

CABINET

21 APRIL 2008

SUB-REGIONAL CHOICE BASED LETTINGS – COMMON SCHEME OF ALLOCATION

REPORT OF HEAD OF STRATEGIC HOUSING

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RECENT REFERENCES:

CAB1553 – Sub-regional Choice Based Lettings, 12th December 2007

EXECUTIVE SUMMARY:

On 12 December 2007 Cabinet gave its authorisation for the adoption of a sub-regional choice based lettings scheme (CBL) in conjunction with East Hampshire District Council and Havant Borough Council. As part of the CBL scheme the Councils involved have to agree a Common Allocations Framework that will apply to all applicants for housing in their respective districts. This is to ensure that applicants' housing needs are judged on a common set of indicators, allowing them to compete (bid) for housing as it becomes available on an equal basis. In accordance with the Cabinet decision on 12 December 2007, this report brings a draft revised Common Allocations Framework and Scheme of Allocation before Cabinet for authorisation.

RECOMMENDATIONS:

1. That the Sub-Regional Common Allocations Framework, as set out in Appendix 1 of this report, is adopted by the City Council, to commence when the sub-regional CBL scheme is launched.
2. That the Winchester City Council Scheme of Allocation, as set out in Appendix 2, is adopted by the Council, to commence when the sub-regional CBL scheme is launched.
3. That the Head of Strategic Housing, in consultation with the Portfolio Holder for Housing and Communities, be authorised to make minor editing changes to the Framework and Scheme prior to it coming into force.
4. That a further report be brought back to Cabinet in due course to approve any subsequent changes (if required) to the Sub-Regional Common Allocations Framework and the Council's Scheme of Allocation.

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SUB-REGIONAL CHOICE BASED LETTINGS – COMMON SCHEME OF ALLOCATIONS

REPORT OF HEAD OF STRATEGIC HOUSING

DETAIL:

1 Introduction

- 1.1 The Housing Green Paper 'Quality and Choice: A Decent Home for All' published in April 2000 proposed a series of pilot schemes to test the concept of choice based approaches to letting Local Authority (LA) and Housing Association accommodation. The pilots' primary aims were to give both existing and new social housing tenants more say in choosing where they live and to provide lettings schemes that were more comprehensible and transparent to applicants. In essence Choice Based Lettings Schemes (CBL) allow applicants for social housing to "bid" for properties when they become vacant, the bidder with the highest priority being offered the tenancy of the property. The CBL system places greater emphasis on the applicant to search for appropriate vacancies and apply for them rather than be offered a property that they may not want. CBL systems are web based and encourage applicants to bid on-line, although other bidding methods are available e.g. postal, texting and phone message.
- 1.2 The Government confirmed its commitment to take forward Choice Based lettings in its published Code of Guidance for local authorities on the 'Allocation of Accommodation' in 2002 and set targets for 25% of Local Authorities to have a choice based lettings system by 2005 and 100% by 2010.
- 1.3 The Deputy Prime Minister's 5 year housing plan 'Sustainable Communities: Homes for All' published in January 2005 set out the Government's Plans for taking forward its Choice Based Lettings (CBL) policy. It also indicated the Government's intention to see this policy operating on a regional and or sub regional basis.

2 Background – Winchester City Council

- 2.1 The Council's current points-based Scheme of Allocation has been in operation since the mid 1980's and is based on awarding points for various housing and medical factors of the applicant. The system has been criticised as being complex and subjective, and as it has changed with each successive new piece of legislation these issues have been compounded.
- 2.2 The introduction of Choice Based Lettings focussed housing authorities' attention on introducing a more simplistic way of assessing housing need that would appear more transparent and easier for applicants to understand. A "Banding" approach has been devised and adopted by the majority of the Choice Based Lettings pilot schemes. This approach groups applicants into one of a number of bands, each reflecting varying levels of housing need. There are commonly four or five bands, each of which will include applicants with a similar degree of housing need. Those with the highest degree of need are placed in Band 1. When a property becomes vacant, dependant upon the type and size of the property, applicants within identified bands

are invited to bid for the vacancy. If, for example, a property which had been identified as hard to let became vacant, then this might be opened to all bands with it ultimately being allocated to the applicant bidding with the highest degree of housing need.

- 2.3 Whilst the use of Banding Schemes is encouraged by Central Government this comes with a cautionary note that such schemes must still be legally compliant and reflect the 'reasonable preference' categories set down in Housing Act 1996 (as amended). In the light of several challenges through the courts in relation to banding schemes, the Department of Communities and Local Government have stated they will be issuing a Code of Guidance to assist Local Housing Authorities. Unfortunately this is long overdue and the legal challenges therefore continue. In light of this, Winchester City Council, together with its sub regional partners (East Hants District Council and Havant Borough Council), decided to seek a Counsel's Opinion on the proposed banding scheme of allocation. Further details of the Opinion are included in Section 4 of this report.
- 2.4 The Sub-Regional Allocation Framework proposed by the three Authorities involves placing applicants for housing in one of five bands, Band 1 being the highest priority and Band 5 for those with no priority. Priority within the bands will reflect applicants' cumulative "reasonable preference" categories as set out by the Housing Act 1985 (as amended), or, where there is no difference, on a date order basis.
- 2.5 The sub-regional approach proposed by the Authorities involves advertising all social rented vacancies (including Registered Social Landlords) across all three LA areas to all of their respective applicants for housing. Although in theory this will allow applicants from East Hampshire and Havant to have an equal opportunity of being rehoused in a property in Winchester and vice versa, the criteria for success will be based solely on their housing need. Both East Hampshire DC, Havant BC and the Council's IMOG (see paragraph 3.3 below) have considered the risks of this approach and are satisfied that it is worth pursuing, with the caveat that the scheme be reviewed after twelve months to ensure no LA or its tenants are facing an unfair burden of new tenants from outside their area. Each LA will have the ability to vary the amount of vacant stock they advertise via the CBL scheme but all are committed in the first instance to offer 100%. If a LA decides to limit the stock available to applicants from the other areas this will be achieved in practice by the CBL system only allowing bids from the applicants on the LA's own housing list. The LAs within the proposed CBL scheme will have a single Sub-Regional Common Allocation Framework but still have their own local variations contained within their Scheme of Allocation which will reflect their own local rehousing priorities.

3 Summary of Main Changes

- 3.1 The two most significant changes are the move from a pointing to a banding system of assessment and the ability to advertise vacancies across three local authorities, providing applicants with more choice about where they would like to live. The proposed scheme also provides that owner-occupier households or those with substantial savings or resources should not be considered save in exceptional circumstances and then on a case by case basis.
- 3.2 Local connection within the various Local Authority Districts receives a degree of recognition in the scheme. There is also provision for the City Council and various supporting agencies to make direct bids on behalf of some applicants, for e.g. those who have been identified as particularly vulnerable.

- 3.3 A process of consultation has taken place throughout 2006/7, with initial consultation focusing on the proposed change to a Choice Based Allocation system. An Informal Member/Officer Working Group (IMOG), including TACT representation, was set up to consider adopting a Choice Based lettings scheme and a drop-in day for external agencies and TACT members was held at the Guildhall. The City Council's Housing Association Partners have been consulted generally through regular partnership meetings, and more latterly in January 2008 about the proposed Scheme of Allocation. TACT was also consulted on the Draft Scheme in their February meeting. On the whole the feedback has been positive, particularly from those with experience/knowledge of similar schemes operating elsewhere.
- 3.4 At the last meeting of the CBL IMOG on 17 March 2008, Members and Officers reviewed the Sub-Regional and local Allocation Scheme and were happy to endorse the approach adopted.

4 Counsel's Opinion

- 4.1 The City Council submitted a draft of the Sub-Regional Framework and the Scheme of Allocation to Counsel at Arden Chambers in February 2008 in order that a formal Counsel's Opinion could be obtained on the legality of the proposals. In summary, Counsel advised that the Scheme fitted the general policy context set out by the Government. However, he made several recommendations that would make it more robust if challenged. Specifically, priority within Bands should be given to applicants' cumulative needs rather than date order, Band 4 will become Low Priority whilst applicants with no priority will be placed in Band 5. All of these recommendations have been adopted and included in the revised draft documents attached (Appendix 1 and Appendix 2).
- 4.2 Members at the Cabinet meeting of 12 December 2007 asked whether any restrictions could be applied to allow priority to be given to local applicants when allocating properties in rural areas. In summary, Counsel commented that this could be achieved through the expedient of creating balanced, sustainable communities as long as it did not constitute the majority of allocations in these areas. The Council could achieve this through the publication of "Local Lettings Plans", which set out what percentage of properties would be retained for local people. A further report will be brought back to Cabinet in due course, once the detail of this has been settled following further discussions at the IMOG, including determining an appropriate percentage having regard to the comments made by Counsel.
- 4.3 It is very unlikely that any allocation scheme can avoid potential legal challenge. However the three authorities have produced a robust scheme that reflects Counsel's advice and current case law. The scheme is acceptable to all three authorities and has been agreed by the CBL Project Board. When (or if) the Government publish the long-promised Choice Based Lettings Code of Guidance then the Scheme may have to be amended to reflect any variations.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Choice Based Lettings is relevant to the corporate aim of Strong and safe Communities – Promoting an inclusive society by improving access to affordable housing.

5 RESOURCE IMPLICATIONS:

- 5.1 Significant staff time will be required to manually change the current Joint Housing Register (approximately 2700 applications) from the points based system to banding. This will be met from existing staff resources supplemented by overtime payments (from within the existing Strategic Housing budget).

6 TACT COMMENT

6.1 **Sub-regional Choice Based Lettings-Common Scheme of Allocations**

- 6.2 As stated in the introduction 1.2:

- 6.3 The Government confirmed its commitment to take forward Choice Based lettings in its published Code of Guidance for local authorities on the 'Allocation of Accommodation' in 2002 and set targets for 25% of Local Authorities to have a choice based lettings system by 2005 and 100% by 2010.

- 6.4 TACT are aware that through no fault of their own it has taken Winchester Council longer to get off the mark.

- 6.5 Having given thought to the recommendations and studied the published papers, and comments of our representatives Paul Bungey and Sandra Salter on the Choice Based Lettings IMOG, plus presentations from Olu to TACT at their February meeting, it would seem we are on the final leg in implementing Choice Based Lettings.

- 6.6 Some Councils have found the Scheme of great benefit, others quite the reverse. For this reason we hope it works out well and speeds up our letting of Council properties.

- 6.7 Like any new scheme one must expect teething troubles, but trust they will be few.

- 6.8 The Government have made it clear this is the way forward as they see it. As we know from past experience Governments are not always right. But for our tenants sake we wish you well.

7 BACKGROUND DOCUMENTS:

Project Team minutes held within the Strategic Housing Division

8 APPENDICES:

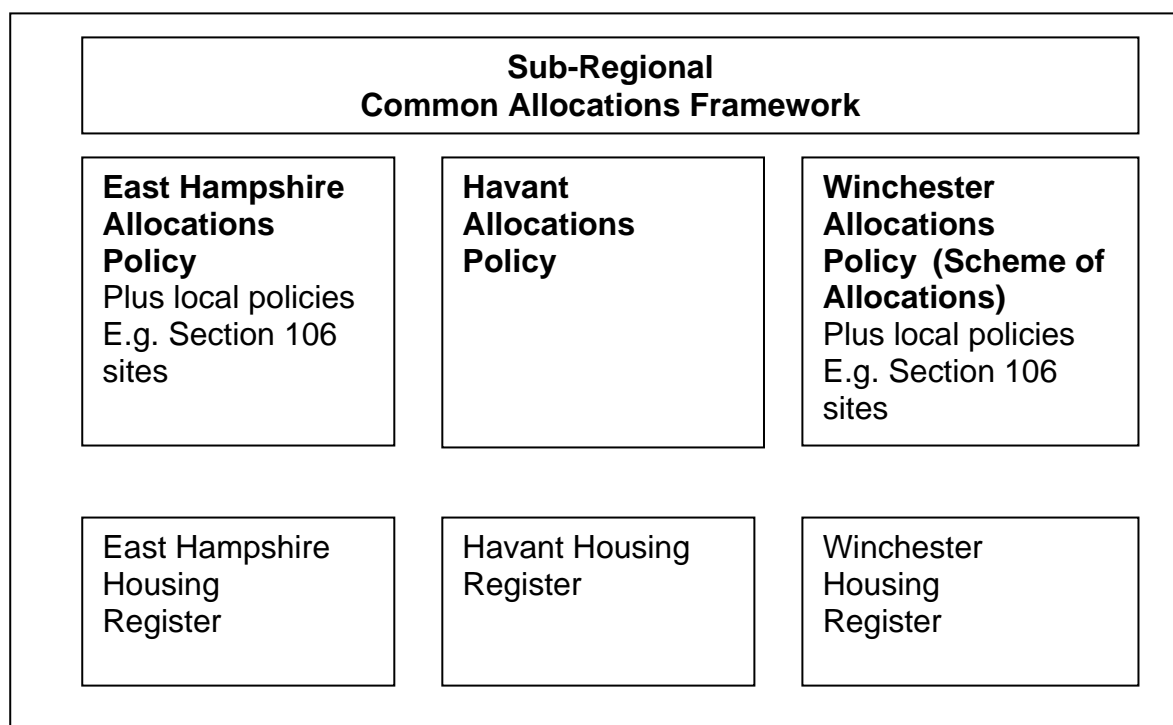
Due to their size, the appendices are attached for Cabinet Members only, in addition to the Chairman of Principal Scrutiny Committee, Group Leaders, TACT representatives and Chairman of Social Issues Scrutiny Panel. A copy will be available in the Members' Library and on the Council's Website: www.winchester.gov.uk.

Appendix 1 - Draft Sub-Regional Common Allocation Framework

Appendix 2 – Draft Winchester City Council Scheme of Allocations

Sub-Regional Common Allocations Framework

This document sets out a framework for the allocation of social housing in East Hampshire, Havant and Winchester. East Hampshire District Council, Havant Borough Council and Winchester City Council have agreed to adopt a joint approach to allocating social housing: these principles are set out in the Allocations Framework. The Framework explains how the Choice Based Lettings Scheme works in relation to the three Councils' Allocations Policies. The Framework enables all customers for social housing to be prioritised by the three authorities in a similar way and as a result, customers are assessed as being eligible to bid for homes across the three Council areas. Whilst the Allocations Framework is a joint policy between the three Councils, each Council will continue to maintain an Allocations Policy and a Housing Register.



1.1. Statement of Choice Based Lettings Scheme Principles

Choice Based Lettings provides an alternative to traditional systems for the allocation of social rented housing. In traditional allocations schemes vacant social housing is allocated to applicants by local authorities. In Choice Based Lettings Schemes, vacant social housing is advertised and customers are required to bid for properties. Customers choose where they would prefer to live. Where more than one customer applies for a vacancy the Council's Allocations Policy decides which customer has priority i.e. the customer assessed as having the highest degree of housing need for the property advertised. The Choice Based Lettings Scheme is considered an important element in the wider strategy to manage housing need in the sub-region. Within this area it is recognised that market housing has become increasingly unaffordable and also that homelessness represents a significant problem. Choice Based Lettings will help create a more effective market for social housing in which customers can make decisions about social housing based on clear information of all of the available options. Increasing choice for households in housing need in this way will:

- Enable customers to make informed decisions about their social housing choices in the light of varying levels of supply and demand.
- Encourage customers to take a wider look at all of the alternative housing options that may be available to them including Low Cost Home Ownership and private renting.
- Result in an increase in the proportion of satisfied tenants and help develop more sustainable communities.

The Choice Based Lettings Scheme includes the allocation of all social housing across three Councils within the sub region. Each Council retains strategic control of the way in which social housing in its area is allocated. A fundamental principle of the scheme is that each Council continues to influence the allocation of scarce social housing to households in need of affordable housing and to other customers with support needs. The Choice Based Lettings Scheme incorporates an Annual Review to ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas.

1.2. The Structure of the Choice Based Letting Scheme

The scheme is managed by three local authorities: East Hampshire District Council, Havant Borough Council and Winchester City Council. All Housing Associations operating in the Council districts are participating in the scheme. East Hampshire, Havant and Winchester have agreed that each of their allocations policies will conform to the following general principles:

- to give customers as much choice as possible.
- 100% of social lettings to which the Councils have nomination rights to be made through the scheme. Each Council may agree some specific exceptions.
- to enable customers to make bids for properties across the Council areas
- to increase understanding and satisfaction with the letting scheme.
- to give new and existing tenants a stake in sustainable communities.
- to meet housing need
- to make the best use of social housing.
- to improve the time it takes to let homes for landlords.
- to reduce the number of properties refused by customers.
- to allocate scarce social housing resources in a fair way.
- to let social housing in an equitable, open, accountable and transparent manner.
- to meet the legal requirements for the allocation of social housing.

1.3. Fair Allocations

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

A housing need assessment will be carried out by the Council in which the customer is resident or applies. The date of registration, health and welfare needs and multiple housing needs are taken into account in the assessment. If eligible, the application will be

placed on the East Hampshire, Havant or Winchester Councils' Housing Register and subject to that Council's Allocations Policy. Through the assessment process each customer's housing needs will be considered and a level of priority awarded by placing the application in one of five bands. The band and position within a band will determine which bid for a property has been successful.

1.4. Eligibility

The Register is open to all customers subject to statutory eligibility criteria. Priority will be added to customers who can establish a local connection with one of the three Councils.

Ineligibility

- Customers subject to immigration control unless they have refugee status or exceptional leave to remain or indefinite leave to remain.
- Customers under the age of 16.

The Secretary of State may, by regulations, prescribe other classes of persons who are, or are not eligible.

A Customer's eligibility will be assessed according to the Council's allocations policy. All decisions relating to the application will be made by the relevant Council; this will include assessing priority for bands and reviews.

1.5. Reasonable Preference

The Allocations Framework ensures that customers are given "reasonable preference" under the allocations scheme as required by the legislation. This includes the following customers:

- those who are homeless within the meaning of Part 7 of the 1996 Act; this includes people who are intentionally homeless, and those who are not in priority need;
- those who are owed a duty by any housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3);
- those occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- those who need to move on medical or welfare grounds including grounds relating to a disability; and
- those who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others)

1.6 Local Connection

The local connection criteria will be met by a customer if they:

- have lived in the area for 6 months
- have lived in the area for 3 out of 5 years
- have employment in the area

- have close family in the area
- if the customer, or a member of their household, needs to receive long term or life-long medical and/or welfare treatment in the area

Once a local connection is established in one Council area it will apply across all three Councils. Customers who have no local connection and have a housing need will be placed in Band 4.

1.7 Size eligibility for accommodation.

Customers will be entitled to apply for social housing according to the size of their household. Table 1 below is intended for guidance only and the Councils and Housing Associations may agree more detailed policies for particular properties. Examples of more detailed policies include where there is overriding health or welfare need the Councils will agree to one additional bedroom over the set standards. Customers are not permitted to bid for vacancies which would result in overcrowding and customers are not permitted to under-occupy accommodation unless the Council has agreed this exception.

All properties will be advertised with details specifying the number of permitted occupants and any other special requirements. Some properties, usually in rural locations, can only be let subject to additional occupation criteria (as they are subject to a Planning Obligation under s106 of the Town and Country Planning Act 1990). As these rural housing schemes must take into account the future needs of the village as well as the current need, under-occupation may be allowed.

Table 1 House Size and Property Eligibility

Household	Size
Single person or couple	1 bedroom
Household with one child or pregnant woman	2 bedrooms
Household with two children	2 or 3 bedrooms
Household with three or more children	3 or 4 bedrooms

1.8 Policies Applying to Individual Councils Only

Each of the Councils' Allocations Policies may include policy details which apply only to that particular Council. These variations include rural exception sites and policies relating to Service Personnel. These policies will continue to meet the overall policy requirements of the Allocations Framework.

The Councils will monitor the number of allocations annually to ensure best use of social housing to meet the Councils' strategic priorities of creating balanced and sustainable communities. Housing demand and cross border migration within the 3 areas will be continuously reviewed. Should a high degree of migration be identified some restrictions on areas of choice may be imposed by the three Councils.

2. The Housing Bands

The five bands are:-

Band 1: Exceptional Housing Needs: customers with an urgent need

Band 2: High Priority: customers entitled to more than one reasonable preference category

Band 3: Medium Priority: customers entitled to one reasonable preference category

Band 4: Low Priority: customers with a housing need

Band 5: No Priority: customers with no housing need

Band 1 Exceptional Housing Needs

This band is for customers where exceptional circumstances have been identified e.g. life-threatening situations, an over-riding priority on medical or social grounds.

- Customers assessed by the Council to have life-threatening medical conditions that are directly linked to unsuitable housing conditions and have been given a high medical or welfare assessment.

-Customers needing accessible or sheltered housing so that they can be discharged from hospital, subject to suitable assessment and taking into account supporting information from other relevant agencies.

-Any customer with an exceptional need to move approved by the Council for example life threatening situations, Child Protection cases, Public Protection (MAPPA / MAREC including the National Witness Protection Scheme: Serious Organised Crime and Police Act 2005), or other serious social or welfare problems.

-The priority in Band 1 may be time limited and in some circumstances will be restricted to certain property types and areas. Each Council will decide on the application of the time limit and will review each case regularly.

Band 2 High Priority

This Band is for those customers with more than one reasonable preference and with an assessed high need to move

These customers can be moved to Band 1 if there are both urgent and exceptional circumstances. The assessment will be carried out by the Council, taking into account supporting information from other agencies.

Customers with more than two reasonable preferences will be considered for a higher degree of priority

Table 2 Multiple Needs

Reasonable preference criteria			
Homeless Households where the Council has accepted a statutory duty	Statutory Overcrowding and or statutory unsatisfactory housing	High award health or welfare grounds assessed by the Council	A need to move to the locality to prevent hardship

All decisions regarding multiple needs will be made by the Councils with supporting information provided by Environmental Health Officers, Homelessness Officers, and statutory or voluntary sector agency officers.

-Customers who need to move because their home is unsuitable on the basis of the Housing Health and Safety Rating System or other statutory duty e.g. Demolition, redevelopment or subject to major works, a Closing Order or Compulsory Purchase Order.

-Customers living in overcrowded circumstances where they are lacking in two or more bedrooms.

-Social tenants who will release a property required by the Council to meet housing need: for example social tenants living in Disabled Person Units or Mobility Units who no longer require the adaptations or tenants who are living in larger properties and who wish to move to a smaller home.

-Vulnerable customers given priority by a Supported Housing Panel

-Customers with health conditions which are directly linked to unsuitable housing conditions and who have been given high health or welfare priority or customers assessed by an occupational therapist as having an urgent need to move into an accessible property.

-Customers who have been accepted by one of the Councils with a full duty to re-house under homelessness legislation and placed in accommodation that is not suitable for their long-term needs, or where the lease for their accommodation is ending through no fault of their own. This priority restricts customers to bid only for properties in the Council area where the duty is owed.

Band 3 Medium Priority

This band is for customers entitled to a single reasonable preference who have an assessed housing need and have been awarded medium priority.

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

-Customers who have been accepted as statutorily homeless by one of the Councils and have been placed in suitable accommodation.

-Customers who have been accepted as homeless under the homeless legislation and have accepted a qualifying offer of accommodation in the private sector.

-Customers living in inadequate housing or homeless or without accommodation: e.g. households lacking in one bedroom, children of opposite sex sharing a bedroom, accommodation lacking in facilities, or sharing accommodation with another person or household that is not part of their application.

-Customers with a health condition which is directly linked to unsuitable housing conditions and which has been given a medical or welfare award.

-Customers who need to move to a particular locality where failure to meet that need would cause hardship to themselves or to others.

-Customers living in private rented accommodation and who are subject to a fixed term assured shorthold tenancy at a high rent.

The banding of customers whose circumstances change will be reassessed when that change is notified to the Council.

Band 4 Low priority

This band is for customers who are adequately housed and have no reasonable preference and have been awarded a low priority.

- Private tenants who are adequately housed or have no housing need, wish to move and have a local connection.

-Customers who are serving prison sentences. Applications will be reassessed prior to release and be awarded priority and placed in an appropriate band.

Customers who have a housing need but do not have a local connection

Band 5 : No priority

- private tenants and social tenants who are adequately housed or have no housing need and who simply wish to move.

– owner-occupiers and those customers with substantial savings, substantial equity in a property or other financial resources. The Council concerned will complete a test of financial resources and if appropriate will provide the customer with advice and guidance on other housing options.

Customers with outstanding tenant debts owed to a housing association or local authority will remain in Band 5 (whether or not they have a local connection under the Allocations Policy with one of the three Councils). Cases of financial hardship and clear evidence that a payment plan has been drawn up and adhered to over a sustained period will be taken into account in any decision to waive outstanding tenancy debt.

- customers where they, or a member of their household, has been guilty of unacceptable behaviour, which if the customer was a secure tenant of the Council would entitle the Council to a possession order (Part 1 of Schedule 2 of the Housing

Act 1985). The unacceptable behaviour must be serious enough to make the customer unsuitable to be a tenant at the time the application is considered. A fresh application will be considered if the applicant, or member of the household, can demonstrate good behaviour for at least 12 months.

Health and Welfare Assessment

The health of a customer or a member of their household will be assessed on the basis of the effect of the property on their condition and how a different property would improve the customer's health. A health 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 to health, which takes account of psychological and social factors alongside physical issues

Table 3 Health

Health 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.	1. Urgent
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	2. High
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	3. Medium
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	4. Low
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

3. Advertising Vacancies & the Bidding Process

3.1. Advertising Vacancies

Vacant Social Housing to which the Councils have nomination rights will be advertised through the Choice Based Lettings scheme. A newsletter or adverts will be available at locations throughout the East Hampshire, Havant and Winchester region including the Council offices, public libraries and details of available properties will also be updated on the South and Mid Hampshire CBL internet web site.

The Councils 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 Community Letting Plans. 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 include details such as the following:

- the landlord
- the weekly rent, including all other service charges
- 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 s 106 of the Town and Country Planning Act 1990 where offers of tenancies can only be made to customers with a strong local connection to a rural exception site.
- accessible housing e.g. wheelchair adapted.
- whether pets are allowed.

3.2. Making bids for properties

All eligible customers can make bids for properties advertised by telephone or online via the website. Full details of how to bid are set out in the Scheme User Guide. The scheme user guide is issued to all new customers. All customers are expected to make bids themselves but in limited circumstances those who do not bid for properties may receive a direct bid. Since customer participation is a critical part of Choice Based Lettings the Councils recognise that some vulnerable customers may require assistance in making bids. To ensure that vulnerable households have fair access to the scheme a Vulnerable Households policy has been developed. Customers 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.

All bids for a property are checked against the eligibility rules. Ineligible bids are excluded from consideration. Customers who regularly bid for properties for which they are not eligible will be contacted and offered advice and support if necessary.

Customers can only bid for up to three properties for which they are eligible per bidding cycle. The period of each bidding cycle will be determined by the three Councils.

3.3. Successful Bidding

All eligible bids for each property are placed in priority order by band. Priority is decided by band, number of reasonable preferences (where applicable) and priority date within the band. If customers have identical priority, consideration will be given to the customer who has been waiting the longest. If there are no eligible bidders for a property the Council will re-advertise the property. After a successful bid the letting of property will be organised by the social landlord.

3.4. Feedback on let properties

All successful lettings will be reported in editions of the newsletter and on the website. The reports show the number of bidders for each property, the band and the application date of the successful customer.

4. False statements

If a customer, or any other person, who provides information relating to an application which is false or fraudulent, or knowingly withholds information which is reasonably required, an offence is committed. In all such cases the relevant Council will consider a prosecution for the offence. If a customer has accepted a tenancy using false information they may be liable to eviction.

5. Reviews

5.1. Review Process

All decisions with regard to the Allocations Framework are subject to Review should the customer be dissatisfied with a decision. This right to a review includes decisions regarding eligibility, housing need assessments and the suitability of offers of accommodation. A request for a Review should be made to the Council dealing with an 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 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 customer will be invited to write or, if unable to do this, make oral representation. The customer 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 customer will be notified of the review decision within eight weeks of the request for a review.

5.2. The Local Government / Housing Ombudsman.

If a customer 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
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB
Phone: 024 7682 0000
Fax: 024 7682 0001

If a customer is not satisfied with the action taken by a Registered Social Landlord or 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: 020 7421 3800 Lo-Call: 0845 7125973 Mincom: 020 7404 7092
Fax: 020 7831 1942
Email: info@housing-ombudsman.org.uk

Website: www.ihos.org.uk

6. Updating the Framework

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

SR Allocations Framework V6 – revised final draft April 08

Winchester City Council – Scheme of Allocations

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Winchester City Council Scheme of Allocations

1. Introduction

Winchester City Council's policy is to operate a choice based lettings scheme to cover all social rented housing and affordable ownership options before the year 2010, as encouraged by central Government. The choice based lettings scheme is operated in partnership with Havant Borough and East Hampshire District Councils (together forming a "Sub-Regional Area" for the purposes of housing allocation), and consists of a Common Allocations Framework agreed between these authorities, with individual schemes of allocation prepared by each participating authority in accordance with that Framework. This document constitutes the City Council's scheme under the Common Allocations Framework and is designed to meet the requirements of Part VI Housing Act 1996, the Homelessness Act 2002, 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. The scheme gives reasonable preference to those customers in greatest housing need and encouraging choice in housing. It also incorporates the City Council's key aims and objectives outlined in its Housing Strategy. It sets out the priorities and procedures for the allocation of City Council owned properties and nominations to Housing Associations. The scheme applies to existing City Council or Housing Association tenants in Winchester wishing to apply for re-housing and to new customers applying to the Winchester Housing Register.

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. Choice based lettings will help improve the sustainability of the housing stock to maximise its effectiveness and encourage customers to have a stake in their community. This scheme applies across the sub-region of East Hampshire DC, Havant BC and Winchester CC and also complements the economic and regeneration initiatives of Partnership for South Hampshire (PUSH).

Under the choice based lettings scheme customers are placed in one of *five bands* of housing need according to their circumstances. All customers actively search for a home. Vacant properties are advertised in a regular free sheet magazine, through posters in important landmark locations in the district, and on the internet; customers are then able to bid for properties.

Winchester City Council will monitor lettings annually to ensure best use of the social housing to meet the Council's strategic priority of creating a balanced and sustainable community. Housing demand and cross border migration in the Council areas will be continuously reviewed. Should a high degree of migration be identified some restrictions on choice may be imposed by the three Councils.

Winchester City Council will implement Introductory Tenancies in 2008. When implemented all new tenancies offered within the City Council stock, save for existing secure or assured tenants, will be Introductory Tenancies. This will apply to all customers (including customers accepted as homeless) except where the property is hostel accommodation.

Existing City Council tenants or tenants of other Registered Social Landlords seeking a transfer are assessed, prioritised and registered in the same way as other housing

customers. Transfer tenants have access to the same range of housing options (i.e. City Council or Registered Social Landlord-owned properties and relevant private sector options) as other customers, dependent on their level of priority.

1.1. Community Lettings Plans

Community letting policies have an important role in ensuring good housing contributes to creating sustainable communities. The national and regional housing agendas encourage new housing schemes to be mixed tenure, catering for a range of households with varying needs and aspirations.

Where there are such new housing schemes in Winchester, homes may be made available to households that would not otherwise have the opportunity to access affordable housing. This is to ensure the new housing schemes cater for a variety of residents as opposed to concentrations of households with particular support needs. In areas of Winchester where there are higher than average concentrations of deprivation or vulnerable households with high support needs there may be instances where the Council will offer housing specifically to working households or those with limited housing need. Through this process, lettings can contribute toward balanced, sustainable communities, with a positive impact on education, by influencing school populations, on local businesses, because of more local spending power and on health, by balancing the demand for services with local provision.

1.2. Housing Register Partners

Housing Association Partners operating in the Winchester District have agreed to let their stock within the sub regional area (where the Councils have nomination rights) through the Choice Based Lettings Scheme. The Housing Associations are responsible for providing details and information about their vacant properties onto the South Hampshire Choice Based Lettings template.

1.3. A fair allocations statement

The City Council and partner Housing Associations are 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.

1.4. Statement of choice

Winchester City Council's district is divided into seven geographical groups and customers can choose as many of those groups or parishes within the groups as they would like. We ask customers to choose areas of preference within the District so they can select where they would like to live or settle, for information and planning for future development purposes.

1.5. Information and confidentiality

Customers have the right to information on all decisions made about the facts of their application. This includes all information used in considering housing need priorities and the selection of competing bids.

Information held by Winchester City Council about customers will only be used in connection with their application for housing and in accordance with the Data Protection Act 1998. In normal circumstances, this information is only to be disclosed to Registered Social Landlords or other landlords who may be able to offer accommodation.

This means that the information and the fact that a customer has applied for housing, will not normally be passed onto any third parties without the customer's prior written consent, or in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined as follows:

- Where there are over-riding legal, social or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed.
- Where information is required by the police as part of a criminal investigation.
- Where, because the Council is under a duty to protect the public funds it handles, it may need to use the information provided by customers, to prevent and detect fraud. The information may also be shared for the same purposes with other organisations that handle public funds.
- The information may also be used for statistical purposes, which means we may pass this information, in confidence, to the relevant government department.

2. The Housing Register

2.1. Eligibility

The Register is open to all customers as laid out in the Sub Regional Allocations Framework with the additional policies operating within Winchester City Council District. Customers aged 16 and 17 years old are eligible to join the scheme; however they may not be actively considered for an offer of a secure tenancy until they reach the age of 18. Once the age of 18 is reached, securing an offer would then be subject to the customer's assessed housing need as provided for under the current Scheme of Allocations.

2.2. Exclusions from the Register

The City Council reserves the right not to accept applications onto the register where the following is applicable:

2.2.1. Unacceptable behaviour

Under Section 160A of the Housing Act 1996, the City Council is permitted to treat a customer as ineligible for an allocation of housing if satisfied that they or a member of their household is guilty of unacceptable behaviour. This is defined as behaviour which, if the person concerned were a secure Council tenant, would entitle the City Council to obtain an *immediate* possession order (as opposed to a postponed possession order) against them, on one or more of Grounds 1-7 of Schedule 2 to the Housing Act 1985. Such behaviour includes (but is not limited to):

- Persistent failure to pay the rent (also see 3.4).
- Behaviour of an anti-social nature, which has caused a nuisance and has started legal proceedings.
- Committing racial, homophobic or other harassment.

- Being convicted of using their home for immoral or illegal purposes.
- Threats or actual violence against neighbours, City Council officers, officers, Councillors, managing agents or contractors of the Council.
- Being convicted of an arrest-able offence committed in, or in the vicinity of their home.
- Domestic violence causing a partner or other family member to leave the property.
- Any other breach of tenancy which has resulted in action being commenced to re-possess the property under the terms of the Housing Act 1985.

In assessing whether a customer, or a member of their household, has been guilty of unacceptable behaviour as defined above, the City Council will normally focus on the past five years although the most weight will be given to the last 12 months. Where unacceptable behaviour is considered to have taken place, the decision to treat a customer as ineligible for housing will *not* be automatic, but will be made on a case-by-case basis, taking account of all factors involved. The central question will be whether the customer (or the relevant member of their household) is, *at the time of applying*, unsuitable to be a tenant. This will involve considering: a) whether the behaviour of the person in question has improved since the relevant incidents(s) took place; and b) whether this improvement is likely to be sustained.

An exception may be made where the City Council has a reasonable belief that the unacceptable behaviour is due to a physical, or learning disability or mental health problem. In this situation, a customer will not normally be determined as ineligible without first considering whether they would be able to maintain a tenancy satisfactorily, *if* appropriate care and support were provided. The City Council will also have regard to its statutory responsibilities under the Disability Discrimination Act 1995. In coming to a view, the City Council may seek the views of relevant health and/or social care professionals. Evidence will be required of a direct link between the customer's disability or mental health problem and the unacceptable behaviour.

The level of information available to the City Council in making the above assessment will vary and it may be necessary to rely partly or wholly on the information provided on the application form, which asks for details of any past behaviour by the customer, or a member of their household, which could fall within the definition of unacceptable behaviour. Failure to disclose relevant information, if discovered after the customer has been allocated a tenancy, would be likely to give the landlord clear grounds for eviction

If at any time the City Council determines that a customer *already registered* is ineligible for an allocation of housing, the customer will be informed in writing and given 28 days to provide information showing that they are, in fact, eligible. If the City Council remains of the view that the customer is ineligible, or if the customer does not reply, the customer will be removed from the Housing Register. During the period in which the question of eligibility is being reviewed, the customer will be unable to receive any offers of accommodation.

The Council will assess this as follows:-

- On receipt or subsequently, all such applications will be temporarily suspended to allow enquiries to be made
- The customer will be notified of suspension and given reasons

- Requests for references will be sent to previous landlords etc and checks made on any former social landlord tenancies.
- If on completion of enquiries there is no evidence of unacceptable behaviour the application will be processed as normal.
- If there is evidence of unacceptable behaviour the customer will be notified in writing that exclusion from the housing register is being considered and given 28 days to provide any additional information to assist in the decision making. The application will remain suspended during this process.

The Council's Housing Needs Team will then investigate further to establish the following:

- Is there hard evidence of the unacceptable behaviour rather than hearsay?
 - Is the unacceptable behaviour sufficient to meet one of the grounds for possession in Schedule 2 (Part 1) of the Housing Act 1985?
 - If the ground is met, is the behaviour serious enough that the Court would have awarded a possession order or a postponed suspension order if they had been a tenant of the City Council (taking into account the balance between the interest of the Customer and that of the public)? In cases where it is considered that the Court would have suspended the possession order, the behaviour may not be considered serious enough to make the Customer unsuitable as a tenant.
 - Was the behaviour within the customer's control?
 - Does their behaviour make them "unsuitable" to be a tenant both at the time of the behaviour and now? (NB. The absence of bad behaviour will qualify as evidence that behaviour has improved).
- If there is **not** sufficient evidence to find that the customer or a member of their family is unsuitable to be a tenant of the housing authority the application will be re-activated and the customer informed in writing.
 - If there **is** sufficient evidence to find that the customer or a member of their family is unsuitable to be a tenant of the housing authority, the application will be cancelled.
 - The customer will be notified of the decision, the reasons for it and their right to request a review of the decision.

In all cases involving this part of the Scheme of Allocation, Winchester City Council will adhere closely to the relevant provision and have due regard to the Code of Guidance issued by Communities for Local Government.

2.2.2. Customers who have deliberately worsened their circumstances to seek to obtain an advantage from the Scheme of Allocation may have their applications suspended for a period of 12 months.

2.3. Re–Applying to the Scheme

Any customer notified that they are being excluded from the housing register due to the criteria set out at **2.2.1 and 2.2.2** is entitled to make a new application at a future date, as set out below:

- Where the customer has been treated as ineligible as a result of a past (or forthcoming) eviction or conviction for any relevant criminal offence, the City Council will not normally consider a new application until five years after the eviction or relevant conviction took place. An earlier re-application may be considered where the customer can provide evidence of a relevant improvement in behaviour.
- Where the customer has been treated as ineligible on other grounds related to unacceptable behaviour, as defined in paragraph 2.2.1 above, the Council will normally consider a new application 12 months from the date on which the original application was refused (or, where a statutory review of that decision subsequently took place, the date on which the customer was notified of the outcome).

In assessing a new application from a customer previously treated as ineligible due to unacceptable behaviour, the Council will take account of the customer's current circumstances and any additional information submitted in support of the new application. If the Council has reason to believe that the behaviour of the customer (or relevant member of their household) has not improved, the customer may continue to be treated as ineligible.

Any customer notified that they are being excluded from the housing register due to one of the criteria set out at 2.2 is entitled to make a new application at any future date where there has been a significant change in circumstances

2.4 Supplementary Categories

Aside from the Reasonable Preference categories listed in the Sub Regional Allocations Framework, Winchester City Council may also give preference for re-housing within the Winchester District to some further categories. In all such cases, the priority awarded may be limited in time and to one successful bid.

3. Registration and assessment

Customers must apply by completing the Council's housing application form (see Appendix 1 for assistance for vulnerable clients). Customers are required to provide supporting documentation with their application, including proof of identity/status, residence and income. Full details of the documents required are given on the form. Applications will not be registered if these are not submitted.

- If a customer is not eligible to register, the Council will notify the customer in writing giving the reason for the decision and informing them of their right to request a review.
- Once accepted onto the register the Council will make an initial housing needs assessment based on the information on the registration form and other information made available.
- Once assessed the customer is placed in the appropriate bedroom / property type category and into one of the five priority bandings by reasonable preferences and then in

date order of registration. In some circumstances, it may be agreed in advance that some customers may be placed in a bedroom category with one bedroom above need, e.g. where local lettings policy applies or there is a medical/welfare need for the extra bedroom.

- The Council will write to the customer to inform them of their registration date and registration number and give the following information:
 - Priority Band and reason for it
 - Priority date
 - The size and type of property they can bid for
 - Advise the customer that they have a right to see the information held in relation to the application. If they consider any details inaccurate then they can request a review.

3.1. Housing Register Applications

Customers may choose to include in their application anyone who is part of their household at the date of registration. This will include dependent children who live with the customer who is the parent or guardian or any other non-dependant adult who is normally permanently resident with the customer and for whom it is reasonable to reside with the customer.

Applications may include someone not currently living with the customer but who can demonstrate a genuine need to live with them, for example: a relative needing care but unable to live with the customer at present due to a genuine lack of or the unsuitability of the present accommodation, or a social services approved carer where the customer can demonstrate that a 24 hour live-in carer is essential, and that one has been identified and has either moved in with the household or is ready to do so when accommodation becomes available.

Due to the very high demand for properties within the Sub-region, additional bedrooms cannot be given to customers who have children living separately, but who only visit and stay on occasions. A child will therefore only be included in the size assessment where the Council concludes that they live with the applicant. This decision will ordinarily be made by the City Council considering the available evidence such that it is reasonable to conclude that the residence is permanent. Verification may include such issues as receipt of benefits for the child or a declaration from a relevant agency.

3.2. Eligibility for 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 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.

3.3. Properties for older or disabled customers

Sheltered Housing

Certain types of property are reserved for older or disabled customers and provide varying degrees of support from a warden or similar. The particular criteria for each scheme will be advertised clearly at the time of the vacancy arising.

Extra sheltered housing (Part 2.5)

These properties offer the highest level of support to older or disabled customers

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.

Application for the above accommodation follows the same path as for the Housing Register and an initial assessment will establish, so far as possible, that the above criteria are met.

3.4. Keeping Applications Up To Date

Customers are required to renew their housing application every 12 months and are informed of this at time of registration. The Council will write to customers on an annual basis, reminding them of the requirement to renew, in order to remain on the register, and requesting details of any change in circumstances. Customers can also choose to revise their application themselves, without waiting for an invitation.

If a customer fails to renew within the time allowed by the Council (currently set at 28 days from the date of the correspondence), their application will be cancelled. Where a new

form is submitted after such a cancellation has taken place, the person concerned will normally be treated as a new applicant, meaning that their application will not be backdated and they will lose their previous date of registration on the scheme.

Customers must keep the City Council informed of any changes in their circumstances, as and when these arise, by submitting written details to the Housing Needs Team. The customer may be required to complete a new application form and provide any necessary supporting documentation. Relevant changes in circumstances include:

- Any additions to the customer's household or a confirmed pregnancy.
- Any household members no longer wishing to be considered on the application.
- A move to new accommodation.

This is not intended to be a comprehensive list.

On receiving notification from a customer of a change in circumstances, the City Council will advise on whether or not a new form needs to be completed. Once all the necessary information has been provided (including the completed form where applicable), the City Council will review the application and check whether the level of priority awarded is still correct, re-calculating the customer's placement in the bands if appropriate. The customer will be informed in writing of any significant changes arising from this review including whether their band changes.

4. The Priority Bands

Band 1 Exceptional Housing Needs

This band is for customers where exceptional circumstances have been identified e.g. life-threatening situations, an over-riding priority on medical or social grounds. The assessment will be carried out by the Council taking into account supporting information from other agencies.

-Customers assessed by the Council as having life-threatening medical conditions that are directly linked to unsuitable housing conditions and have been given a Band 1 medical or welfare assessment.

-Customers needing accessible or sheltered housing so that they can be discharged from hospital, subject to suitable assessment and taking into account supporting information from other relevant agencies

-Any customer agreed to have an exceptional need to move approved by the Council for example life threatening situations, Child Protection cases, Public Protection (MAPPA / MAREC including the National Witness Protection Scheme : Serious Organised Crime and Police Act 2005), or other serious social or welfare problems.

-The priority in Band 1 may be time limited and in some circumstances will be restricted to certain property types and areas. Each Council will decide on the application of the time limit and will review each case regularly.

Band 2 High Priority

This Band is for those customers with an assessed high need to move.

These customers can be moved to Band 1 if there are both urgent and exceptional circumstances. The assessment will be carried out by the Council, taking into account supporting information from other agencies.

Customers with more than one reasonable preference will be considered for a higher degree of priority.

All decisions regarding multiple needs will be made by the Council with supporting information provided by Environmental Health Officers, Homelessness Officers, and statutory or voluntary sector agency officers.

- Customers who need to move because their home is unsuitable on the basis of the Housing Health and Safety Rating System or other statutory duty e.g. Demolition, redevelopment or subject to major works, a Closing Order or Compulsory Purchase Order.
- Customers living in circumstances deemed to be statutorily overcrowded or where they are lacking in two or more bedrooms.
- Social tenants who will release a property required by the Council to meet housing need: for example Social tenants living in Disabled Person Units or Mobility Units who no longer require the adaptations or tenants who are living in larger properties and who wish to move to a smaller home.
- Customers recommended for “move-on” accommodation to more independent permanent housing through the Winchester Supported Housing Panel to fill the current agreed quota. Where relevant, any support packages deemed necessary must be agreed/arranged prior to the customer taking up the tenancy and the City Council is to be provided with the opportunity to nominate to a resulting vacancy.
- Customers with medical/welfare conditions which are directly linked to unsuitable housing conditions and who have been given a Band 2 medical or welfare priority or customers assessed by an occupational therapist as having an urgent need to move into an accessible property.
- Customers who have been accepted by the Sub-Regional partners under the homelessness legislation and placed in short-stay accommodation or accommodation that is not suitable for their long-term needs, or that the lease for their accommodation is ending. This priority restricts customers to bid only for properties in the Council area where the duty is owed.
- Customers resident in the Winchester District who are qualifying tenants under the Rent (Agriculture) Act 1976 and subject to the recommendations of an Agricultural Dwelling House Advisory Committee will be considered in accordance with the legislative requirements. This category will cease to apply 28 days before the expiration of any notice in place relating to termination of accommodation; at this

point, the Council reserves the right to make a direct allocation considered suitable to the customer's needs.

- Winchester City Council employees who are retiring and who have an offer of re-housing as part of their employment terms and conditions. This category will cease to apply 28 days before the expiration of any notice in place relating to termination of accommodation; at this point, the Council reserves the right to make a direct allocation considered suitable to the customer's needs.
- Existing City Council tenants who in special circumstances agree to relinquish their tenancy. Customers falling into this category will be subject to a 6-month time limit, at the expiration of which they will be removed from the housing register or if they wish, be re-assessed according to the standard registration process.
- 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 with an increased priority 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 register or if they wish, be re-assessed according to the standard registration process.

Band 3 Medium Priority

This band is for customers who have an assessed housing need, which is awarded medium priority. Customers entitled to a single reasonable preference.

- Customers living in overcrowded circumstances where they are lacking in one bedroom.
- Customers who have been accepted as statutorily homeless by the Council and have been placed in temporary suitable accommodation.
- Customers who have been accepted as homeless under the Homeless legislation and have accepted a qualifying offer of accommodation in the private sector.
- Customers living in inadequate housing: For example, households lacking one bedroom, children of opposite sex sharing a bedroom, accommodation lacking in facilities, or sharing accommodation with another person or household that is not part of their application.
- Customers with a medical condition which is directly linked to unsuitable housing conditions and which has been given a Band 3 medical or welfare assessment.
- Customers who need to move to a particular locality where failure to meet that need would cause hardship to themselves or to others.

- Customers living in private rented accommodation and who are subject to a fixed term assured short-hold tenancy at a high rent.

Band 4 Low priority

This band is for customers who are adequately housed and have no reasonable preference and are awarded low priority.

- Private tenants who are adequately housed and have no housing need, wish to move and have a local connection.
- Customers who are serving prison sentences. Applications will be reassessed prior to release and can be awarded priority and placed in an appropriate band (refer to the attached Appendix A).
- Customers who have housing need but do not have a local connection.

Band 5 No priority

- Private tenants and social tenants who are adequately housed or have no housing need and who simply wish to move.
- Owner-occupiers and those customers with substantial savings, substantial equity in a property or other financial resources. The Council concerned will complete a test of financial resources and if appropriate will provide the customer with advice and guidance on other housing options.
- Customers with outstanding tenant debts owed to a housing association or Council will remain in Band 5. Cases of financial hardship and clear evidence that a payment plan has been drawn up and adhered to over a sustained period will be taken into account in any decision to waive outstanding tenancy debt.
- Customers where they, or a member of their household, have been guilty of unacceptable behaviour, which if the customer were a secure tenant of the Council would entitle the Council to a possession order (Part 1 of Schedule 2 of the Housing Act 1985). The unacceptable behaviour must be serious enough to make the customer unsuitable to be a tenant at the time the application is considered. A fresh application will be considered if the applicant, or member of the household, can demonstrate good behaviour for at least 12 months.

Multiple Housing Needs (see 2.3)

4 Medical/Welfare Assessment Guidance

A customer's medical condition (or member of their household included within the application) can be assessed via the Council's medical form, which is to be completed when applying for medical/welfare priority. The form asks for details of the customer's medical condition, the reasons why their current property affects that condition and the reason why they want to move. Health priority is awarded where a customer (or a member of their household) has a severe and enduring health/welfare issue *that is significantly and*

adversely affected by their current housing. A health issue in this context is taken to mean 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 to health, which takes account of psychological and social factors alongside physical issues (See also Appendix 2 for the definition of ‘welfare’).

If customers have letters or medical/welfare reports from a consultant or specialist, they may include this with their application. However, we do not recommend customers ask their GP for a letter of support unless specifically asked to do so by City Council Officers.

All medical forms will be passed on a regular periodic basis to the Council's external Medical Advisor in order that an assessment can be carried out. The assessment will be based on how a customer's health is being affected by where they live and how moving to an alternative property can help that condition.

Where more than one member of a household has health/welfare issues requiring assessment, a separate form must be completed for each person concerned. The Medical Advisor will assess the seriousness of the health/welfare issues involving more than one member of the household and will award an appropriate accumulative level of priority

The possible outcomes of a health/welfare assessment are summarized in Table 3 (2.1 of the Sub-Regional Allocations Framework)

The health/welfare assessment also considers the following factors:

- For all customers: The size and type of accommodation required.
- For customers from outside the District: whether the customer should be exempt from the downgrading of their band as they need to move to the Sub-Region in order to receive long term or life-long medical /welfare treatment that is only available at a treatment centre in this area.

4.2 Re-assessment of health/welfare needs.

A re-assessment may be where medical/welfare circumstances of a customer (or of a member of their household included within the application) change substantially; a new medical application should be submitted along with any supporting evidence. Customers are entitled to request a re-assessment of their health/welfare needs if there is new information for the Council to consider. Customers who are dissatisfied with the outcome of their health/welfare assessment are entitled to make a complaint (see procedure in Section 12)

5 Disrepair Assessment guidance

Where customers have indicated on their application form that their accommodation suffers from disrepair, the Housing Needs Team will arrange for a disrepair inspection and assessment to take place. This will result in the application being placed in Bands 1 to 5, as in Table 2 below:

The officer responsible for undertaking the assessment will visit and inspect the customer's property/accommodation. The assessment will be based on the Housing Health and Safety rating System (HHSRS - as prescribed by the Housing Act 2004). The assessment will take into account matters of structural safety, heating, lighting, water supply & drainage, ventilation, dampness, condensation, overcrowding which is related to space deficiency other than bedrooms and any other environmental health issues

Table 2: Disrepair Priorities with definitions

Disrepair Priority level	Definition	Priority Band
1 Urgent	There is a critical need to move. The current housing situation interferes with quality of life to an intolerable degree.	1 Exceptional priority
2 High	There is a high need medical to move. The current housing situation interferes with quality of life to a high degree.	2 High priority
3 Medium	There is a moderate need to move. The current housing situation interferes with quality of life to a moderate degree.	3 Medium priority
4 Low	There is a slight need to move. The current housing situation interferes with quality of life to a low degree.	4 Low priority
5 None	There is no need to move or a move would offer no improvement. The current housing situation does not interfere with quality of life.	5 No priority

6 Advertising/Bidding Process

This follows Section 3 of the Sub-Regional Common Allocations Framework but with the following additional information:

Selecting New Tenants - Successful Bidding

For Winchester City Council properties, once a successful customer has been chosen, the Council will carry out a verification of the customer's circumstances. This is to make sure the customer has given the Council the correct information about their housing situation and is not trying to fraudulently obtain a tenancy. If the customer chooses to refuse an offer the Council will record the reasons for the refusal and the next eligible customer is selected. Customers are not penalised for refusing an offer unless their priority is time limited (as set out above and in Appendix 1 Vulnerable Applicant Policy).

Customers who are not successful will **not** be advised.

If a vacancy is not filled following the initial advertisement, the property can be re-advertised on a wider basis using progressively lower criteria until it is able to be let.

7 Direct Lettings

In limited circumstances the City Council may make a direct bid for a vacancy on behalf of customers. This would only be done where the customers have given express authority of the direct bid and/or where the Council is able to confirm that a direct bid is justified (see Vulnerable Customer Policy Appendix 1).

Other circumstances include but are not limited to:

- a customer subject to a Public Protection Panel, recommended for one reasonable offer of accommodation
- a customer who has qualified under any of the Supplementary Categories (see 2.4 above), should the time limit be running out and/or the customer has failed to bid or been unsuccessful in their bids
- a customer who has qualified under any of the time limited categories
- a customer who has been accepted by one of the sub regional partners with a full duty to re-house under homelessness legislation

8 Landlord letting policies

Most social landlords participating in the Housing Register have additional criteria governing the letting of their properties. These policies include lettings to properties which are designated for people with specific needs, such as purpose built or adapted properties designed for people with disabilities, or sheltered accommodation for elderly or older persons. Some social landlords also place restrictions on lettings which prohibit pets. Most social landlords will not make offers to customers who owe rent to any social landlord (see Band 4 of the Sub Regional Allocations Framework). Customers will be informed in writing if they are not to be made an offer. Efforts should be made to resolve the situation. All decisions by social landlords to refuse nominations can be challenged through the organisation's own appeals process and can also be subject to a Winchester Housing Register Review (see Section 12 below).

Where support needs are identified a referral to an appropriate support agency should be made and the support needs should pass onto any future social landlord. Customers with support needs should be given sufficient time to decide whether or not to accept an offer. People who have had the opportunity to make an informed choice and positive decision to accept an offer are more likely to be committed to making a success of the tenancy.

When an offer is refused the application will continue to attract the same degree of priority; applications are not deferred. Staff dealing with the case will attempt to identify the reasons for the refusal so that further offers are not refused.

Lettings Not Covered By the Scheme

The following are examples of lettings not covered by, or specifically excluded from the allocation scheme, under the provisions of the Housing Act 1996:

- Offers of non-secure tenancies to homeless persons pursuant to any duty under Part 7 of the Housing Act 1996
- The conversion of introductory tenancies into secure tenancies.

- Offers of tied accommodation made to Council employees (Service Occupancies).
- Offers of or nominations to accommodation made at the Council's own instigation rather than in response to an application, for example offers to tenants being decanted from their homes to allow major works to take place;
- Assignments of, and successions to, Council tenancies
- Mutual exchanges of Council or Housing Association tenancies
- Transfers of tenancies made by Court Order under the Matrimonial Causes Act 1973 or other family legislation.
- Vesting or disposal of tenancies by order of a Court.

Incentive Scheme

A City Council tenant may receive a cash incentive (subject to circumstances and revision) if they accept to be registered as requiring, and successfully bid for a sheltered/non sheltered flat to release a 2, 3, 4 bed family house – save in exceptional circumstances this provision is not applicable to a move to a bungalow.

9 Rural Exception Housing.

Specific local connection criteria

For some specific housing schemes in the parishes or villages in the Winchester District customers will need to have a local connection with that parish. For some schemes, additional criteria may also apply, and the Housing Needs Team will be able to advise. Where allocation of a dwelling is restricted by a Planning obligation under Section 106 of the Town and Country Planning Act 1990, bids will be invited in accordance with the criteria set down in that agreement.

10 Housing Options

Due to the pressures on social housing customers will receive advice and information about a range of housing options. The 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: 01962 840 222, Fax: 01962 848 448

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

This Section sets out the procedure for reviewing or appealing the following decisions:-

- to refuse an application for the Housing Register or to exclude the customer from bidding;
- to remove an application from the Housing Register other than at their request;
- that a customer is ineligible for an offer;
- other decisions relating to the Choice Based Lettings Scheme, including banding and priority dates.

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

Procedure

- A request for a review must be made within 21 days from the day on which the customer is notified of the Council's decision and the reasons for it. The Council has discretion to extend the time limit if it considers this would be reasonable.
- A senior officer will carry out the review. If further information is needed, the customer will be invited to write or, if unable to do this, make oral representation. The customer 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 customer will be notified of the review decision within eight weeks of the request for a review. There is no right to request a further review of the decision from the City Council; however, the customer may follow the complaints procedure below.

Complaints Procedure

a) The Council.

Any complaints regarding Housing Allocation should be directed initially to the City Council using the City Council's complaints procedure. Complaints regarding the letting of properties may also be made to social landlords through their own complaints procedure. Should you have a complaint or suggestion regarding the City Council's Housing Needs Service, please contact:

Head of Strategic Housing
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Telephone: 01962 840 222 or Fax: 01962 848 448

Email: housing@winchester.gov.uk

11.2.1 The Local Government / Housing Ombudsman.

See Section 5.2 above of the Sub-Regional Common Allocations Framework.

Appendix A (Winchester City Council)**DEALING WITH DANGEROUS OFFENDERS OR APPLICANTS WHO HAVE BEEN CONVICTED OF A SERIOUS OFFENCE.**

ANY APPLICANT WHO CONFIRMS ON THEIR APPLICATION FORM, OR WHO IS SUSPECTED, OR ACCUSED, OF BEING A DANGEROUS OFFENDER, WILL BE SUBJECT TO THE FOLLOWING PROTOCOL.

There is not a blanket ban preventing dangerous offenders from being included on the housing register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risks involved. Multi-Agency Public Protection Arrangements (MAPPA) support the assessment and management of the most serious sexual and violent offenders and promote information sharing between all the relevant agencies, resulting in more effective supervision and better public protection. Winchester City Council is an active member of MAPPA and will work through this partnership to ensure that the most appropriate housing solutions are found for those coming under MAPPA jurisdiction.

Some serious offenders will be given a high priority so that the relevant agencies can continue to monitor them.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimize the risk to the public and with the long term aim of influencing the successful accommodation and resettlement of the offender thus minimizing the risk of re-offending and protecting the public and victims of offenders. The Local Authorities or Probation will bid on behalf of any customer who falls within this category.

In the interests of public protection, it is essential that the Police and Probation Services are able to control and monitor the behaviour and activities of dangerous offenders. This task is made more difficult if such offenders do not have a fixed address or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

Appendix 1

Definition of terms used in the scheme

40 years of age and over properties - Sheltered schemes where customers 40 years of age and over may be offered a tenancy. This policy is subject to review by the City Council.

Affordable housing - Includes social rented and intermediate housing (see below) provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households.

Essential support - The necessary provision of personal care or support, e.g. by family member or professional care and support agency.

Habitual Residence Test – The term “habitual residence” is intended to convey a degree of permanence in the customer’s residence in the Common Travel Area (CTA). It implies an association between the individual and the country and relies a lot on fact. The test is used to ensure new allocations of social housing is to the customers 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 Common Travel Area includes the UK, The Republic of Ireland, the Channel Islands and the Isle of Man. It should be noted however that this test can be reapplied a later date and a different outcome may arise.

Housing need - persons eligible in accordance with the criteria for the local authority housing registers or anyone else that the Local Authority determines as being in need of social rented housing.

Intermediate housing - Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria of affordable housing above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent.

Ordinarily resident – normal residency of choice which does not include persons residing through serving in the armed forces, detained under the authority of any Act of Parliament (e.g. prison, mental hospital, students or placed in temporary accommodation).

Overcrowding – as laid down and defined in the Housing Act 1985 Part X sections 324-326

Parish – The area comprised in the Parish of [detail] (as defined in Section 1 and Schedule 1 of the Local Government Act 1972 and any statutory instruments made under the said 1972 Act)

Registered Social Landlords -A Registered Social Landlord is usually a Housing Association or Housing Co-operative that build, improve and manage houses, mainly for rent and are run as businesses but don't trade for profit. Local Authorities are usually also considered to be Registered Social Landlords.

Rural exception housing – Rural housing is defined as affordable housing built on 'exceptions sites' in settlements of a population of 3,000 people or less, or as listed in the Rural Gazetteer.

Social landlord – Social rented housing providers i.e. local authorities and registered social landlords.

Social rented housing - Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.

Under-Occupation – When considering bedroom size eligibility, this is a situation where one additional bedroom is allowed over the standard housing requirement as set out in 1.6 An example of this might be in rural exception housing where childless couples could be registered as eligible for 2 bed houses / flats (subject to a lack of demand from customers within the village with an assessed 2 bedroom need). Under-occupation may be permitted for rural exception housing to promote sustainability and ensure that the local housing need of the village is met.

Welfare – The term Welfare is used to refer to a concern that is not directly linked to a customer's medical condition and which may not fall within another category outlined within the Allocations Policy. Examples may include customers with learning disabilities or those who need to care for a sick relative with whom they are not currently resident. These will be allocated priority in the same way as the medical assessment.

Appendix 2.

Policy for assisting Vulnerable Customers

This is a policy for those considered to be vulnerable and therefore possibly disadvantaged in accessing the sub-regional choice based lettings (CBL) system being operated in East Hampshire, Havant and Winchester.

The aim of the policy is to ensure that the sub-regional scheme is accessible to all customers in East Hampshire, Havant and Winchester. It is the intention of the three councils that people are empowered to make their own choices and decisions by providing support, where appropriate.

Potentially, there are a number of people who may consider themselves at a disadvantage in accessing a CBL scheme and this could include the following:-

- 16-17 year olds
- Care leavers
- The visually impaired
- Older/housebound people
- The Disabled
- Those with Mental Health issues
- Domestic abuse victims
- Those with a learning disability
- Those with substance misuse issues
- Those for whom English is not their first language

This list is not intended to be exhaustive, and there are other issues that people may be facing which make them feel unable to access the system. Conversely, there will be people included on this list who feel that they need no support at all. The main purpose of this policy is to emphasise the fact that assistance and support is available if required and to ensure that customers are aware of how to access such support.

There are five key areas in which we think we can assist potentially vulnerable customers:-

- ACCESSING INFORMATION**
- REGISTERING AN APPLICATION**
- ACCESSING BIDDING/MAKING A BID**
- MAKING A DECISION**
- APPEALS**

ACCESSING INFORMATION

Some customers may have problems or concerns in accessing information due to literacy, learning disability, visually impaired, mobility issues, lack of knowledge, perceptions, speak another language etc.

So what can we do to assist and support in **ACCESSING INFORMATION?**

- * We will initiate a communications plan across the three areas which will publicise the new service. This will be through a number of methods such as websites*, leaflets*, newspaper articles*, letters to all our current customers*, public meetings* etc
- * We will also publicise the availability of language line/equivalent services.
- * Information relating to the service will be at the Council's main offices and local offices. All our partner housing associations will also have all relevant documentation.
- * All other partner organisations such as the Citizens' Advice Bureaux and Social Services will be able to advise customers and provide relevant documentation
- * All information will be made available in alternative formats, i.e. large print/ audio.

REGISTERING AN APPLICATION

- * There will be a number of methods for completing an application form to register for housing - paper, website or an advocate can complete (customer's signature will be required in all instances).
- * Assistance will be offered in completing the application form.
- * There will be relevant questions on the application form to establish if a customer has a particular support requirement.

ACCESSING TO BIDDING/MAKING A BID

Some customers may have difficulties in bidding for properties due to learning disabilities, literacy, geographical isolation, visual or hearing impairment and so on.

So what can we do?

- * For customers who may not be able to bid, the system can place an automatic bid for properties for which they are eligible
- * Advocacy bidding will be allowed - family, friends
- * There will be a range of methods for bidding:
 - Website
 - Automated telephone
 - Council Offices
 - Housing Associations' Offices
 - Printed media at Local Libraries etc

- * The staff at the Council/Housing Association offices will be available to train customers on how to bid and all the options available to them.

Making a Decision

Some customers may have difficulty deciding whether to bid for a property or whether to accept an offer, due to a lack of life skills, confidence or due to having mental health issues.

- * Staff at the Council/Housing Association offices will be able to offer general advice to people regarding decision-making to enable someone to make an informed choice. In addition, customers will be given details of their local citizens' advice bureaux for independent advice.
- * Feedback on the allocation of properties will be made publicly available e.g. how long a successful customer had been waiting for housing NOT personal details. Bidding history for an individual will be made available on the website to assist a customer to make an informed decision.

APPEALS

Some customers may have difficulty in making a formal appeal due to their lack of confidence or life skills.

- * All staff at the Councils and Housing Associations will be available to assist customers with their appeal. Documentation will be made available in alternative formats if required. Customers will also be able to use the Councils' or Housing Associations' complaints procedure.

WCC CBL Allocations Policy – revised final draft April 08