional Priority

16.1 Additional priority may be given in the following circumstances:

(a) ***Fostering***

Additional priority may be given to foster carers where their current accommodation is not suitable to accommodate a foster child placement. An example is where an applicant may require a larger property to accommodate one or more foster children. In these cases the local authority will work closely with Children's Services to meet the needs of an approved foster carer.

(b) ***Health and Welfare Assessment***

An applicant, who has a need to move to a particular locality in the district where significant hardship would be caused to them or others, if they did not move, maybe awarded additional priority.

(c) ***Armed Forces with Urgent Housing Needs***

Additional priority maybe given to members of the armed and reserved forces, widows/widowers of armed/reserve forces personnel killed whilst in service and who have an urgent housing needs, for example those who need to move urgently because of a life-threatening illness or sudden disability.

(d) ***Emergency Management Transfers***

Existing RP tenants in need of an emergency management transfer will be awarded Additional priority and placed into Band 1. (see 18.3)

16.2 Over Crowding

Households will be regarded as overcrowded when they are assessed as needing at least one more bedroom than their current accommodation provides.

For the purpose of defining overcrowding the following factors apply:

- (a) A single person aged 16 or over requires one bedroom.
- (b) A couple requires one bedroom.
- (c) Two children of a different sex, where one is aged 10 or over, require 2 bedrooms.
- (d) Children of same sex share a bedroom until 16 years of age.
- (e) One room will be classified as a living room; all other rooms (except bathrooms and kitchens) will be classified as bedrooms provided they are suitable as sleeping accommodation.
- (f) Rooms measuring less than 4.6 square metres (50 square feet) will not be counted as a bedroom.

16.3 Direct Match

In certain circumstances, a property maybe allocated directly to an applicant without other applicants being able to bid on that property; for example, where a property is required by Registered Provider landlord to decant a tenant to complete work on their existing property, or to deal with an emergency situation.

17. **Determining Priorities of applicants under HHC**

Applicants, who are eligible and qualify to be accepted on to the HHC Register, will have their housing need assessed and be placed into one of four bands:

- Band 1: Urgent Priority
- Band 2: High Priority
- Band 3: Medium Priority
- Band 4: Low Priority

Priority is awarded within each band by the date the application was placed in that band. This date is known as the priority date.

17.1 If an applicant is moved up a band, the application will be given a date when the increased priority is awarded. This becomes the new priority date.

17.2 Applicants who are assessed as not in housing need, but are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for difficult to let properties, will be placed in Band 4.

- 17.3 If an applicant has a serious housing problem that requires urgent consideration for rehousing, their application will be reviewed by the HHC Manager and relevant local authority Manager and awarded higher priority, if appropriate.
- 17.4 Special rules apply when prioritising applicants for housing into village vacancies, with preference being given to applicants who can demonstrate a local connection to that village.

18. Band 1- Urgent Priority

- 18.1 Applicants who fall into this category will be households who need to move because of:
- (a) Emergency Cases – Usually on health or welfare grounds; or
 - (b) Emergency Management Transfers

18.2 Emergency Cases

Very few cases are likely to be eligible for this category. It will apply to:

- Applicants assessed as having a life-threatening health condition that is indirectly linked to unsuitable housing conditions and where the applicant has been awarded an urgent medical or welfare assessment. (See Appendix 4- Health and Welfare Assessment)
- Applicants requiring urgent hospital discharge where their current accommodation is totally unsuitable for their needs.
- Applicants required to move for witness protection reasons, MARAC, MAPPA and Child Protection issues.

18.3 Emergency Management Transfers

Where an existing tenant of Winchester City Council or RP provider in the partnership needs to be moved immediately because of serious violence or harassment, where this has been substantiated and management action against the perpetrator cannot resolve the situation.

Other cases recognised as emergencies are at the discretion of the local authority.

Urgent priority banding will be time limited for 3 months. Applicants will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to their original Band.

Decisions regarding Emergency Management Transfers will be made by the respective Housing Managers in the Local Authority and Registered Provider concerned.

19. Band 2 – High Priority

19.1 Applicants who fall into this category will be households who need to move because of:

- (a) Statutory Homeless Duties
- (b) Overcrowding by Two Bedrooms
- (c) Serious Disrepair
- (d) High Medical or Welfare Grounds
- (e) Vulnerable applicants in Supported Housing ready for Move On
- (f) Existing Social Housing Tenants Under-occupying their Current Accommodation
- (g) Management Transfers

19.2 Statutory Homeless Households

- (a) Applicants who have been accepted by one of the Councils with a full duty to house under the homelessness legislation and who are placed in accommodation that is not suitable for their long-term needs, or
- (b) Where the lease for their private sector leased property is ending through no fault of their own, or
- (c) Where the Council needs to release temporary accommodation in order to meet local homeless priorities and pressures.
- (d) Applicants accepted as statutorily homeless and have been accommodated in a short-stay flat/hostel under an Assured Shorthold Tenancy or licence and been moved up from Band 3 to Band 2 by the relevant local authority.
- (e) Households occupying Private Sector Leasing Scheme (PSL) properties after two years will be moved into Band 2.

Statutory Homeless Households will only be able to bid for properties in the Council area where the homelessness duty is owed.

19.3 Over-Crowding

A Band 2 priority is awarded to applicants living in overcrowded circumstances where they are lacking two or more bedrooms. Applicants will be eligible to bid for properties according to their assessed bedroom need.

19.4 Severe Disrepair

Where an applicant's home is assessed as being in serious disrepair and is considered unsafe by the Council, but cannot be remedied by the applicant or landlord within a reasonable timescale and housing conditions can be resolved through re-housing.

Assessments will be carried out by Environmental Health Officers having regard to Category 1 hazards under the Housing Health Safety Rating System (HHSRS).

19.5 High Medical or Welfare Grounds

An applicant whose current housing conditions is detrimental to health and interferes with their quality of life to a high degree resulting in the award of a high medical or welfare assessment.

19.6 Existing Social Housing Tenants

Existing Social Housing tenants living in East Hampshire, Havant, Test Valley or Winchester who:

- Will release a property required by the Councils to meet housing need. (eg. - tenants in properties previously adapted who no longer require the adaptations)
- Are under-occupying their property by one bedroom or more and who wish to move to smaller accommodation
- Are under-occupying their property by one bedroom or more (including starter tenancies) and are suffering or may suffer financial hardship because of reduced welfare payments due to under-occupation. Additional priority may be awarded to applicants in these circumstances.
- Are applicants who have succeeded to a tenancy and who are required to move to smaller accommodation.

19.7 Vulnerable Applicants in Supported Housing

Multi-agency Supported Housing Panels (SHP) are established in each local authority area to assist applicants with a housing related support need. The Panels will assess, prioritise, agree movement from and between different supported housing schemes and facilitate move-on into independent accommodation and floating support.

19.8 ADHAC

An applicant who the Agricultural Dwelling Housing Advisory Committee (ADHAC) recommends for re-housing unless they have the means to resolve their own housing situation. Additional preference may be given if recommended by the Committee.

19.9 Management Transfers

Where an existing tenant of Winchester City Council or RP provider in the partnership needs to be moved urgently, but does not need to move into the next suitable available property as their situation does not require immediate re-housing.

High priority banding will be time limited for 3 months. Applicants will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to original Band.

Applicants assessed as having a Band 2 priority can be moved to Band 1 if there are both urgent and exceptional circumstances.

20. **Band 3 – Medium Priority**

20.1 Applicants who fall into this category will be households who need to move because of:

- (a) Overcrowding by one bedroom
- (b) Temporary/insecure housing
- (c) Lacking/sharing facilities
- (d) Medium Medical or Welfare Grounds
- (e) Social housing tenants living in two bedroom flats that have two children.

20.2 Overcrowding by One Bedroom

Customers living in overcrowded circumstances where they are lacking in one bedroom.

20.3 Temporary/insecure Housing

The following applicants are considered to be living in temporary or insecure housing if:

- (a) They have been accepted as statutorily homeless by one of the four Councils and have:
 - Been accommodated in temporary housing or
 - Been accommodated in a short-stay flat, hostel, or refuge under an Assured Shorthold Tenancy or licence or
 - Accepted a qualifying offer of private rented accommodation, which brings the homelessness duty to an end or
- (b) They are occupying Private Sector Leasing Scheme (PSL) properties secured by the Council for up to two years or

- (c) They have an Assured Shorthold Tenancy in the private rented sector and do not have the means to resolve their own housing situation or
- (d) Are considered to be of 'no fixed abode' or
- (e) They occupy Armed Forces accommodation and are close to the end of their service. Applicants with an 'urgent housing need' may be awarded additional priority.

20.4 Fixed-term secure tenancies will not be considered to be temporary/insecure housing.

20.5 Lacking Essential Facilities

Where an applicant is lacking the following essential facilities:

- Cooking Facilities
- Bath or Shower
- Internal WC
- Cold/Hot Water Supplies
- Electricity/Gas Supply
- Adequate Heating

20.6 Sharing Facilities

Where an applicant is sharing the following essential facilities with another person who is not part of their application:

- Kitchen
- Bathroom/Shower
- Internal WC
- Living Room

20.7 Medium Medical or Welfare Grounds

An applicant whose current housing conditions is detrimental to health and interferes with their quality of life to a medium degree resulting in the award of a medium medical or welfare assessment.

20.8 Social Housing Tenants living in Two Bedroom Flats

Social housing tenants in the East Hampshire, Havant, Test Valley and Winchester council areas who are living in a two bedroom flat and who have two children will be considered for more appropriate family accommodation, e.g. a house or maisonette.

21. Band 4 – Low Priority

21.1 Applicants who fall into this category will be households who need to move because of:

- a) Low Medical or Welfare Grounds
- b) Living in tied or Armed Forces accommodation
- c) They are existing Guinness Hermitage tenants whose housing need can be met by Guinness Hermitage (who operate their own transfer register for existing tenants).
- d) Wish to be considered for difficult to let properties. This will normally be sheltered and/or older person accommodation.
- e) Applicants who are serving prison sentences and who on release will have a housing need or be homeless and have a local connection to one of the Councils.

21.2 Low Medical or Welfare Grounds

An applicant whose current housing conditions is detrimental to health and interferes with their quality of life to a low degree resulting in the award of a low medical or welfare assessment.

21.3 Living in Tied or Armed Forces accommodation

Applicants living in Tied or Armed Forces accommodation.

21.4 Guinness Hermitage Tenants

Existing Guinness Hermitage tenants whose housing need can be met by Guinness Hermitage (who operate their own transfer register for existing tenants).

21.5 Wish to be considered for difficult to let properties.

Are not in housing need, unless they are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for difficult to let. This will normally be sheltered and/or older person accommodation.

21.6 Currently serving prison sentences

Applicants who are serving prison sentences and who on release will have a housing need or be homeless and have a local connection to one of the HHC local authorities. The applicants will be reassessed on release and placed in an appropriate band.

22. Section 2 – Processes; Applications and Assessment

22.1 Applications and Assessment

Anyone requiring assistance to complete an application for housing can contact the relevant Council who will be able to offer them advice and support in making an application for housing. (See 23.23 for details of relevant Council)

22.2 Registration and Priority Date

New applications will be registered from the date they apply to be registered on HHC. For on-line applications, this will be the date the on-line application is completed. For the purposes of a paper application form, this will be the date the application form is received by the relevant Council. This date is known as the registration date.

Under the Allocations Framework all applications for housing are assessed and placed in one of four bands depending on their housing need. Priority is awarded within each band by date the application was placed in the band. This date is known as the priority date.

22.3 Household

When applicants join the list, and whenever an application is reviewed, an assessment will be made of the make-up of the applicant's household. This assessment will normally be straightforward, but decisions may need to be made as to whether individuals included on an application form are accepted by the Council as being part of the household who, in the event of re-housing, will be accommodated with the applicant. The size and make-up of the household will determine the bedroom requirement. (See Appendix 3)

22.4 Individual Assessments

Once a completed form or on-line application has been received, the relevant Housing Team will then undertake an assessment of housing need against this Policy. The date of registration, health and welfare needs are taken into account in the assessment. If additional information is required, a Health and Welfare Assessment form will be sent out to be completed.

Providing the applicant is eligible and qualifies for the Housing Register and the application has been completed fully, it will be registered onto the Hampshire Home Choice Housing Register. Through the assessment process, each applicant's housing needs will be considered and a level of priority awarded by placing the applicant in one of four bands.

A letter will be sent to the applicant within 10 working days of receipt of all relevant information, confirming their application reference number, the date the application was registered, their banding and their assessed bedroom need.

As a result of the partnership between the participating Councils, the four registers are effectively merged into the Hampshire Home Choice Register and operate under the Allocations Framework.

22.5 Missing Information and Incomplete Applications

If further verification is required, the applicant will be contacted in writing to provide the information necessary to assess their application. Any

applicant who does not provide the requested information within 28 days will be assumed to no longer require housing and their application will be cancelled accordingly.

Paper application forms not completed fully will be returned to be completed. On-line applications which are not completed within 28 days will be cancelled.

22.6 Applicants not eligible and do not qualify

If the applicant is considered to be ineligible or does not qualify for the Housing Register, they will be sent a letter confirming this and the reason for this decision.

22.7 Cancelling and Suspending Applications

If information is obtained that gives reason to believe that an applicant who has already been accepted onto the Housing Register is, in fact, ineligible or no longer qualifies to be on the Register, or their circumstances may have changed, their application may be suspended or cancelled. The applicant will be informed in writing and they will be given 28 days to provide the requested information. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible or no longer qualifies, they will be removed from the Housing Register (see Appendix 5).

22.8 Change in Circumstances

Applicants who move to a new address or whose circumstances change after they have been accepted onto the Housing Register (e.g. - who wish to add or remove someone to their application or a change in income or employment, etc.) should immediately contact the Council with which their application for housing is registered to notify them of the changes and arrange to complete any necessary forms.

Eligibility and qualification for the Register may be reconsidered when there is a change in circumstances.

22.9 Remaining on the Housing Register

Applicants will be required to renew their housing application on an annual basis, on the anniversary of their relevant application date – known as the “renewal date”.

If applicants fail to voluntarily renew their application, they will be sent a written reminder to do so within 21 days of the renewal date. Any applicant who does not renew their application within 28 days of receiving their reminder letter to do so will be assumed to no longer require housing and their application will be cancelled accordingly.

If an applicant makes contact within 6 months of their original application being cancelled, this application will be reinstated.

If contact is not made within 6 months and satisfactory evidence is provided of an incapacity causing the failure to renew, the application can be reinstated from the date of the original application.

Eligibility and qualification for the list may be reconsidered when an application is being reviewed.

22.10 Confidentiality

Information regarding a person's application for housing will not be disclosed to any third party or member of the public without the applicant's express consent unless the Council is required to do so legally. By signing the housing application form, an applicant gives consent for the relevant Council to make enquiries with regard to their housing need and their potential ability to manage a future tenancy. The declaration also gives express consent to share such information with partner Registered Providers or other social housing providers when nominating applicants to be tenants of their properties.

22.11 False or Misleading information

If an applicant knowingly or recklessly gives false information or knowingly withholds information which the Council has reasonably required of him/her, an offence is committed. In all such cases the relevant Council will consider a prosecution for the offence in which an applicant may be subject to a fine of up to £5,000 under the Housing Act 1996. If an applicant has accepted a tenancy on the basis of using false or withholding information, the landlord may apply to the court for possession of the property.

22.12 Right to Review

All decisions with regard to the Allocations Framework are subject to Review should the applicant be dissatisfied with a decision. This right to a Review includes decisions regarding eligibility, qualification, housing need assessments and the suitability of offers of accommodation. A request for a Review should be made to the Council dealing with the application. An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

A request for a Review must be made within 21 days of the decision providing the reasons for the Review. The Council has discretion to extend the time limit if it considers this would be reasonable. If further information is needed, the applicant will be invited to write or, if unable to do this, make oral representation. The applicant may also appoint someone on his or her behalf to do this. If the reviewing officer finds that the original decision did not take relevant information into account, they will refer the case back for re-consideration. The applicant will be notified of the Review decision within 56 days of the request for a Review.

23. Section 3 – Allocations and Lettings

23.1 Available Properties

100% of social lettings to which the Councils have nomination rights will be made available through the scheme. Each Council may agree some specific exceptions.

23.2 Properties not included in the scheme

Examples of lettings which may be excluded are as follows:

- Decants to allow repairs to be carried out
- Temporary accommodation for households who are homeless or may be threatened with homelessness
- Supported housing
- Extra-care housing
- Management cases for an existing social tenant.

23.3 Cross Boundary Moves

A 10% pool of properties will be available for cross boundary moves. The 10% figure will be calculated based on the total number of lettings from the previous year. This total will be equally divided between the four local authorities and those properties will be advertised as being available for cross boundary moves.

The following properties will be excluded:

- New-build properties unless specifically agreed
- Properties that are provided under Rural Exception Site policies and which are subject to any specific requirements to meet local housing needs through agreements under Section 106 of the Town & Country Planning Act 1990
- 4+ bedroom properties
- Sheltered housing.

23.4 Direct Match

In certain circumstances, the Council will allocate a property directly to an applicant which is known as a direct match. The advert will clearly state that the property has already been allocated to an applicant with a specific need. Examples of when a direct match may take place are:

- Applicant requires a specifically adapted property
- Urgent management decant required
- Applicant is subject to Multi-Agency Public Protection Arrangements or Multi-Agency Risk Assessment Conference and requires specific accommodation in a specific area
- Witness Protection.

23.5 Advertising Properties

Vacant Social Housing to which the Councils have nomination rights will be advertised through the Choice Based Lettings scheme. Adverts will be available at locations throughout the East Hampshire, Havant, Test Valley and Winchester region, including the Council offices in which free internet access is available. Details of available properties will also be placed on the Hampshire Home Choice web site.

www.hampshirehomechoice.org.uk

The Councils and Registered Providers will arrange for each vacancy to be advertised and will specify the requirements for each property. Some properties may be labelled by the Councils to enable the development of sustainable communities. For new developments, this may include Local Lettings Policies. Depending on the Councils' strategic needs, the labelling of properties may include certain restrictions, e.g. some social housing may only be offered to people who have an assessed support need or for transferring tenants.

The advertisement will usually include details such as the following:

- The Registered Provider
- The weekly rent, including all other service charges
- Whether property is a social or affordable rent
- Whether property is let on a fixed term tenancy
- Properties available for cross boundary moves
- The anticipated date the property will be ready for occupation
- The recommended number of permitted occupants
- Any age limits e.g. for households with children, for sheltered accommodation for older/disabled persons or any landlord specific requirement
- Whether the property is restricted by a Planning Obligation under section 106 of the Town and Country Planning Act 1990 where offers of tenancies may only be made to applicants with a strong local connection to a rural exception site
- Village vacancies subject to local connection restrictions
- Accessible housing e.g. wheelchair adapted.
- Whether pets are allowed.

23.6 Bidding

All eligible and qualifying applicants can make bids for properties advertised by telephone or online via the website. Full details of how to bid are set out in the Hampshire Home Choice User Guide. This can be found on the Hampshire Home Choice website or directly from one of the participating Councils.

Applicants can only bid for up to three properties for which they are eligible per bidding cycle. There is a weekly bidding cycle although this may change at times during the year subject to agreement from the four Councils.

23.7 Multiple Bidding

For new developments, the same property types will be covered by one advert. Applicants only need to place one bid to be considered for all the property type covered by the advert.

23.8 Assisted Bids

All applicants are expected to make bids themselves but in limited circumstances those who do not bid for properties may receive a direct bid. Since service user participation is a critical part of Choice Based Lettings, the Councils recognise that some vulnerable applicants may require assistance in making bids. To ensure that vulnerable households have fair access to the scheme, applicants with support needs and those who have language difficulties will be supported by the Council, or an appointed support provider which may include assisted bidding.

23.9 Assessment of Bids

Priority within the band is decided by the date the application was awarded that band.

Registered Providers taking part in the scheme will have access to the shortlist of applicants who have made a bid for the property. The applicant with the highest priority and who meets all of the advert and preference criteria's and who is therefore at the top of the shortlist will be nominated to the Registered Provider.

Once a bid is accepted the letting of property will be organised by the Registered Provider.

23.10 Applications for a property when more than one applicant has identical preference

Where two or more eligible applicants apply for a property and have the same priority and have the same priority date, the Council will carry out a housing needs assessment of the applicant to determine who may have the highest housing need for the property. Regard may also be given to which household size and family make-up may make best use of the property.

If an applicant's housing need, household size and family make-up are similar, then the length of residency connection with the district shall be considered with the household with the longest residency connection with the Council from where the property is being advertised getting priority.

This will also be applied in the event of a property being advertised as available for cross boundary moves.

23.11 Reasons why a Registered Provider may refuse a nomination

If for any reason the Registered Provider wishes to refuse an applicant, the Registered Provider is required to notify the Council. The Council will re-nominate to the next suitable applicant on the shortlist.

If there are no eligible bids or the shortlist has been exhausted the property will be re-advertised. For grounds for refusal see Appendix 6.

23.12 If a Registered Provider refuses a nomination, they must inform the applicant of their reasons for refusal and of their Review Process.

23.13 Verification

The Council will verify all information provided by the applicant that is relevant to their eligibility and qualifying for an allocation of accommodation. Further verification, which may include inviting the applicant for an interview or completing a home visit, will be required at the time an applicant is allocated a property and the Council may check information with other sources as allowed by the law.

Applicants will be expected to provide documentary evidence that all persons included on the application are resident at the address applied from. Applicants will also be required to provide any additional proof considered appropriate to confirm the applicant's circumstances.

Registered Providers may carry out their own verification processes and these will be in addition to those carried out by the relevant Council's verification.

23.14 Offer of Tenancy

Once all verification processes are completed, the Registered Provider makes an offer of the vacancy to the successful applicant.

23.15 Difficult Lets

If there are no eligible bids for a property, it will be re-advertised by HHC. In some cases the eligibility criteria may be relaxed.

Once a bid is accepted the letting of property will be organised by the Registered Provider.

23.16 Refusals

An applicant, who successfully bids, is nominated and is offered suitable accommodation by a Registered Provider but subsequently refuses an offer on three occasions within a six month period will not be able to bid for further properties for three months from the date of the refusal of the third property.

23.17 Feedback

All successful lettings will be reported on the Hampshire Home Choice website. The reports show the number of bids for each property, the band and the priority date of the successful applicant.

23.18 Fair Allocations

The Councils are committed to providing equality of opportunity to all applicants who apply for housing. The monitoring of allocations under the scheme will take place to ensure that everyone is treated fairly. All applicants applying for social housing across the four authorities will be assessed by way of an assessment of housing need.

23.19 Equality

The Council is subject to the general public sector equality duty in the Equality Act 2010. The Council and its partner Registered Providers are committed to providing equality of opportunity to all individuals who apply for re-housing. Monitoring of applications and lettings may take place to ensure that everyone is being treated fairly.

23.20 Changes to the Scheme

The Allocations Framework will be reviewed annually by the four Councils and updated where necessary. This will help to ensure that the policy meets legislative and best practice requirements.

23.21 Monitoring

The Councils hold a quarterly HHC Board meeting which is attended by representatives and members from each of the Councils and representatives from the Registered Providers.

The annual review will also ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas.

23.22 Complaints

If an applicant is dissatisfied with any aspect of their application, other than where a review can be made, they should follow the Council's published complaints procedure, available on the Council's website or on request.

www.easthants.gov.uk

www.havant.gov.uk

www.testvalley.gov.uk

www.winchester.gov.uk

23.23 Access to Personal Information

In accordance with the Data Protection Act 1998, people have a right to see what information is kept about them on written records (please note a fee will be charged). As far as possible, the Council will make this

available, subject to certain restrictions. Applicants wishing to view their records should contact the relevant Council:

East Hampshire District Council, Housing Service
Penns Place, Petersfield, Hampshire GU31 4EX.
01730 234345 / 234377 / 234378 / 234394
housingservices@easthants.gov.uk

Havant Borough Council, Housing Service
Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX.
023 9244 6379
housingservice@havant.gov.uk

Test Valley Borough Council, Housing Service
Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.
01264 368613 / 368611
choicebasedlettings@testvalley.gov.uk

Winchester City Council, Housing Service
City Offices, Colebrook Street, Winchester, Hampshire SO23 9LJ.
01962 848400
housingallocations@winchester.gov.uk

23.24 The Local Government / Housing Ombudsman

If an applicant is not satisfied with the action taken by the Council and has exhausted the complaints procedure available, they can send a written complaint to the Ombudsman. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH.
Phone: 0300 061 0614
Fax: 024 7682 0001
Website: www.lgo.org.uk

If an applicant is not satisfied with the action taken by the Council or a Housing Association and has exhausted the complaints procedure available they can send a written complaint to the Ombudsman. The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service
81 Aldwych, London WC2B 4HN
Telephone: 0300 111 3000
Fax: 020 7831 1942
Email: info@housing-ombudsman.org.uk
Website: www.ihos.org.uk

24. APPENDICES

1. Sensitive Lettings
2. Owner Occupiers
3. Definition of a Household
4. Health and Welfare Assessment
5. Cancelling/suspending applications
6. Grounds for refusal by an Registered Provider or Winchester City Council.

Appendix 1 – Sensitive Lettings

Purpose

The purpose of the Sensitive Lettings Policy is to create sustainable and cohesive communities in relation to individual lettings where there may be need to redress the balance of the community.

Objectives

In these cases the Registered Provider is departing from the routine allocation process. Instead of allocating a property to the applicant at the top of the shortlist with the most housing need the landlord considers the suitability of the applicant for the vacancy, on the basis of the information they have about the applicant and the knowledge they have about the property, its location or the neighbours.

In allocating housing the Registered Provider needs to balance a range of factors:

- the individual's housing need;
- the suitability of the property for that applicant;
- to create a community that is sustainable;
- to ensure current and future tenants feel safe;
- to protect the public and residents from nuisance and anti-social behaviour;

Preference will be given to applicants who are able to demonstrate that they will be able to manage a tenancy successfully and using the following cascading mechanism:

- a) Applicant or partner is resident within the local authority area and employed in paid work.
- b) Applicant or partner is employed in paid work and has a local connection to the local authority area.
- c) Are registered on Hampshire Home Choice.

Exclusions

Applicants will not be considered for a property advertised as a sensitive let where there is evidence of known history or convictions for the following;

- criminal behaviour
- anti-social behaviour
- drug abuse
- drug dealing
- breaches of any tenancy with any landlord
- rent arrears.

The landlord may request additional information from other partner agencies such as the Police, Probation Service, Primary Care Trust, Drug and Alcohol Services and former Landlord in determining suitability for a property subject to the Sensitive Lettings Policy.

Process

If a landlord wants to advertise a property as a sensitive let, they will need to provide evidence to the Council and on the reasons why the property is required to be let on a sensitive let basis. The Council will have to agree to any property being advertised as a sensitive let.

The property advert will clearly state the property is subject to a Sensitive Lettings Policy.

Once the shortlist has closed, the Council will nominate in accordance to the preference criteria within the Sensitive Lettings Policy. If for any reason the Registered Provider wishes to refuse an applicant the Council re-nominate.

Right for Review

An applicant has the right on request to be informed of any decision about the facts of their case which has been taken into account in deciding whether to make an allocation of a sensitive let to them.

Equality Impact Statement

This Sensitive Lettings Policy does not discriminate directly or indirectly and has given regard to the Equality Act 2010 to ensure no one is treated unfairly and has equal opportunities to access to housing.

The Councils are using their powers under the Localism Act 2011 to enable applicants who are working to access housing, by framing their allocations scheme so as to enable specific properties to be allocated to those in employment through the use of Local Lettings Policies.

Monitoring

The effectiveness of properties being advertised as sensitive lets will be monitored on a regular basis. A property should only be advertised as a sensitive let if this is absolutely necessary to address the situation and any housing management issues.

Appendix 2 – Owner Occupiers

An owner occupier who applies to join the HHC Register would not qualify unless there are exceptional circumstances or they wish to be considered for a difficult to let property designated for those aged over 55 years.

In considering those exceptional cases the Council will need to be satisfied that the applicant is in housing need and is unable to resolve their own housing circumstances. Applications will be assessed case by case, taking all relevant information into account.

In assessing whether an applicant is in housing need the following will be considered:

- (a) the suitability of their present accommodation – whether current accommodation is adequate for their situation taking into account state of repair, health, employment, family support and whether an applicant's situation is likely to deteriorate.
- (b) the applicant's financial circumstances – whether their income, savings or the equity within any property they own is sufficient to secure alternative suitable accommodation. The Council may take into account the current house prices locally in making its decision.

In some case the Council may consider it reasonable for the applicant to be able to secure accommodation in the private sector. However, due to a shorthold tenancy being only available initially for a limited term, this may not be appropriate in some cases.

- (c) An applicant must be aged 55 years or over with a housing support need and would benefit from sheltered housing.

Sheltered housing is usually designated for those aged over 55 years. In some cases the scheme may only be available for those aged over 60 or 65 years of age. In some cases the scheme landlord may carry out a needs assessment to assess if an applicant is eligible for their scheme.

If an applicant is assessed as qualifying for an allocation this does not guarantee they will be allocated a property. An applicant will have to also meet the criteria set by the scheme landlord especially in cases where the landlord may have charitable status.

Where an applicant who is an owner occupier has been assessed as a qualifying person as a result of having a housing need and a need for sheltered housing, they will only qualify for an offer of sheltered housing and will not qualify for an offer of a general needs property.

Appendix 3 – Definition of a Household

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and show that it is reasonable to expect them to reside with the applicant on a continuing basis.

In the case of a separated household or where residence of children is shared between parents, it would not normally be considered reasonable for a child who has a suitable home with one parent to be taken into account when considering the housing needs of the other parent.

In all such cases, an assessment will be carried out to decide who should be considered to be part of the household and the following factors will be taken into consideration along with any other relevant facts:

- Access of people included on the application to other suitable accommodation
- Previous living arrangements
- Actual living arrangements
- Preferred living arrangements
- Evidence of longstanding residence and commitment to being part of the household
- Likely longer-term living arrangements
- Special circumstances
- Information from Children's or Adult Services.

Applicants requiring a Carer

Where the applicant states that they require a carer to live with them who would not normally be considered to be part of the household, then the Council will decide whether the carer is part of the household or could reasonably be expected to be part of the household. In most cases, care can be provided without the provision of a separate bedroom for a carer.

Each case will be dealt with on its own merits, and the following factors will be taken into consideration along with any other relevant facts:

- Whether there is an established need for live-in 24 hour care
- Availability of supported or extra-care housing which may meet the applicant's needs
- Current living and care arrangements
- Likely future living and care arrangements
- Special circumstances
- Information from Adult Services

Other cases may arise where there are queries about households (e.g. where adult sons or daughters return home or where distant relatives or 3 generation families or friends are included on the housing application.)

Appendix 4 – Health and Welfare Assessment

This policy, along with the current Allocations Framework and Scheme of Allocations, explains how and when a Health or Welfare award can be given to applicants and what evidence is needed in order to support additional priority under Health or Welfare grounds.

The health and welfare of an applicant or a member of their household will be assessed on the basis of the effect of their current property on their condition, and how a different property would improve the applicant's health or welfare. A health or welfare issue in this context means a physical or mental illness, disability or incapacity, including behavioural syndromes, problems of physical or mental development and disorders related to drugs and / or alcohol. The assessment is based on a holistic approach, which takes account of psychological and social factors alongside physical issues.

To qualify for an award the condition must be made worse by your present housing and your health or welfare must also be likely to be improved by moving to alternative accommodation.

Please note that a health or welfare award does not necessarily mean that your application will move into a higher Band.

The following table shows which awards are available and which Band an application will be placed into if the award is made:

Health and Welfare Table

Priority level	Definition	Priority Band
Urgent	There is a critical need to move. The current housing situation is seriously detrimental to health and interferes with quality of life to an intolerable degree.	Band 1
High	There is a high medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a high degree.	Band 2
Medium	There is a moderate medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a moderate degree.	Band 3
Low	There is a slight medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a low degree.	Band 4
None	There is no medical need to move or a move would offer no improvement. The current housing situation is not detrimental to health and does not interfere with the quality of life.	No Priority

Health and Welfare Assessment Form

You only need to tell us about problems if you think that your health or welfare is being made worse by your housing and that it would improve if you moved.

You can discuss your situation with the Council dealing with your application. Housing options may be offered to assist you in resolving any issues you may be experiencing in the first instance.

If your condition is made worse by your present housing and your health or welfare is also likely to be improved by moving to alternative accommodation you will be sent a Health and Welfare Assessment form.

Only one award can be given to a household. Where more than one household member has a health condition an assessment will be made taking into account everyone's health or welfare needs and the highest award applicable will be made.

Health and Welfare Assessment Process

The Health and Welfare Assessment Panel is made up of two members of the Housing department who will assess an applicant's Health or Welfare assessment form against the criteria shown within the Health and Welfare table based on all of the information you have provided about yourself and your household and according to the guidelines in the table.

If further information is necessary before a decision can be made, the Housing department will write to you, your general practitioner or any other agency regarding additional information relating to the Health and Welfare application. They may also contact an independent medical advisor regarding your case if this is necessary.

The Health and Welfare Assessment Panel will usually meet on a 2 weekly basis, although Winchester City Council's Panel is held on a weekly basis.

Additional Bedrooms

Applicants can apply for an additional bedroom due to their medical needs. Evidence for an additional bedroom will be requested to support any requests for an additional bedroom. Usually the only circumstances in which an additional bedroom will be awarded is where an applicant requires a full-time live-in carer who is not part of the normal household.

Adapted properties

Applicants who need a home suitable for wheelchair users may need to provide a report from an Occupational Therapist before an offer can be considered.

When allocating properties suitable for wheelchair users, or with any other adaptations for disabilities, or when allocating ground floor accommodation,

priority will be given to applicants who have an assessed housing need for these properties and evidence of this has been evidenced.

What to do if you disagree with our decision

All decisions with regard to the Allocations Framework are subject to Review should the applicant be dissatisfied with a decision. A request for a Review should be made to the Council dealing with the application. An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

Details of the Right to Request a Review is detailed in 22.12.

It is important to remember that it is for the Council to make decisions in the administration of housing applications. Only the Council will be able to determine priority in line with the Allocations Framework.

Councils may where necessary take into account medical professional's information about medical conditions and any need for alternative housing as a result of that condition and any impact of the current housing on such a condition but the Council will make the final decision.

Appendix 5–Cancelling and Suspending Applications

1. Reasons for suspending an application:

- Adequately housed
- Applicants request
- Rent arrears – temporary accommodation
- Awaiting documentation
- Evicted for rent arrears / nuisance
- Intentionally homeless
- No recent contact
- No response to offer
- Offer refused
- Person from abroad
- Rent arrears
- Unacceptable behaviour
- Under investigation
- Under offer

2. Reasons for cancelling an application:

- Applicant became ineligible
- Applicant gone away / no contact
- Cancelled at applicants request
- Data error
- Deceased
- Failure to respond within the time limit
- Housed by Local Authority
- Housed through shared ownership
- Housing by social landlord or other
- Housing Register review
- Housing review not returned
- Made own arrangements
- Mail returned as no longer at that address
- Moved away
- No longer wishes to be on list
- No response to contact letter
- No response to correspondence
- Non-qualifying person
- Unsuitable to be a tenant

Appendix 6 - Reasons for refusal of a nomination by a Registered Provider or Winchester City Council.

A Registered Provider may refuse a nomination from the Councils for the following reasons:

- Anti-social behaviour
- Area unsuitable
- Change of circumstances
- Does not meet age criteria
- Does not meet financial criteria
- Does not require ground floor
- Does not meet criteria
- Does not meet local lettings policy
- Efficient management of stock
- Fails to meet accommodation criteria
- Financially secure
- Geographic exclusion
- Health reasons
- Incomplete agency information
- Incomplete application
- Incomplete verification by applicant
- Management decision
- Needs supported housing
- No support package in place
- No vacant possession guarantee
- Non-compliance with tenancy conditions
- Non engagement with services
- Not ground floor
- Offered to another shortlist
- Owner occupier
- Previously bypassed
- Previously refused
- Previously refused by Registered Provider
- Property unsuitable
- Rent arrears
- Rent Deposit Loan Scheme and/or deposit scheme debt to the Councils
- Requires ground floor
- Sensitive let
- Suspected fraudulent application
- Unable to proceed
- Other reason – which may not fall within any of the above



Allocation Scheme

To be read in conjunction with the Hampshire Home
Choice Allocations Framework

Winchester City Council Scheme of Allocation

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1 Introduction

Winchester City Council operates a choice based lettings scheme to register applicants for housing, advertise details of available properties, allow customers to bid or register their interest in suitable properties, and to match customers following successful bids to social rented housing.

The choice based lettings scheme is operated in partnership with Havant Borough, East Hampshire District and Test Valley Borough Councils (together forming a 'Sub-Regional Area' for the purposes of housing allocation), and makes use of a Common Allocations Framework agreed between these authorities, with individual allocation schemes prepared by each participating authority in accordance with that Framework.

This document constitutes the City Council's Allocations Scheme (hereinafter referred to as 'the scheme') under Allocations Framework (hereinafter referred to as 'the framework') and must be read in conjunction with Hampshire Home Choice Allocations Framework.

Both the Allocations Framework and the Allocation Scheme are designed to meet the requirements of Part VI Housing Act 1996 (as amended by the Homelessness Act 2002), the Localism Act 2011 and other relevant legislation (e.g. the Equality Act 2010) and City Council Housing Policy, and to have due regard to the Code of Guidance issued by the Secretary of State for Communities and Local Government in June 2012.

The scheme incorporates the City Council's key aims and objectives outlined in its Homelessness, Housing and Tenancy Strategies.

The scheme applies to existing City Council or Registered Provider/Housing Association tenants in Winchester wishing to apply for re-housing and to new customers applying to the Winchester Housing Register.

Existing City Council tenants or tenants of other Registered Providers seeking a transfer are assessed, prioritised and registered in the same way as other housing customers. Transferring tenants have access to the same range of housing options (i.e. City Council or Registered Provider properties and relevant private sector options) as other customers, dependent on their level of priority.

The City Council is committed to a scheme that offers greater choice to all those seeking housing and enables customers to make well-informed decisions about their housing options.

2 Principles and Objectives

2.1 Strategic Priorities

Supporting local people in accessing high quality, affordable housing is one of the City Council's Community Strategy priorities.

2.2 Priorities of the Scheme

The key principles and objectives of the scheme which determines how allocations will be made are:

- To meet our homeless prevention and statutory homelessness duties
- To give 'reasonable preference' to those in greatest housing need
- To meet the needs of vulnerable people with support
- To provide applicants with as much choice as possible
- To help to create and maintain sustainable local communities
- To make the best use of available housing resources
- To allocate scarce local housing resources in as fair a way as possible

2.3 The Hampshire Home Choice (HHC) Sub-Regional Allocation Framework

HHC administers a single housing register for people in housing need across the HHC sub region. The HHC Housing Register is used by the four partner local authorities to nominate and allocate social housing across the sub region. This information is shared with the partner Registered Providers (which includes local authority landlords).

Applicants registered on Hampshire Home Choice are eligible to bid for a quota of properties identified across the four Council areas (cross boundary moves), as well as homes in the Local Authority in which the applicant has a local connection. These properties will be clearly labelled in the property adverts and it will be very clear for which properties the applicant can and cannot bid.

Cross boundary moves will be regularly monitored to ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas.

2.3 Statement of Choice

The City Council and its partner landlords are fully committed to enabling applicants to play an active role in choosing where, and in what property type and tenure in which they wish to live, while

Winchester City Council Scheme of Allocation

continuing to house those applicants in the greatest housing need and complying with all relevant legislation.

Applicants can apply, subject to eligibility for vacancies which are advertised each week. In making this choice applicants need to consider their housing need priority against the availability of properties in any given area.

The Housing Register offers eligible applicants an opportunity to express preferences in relation to accommodation in the following ways:

- Applicants can make a positive choice about the area in which they wish to live.
- Applicants can state their preferences for type of heating, a garden and other amenities.
- We will provide applicants with clear information about the supply of and demand for vacancies through our weekly Newsletter. This will help inform them about the implications of their choice and decisions in terms of waiting time and the availability of properties.
- We will use local lettings initiatives to enhance choice and enable applicants to make a positive decision about where they live.
- We will seek to ensure that local people have the opportunity to live within their home villages.
- We will offer choice of tenure, for example social and Affordable Rent properties, low cost homeownership, Homebuy.

2.5 Village Vacancies

The scheme ensures that priority for vacancies in rural village areas is given to households with a relevant local connection.

Special rules will apply when prioritising applicants who are being considered for housing in a village. All village vacancies will be advertised with priority given to those with a local connection to the village.

A Village local connection exists where one or more of the following criteria are met:

- Ordinarily resident in the Village
- Previously ordinarily resident in the village prior to the date of allocation and has family who ordinarily reside there.
- Employment –in the village (either current or or to take up permanent employment in village)
- To support or be supported by member of family ordinarily resident in the village.

The definition of a village is that it has a population of less than 3, 000 (figures used will be as stated in the City Council's Rural Parish Census Data 2011).

Winchester City Council Scheme of Allocation

Applicants who do not meet any of the above criteria will not have a local village connection.

2.6 Local Lettings Policies

Local lettings policies will be used to ensure, where possible, that there is a mixed and balanced community. Local letting policies for some existing properties and initial lettings on new build schemes may specify different priorities for allocating properties. Properties subject to such a policy will be clearly labelled in the property advert.

Local lettings policies may be applied in addition to any local planning restrictions (contained in agreements made under Section 106 of the Town and Country Planning Act 1990) in place, but will not override them. These local lettings policies will be agreed by the respective Registered Provider and Local Authority Housing Manager.

2.7 Local Planning Restrictions (Section 106)

Where the allocation of a dwelling is restricted by a Planning obligation under Section 106 of the Town and Country Planning Act 1990, applicants will be prioritised in accordance with the criteria set down in that agreement.

2.8 Sensitive Lettings

There may be occasions when a Registered Provider requests that a vacant property is advertised as a sensitive letting; for example, where a previous tenant has caused anti-social behaviour and it is important to get the right mix of tenants in the area having regard to the needs of existing vulnerable or elderly tenants. The landlord and the local authority may agree that the applicant in prime position for nomination is not suitable to be offered the property and instead agree to offer the property to a more suitable applicant.

Priority may be given to working applicants, taking into account all relevant factors in relation to the applicant's housing need, suitability of the property for that applicant and the needs of the community. In these cases, the advert will clearly state the property is subject to a Sensitive Letting.

2.9 A Fair Allocations Statement

The City Council is committed to providing equality of opportunity to all customers who apply for housing. Monitoring of applications and lettings will take place to ensure that everyone is treated fairly.

3 Housing Register, Eligibility & Exclusions

The Council maintains the Housing Register and is the main point of contact for all applicants wishing to apply for social housing within Winchester City Council district.

Winchester City Council Scheme of Allocation

The Council maintains the register on behalf of Registered Providers who operate within the Winchester District. All nominations to vacancies provided by the Registered Providers are made by Winchester City Council in accordance with the scheme and the Hampshire Home Choice Sub-Regional Framework.

Registered Providers will allocate their accommodation in accordance with the scheme and the framework, with the exception of:

- Any applicant who may be excluded for an allocation by virtue of the Registered Providers' own Allocation policy.
- Any applicant who may be excluded for an allocation as a result of the Registered Providers' charitable status.

No applicant will be excluded for an allocation by a Registered Provider without full written notification by the relevant Registered Provider to the applicant and the Council.

All applicants will have the right of a review by/to the Registered Provider of any aspect of an adverse decision. Details of the Registered Provider's review policy will be included with any notification of an adverse decision.

Some Registered Providers may reject nominations for reasons set out within their independent allocation policies. In such circumstances, the Council will require the Registered Providers to provide written confirmation of the reasons for their rejection to both the Council and the applicant within 3 working days. Applicants will be able to request the Registered Provider review its decision according to its own independent appeals procedure.

3.1 Eligibility for the Housing Register

Certain people from abroad, including some subject to immigration control, are not eligible for an allocation of social housing. These are known as restricted persons. These regulations are set by Government and updated regularly.

Allocations and nominations under the scheme can only be made to eligible persons. The City Council cannot allocate housing accommodation under the scheme to:

- (1) A person from abroad who is subject to immigration control unless he/she is of a class prescribed by regulations made by the Secretary of State, or currently a tenant of the City Council or a Registered Provider. No person excluded from entitlement to housing benefit shall be included in any class prescribed by the Secretary of State.
- (2) Two or more persons jointly if any of them falls under 4.2 (1) above.

(3) Other classes of persons from abroad specified by the Secretary of State.

3.1.1 Habitual Residence Test

Most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Register.

The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

The Habitual Residence Test is used to ensure new allocations of social housing is to the applicants who are ordinarily resident in the UK, i.e. those habitually resident in the UK, and to EEA nationals exercising Treaty Rights. In applying this test, some British citizens, nationals of EEA member states and others exempt from immigration control may nevertheless be denied an allocation on the grounds that they are 'not eligible'. The Test can be reapplied at a later date and a different outcome may arise.

Subject to the reasonable preference criteria (Section 1.5 of the framework) and any other relevant regulations made by the Secretary of State, the City Council may decide what classes of people are to be treated as qualifying persons; able to join the Council's Housing Register and to be considered for housing accommodation.

Applicants deemed not to be a qualifying person by the City Council will not be able to be considered for housing and will be notified in writing.

Any applicant regarded by the City Council as ineligible to join the housing register may request a review of this decision (Section 11.1, The Right to Review).

3.2 Qualification for Inclusion on the Housing Register

The City Council will consider all applications to join the Housing Register in accordance with the framework (Section 11 Qualification for Inclusion on the Hampshire Home Choice Register).

3.3 Applicants who are not Qualifying Persons

Section 12 of the framework (Applicants who are not Qualifying Persons) details those applicants who will not normally be qualifying persons and will therefore not qualify for inclusion onto the Housing Register.

Applicants who do not qualify or are not eligible to join the Housing Register will be advised in writing of the decision and their right of review of the decision that they do not qualify or are ineligible for the Housing Register (see Section 11.1 The Right to Review).

3.4 Suspension from the Housing Register

The City Council operates a suspension policy and applications will be suspended in the following circumstances:

- 1) Where an applicant has deliberately worsened their circumstances
- 2) Unacceptable behaviour
- 3) Former rent arrears and debt
- 4) Refusal of suitable accommodation

Full details of the suspension policy are detailed in Section 13 of the framework, HHC Suspension Policy.

4 Registration on the Housing Register

Housing applicants will only be registered onto the Housing Register following receipt by the City Council of the duly completed housing application form and requisite verification documentation.

An applicant's registration date will be the date on which the City Council receives their application. This date is known as the 'registration date'.

All applications for housing are assessed and placed in one of four bands depending on the applicant's housing need. Priority is awarded within each band by date the application was placed in the band. This date is known as the 'priority date'.

The City Council will endeavour to register all applications and notify the applicant of their banding assessment within 10 working days of receipt of all relevant information relating to their application. The letter will inform them of the date their application was registered, their banding and their assessed bedroom need.

Section 2 of the framework, Processes; Applications and Assessment provides further detail on the registration process.

4.1 Renewing Applications

Applicants will be required to renew their housing application on an annual basis on the anniversary of their relevant application date, known as the 'renewal' date.

If applicants fail to voluntarily renew their application they will be sent a written reminder to do so within 21 days of the renewal date. Any applicant who does not renew their application within 28 days of receiving their reminder letter to do so will be assumed to no longer require housing and their application will be cancelled accordingly.

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If an applicant makes contact within 6 months of their original application being cancelled, this application will be reinstated.

If contact is not made within 6 months and satisfactory evidence is provided of an incapacity causing the failure to renew, the application can be reinstated from the date of the original application.

Eligibility and qualification for the list may be reconsidered when an application is being reviewed.

Applicants must keep the Council informed of any changes to their circumstances, as and when these arise, by submitting written details to the Housing Allocations Team. Applicants may be required to complete a new application form and provide any necessary supporting documentation.

5 Housing Need Assessment

Applications will be assessed in accordance with Sections 14 (Household Size and Accommodation Eligibility), Section 15 (Health and Welfare Assessment), Section 16 (Additional Priority) of the framework.

6 Banding Scheme

Applicants who are eligible and qualify to be accepted on to the HHC Register will have their housing need assessed and be placed into one of four bands:

- Band 1: Urgent Priority
- Band 2: High Priority
- Band 3: Medium Priority
- Band 4: Low Priority

Priority is awarded within each band by the date the application was placed in that band. This date is known as the priority date.

Full details of the categories are available in Sections 17 to 19 of the framework.

6.1 Band 1: Urgent Priority

Applicants who fall into this category will be households who need to move because of:

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- Emergency Cases – Usually on health medical or welfare grounds; or
- Emergency Management Transfers

6.2 Band 2: High Priority

Applicants who fall into this category will be households who need to move because of:

- Statutory Homeless Duties
- Overcrowding by Two Bedrooms
- Serious Disrepair
- High Medical or Welfare Grounds
- Vulnerable applicants in Supported Housing ready for Move On
- Management Transfers
- Existing Social Housing Tenants Under-occupying their Current Accommodation – consideration will be given to those tenants in rent arrears and also those wishing to downsize to a property that is 1 bedroom larger than their housing need.

6.3 Band 3: Medium Priority

Applicants who fall into this category will be households who need to move because of:

- Overcrowding by one bedroom
- Temporary/insecure housing
- Lacking/sharing facilities
- Medium Medical or Welfare Grounds
- Social housing tenants living in two bedroom flats that have two children
- Former City Council tenants who in special circumstances agreed to relinquish their tenancy. Customers falling into this category will be placed into Band 3 for six months before they require re-housing, and nominated to a City Council property by direct match within 28 days from which they require alternative permanent accommodation
- Customers left in sole occupation of City Council stock, having no statutory right to succeed, following the death of the secure tenant will, in special circumstances, be considered for a property suitable to their housing need. Each case will be considered on its own merits and some of the factors taken into consideration will be; the customers relationship with the former tenant, length of residency, support given/received throughout the duration of residency together with the customers ability to sustain a tenancy. Customers falling into this category will be subject to a 3-month time limit, at the expiration of which they will be removed from the housing

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register or if they wish, be re-assessed according to the standard registration process

6.4 Band 4: Low Priority

Applicants who fall into this category will be households who need to move because:

- Of a low Medical Priority or Welfare Grounds
- Living in tied or Armed Forces accommodation
- Wish to be considered for difficult to let properties (this will normally be sheltered and/or extra care accommodation)
- Applicants who are serving prison sentences and who on release will have a housing need or be homeless and have a local connection to Winchester

6.5 Determining Priorities under the Allocation Scheme

Priority is awarded within each band by the date the application was placed in that band. This date is known as the priority date.

If an applicant is moved up a band the application will be given a date when the increased priority is awarded. This becomes the new priority date.

Applicants who are assessed as not in housing need, but are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for difficult to let properties will be placed in Band 4.

If an applicant has a serious housing problem that requires urgent consideration for re-housing, their application will be reviewed by the City Council's Senior Housing Needs Officer and discussed with HHC Manager and awarded higher priority, if appropriate.

Special rules apply when prioritising applicants for housing into village vacancies, with preference being given to applicants who can demonstrate a local connection to that village.

7 Advertising & Bidding Process

This follows Section 3, Allocations and Lettings, of the framework but with the following additional information.

7.1 Determining between Applications

When determining an allocation or nomination for a vacancy, the City Council will normally consider allocating according to the following rank orders:

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- Suitable applicants within Band 1 the Urgent re-housing band (by date order of approval as an agreed critical/urgent case)
- Suitable applicants within Band 2 (by priority date in the band)
- Suitable applicants within Band 3 (by priority date in the band)
- Suitable applicants within Band 4 (by priority date in the band)

A decision of the 'suitability' of a particular applicant will also have reference to the appropriate household size and accommodation eligibility criteria and criteria set out in Section 14.1 of the framework.

7.2 Occupation/Property Eligibility Criteria

For vacancies, the following issues will be considered:

a) Achieving an appropriate balance between the following range of factors:

- management issues (e.g. child density, sensitive lettings, local lettings policies, etc)
- balancing competing levels of demand between different household types
- making best use of available stock
- the particular design, layout and room sizes of the property
- whether the vacancy is deemed accessible to meet the needs of a disabled person (see section 7.3)
- the current status of relevant allocations quota
- Housing Associations' individual allocations policies
- an applicant's ability to maintain a tenancy (particularly when moving on from supported housing).

b) Assessing what households are eligible for designated property size.

If an applicant does not qualify for the vacancy after taking the above factors into consideration, they will not be advised that they are unsuccessful and will be skipped on the shortlist.

7.3 Accommodation for Disabled Applicants

Properties which have been designed or have been significantly adapted to meet the needs of disabled people will be prioritised for applicants who require such an adapted property (or someone in their family requires the adaptations). The particular adaptations will be stated clearly in the advertisement.

Disabled applicants (or families with a disabled member) will be considered for other vacancies by virtue of their ranked position on the Housing Register where it is reasonable and practical to adapt that property for their needs.

7.4 Properties for Older Persons

Both Sheltered and Extra Sheltered Housing Schemes (category 2.5) hope to take into account the future needs and aspirations of the older population as well as their current need.

In some circumstances this may result in under-occupation of a property.

Customers requiring sheltered or extra sheltered housing should restrict their bids to such properties only.

The properties will be advertised clearly and the will state that they are sheltered or extra sheltered housing. The minimum age criteria for such properties will also be given in the advertisement.

Extra Sheltered Housing (category 2.5)

These properties offer the highest level of support to older customers. For more detailed information about the assessment procedure see The Extra Care Assessment Panel procedure (Appendix 1).

To be eligible for extra care housing customers will need to:

- Have been jointly assessed by Adult Services and WCC as needing assistance with several personal care needs to maintain their independence.
- Be approaching or at the point where their care needs can no longer be adequately met within their existing home.
- Meet the standard criteria for eligibility to join the Housing Register
- Have a level of mental awareness to enable them to live independently free from risk to themselves and others.
- Not have regular, ongoing, night time needs.

The advertisement will state the level of care the property will provide. All bids from customers with the correct assessed extra care need for the property will then be considered in extra care priority order and in accordance with the scheme of allocation.

7.5 Managing Choice

Cases awarded critical housing priority (including Witness Protection and Multi Agency Public Protection Arrangements, etc) will not be offered a choice as the need to manage risk will be the primary determinant of any accommodation to be offered.

Applicants awarded a 'Management Transfer' priority will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to their original Band.

Applicants owed a full duty under Part 7 of Housing Act 1996 (as amended by the Homelessness Act 2002) and placed in temporary accommodation will be expected to bid for suitable properties. If the applicant does not bid for suitable properties, then the City Council will bid on their behalf and make a suitable offer of a vacant property within their district.

7.6 Direct Matching

In certain circumstances the City Council will allocate a property directly to an applicant which is known as a 'direct match'. The advert will clearly state that the property has already been allocated to an applicant with a specific need. Examples of when a direct match may take place include but are not limited to:

- Applicant requires a specifically adapted property
- Urgent management decant required
- Applicant is subject to MAPPA or MARAC and requires specific accommodation in a specific area
- Armed forces customers who have 28 days before the expiration of any notice in place relating to termination of accommodation
- Homeless households in temporary accommodation where the City Council needs to release this accommodation in order to meet local homeless priorities and pressures
- Homeless Applicants who have been in Band 2 for a 3 month period and have not successfully secured suitable accommodation
- Former City Council tenants who in special circumstances agreed to relinquish their tenancy who have 28 days from which they require alternative permanent accommodation

8 Offers of Accommodation

Applicants selected for nomination to a Registered Provider in the District will be contacted by the Registered Provider about the nomination.

All offers of accommodation made by Registered Providers in the City Council District will be made in writing, direct to applicants from the Registered Provider themselves. If applicants do not respond to a formal offer or contact regarding a nomination within 3 working days it will be assumed they have refused the offer or are no longer interested in that property.

8.1 Vulnerable Applicants/Support Needs

The City Council is committed to ensure that all residents in the District have every opportunity to sustain their homes.

The City Council will provide the following details to a Registered Provider when responding to a request for a nomination from the Housing Register:

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- Any tenancy support provided to an applicant;
- Any known involvement by any support agency with an applicant, and
- Any concern that the applicant may need tenancy support even if tenancy support has not been given and there is no involvement of any support agency.

8.2 Joint Tenancies

The conditions set out below relate to Winchester City Council-owned properties only; other Registered Social Landlords may have their own policies on joint tenancies, which may differ from the City Council's.

Customers can potentially be granted a joint tenancy where they are a couple and meet one of the following criteria:

- Married
- Civil partners
- Cohabiting (heterosexual or same sex) and able to provide proof of a minimum of 12 months joint residence.

Where the relationship between two customers is other than those described above, a joint tenancy may be granted in certain circumstances only. It should be noted that there are serious and complex consequences attached to being a joint tenant and therefore joint applications should not be entered into without considering fully these consequences.

An existing joint tenant, who wishes to apply for housing other than with their current joint tenant, will have issues surrounding the tenancy that will need to be resolved before the City Council will be able to offer a new tenancy.

The City Council can only grant a joint tenancy if *both* Customers are eligible for housing within criteria set down in Part VI of the Housing Act 1996.

Information on joint tenancies is available from the City Council, Housing Management section.

9 Properties not Included in the Scheme

Whilst most allocations will be managed through the choice based allocation process, there will be some circumstances when it is necessary to exclude vacancies from the process.

Examples of lettings which may be excluded are as follows:

- Alternative accommodation to allow repairs to be carried out
- Temporary accommodation for households who are homeless or may be threatened with homelessness

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- Supported housing
- Renewal of flexible tenancies
- Conversion of introductory to secure tenancies
- New tenancy granted at current address (for example, joint to sole tenancy)

10 Housing Options

Due to the pressures on social housing, customers are able to obtain advice and information about a range of housing options. The City Council's Housing Advice Team provides a free advice and information service to housing customers and deals with enquiries about the following issues:

- Who can apply for assistance as a homeless person and how to go about this
- Other housing options available, including private sector rented accommodation, low cost home ownership schemes, and accommodation outside of the City Council district
- General housing matters including tenancy problems

The Housing Advice Team can be contacted via the Customer Service Centre by telephone on 01962 848 400, or direct on 01962 848 163 or by Email: housing@winchester.gov.uk

or by post at: Housing Advice, Winchester City Council, City Offices, Colebrook Street, Winchester, SO23 9LJ

11 Reviews & Complaints

11.1 The Right to Review

Applicants have the right to request a review of any aspect of their housing application assessment made by the City Council when assessing their application for housing, under the Housing Act 1996, Part 6. This includes decisions regarding eligibility, qualification, housing need assessments and the suitability of offers of accommodation.

11.2 The Review Process

An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

A request for a Review must be made within 21 days of the decision providing the reasons for the Review. The City Council has discretion to extend the time limit if it considers this would be reasonable. If further information is needed, the applicant will be invited to write or, if unable to do this, make oral representation. The applicant may also appoint someone on his or her behalf to do this.

If the reviewing officer finds that the original decision did not take relevant information into account they will refer the case back for re-consideration. The applicant will be notified of the Review decision within 56 days of the request for a Review.

11.3 Complaints Procedure

Internal

If an applicant is dissatisfied with any aspect of their application, other than where a review can be made, they should follow the City Council's published complaints procedure, available on the City Council's website or on request.

Complaints regarding the letting of properties may also be made to social landlords through their own complaints procedure.

The Local Government / Housing Ombudsman

If an applicant is not satisfied with the action taken by the Council and has exhausted the complaints procedure available, they can send a written complaint to the Ombudsman. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
'Phone: 0300 061 0614
Fax: 024 7682 0001
Website: www.lgo.org.uk

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
'Phone: 0300 111 3000
Fax: 020 7831 1942
Email: infor@housing-ombudsman.org.uk
Website: www.ihos.org.uk