

Winchester City Council – Scheme of Allocations

| Choice Based Lettings Scheme | Page No. |
|---|----------|
| 1 Introduction | 12 |
| 2 Housing Register, Eligibility & Exclusions | 14 |
| 3 Registration and assessment | 18 |
| 4 The Priority Bands | 21 |
| 5 Medical Assessment guidance | 22 |
| 6 Disrepair guidance | 24 |
| 7. Advertising & Bidding | 25 |
| 8. Direct lettings | 25 |
| 9. Landlord policies | 26 |
| 10. Rural Housing | 27 |
| 11. Housing Options | 27 |
| 12. Reviews & Complaints | 27 |
| Appendices | 29 |

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 and Mid Hampshire Home Choice 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 incident(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 additional 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 customer. 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.

4.2 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 area where the duty is owed.

4.2 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 or given preference for re-housing by the Council.

- 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.
- Tied tenants living in the Winchester District required to leave accommodation through no fault of their own, and who have been in continual full time permanent employment in tied accommodation (not necessarily the accommodation from which they are now required to leave) for a minimum of 2 years. Customers falling into this category may apply no more than 6 months prior to needing accommodation. This category will cease to apply at the expiration of any notice in place relating to termination of accommodation at which point they will be removed from the housing register or if they wish, be re-assessed according to the standard registration process.
- Customers leaving Her Majesty's Forces who have applied 6 months prior to leaving and who have completed at least a 9-year engagement. 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.
- Customers who have been accepted as homeless under the Homeless legislation and have accepted a qualifying offer of accommodation in the private sector.
- 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 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.

- 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.

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 and social 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 and have no local connection.
- 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)

5 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.

5.2 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)

6 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 |

7 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.

8 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

9 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.
- Offers of a dwelling to a person who was previously a joint tenant of that dwelling following service of notice to quit by one of the joint tenants i.e. joint to sole tenancy.
- 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.

10 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.

11 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

12 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

12.2.1 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 draft May 08