

**WINCHESTER CITY COUNCIL'S  
Housing Needs Register and Allocations Policy**

**The Housing Register**

The Housing Register policy is designed to meet the requirements of the Housing Act 1996 the Homelessness Act 2002 Council housing policy and the relevant guidance issued by the Office of the Deputy Prime Minister. There are two main schemes which operate as part of the Register. One considers the housing needs of 'General Needs Applicants' (those below National Retirement Age), and the second considers the housing needs of those of National Retirement Age and over.

The register for 'General Needs Applicants' operates in partnership with four partner housing associations and is called the Winchester Joint Housing Register. Applicants need only fill in one application to be considered by any/all of the participating partners. The register is administered by Winchester City Council on behalf of The Partnership.

**WINCHESTER JOINT HOUSING REGISTER  
(Applicants below National Retirement Age)**

<b>The Partners: -</b>	<b>Telephone: -</b>
Winchester City Council Health and Housing Department City Offices Colebrook Street Winchester SO23 9LJ	01962 840222
Winchester Housing Group 33 Staple Gardens Winchester SO23 8SR	01962 840061
Hampshire Voluntary Housing Society Penny Farthing House 3 Chesil Street Winchester SO23 OHU	01962 833300
Hyde Housing Group 63 St Marys Street St Marys Southampton SO14 1NU	02380 836800
Swaythling Housing Society Herbert Collins House Wide Lane Swaythling SO18 2HZ	02380 584661 or 02380 584662

## Eligibility

The Homelessness Act 2002 places an obligation on housing authorities to consider all applications for social housing made in accordance with the procedural requirements of the housing authorities allocation scheme, providing that the applicant is eligible for accommodation. Applicants will only be deemed ineligible if they do not fulfil the requirements set out in legislation together with the guidance issued by the ODPM on eligibility for housing. Housing cannot be allocated to applicants falling within specified immigration criteria as prescribed by regulations made by the Secretary of State and applicants who the authority has decided are ineligible as a result of serious unacceptable behaviour.

Applicants who are already secure, assured or introductory tenants of registered social landlords will be considered for registration onto Winchester City Council's housing transfer list (see later).

All applicants must be over the age of 16. Applicants aged under 18 will not, except in exceptional circumstances (at the discretion of the Housing Needs Manager) be actively considered for permanent social housing until they reach the age of 18 years. Applicants under 18 years of age considered to have exceptional circumstances and who have reached a points position on the housing register where they can be actively considered for permanent social housing will be required to provide a responsible guarantor if they are offered a tenancy. A guarantor is someone over the age of 18 years who guarantees that the tenant will abide by the terms and conditions of any tenancy entered into.

## Exclusions for anti-social behaviour

A person is not eligible to be considered for an allocation if, they, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council or of a registered social landlord (including cases where the person or a member of their household is the subject of an Anti-Social Behaviour Order). For the purposes of this paragraph, unacceptable behaviour means behaviour that, had the person been a secure tenant of a housing authority at the time, would have entitled that housing authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the grounds in Part 1 of Schedule 2, other than ground 8. If an applicant is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of a housing authority then they may be excluded from the waiting list.

In deciding whether the behaviour is serious enough to warrant possession consideration will be given to guidance issued by the ODPM. Consideration will also be given to whether the behaviour of the person or, where applicable, of a member of their household, has improved sufficiently to make them suitable to be a tenant. Where the City Council with the information available to them considers this to be the case the applicant will not be considered ineligible under this paragraph.

The test of unacceptable behaviour is if the behaviour of the tenant or a member of the tenants family would have resulted in the council applying for a possession order under section 84 of the Housing Act 1996 in relation to any of the grounds in Part 1 of schedule 2, other than ground 8. These grounds relate to behaviour likely to cause a nuisance or annoyance, and commonly include breach of tenancy, arrears, nuisance and damage to property.

### How this will be assessed

- On receipt, all such applications will be temporarily suspended to allow enquiries to be made
- The applicant 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 applicant will be notified in writing that exclusion from the waiting list 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 Allocations Officer will 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 if they had been a tenant of WCC (taking into account the balance between the interest of the applicant and that of the public). In cases where it is considered the court would have suspended the possession order, the behaviour may not be considered serious enough to make the applicant unsuitable as a tenant?
  - Was the behaviour within the applicant'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 applicant or a member of their family is unsuitable to be a tenant of the housing authority the application will be re-activated and the applicant informed in writing.
- If there **is** sufficient evidence to find that the applicant or a member of their family is unsuitable to be a tenant of the housing authority the application will be cancelled.
- The applicant 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 housing register policy, Winchester City Council will adhere closely to the relevant statutory guidance together with the Code of Guidance issued by ODPM.

### Reasonable Preference

The Council undertakes to ensure that certain types of applicants are given "*reasonable preference*" under the allocations scheme as required by section 167 (2) of the Housing Act 1996 (as amended). This includes the following groups:

- people 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;
- people 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);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds; and
- people 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)

The points scheme is framed around these groups to ensure that reasonable preference is given to applicants that fall into one or more of these groups. The key elements of the scheme are explained below:

There are additional categories of applicant that the Council *may* give preference to for rehousing in the scheme of allocation:

- Scheme managers employed by the City Council having completed a minimum of two years' full time permanent employment, living in tied accommodation as part of their terms of employment will upon retiring/leaving receive ONE OFFER of accommodation considered suitable to their housing need and in compliance with the City Councils rehousing policy for scheme managers.

- Existing Council tenants who in special circumstances agree to relinquish their tenancy on the condition that they will receive an offer of suitable alternative accommodation at a later date.
- Applicants who the City Council agree to assist in cases of emergency/special circumstances by way of a reciprocal arrangement with another Local Authority, Registered Social Landlord or Supported Housing Scheme.
- Applicants recommended for "move-on" accommodation to more independent housing through the Supported Housing Panel. Where relevant, any support packages deemed necessary must be agreed/arranged prior to the applicant taking up the tenancy, and the City Council is to be provided with the opportunity to nominate to a resulting vacancy.
- Applicants leaving Her Majesty's Forces who have applied 1 year prior to leaving and who have completed at least a 9 year engagement and have a local connection with the Winchester District other than residing in regular armed forces accommodation. For the purposes of considering a local connection the Council will have regard to section 199 Housing Act 1996 and when considering employment connections with the District will take into consideration full time permanent employment. Qualifying applicants will receive ONE OFFER of accommodation considered suitable to their housing needs.
- 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. Where possible such applicants should apply at least 6 months prior to needing accommodation.
- Applicants 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.
- Applicants 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 ONE OFFER of accommodation considered suitable to their housing needs. Each case will be considered on its own merits and some of the factors taken into consideration will be; the applicants relationship with the former tenant, length of residency, support given/received throughout the duration of residency together with the applicants ability to sustain a tenancy.
- Applicants registered under the HOMES mobility scheme

Priority for these groups of applicants will be awarded at the discretion of nominated Managers/Officers under delegated powers as directed by the Director of Health and Housing. Factors taken into consideration will be the full circumstances/urgency of each individual case together with the competing claims on the housing stock.

### **Statement of choice**

The District is divided into seven geographical groups of choice and applicants can choose as many of those groups or parishes within the groups as they would like. Generally applicants will only be offered accommodation that falls within one of their areas of choice. There may be occasions when due to the urgency, individual circumstances, nature of a case, and the vacant stock available that accommodation will be offered in areas within the Winchester District but not in the applicant's preferred areas of choice.

### **Making offers of accommodation**

Winchester City Council endeavours to pre-allocate as much of its stock as possible. This means applicants may be contacted during the period when notice has been received by the City Council indicating a property is likely to become vacant but is not yet available. Applicants may be contacted to establish whether they may be interested in the property,

should it become vacant. Such requests for expressions of interest in accommodation may be made to more than one person and are requests for expressions of interest, not tenancy agreements or a statement of intent to give an applicant that specific tenancy.

The Council undertakes to make formal offers of accommodation in writing to applicants when they are able to formally offer the tenancy.

Applicants are required to notify the Council of their intention to accept or refuse the offer of accommodation within three working days of the offer letter being received. Failure to do this will result in the formal offer being withdrawn and save in exceptional circumstances will be treated as a refusal of accommodation. Applicants who state that they do not wish to be considered for a property when asked for an expression of interest will not be treated as having refused an offer of accommodation.

Generally applicants will be made up to two offers of accommodation considered to be suitable to their housing needs. If the second offer of accommodation is refused, and the reasons for refusal are considered to be unreasonable applicants will be deferred for a period of twelve months. During that period, save in exceptional circumstances their application will not receive active consideration.

Winchester City Council will not make a formal offer of accommodation to an applicant if the applicant's details cannot be verified or access to the applicants home is not possible despite prior notification. If an offer of accommodation is made to an applicant and it is brought to the attention of the City Council that the information provided by the applicant resulting in that offer is incorrect the offer may at the discretion of the Head of Housing Policy and Strategy withdraw the offer.

### **Offers of Accommodation under the Homelessness duty**

Applicants to whom the City Council have accepted a statutory duty to secure accommodation under the provisions of Housing Act 1996 (Part VII) shall, when receiving consideration on the housing register, receive ONE OFFER of suitable permanent accommodation. The offer letter will set down the consequences of refusing such an offer together with the review mechanisms available.

### **Allocations**

The City Council, in addressing the need to make best use of its housing stock, aims to allocate 50% of vacancies to transfer applicants and 50% to waiting list applicants. Achieving this depends on the nature of the vacancies occurring and the competing demands on the stock available. Generally both waiting list and transfer applicants will be allocated dependant upon their points position in regard to the location and type of accommodation suitable to meet their housing need. Where more than one applicant has the same number of points then the length of time registered will be taken into account. There will be circumstances particularly in cases of urgency/emergency/special circumstances when an allocation of accommodation will be made to an applicant or a group of applicants who do not have the highest number of points. Decisions to allocate such accommodation will be considered by Managers/Officers authorised by the Director of Health and Housing. There are also a number of categories of applicants falling within other statutory requirements to whom the City Council have a duty to accommodate but that are not included in the definition of allocation and are not therefore set down in this scheme of allocation.

### **Allocations for properties subject to 106 agreements**

Where allocation of a dwelling is restricted by a planning obligation under s106 of the Town and Country Planning Act 1990, then nominations shall be made in accordance with the criteria set down in that agreement.

## Assessment

Applicants are primarily assessed by way of points awarded for a variety of reasons related to housing need. The points awarded are set down in a points schedule, which is set out below. Some of the applicants referred to above are assessed by way of relevant dates. This applies particularly to those applicants required to leave their homes by/within a specified / recommended time span such as qualifying agriculture tenants, retiring scheme managers, tied tenants, armed forces personnel, emergencies and other special reasons.

### Right to request a review

People who apply for housing have a right of review of a decision:

- That they are ineligible
- That all preference is to be removed because of unacceptable behaviour
- About the facts of their case.

Applicants will be advised of these rights by letter where relevant and will be invited to submit their review request within 21 days of notification of that right. The review will be considered by the Housing Needs Manager, or if he/she has already been involved in the case (eg in the awarding of discretionary points), the review will be considered by the Head of Housing Policy and Strategy and if he/she has already been involved in the case, by the Director of Health and Housing.

## POINTS SCHEDULE

### Bedroom Deficiency

All bedrooms considered as suitable for use are taken into consideration.

Where a bedroom is occupied by more than 1 child, 5 points shall be awarded for the second and any subsequent child sharing.

Where a bedroom is occupied by children of opposite sexes, 5 points shall be added to the total of the sharing points.

Where the bedroom is shared by more than two children and that bedroom is less than 110 square feet, 5 points shall be added to the total.

Where a bedroom is shared by children with an age gap of 10 years or greater a further 5 points shall be added to the total.

Where two adults not living as husband and wife (this includes same sex partners) share a bedroom, 10 points shall be awarded. For the purposes of this calculation an adult is a person of 18 years or over.

Where a couple living as husband and wife (this includes same sex partners) share their bedroom with a child/children 10 points are awarded. These points are awarded in addition to the child sharing points set out above.

### Living Room Deficiency

All living rooms, considered as suitable for use are taken into consideration. Where an applicant has to share a living room with persons other than those he/she has applied to be housed with 5 points shall be awarded.

Where no living room is available, 10 points shall be awarded.

### **Bedsitting Room Accommodation**

Points shall be awarded as set out for bedroom deficiency above with 10 points added to the total for the non-availability of a living room shall be awarded.

### **Kitchen Deficiency**

No kitchen facilities, 10 points.

Kitchen shared with persons other than those to be housed with the applicant, 8 points shall be awarded.

Kitchen available but not self contained (i.e. bedsitting accommodation), 6 points shall be awarded.

### **Bathroom/WC Deficiency**

No flush WC available	8 points shall be awarded
WC Shared	6 points shall be awarded
WC External	4 points shall be awarded
No bath/shower	6 points shall be awarded
Shared bath/shower	4 points shall be awarded

### **Access Difficulties**

Families with children under 10 years of age occupying accommodation where the entrance is on the second floor or above without a lift, 10 points. Where a lift is available, 3 points shall be awarded.

Where the family comprises of more than one child, 5 points shall be added to the total.

### **Caravans and Mobile Homes**

Points for bedroom/living room/kitchen/bathroom deficiencies shall be awarded as set out above with 5 points added to the total for the nature of the accommodation.

### **Health Factors**

Where the accommodation occupied is considered to be unsuitable on medical grounds the Medical Advisor may award points within a range of 0-30.

### **Environmental Health Factors**

Where a property is in a state of disrepair/poor condition the environmental health officer may, following an inspection of the house/mobile home award points within a range of 0-20.

### **Split Families**

Where a family who normally resides together is forced to live separately because of circumstances outside of their control, 10 points shall be awarded.

### **Families Expecting a Child**

Where a member of the household to be housed is expecting a child, 3 points shall be awarded. These points shall be awarded on production of a certificate or letter of confinement. Following the birth of the child these points are removed and appropriate sharing points will be awarded.

### **Economic Factors**

Where an applicant or an applicant's partner is in receipt of a means tested state benefit 5 points, shall be added to the points total. These points shall be awarded upon receipt of proof of the benefit entitlement.

Where an applicant has sufficient means to buy accommodation suitable to their housing needs, on the open market in Hampshire 15 points shall be deducted to reflect the lesser degree of need. These points may be deducted at the discretion of the Housing Needs Manager.

### **Medical / Economic Difficulties**

Where an applicant's household has been awarded points on both medical and economic grounds an additional 3 points shall be awarded to their points total.

### **Behaviour of the applicant.**

The City Council will give less priority to applicants whose behaviour affects his suitability to be a tenant. Bad behaviour includes unacceptable behaviour which is not serious enough to justify a decision to treat the applicant as ineligible, but which will be taken into account in assessing the level of priority. This includes minor rent arrears.

Where this section is relevant applicants will have 15 points deducted from their application.

### **No Fixed Abode**

Applicants with no settled address moving from week to week, sleeping on friends/relatives' floors etc shall be awarded 15 points. Providing such applicants arrange and attend the City Offices for a housing advice interview every 3 months to provide updated information and receive advice on obtaining accommodation in the private rented sector, a further 2 points shall be awarded after each 3 monthly interview.

### **Applicants to whom the Authority has accepted a duty under homeless persons legislation**

Applicants to whom the City Council have accepted a duty to and secured accommodation under the homeless provisions of the Housing Act 1996 (Part VII) shall be awarded 5 points in addition to points awarded under the provisions set out above.

Applicants accommodated under the homeless provisions of the Housing Act 1996 (Part VII) required to move on through no fault of their own may, at the discretion of the Housing Needs Manager, be awarded 10 points reflecting their insecurity of tenure, with a further 10 points awarded where applicable, reflecting their difficulties in securing settled accommodation.



### **Applicants whom the Authority have found Intentionally Homeless**

Applicants whom the Authority has found to be intentionally homeless shall, save in exceptional circumstances, have their application deferred for the period of one year. During this time their application will not receive active consideration. Applicants wishing to have exceptional circumstances taken into consideration shall have their case considered by officers as delegated by the Director of Health and Housing. Such applicants will be invited to seek advice and assistance from a homeless/housing advisory officer at the City Council to assist them in their efforts to secure alternative accommodation.

### **Time in Housing Need**

5 points per annum are awarded to each applicant upon the anniversary date of their registration reflecting the length of time they have been registered in housing need.

### **Local Connection Points**

Applicants who are able to demonstrate a housing need within the scheme of allocation and have a local connection with the Winchester District will be awarded additional points as follow;

A local connection for the purposes of awarding these points is defined as:

- Applicants having lived in the Winchester District for 12 months immediately prior to the date of application shall be awarded 5 points.
- Applicants having lived in the Winchester District for 10 years prior to the date of application shall be awarded 5 points.
- Applicants being the main wage earner, having permanent employment for a minimum of 12 months immediately prior to the date of application shall be awarded 5 points.

Applicants meeting all three criteria will therefore be awarded a total of 15 points.

### **Particular need to move into the local area**

Applicants able to demonstrate the need to move to a particular locality in the Winchester District where failure to do so would lead to hardship to themselves or others shall be awarded 10 points. Factors taken into consideration will be: -

- applicants needing to move to a particular area to receive/give essential support to/from family members;
- applicants needing to move to a particular area for employment reasons;
- other special reasons ( 10 points may be awarded at the discretion of the Housing Needs Manager)

### **Management Points**

Management points within a range of 0 - 50 may be awarded at the discretion of the Head of Housing Policy and Strategy or the Housing Needs Manager to maximise the effective use of the housing stock available and the competing demands on that stock. In particular, these points may be used to free up a temporary unit of accommodation occupied by an applicant accommodated under the homeless provisions of the Housing Act 1996 or to provide access to LA permanent stock where a duty is owed under the same provisions but no suitable alternative accommodation can be secured.

There will also be occasions from time to time where an applicant will be able to demonstrate exceptional circumstances but not attract sufficient points to receive the consideration that is essential to address their housing needs with a degree of urgency. In order that such applicants can be considered management points within the range set out above may be awarded.

NOTE – Points awarded where children are part of an application, will only apply to those applicants who have parental / legal responsibility for those children and those children are permanently residing with the applicant.

## **POLICIES / PRACTICES OPERATING WITHIN THE SCHEME OF ALLOCATION**

Applicants who have an outstanding debt with any registered social landlord for wilful damage to accommodation may, save in exceptional circumstances, have their application deferred until such time as the debt is cleared or regular repayments substantially reducing the outstanding debt have been made.

Applicants with outstanding housing debts including rent arrears, license arrears, repayments of rent deposit or bed and breakfast monies paid due to any registered social landlord may, save in exceptional circumstances, have their application deferred until such time as the debt is cleared or regular repayments substantially reducing the outstanding debt have been made.

Applicants who knowingly /recklessly make a statement which is false, or knowingly or recklessly withhold information which influences their housing assessment shall have their application deferred for the period of one year. Such action can also constitute an offence under the Housing Act 1996 and render a person subject to a fine up to the amount of £5,000.

Applicants who knowingly / recklessly worsen their housing circumstances shall have their applications deferred for the period of one year. During this time, save in exceptional circumstances, their application will not receive active consideration.

### **Reviewing the register**

Applicants will during the period of registration receive at least one home visit from either the Local Authority and / or where appropriate a Housing Association. Sometimes it is necessary to undertake more than one visit to ensure the information recorded is still correct or to clarify / obtain additional information etc.

It is the applicant's responsibility to ensure that any changes in their circumstances are reported in writing to either the City Council or one of the Housing Association Partners. If the information is passed to one of the Association Partners they will pass this on to the Local Authority who administers the register on behalf of the Partnership.

Each year on the anniversary date of registration applicants will be sent a renewal letter. In order to renew their application the renewal slip must be returned to the City Council. The posting of the renewals by the City Council will be treated as having been received by the applicant. The City Council in turn will by way of correspondence acknowledge receipt of the returned slip. Should an applicant fail to receive their annual renewal and confirmation that their application has been renewed, they should contact the City Councils housing service within 28 days of their renewal date to confirm their wish to renew. They will then be issued with written confirmation that their application has been renewed. Applicants who do not renew their applications annually will be removed from the Housing Register.

## THE TYPE OF ACCOMMODATION OFFERED

Applicants will be offered accommodation according to their housing need and the competing demands on the housing stock available. The following information is provided as a general guide only. The term family represents households headed by one or two persons. The term couple represents couples living together as a couple whether they be of the same or opposite sexes.

single applicant	-	bedsitting room / one bedroom accommodation
childless couples	-	one bedroom accommodation
family expecting their first child	-	one bedroom accommodation or two bedroom flat / maisonette
family with one child	-	two bedroom accommodation
family with two children	-	two / three bedroom accommodation
family with three or more children	-	three / four bedroom accommodation

## TRANSFER POLICY

For administrative purposes the housing transfer list is held separately to the Joint Housing Register. Where applicants are already secure/assured or introductory tenants of another local authority or a registered social landlord, their application will be considered for the transfer list rather than the housing register. Applicants to the transfer list are assessed on a point's basis similar to that of JHR applicants with the following additional criteria.

### Under-occupation

Where a secure tenant of Winchester City Council, or a secure/assured/introductory tenant of a social housing landlord with whom the City Council has nomination rights, wishes to move to smaller accommodation, and this move would help the City Council make best use of the housing stock available to it, an extra 50 points may be awarded.

Note – Those tenants moving from a family house to a one or two bedroom flat or maisonette may qualify for a payment of £500 under Winchester City Councils Tenants Incentive Scheme.

### Other conditions

Transfer applicants will, save in exceptional circumstances, be expected to have a clear rent account prior to being offered a tenancy of alternative accommodation.

Winchester City Council reserves the right at all times to make allocations of accommodation that make the best use of the housing stock available to it at any given time.

Third Draft