



Cabinet **21 November 2012**

Revised West Suffolk Lettings Policy Document **(Nov12/19)**

1. Summary and reasons for recommendations

- 1.1 The Lettings Policy document was first approved by St Edmundsbury Borough Council's (SEBC) Cabinet and Forest Heath District Council's (FHDC) Council in August 2007 with the introduction of Home-Link, the Sub-Regional Choice Based Lettings Scheme. The document sets out how SEBC and FHDC working in partnership with Registered Providers who have properties in the area will allocate them through the Home-Link Choice Based Lettings Scheme. The Government, as part of its social housing and welfare reforms, has changed policy and regulations about who is given priority to go on the Housing Register and what size property they can claim housing benefit for. Due to these changes, the seven partner Councils who make up Home-Link were compelled to review their Lettings Policy to ensure compliance with the new changes. The changes also offered the opportunity to carry out a complete root and branch review of the current Policy to consider other areas of possible change based on Home-Links four years of operation. The revised West Suffolk Lettings Policy is attached to this report as Appendix A.
- 1.2 A Review Group began work on the project in autumn 2011. The task was to review the current Lettings Policy and produce a new draft Lettings Policy for approval and consultation. The main areas of Government policy changes centred upon Welfare Reform and the Localism Bill.
- 1.3 A consultation exercise took place from 20 July to 28 September 2012 and covered the changes to the Lettings Policy. It also consulted on improvements to the Home-Link IT system and the withdrawal of the Home-Link magazine; the results of this part of the consultation have been reported in Members' Bulletin. In addition to this a sub regional Housing Portfolio Holders' meeting was held on 17 July 2012 to outline the reasons for the review, hold a workshop to discuss the main proposals and have the opportunity to ask questions.
- 1.4 The new joint Lettings Policy will come into force on 1 April 2013.

2. Recommendations

2.1 It is **RECOMMENDED** that:

- (1) the changes to the current Lettings Policy detailed in Section 4.2 of Report D203 be noted;
- (2) the new West Suffolk Lettings Policy, contained in Appendix A to Report D203, be approved; and
- (3) the Head of Housing, in consultation with the Portfolio Holder for Housing, Licensing and Environmental Health, be authorised to make any minor typographical, factual, spelling and grammatical changes to the document provided they do not materially affect the substance or meaning of the Strategy.

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3. Corporate priorities

3.1 The recommendation meets the following, as contained within the Corporate Plan:

Corporate priorities:

- (a) *'Working together for strong, healthy and diverse communities'*; and
- (b) *'Working together for prosperous and environmentally-responsible communities'*.

4. Key issues

4.1 The West Suffolk Lettings Policy sets out how FHDC and SEBC in partnership with Registered Providers will allocate their properties through the Home-Link Choice Based Lettings Scheme.

4.2 There are five areas within the Policy that have been amended as a result of the social housing and welfare reforms and have been consulted on. They are as follows:

- (a) Applicants will need a local connection with one of the Council areas to be eligible to apply to the Housing Register. At the moment anyone can apply for housing even if they do not have a local connection with any of the districts. **(See s.3.1.2 and s.3.3)**
- (b) Former Armed Forces personnel will be allowed onto the Housing Register even if they do not have a local connection. They will be awarded additional priority by applying their date of entering Military Service as their date in band instead of the normal use of the date they were placed in that band. **(See s.2.4 and s.3.3.1 (e))**
- (c) There will be increased priority for households in social housing who are under-occupying their homes. This is to ensure best use of housing stock and to help people move into housing that is the right size for them. **(See s.4.6 (e) and s.4.7 (d))**
- (d) There will be new assessments of overcrowding based on the new Local Housing Allowance (LHA) rules; making it more difficult to be considered as overcrowded. However, once assessed as needing extra bedrooms a higher priority will be awarded. **(See s.4.6 (f) and s.4.7 (c))**
- (e) Applicants will only be offered properties that are the right size for them and/or their family; depending on which area they live in, using the new LHA rules coming into force in April 2013. **(See s.5.5, s.7.3 and Appendix 1 on p.29)**

4.3 The banding and priority system will remain unchanged except as outlined above. The way properties are let through the Home-Link scheme will also remain unchanged.

4.4 The new West Suffolk Lettings Policy will come into force on 1 April 2013.

4.5 **Conclusions**

- 4.5.1 The new West Suffolk Lettings Policy has undergone a robust review taking into consideration the Government changes in social housing and welfare reform. There has been a comprehensive consultation period and the results of this exercise have shaped the final Lettings Policy document. There are five areas affected within the Policy which have been changed to reflect new regulations about who is given priority to go on the Housing Register and the size of the property they can claim benefit for.

5. **Other options considered**

- 5.1 A complete review of the current policy was undertaken including consideration of other options and areas of possible change based on Home-Link's four years of operation.

6. **Community impact**

- 6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

- 6.1.1 None

- 6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

- 6.2.1 The Lettings Policy has undergone an Equalities Impact Assessment to ensure accessibility to all.

- 6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

- 6.3.1 None

- 6.4 **Other impact** *(any other impacts affecting this report)*

- 6.4.1 The West Suffolk Lettings Policy has been developed in partnership with other Districts and Registered Providers in the sub region with the aim of having a consistent approach to the letting of social housing across a diverse geographical area. The Policy aims to ensure that all those seeking social housing in West Suffolk are able to exercise choice in deciding where they wish to live and to find a home to meet their needs. The Policy enables FHDC and SEBC to consider the individual needs of applicants whilst making the best use of the scarce resource of housing stock.

7. **Consultation**

- 7.1 The lettings policy went out to consultation for a ten week period from 20 July to the 28 September 2012. In addition to this a sub regional Portfolio Holders workshop took place on 17 July 2012 to explain the changes and give Councillors an opportunity to ask questions. Forest Heath and St Edmundsbury held a local consultation event on 11 September 2012 with partner organisations from West Suffolk.

8. Financial and resource implications *(including asset management implications)*

8.1 Officer time has been the major resource required in the review process.

8.2 There are no additional financial resource requirements expected from the implementation of the West Suffolk Lettings Policy.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Allocating homes to meet housing needs.	High	Ensure the policy meets it's stated objectives and complies with legislative changes.	Low

10. Legal and policy implications

10.1 All applicants for housing will be assessed to determine their eligibility to be placed on the Housing Register. This is to ensure homes are let to those in the highest assessed need and ensures the Councils meet their legal obligations as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011).

11. Wards affected

11.1 All

12. Background papers

12.1 None

13. Documents attached

13.1 Appendix A: Sub-Regional Partner Lettings Policy Document (West Suffolk Lettings Policy)

FINAL

SUB-REGIONAL PARTNER

LETTINGS POLICY DOCUMENT

This document sets out how St Edmundsbury Borough Council, in partnership with Registered Providers (Housing Associations) with properties in the district, will allocate their properties through the
“Home-Link Choice Based Lettings Scheme”

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Chapter 1

1.1 Introduction

1.1.1 This is the letting policy for St Edmundsbury Borough Council and should be considered in conjunction with the Cambridge Sub-regional Choice Based Lettings scheme ("CBL"), framework document, which outlines how the CBL scheme will work. The Partnership Organisations (PO's) to the Sub-regional CBL scheme are:

- a) Cambridge City Council
- b) East Cambridgeshire District Council
- c) Fenland District Council
- d) Forest Heath District Council
- e) Huntingdonshire District Council
- f) South Cambridgeshire District Council
- g) St Edmundsbury Borough Council

1.1.2 The CBL scheme and this lettings policy have been designed in collaboration with the sub regional PO's listed above, with the aim of having as much consistency in the letting of social housing as is possible in a very diverse sub-region. The lettings policy aims to ensure that all people seeking social housing in the St Edmundsbury Borough Council area are able to exercise choice in deciding where they wish to live and in the type of property they would prefer.

1.1.3 The policy enables St Edmundsbury Borough Council to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

- a) How to apply for housing.
- b) Who will qualify to be accepted onto the housing register.
- c) How priority for housing applicants will be given.
- d) What the decision-making processes are.
- e) How homes will be let.

1.1.4 You may view the CBL framework document and this lettings policy, at www.stedmundsbury.gov.uk, or request a copy from any of the PO's offices. (See Appendix 1 on p.31)

1.2 Objectives of the lettings policy

- a) To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011).
- b) To assist applicants in the highest assessed need
- c) To let properties in a fair and transparent way and provide a consistent lettings process
- d) To make best use of housing stock
- e) To ensure that applicants are not unlawfully discriminated against, whether directly or indirectly
- f) To support vulnerable applicants
- g) To provide increased choice and information to applicants
- h) To provide information and feedback on homes that are let through the CBL scheme
- i) To improve mobility across the sub-region
- j) To promote social inclusion and help achieve sustainable communities

1.3 Statement on choice

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

1.4 Legal context

- 1.4.1 All applicants for housing will be assessed to determine their eligibility to be placed on the housing register. This is to ensure homes are let to those in the highest assessed need and ensures that the Council meets its legal obligations as set out in the Housing Act (1996) as amended by Homelessness Act (2002) and the Localism Act (2011).

This policy has also had regard to:

- a) the Code of Guidance, Allocation of accommodation: guidance for local housing authorities in England, and social housing, and
 - b) St Edmundsbury Borough Council's Homelessness Strategy, and
 - c) St Edmundsbury Borough Council's Tenancy Strategy (containing details of the types of social rented tenancies that may be offered by housing association landlords).
- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:
 - a) People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
 - b) People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
 - c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
 - d) People who need to move on medical or welfare grounds (including grounds relating to a disability); and
 - e) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)
 - 1.4.3 The lettings policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference.
 - 1.4.4 Every application received by St Edmundsbury Borough Council will be considered according to the facts unique to that application as St Edmundsbury Borough Council recognises that every applicant's situation is different. Applications will be considered on an individual basis and individual circumstances will be taken into account. However, all lettings will be made in accordance with this lettings policy.

1.5 Equal opportunities and diversity

- 1.5.1 The lettings policy will be responsive, accessible and sensitive to the needs of all. St Edmundsbury Borough Council is committed to promoting equality of opportunity and will ensure that all applicants are treated fairly and without unlawful discrimination on the grounds of race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity.

1.6 Monitoring and reviewing the lettings policy

- 1.6.1 St Edmundsbury Borough Council will monitor the operation of the lettings policy by regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.

Chapter 2

2.1 How to apply for housing

- 2.1.1 To apply to go on the housing register, applicants are required to complete an on-line pre-assessment form. This will allow the applicant's housing options to be assessed and determine which options are most appropriate. If this includes social rented housing, and the applicant is eligible, they will then be required to complete a more detailed register application form. Where applicants are unable to use these on-line facilities a paper form will be available on request.

Both on-line forms can be completed at www.home-link.org.uk. A paper form if required can be requested from St Edmundsbury Borough Council or any of the PO's offices as detailed in Appendix 1 on p.31.

- 2.1.2 An applicant may include anyone on their application who may reasonably be expected to live with them as part of their household.
- 2.1.3 Where two applicants wish to have a shared application they will be known as joint applicants. Although siblings and friends may jointly apply to the register, due to the level of demand for family sized accommodation from family households, they will not be prioritised for an offer of this size of accommodation ahead of families.
- 2.1.4 On receipt of the application St Edmundsbury Borough Council will assess this and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. St Edmundsbury Borough Council will verify the information provided which may include inviting the applicant for an interview or visiting them at home.
- 2.1.5 Applications will only be accepted onto the register where:
- a) The applicant is eligible within the meaning of the Asylum and Immigration Act (1996) (see Chapter 3); and
 - b) The applicant qualifies for an allocation of accommodation. (See classes of persons that qualify for an offer of accommodation in s.3.3 and those that do not qualify in s.3.4).
- 2.1.6 After assessment St Edmundsbury Borough Council will write to applicants to inform them whether the applicant has been accepted onto the housing register, or give reasons if they have not. Where accepted they will be informed of:
- a) Their unique reference number, which allows them to bid for homes through the CBL Scheme
 - b) The Housing Needs Band in which the application has been placed
 - c) The date that the application was placed in the band (the "date in band")
 - d) The size of property for which the applicant is likely to be able to bid

If they have not been accepted onto the housing register they will be given reasons why and information on the review process (see Chapter 6).

2.2 Date of registration

- 2.2.1 The registration date of an application will be the date the housing application form is received at the office of St Edmundsbury Borough Council or any of the PO's. If the form is completed online the date the form is received electronically is the date of registration.

2.3 Date in band

2.3.1 The principle of the policy is that normally no applicant should overtake existing applicants in a band. Therefore applicants will be placed within a band in date order.

- a) **New applications:** the date in band will be the same as the applicant's date of registration.
- b) **Change of circumstances which results in a higher band assessment:** the date in band will be the date the applicant provides evidence of the change of circumstances leading to the award of a higher priority band.

2.3.2 When applicants move down bands due to a change in their circumstances the following applies:

- a) **Returning to a band that they were previously placed in:** the date in band reverts to the date that applied when the applicant was previously in that band.
- b) **Moving into a lower band they have not previously been placed in:** the date in band will be the date that the application was first placed into a higher band. In most circumstances this is likely to be their date of registration.

2.4 Armed Forces¹ personnel – date in band.

2.4.1 Additional priority will be awarded to the following categories of people:

- (a) former members of the Armed Forces¹;
- (b) serving members of the Armed Forces¹ who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- (c) bereaved spouses and civil partners of members of the Armed Forces¹ leaving Services Family Accommodation following the death of their spouse or partner;
- (d) serving or former members of the Reserve Forces² who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

2.4.2 Additional priority will be awarded to the above categories of people by awarding their application the appropriate priority band, as set out in this lettings policy, and backdating their date in band by the total cumulative period of their length of military service. This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service.

2.4.3 Current members of the Armed Forces¹ may also request that this additional priority be applied to their housing application six months prior to the date when they are due to leave military service. Appropriate evidence of the end to military service will be required.

¹ Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

² Means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force

2.5 Multiple applications

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

2.6 Change of circumstances

- 2.6.1 Where an applicant registered with St Edmundsbury Borough Council has a change in their circumstances they must promptly inform St Edmundsbury Borough Council. Applicants can obtain a change of circumstances form from any PO, but this must then be sent to the PO who is managing their application. Change of circumstances received by St Edmundsbury Borough Council will be assessed based on the new circumstances. Examples of change of circumstances are detailed below, although this list is not exhaustive.

- a) Change of address
- b) People joining or leaving the household
- c) Pregnancy/birth of a child
- d) Relationship breakdown
- e) Change to the medical circumstances of anyone included on the application
- f) Death of a household member
- g) Death of a joint applicant
- h) Change of income and/or capital

2.7 Applicant's consent and declaration

- 2.7.1 When an applicant applies for housing, they will be required to sign a declaration to confirm that:
- a) The information they have provided is true, accurate and complete.
 - b) They will promptly inform St Edmundsbury Borough Council of any change in circumstances.
 - c) They understand that information will be shared with all the PO's.
 - d) They consent to St Edmundsbury Borough Council making enquiries of any relevant persons to confirm the information on the application form is correct.
 - e) They consent to the release of any relevant information either to St Edmundsbury Borough Council held by third parties, or by St Edmundsbury Borough Council to third parties.
 - f) The information provided may be used to help in the detection and prevention of fraud.
- 2.7.2 St Edmundsbury Borough Council may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been let a property as a result of providing false information, their landlord may take court action to obtain possession of the property.

2.8 Data protection

- 2.8.1 St Edmundsbury Borough Council's policy on Data Protection is available on request.

2.9 Application review

- 2.9.1 When an applicant has not bid for any available properties for one year, we will normally write to them to see if they still wish to be on the housing register. If there is no response within the required time limit, (28 days from the letter being sent) the

application will be cancelled. If an applicant contacts St Edmundsbury Borough Council within 28 days of their application being cancelled and indicates that they still want to be considered for housing, the application will be reinstated from their last applicable date in band (see s.2.3 above).

2.10 Cancelling an application

2.10.1 An application will be cancelled from the housing register in the following circumstances:

- a) At the applicant's request.
- b) If the applicant no longer falls within a qualifying class of applicant (see s.3.1).
- c) If the applicant becomes ineligible for housing (see s.3.2).
- d) When the applicant has been housed through the Lettings Policy.
- e) When a tenant completes a mutual exchange.
- f) Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address.
- g) Where the applicant has died.

2.10.2 When an application is cancelled, we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, St Edmundsbury Borough Council will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision, (see Chapter 6).

2.10.3 Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply.

Chapter 3

3. Who can be accepted onto the housing register?

3.1 Eligible applicants

3.1.1 St Edmundsbury Borough Council cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they fall within a class exempted from this restriction by Government regulations. In addition, the council cannot allocate housing accommodation to other classes of persons from abroad if, by law, Government regulations dictate we cannot.

3.1.2 Applications whose immigration status makes them ineligible to be considered on the register will be notified in writing of the decision and the reason for the decision. If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be cancelled and the applicant notified. Applicants found to be ineligible have a right to ask for a review of the decision (see Chapter 6).

3.2 Qualifying categories of applicants

3.2.1 The Cambridge sub-region (the Home-Link area) is an area where the demand for social housing far exceeds the supply. For this reason only those applicants who meet the local connection criteria will qualify to join the housing register (see s.3.3).

3.2.2 Applicants will not qualify to join the housing register if they are considered to be unsuitable to be a tenant because of unacceptable behaviour (see s.3.4)

3.3 Local Connection

3.3.1 An applicant will be considered to have a local connection with St Edmundsbury Borough Council and accepted onto the housing register if they meet one of the following criteria:

- a. The applicant works in the local authority area for sixteen hours or more per week; or
- b. The applicant has lived in the local authority area for at least 6 of the last 12 months, or 3 of the last 5 years; or
- c. The applicant has family members who are resident in the local authority area. Family members are defined as parents, sons and daughters or brothers or sisters who have been resident in the local authority for a period of 5 years or longer. Other close family ties will be considered on a case by case basis; or
- d. The applicant is owed a full housing duty under the relevant homelessness legislation by St Edmundsbury Borough Council; or
- e. The applicant is a member of the Armed Forces¹ and former Service personnel, where their application is made within five years of discharge; or

¹ Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

- f. The applicant is a bereaved spouse or civil partner of a member of the Armed Forces¹ leaving Services Family Accommodation following the death of their spouse or partner; or
- g. The applicant is a serving or former member of the Reserve Forces² who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or
- h. There are special circumstances that St Edmundsbury Borough Council considers give rise to a local connection.

3.4 Applicants with a history of unacceptable behaviour

- 3.4.1 Applicants with a history of unacceptable behaviour will not qualify to be accepted onto the housing register. Unacceptable behaviour can include tenancy related debt or other breach of tenancy conditions.
- 3.4.2 When considering levels of unacceptable behaviour the council will consider when this behaviour took place, the length of time that has elapsed since and whether there has been any change in circumstances which would show that the applicant had amended their behaviour so that they are considered suitable to become a tenant.
- 3.4.3 If considered to have a history of unacceptable behaviour applicants will be informed of this decision in writing. They will also be informed how they can become a qualifying person, for example, by agreeing an arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed.
- 3.4.4 If an applicant is accepted onto the register but a change in their behaviour means that they are no longer a qualifying person, their housing application will be removed and the applicant will be notified.
- 3.4.5 Applicants considered as not qualifying due to unacceptable behaviour have a right to ask for a review of the decision (see Chapter 6).

¹ Means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force

² Means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force

Chapter 4

4.0 Assessment of housing need

4.1 Legal background

- 4.1.1 All eligible and qualifying applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that St Edmundsbury Borough Council meet their legal obligations as set out in the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.

4.2 Advice and information

- 4.2.1 St Edmundsbury Borough Council will ensure that advice and information on how to apply for housing in St Edmundsbury is available free of charge to everyone. If applicants are likely to have difficulty in making an application without assistance, then any necessary assistance they require will be made available by the council.

4.3 Assessment of housing need

- 4.3.1 Assessments of housing needs are based on an applicant's current housing circumstances. Assessments will be completed by housing officers of St Edmundsbury Borough Council or Forest Heath District Council.

4.4 Local connection criteria

- 4.4.1 To ensure local housing needs are met, 90% of properties advertised through the CBL scheme will be labelled as available to applicants with a local connection to St Edmundsbury. 10% of advertised properties will be open to bidding from applicants with a local connection to any authority in the Cambridge Sub-region. 25% of new growth homes will be made available for cross boundary mobility. The relevant local connection requirement will be clearly labelled on the property advertisement.
- 4.4.2 Where a property has local connection criteria attached to it through a local lettings policy or s.106 agreement, then these properties will be let in line with the criteria within the s.106 agreement. This may differ from the local connection criteria contained within this lettings policy.

4.5 Housing needs bands

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

4.6 Band A: Urgent Need

Applicants with the following circumstances will be placed into Band A:

a) Urgent transfer

Where an existing council or housing association tenant needs to move urgently because of circumstances that could include:

- a) Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property.

- b) The property is being demolished.
- c) Urgent social need to move.

b) Current supported housing resident

Applicants leaving Social Services care or other supported accommodation, and are ready to move to a permanent home of their own. This will be subject to the council, Social Services and the landlord of the supported accommodation agreeing that the applicant is ready to move to their own home. If the applicant needs an on-going support package to allow them to live independently, confirmation that this will be put in place will also be required from the proposed support provider. The date that this priority is awarded (date in Band A) will be the date that the resident is ready to move to independent living, as recommended by their support worker.

c) Urgent health and safety risk

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

d) Urgent medical need

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

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

e) Lacking two or more bedrooms

Means the household is assessed as lacking two or more bedrooms (see s.5.5).

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

Means where an existing council or housing association tenant:

- a) Is assessed as having two or more bedrooms that are not required by the household (see s.5.5).
- b) Where a property has been adapted and the adaptations are no longer required. For example if the person requiring the adaptations has moved or died.

g) Homeless households (Full homelessness duty owed under s.193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002)

Means where an applicant is not homeless intentionally or threatened with homelessness intentionally, is eligible for assistance and has a priority need for accommodation, and St Edmundsbury Borough Council or a PO has accepted a duty under s193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002 (referred to as the full homelessness duty) and this duty has not been brought to an end.

h) Urgent multiple needs

This priority will be applied where an applicant is assessed as having two or more Band B needs. This may include an application where two household members have the same assessed need e.g. two high medical needs.

For multiple needs in Band A please see 'emergency housing status' (see Chapter 5)

4.7 Band B: High Need

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

a) High health and safety risk

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

b) High medical need

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

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

c) Lacking one bedroom

This priority will be applied where the household is assessed as lacking one bedroom based on the bedroom calculation in Chapter 5.

d) Under-occupancy by one bedroom.

This priority will be applied where an existing council or housing association tenant is assessed as having one bedroom more than required by the household (see s.5.5).

e) Victims of harassment, violence or abuse

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

St Edmundsbury Borough Council will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

f) Potentially homeless (prior to homelessness decision being made)

Where an applicant is threatened with homelessness within a period of more than 28 days, St Edmundsbury Borough Council will work with the applicant to try and prevent their homelessness. Those applicants, who appear likely to have a priority need in the event of a homelessness application, will be placed in Band B whilst the prevention measures are being pursued

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

g) Sleeping Rough

This priority will be applied where it has been confirmed that an applicant is sleeping rough and has no other accommodation available to them. The council will verify that an applicant is sleeping rough before awarding this priority. Rough sleeping priority will not be awarded when accommodation is available to the applicant, including a placement at a direct access hostel, but the applicant chooses not to take up this offer of accommodation. Applicants assessed as 'Sleeping Rough' will not be awarded additional priority on any other accommodation related factors.

h) Multiple needs

This priority will be applied where an applicant is assessed as having three or more Band C needs. This may include an application where more than two household members have the same assessed need e.g. three medical needs.

4.8 Band C: Medium Need

Applicants with the following circumstances will be placed into Band C:

a) Medium medical need

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

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

d) Need to move for social reasons

Means where St Edmundsbury Borough Council or a PO has assessed the applicant's need to move for social reasons. An applicant will only be awarded this factor once irrespective of the number of social needs that may apply to their situation.

Examples where a social need to move may apply may include where an applicant:

- a) Needs to move to or within an area of the sub-region to give or receive support, and a proven level of support is required and can be given
- b) Has found employment in the St Edmundsbury area and needs to move closer to work, or will otherwise lose their employment

- c) Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight.
- d) Is living in a first floor or above property and has children less than 10 years of age as part of their household, or is more than 24 weeks pregnant.

e) Housing conditions.

This priority will be applied where the applicant/s either lack or share one or more of these facilities with persons, who are not members of their household. Facilities may include:

- a) A living room
- b) Kitchen
- c) Bathroom

f) Other homelessness.

Applicants who are homeless or threatened with homelessness and are:

- a) Intentionally homeless.
- b) Homeless or threatened with homelessness but not in priority need.
- c) Owed a main homelessness duty by a local authority that is not a PO in the sub-region.

Applicants assessed as 'Other Homelessness' will not be awarded additional priority on any other accommodation related factors.

Applicants given this priority will have their application reviewed on the anniversary of the decision, unless there is a change in their circumstances in the meantime.

4.9 Band D: Low Housing Need

4.9.1 Any applicant who does not meet any of the criteria in Bands A, B and C will be assessed as having a low level of housing need and their application will be placed in Band D.

4.9.2 Anyone assessed as having sufficient financial resources to resolve their own housing need (see s.4.12) will be placed in band D. These applicants will only be considered for an offer of a property once all other bidding applicants who do not have sufficient financial resources to resolve their own housing need have been considered.

4.10 Low priority

4.10.1 In certain circumstances, applicants will be accepted onto the housing register, but their application will be considered as low priority as a result of behaviour or circumstances that affects their suitability to be a tenant. In these circumstances their application will be placed in a housing needs band but they will not be actively considered for an offer of a tenancy or be able to express interest in available properties. Their application will remain in low priority until the applicant has shown that the circumstances or behaviour has changed so that they are considered suitable to be a tenant.

4.10.2 The following categories will be considered as low priority:

- a. Applicants with rent arrears, former rent arrears or other housing-related charges or debts, where these are not sufficiently high to class them as not

qualifying to join the register (see s.3.4). Other than in exceptional circumstances, an applicant with outstanding rent arrears, former rent arrears or other housing-related debts will not be considered for an offer of a tenancy or eligible to bid for housing until they have shown a regular repayment record.

- b. Applicants with a history of anti-social behaviour where this is not sufficiently severe to class them as not qualifying to join the register (see s.3.4).

- 4.10.3 All applicants who are considered low priority will be informed of this decision in writing, and how their application could be re-assessed, for example, by agreeing and keeping to an arrangement to make payments towards rent arrears, or by the applicant satisfying the council that the circumstances or behaviour that made them unsuitable to be a tenant have changed.
- 4.10.4 St Edmundsbury Borough Council expects applicants to clear any housing related debts owed to any registered social landlord before an offer of a tenancy is made, where it is clearly within their means to do this (for example where the debt is relatively low and the applicant has a reasonable disposable income or has sufficient savings available).
- 4.10.5 When a financial assessment shows that the debt cannot be cleared immediately then a realistic and affordable repayment arrangement should be agreed to clear the debt. The applicant may become eligible to bid for property as long as they have made regular payments in line with the agreement they have made.
- 4.10.6 Applicants found to be low priority have a right to ask for a review of the decision (see Chapter 6). A designated senior officer will undertake the review.

4.11 Intentionally worsening housing circumstances

- 4.11.1 If an applicant is assessed as having intentionally worsened their housing situation in order to improve their housing priority, their level of housing need will be assessed on the basis of their previous accommodation.
- 4.11.2 Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see Chapter 6).
- 4.11.3 All applicants deemed to have intentionally worsened their circumstances will have their application reviewed on the anniversary of the decision, unless there is a change in their circumstances in the meantime.
- 4.11.4 If St Edmundsbury Borough Council has assessed and accepted the applicant is homeless or threatened with homelessness, has a priority need under the homeless legislation, but considers that they have become homeless intentionally; the applicant will be placed in Band C.

4.12 Financial resources

- 4.12.1 All qualifying applicants are entitled to apply for housing regardless of income levels. However if an applicant is assessed as having income and/or capital, which will enable them to resolve their own housing need through other tenures they will not receive any preference for rented housing and when bidding will appear on the shortlist after all other applicants that do not have the resources to resolve their own need.

This assessment will be based on the following

- a) The total income of the applicant/partner
- b) Any capital available to the applicant/partner
- c) Average property prices in the area for the type of accommodation needed by the household
- d) The ability of the applicant/partner to acquire a mortgage and maintain required repayments based on a realistic assessment of their financial position and commitments.
- e) to meet the required mortgage repayments based on a realistic assessment of their financial position and commitments.

4.12.2 Excluded from the above financial assessment will be any member of the Armed Forces¹ who may have received a lump sum as compensation for an injury or disability sustained on active service.

4.13 Officer review for Band A applicants

4.13.1 Where an applicant has held Band A status for three months from their applicable date in band St Edmundsbury Borough Council will carry out a review of their circumstances. This will result in either:

- a) A direct let – usually for statutorily homeless applicants living in temporary accommodation.
- b) Priority being maintained.
- c) Moving into a lower priority band if the circumstances under which they were placed in Band A no longer apply.

¹ Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

Chapter 5

5.1 Assessment information and criteria

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

5.2 Transfer applicants

- 5.2.1 Transfer applicants are those applicants who are tenants of a council or housing association property in the UK who wish to move to alternative accommodation.

5.3 Homeless applications

- 5.3.1 Applicants who are already on the housing register will remain in their existing housing needs band whilst a homeless assessment is carried out (unless the criterion in s.5.3.3 below applies).
- 5.3.2 When a decision has been made by St Edmundsbury Borough Council that an applicant is owed a full homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed and remain in Band A until that duty is brought to an end (See s.4.6 (g)).
- 5.3.3 Where a person is threatened with homelessness within a period of more than 28 days, the Council will work with the applicant to try and prevent their homelessness. Those persons, who appear likely to have a priority need in the event of a homelessness application being made, will be placed in Band B whilst the prevention measures are being pursued.
- 5.3.4 A person who is threatened with homelessness may have an existing housing register application. Applicants already in Band A will retain their existing Band A status whilst homelessness prevention measures are pursued.
- 5.3.5 An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in Band C (unless other circumstances are such that they are eligible for placement within a different band).
- 5.3.6 Applicants who have been assessed as being in priority need but are intentionally homeless will have their housing application assessed on their current accommodation, if an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account (see s.4.11).

5.4 Split families

- 5.4.1 Where an application is made by family members who it would be reasonable to expect them to live together but they are unable to do so, the council will assess their particular circumstances to consider the best way of addressing their housing needs.

5.5 Bedroom requirement guidelines

- 5.5.1 Bedroom requirements are generally determined in line with the Local Housing Allowance (LHA) regulations and these regulations will be applied when calculating bedroom requirements in overcrowding and under-occupancy assessments. They will also be used when calculating the size of property (number of bedrooms in the property) that an applicant will be able to bid on and eligible to be offered through the letting process.

Bedroom requirements are determined by the applicant's size of household. Generally the LHA regulations allow one bedroom each for:

- a) Every adult couple
- b) Any other adult aged 16 or over
- c) Any two children (aged under 16) of the same sex
- d) Any two children, regardless of sex, under the age of 10
- e) Any other child aged under 16
- f) A non-resident carer (claimant/partner have disability and need overnight care)

Applicants requiring help in calculating their bedroom entitlement can use the Directgov online bedroom entitlement calculator at <https://lha-direct.voa.gov.uk/BedRoomCalculator.aspx>.

- 5.5.2 Single and joint applicants of pensionable age may be eligible to be considered for one and two bedroom older person/s and/or sheltered housing.
- 5.5.3 A pregnant woman expecting her first child will be assessed as requiring two bedrooms from week 24 of her pregnancy.
- 5.5.4 An applicant may be assessed as requiring an additional bedroom where St Edmundsbury Borough Council considers there are special circumstances.

5.6 Staying contact with children

- 5.6.1 A child, or children, living between parents at separate addresses will only be considered as having one main home unless there are exceptional circumstances that mean that both parents should provide a home. A Court Order allowing access to children, or confirming residence between separated parents does not mean that the council must consider that the child is part of an applicant's household for the purposes of a housing register application.
- 5.6.2 An assessment will be made by the council as to which parent's property is considered as the child's main home. If the council considers that an applicant does not provide the child with his or her main home then the child will not be considered as part of the register application. The child would then not be considered as part of the bedroom requirements when assessing overcrowding or under-occupation. They would also not be considered when assessing the size of property (number of bedrooms) that the application would be eligible to bid for and offered through the lettings process.

5.7 Medical assessments

- 5.7.1 Medical assessments will be carried out for any applicants who believe that their medical condition or disability is affected by their current accommodation. The applicant will be required to fill in a self-assessment medical form, or provide information from a medical professional, detailing the effect that their current accommodation has on their medical condition or disability. These forms will be assessed and where appropriate referred to a medical professional for their opinion of how the medical condition is affected by the applicant's housing circumstances.

5.8 Harassment and domestic violence

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

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

- 5.9.1 Where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), St Edmundsbury Borough Council will liaise with the panel to ensure an appropriate housing solution to meet the needs of the applicant and the community as a whole.

5.10 Emergency housing status

- 5.10.1 An emergency housing status may be awarded to applicants in exceptional circumstances, where remaining in their current accommodation may cause risk of death or serious injury, or where an applicant has been assessed as having multiple needs that fall within Band A. An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band.

5.11 Direct Lets

- 5.11.1 Most properties will be advertised through the Choice Based Lettings (CBL) scheme. However in certain circumstances some properties may be let directly to applicants and these properties will be let outside of the allocation scheme. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where this may happen.

- a) Where the council has accepted a full homelessness duty towards a household but the household has not found suitable accommodation during a period of choice through the CBL scheme.
- b) Where an applicant and their household require a specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the CBL scheme
- c) Where an existing social housing tenant is required to move to make the best use of stock, and they have not been successful in finding a suitable property through the CBL scheme

- 5.11.2 Information as to which properties have been allocated through direct lets will be made available through the CBL feedback mechanism.

- 5.11.3 Direct lets will be made on the basis of a suitable property becoming available. Where a property becomes available that is suitable for more than one applicant with a direct let status, the date applicants were awarded a direct let status will be used as a deciding factor in deciding to whom the property will be let.

5.12 Direct lets to homeless applicants

- 5.12.1 Homeless applicants who are owed a full homelessness duty by St Edmundsbury Borough Council (under s.193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002) will be placed in Band A and will be able to bid for properties via the CBL scheme. Their date in band will be the date they originally applied to the council as homeless.

- 5.12.2 Where homeless applicants are awarded Band A, St Edmundsbury Borough Council reserves the right to make a direct let or final offer of a property under the Council's homelessness policy.
- 5.12.3 Where a homeless applicant bids for a property while being owed the full homelessness duty, is offered the tenancy and subsequently refuses the offer (except where the offer has been made as a direct let or final offer as detailed in 5.12.2 above) their application will remain within the same housing band and the s.193 (2) duty under the Housing Act 1996 as amended by the Homelessness Act 2002, will continue.
- 5.12.4 The full homelessness duty will come to an end, and a homeless applicant loses their priority under this section, when any of the circumstances within s.193 (6) of the Act are met. This will include an applicant:
- a) Accepting an offer of accommodation made through the CBL scheme
 - b) Accepting an offer made via the direct let mechanism within the policy (see s.5.11 above), or
 - c) If, having been informed of the consequences and the right to request a review, refuses a reasonable offer of suitable accommodation made via the direct let mechanism
- S. 193(6) of the Housing Act 1996 Act gives the full circumstances under which the full homelessness duty comes to an end.
- 5.12.5 Where a homeless applicant is to be allocated a property through the direct let process St Edmundsbury Borough Council has responsibility for determining the suitability of any allocation. They will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions in the area as a whole.
- 5.12.6 Where a homeless applicant is offered accommodation via a direct let, but does not feel that this offer is suitable; they have the right to request a review of the decision that the offer is suitable. For details of the review process (see Chapter 6).
- 5.12.7 As the property does not have to remain available during the review of the suitability and reasonableness of a direct let, homeless applicants are advised to accept and move in to the accommodation pending the decision on review. If the review outcome is unsuccessful for the applicant they will still have accommodation to live in whilst they consider their further options.
- 5.12.8 If a homeless applicant refuses a direct let and it is then deemed suitable at review, the full homelessness duty will come to an end. They will also have to vacate any temporary accommodation that is being provided.
- 5.12.9 If, on review reviewing an applicant's refusal of a direct let, the property offered is considered to be unreasonable or unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

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

- 5.13.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if St Edmundsbury Borough Council have a shortage of suitable properties. For example:
- a) An applicant requires a very large a property to accommodate their household.

- b) An applicant requires a property of a specific type in a specific area of the district.
- c) An applicant requires a property with specific adaptations and such a property becomes available.
- d) Where an applicant is willing to move to release a property larger than required to meet their housing needs.

5.14 Sheltered housing

5.14.1 Sheltered housing will be advertised through the CBL scheme. Sheltered housing is available to applicants over 60 years of age and prior to an offer of a tenancy applicants will be subject to an assessment by the landlord of the accommodation to establish their prospective support needs and suitability to living in sheltered housing.

5.15 Extra care homes

5.15.1 Extra care homes are properties for older people where additional support services are provided. Allocation to extra care homes will not be advertised through CBL but will be made by an allocation panel.

5.16 Refusals of direct let

5.16.1 Where an applicant (other than a person owed the full homelessness duty) refuses a reasonable offer of a direct let a senior officer will review the reasons for the refusal and the applicant may lose any housing priority they held, dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see Chapter 6).

5.17 Local lettings plans

5.17.1 Local lettings plans are used within the sub region to help create balanced and sustainable communities. Where a local lettings plan applies, it will be stated in the property details when advertised. Details of any local lettings plans will be available from the local authority in whose area the property is situated. Some local lettings plans may ask for an applicant to have a local connection to a specific parish or village. In those cases, the connection criteria will be stipulated in the legal agreement for that development.

Chapter 6

6.1 Reviews of decisions

- 6.1.1 A designated senior officer will carry out reviews of assessment decisions as required.
- 6.1.2 Examples of circumstances that may be reviewed include:
- a) Multiple need in band
 - b) Emergency housing status
 - c) Moving people up a band or down a band
 - d) Priority assessments, in complex cases.
 - e) Housing people in different accommodation to designated need size
 - f) Low priority decisions
 - g) Direct lets

The above list is not exhaustive.

6.2 Statutory reviews

- 6.2.1 An applicant has the right to request a review of certain decisions made under part 6 of the Housing Act 1996. These are:
- a) Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to accept onto the housing register or to allocate housing accommodation to the applicant
 - b) Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
 - c) Ineligibility for an allocation based on immigration status s160A (9).
- 6.2.2 Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from St Edmundsbury Borough Council.
- 6.2.3 A request for a review of a decision can be made in writing or verbally to a member of staff at St Edmundsbury Borough Council. The request should be made within 21 days following the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.
- 6.2.4 An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the council's complaints procedures, contact the Local Government Ombudsman (see s.6.4) or seek to challenge the decision via a judicial review.
- 6.2.5 Reviews will be undertaken by a designated officer who was not involved in the original decision, and who is senior to the original decision making officer.

6.3 Homeless reviews

- 6.3.1 Homeless applicants have the right to request a review of certain decisions made by St Edmundsbury Borough Council in respect of their homeless application. Within the context of the council's lettings policy this includes the decision to bring to an end

the full homelessness duty by making a suitable offer of permanent accommodation via the housing register through the direct let mechanism (see s.5.12).

- 6.3.2 If an applicant wishes to request a review of the reasonableness of an offer or the suitability of the property, this must be made within 21 days of notification of a decision to make the offer. Late review requests can be considered under exceptional circumstances at the discretion of the local authority.
- 6.3.3 Applicants who request reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However if the reasonableness and suitability of the offer is upheld the applicant will still have accommodation to live in whilst they consider their further options.
- 6.3.4 The applicant has the right of appeal to the county court if he or she is dissatisfied with the decision on a review.

6.4 The Local Government Ombudsman

- 6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.
- 6.4.2 If an applicant is not satisfied with the action the council has taken, and has exhausted the council's own complaints procedure, they can send a written complaint to the ombudsman.
- 6.4.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB
Tel: 024 7682 0000
Website: www.lgo.org.uk

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

The Housing Ombudsman Service
Norman House
105 -109 Strand
London
WC2R 0AA
Tel: 08457 125 973
Website: www.ihos.org.uk

Chapter 7

7.1 Letting of accommodation

- 7.1.1 Properties will be advertised through the sub regional CBL scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as advertising cycles.

7.2 Labelling property advertisements

- 7.2.1 All adverts will include a description of the property and any other relevant information, for example rent charge, property size, length and type of tenancy, local facilities, disabled adaptations or if the property is sheltered housing. The property will be labelled to show who is able to express an interest in it (known as bidding), for example, where a local connection is required, or if there is an age restriction on the property.
- 7.2.2 Applicants should check the information contained in the property advert labelling to see if they qualify to be considered for the property.

7.3 Bedroom requirements

- 7.3.1 Bedroom requirements will generally be determined in line with the Local Housing Allowance (LHA) regulations (see s.5.5).
- 7.3.2 Landlords may choose to allow the under-occupation of certain properties including those that they advertise. The property advert will explain this on those properties the landlord is willing to under-occupy. Where a landlord is willing to allow under-occupation this will generally be by allowing an applicant to be considered for one bedroom more than their assessed Local Housing Allowance (LHA) entitlement (for example allowing applicants with an assessed two bedroom LHA need to be considered for a 3 bedroom property). All households bidding for these properties and meeting the labelling criteria will be considered in line with the shortlisting criteria contained in 7.4.1 below.
- 7.3.3 Where a landlord is willing to allow under-occupation an affordability assessment will be completed to ensure that the applicant being considered for the property is able to meet rent payments. If the applicant is assessed as being unable to afford the rent payments the landlord may bypass them on the shortlist.

7.4 Shortlisting

- 7.4.1 After the end of an advertising cycle a shortlist of applicants bidding for the property and meeting the labelling criteria will be produced. Applicants will be ranked in order of their priority band with band A above band B, band B above band C, and band C above band D. Where more than one applicant in the same priority band appears on the shortlist they will be ranked in date order as determined by their date in band (see 2.3). In circumstances where there is more than one applicant in the same band with the same date in band, the applicant with the earliest registration date will appear higher on the shortlist. If there is more than one applicant with the same band, date in band and registration date a senior officer will make an allocation decision based on the best use of the housing stock and needs of the applicants.
- 7.4.2 When a shortlist of applicants is completed the landlord of the available property will offer an accompanied viewing of the property to the highest priority applicants. This is

to ensure that if the applicant who tops the shortlist decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.

7.4.3 After viewing the property the applicant at the top of the shortlist will be given 24 hours to accept or refuse the offer. If an applicant is offered a tenancy (verbally or in writing) and does not reply to accept that offer within the deadline given, the landlord will take this as a refusal of the offer. If the offer is refused the next person on the short list will be offered the property. The landlord will work down the shortlist in order.

7.4.4 In exceptional circumstances a senior officer may make a decision to bypass an applicant on a shortlist e.g. if, in doing so, the offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing by the landlord making the decision.

7.5 Formal offer of the property

7.5.1 Once the applicant has confirmed their acceptance of the tenancy the landlord of the property will write to confirm the formal offer of the tenancy. The CBL system will then not allow that applicant to be considered for any further properties and once the tenancy starts their housing register application will be cancelled.

7.5.2 Once the property is ready to let the landlord of the property will complete the tenancy sign up.

7.6 Withdrawal of offers

7.6.1 In exceptional circumstances an offer of a property may be withdrawn, for example:

- a) Where there has been a change in the applicants' circumstances
- b) Where the successful applicant has rent arrears or other housing related debts that had previously not come to light
- c) Following verification the applicant is not eligible for the property
- d) Where an error has been made in the advertising criteria
- e) Where an offer of accommodation could put a vulnerable person at risk of any harm.

7.7 Refusing an offer of accommodation

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

7.8 Allocations to staff, council members or their family members

7.8.1 Members of staff, their close family and elected members who require housing with St Edmundsbury Borough Council may apply for housing in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

7.8.2 If an applicant who is a member of staff, elected member or a member of their direct family, makes a successful bid for a property the Head of Housing Services will be informed and must approve the letting prior to the formal offer being made.

7.9 Tenancy management outside the scope of the lettings policy

7.9.1 The following tenancy management areas are not included as part of this lettings policy as they are not included within part 6 of the Housing Act 1996:

- a) Mutual exchanges
- b) Introductory tenancies converted to secure tenancies
- c) Where a secure tenancy of a property is assigned by way of succession to the same property
- d) Where a secure tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- e) Where court orders are made under one of the following:
 - i. Section 24 of the Matrimonial Causes Act 1973
 - ii. Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
 - iii. Paragraph 1 of schedule 1 to the Children Act 1989

Chapter 8

8.0 Confidentiality and access to information

8.1 Applicants' Rights to Information

- 8.1.1 Applicants have the right to request such general information as will enable them to assess:
- a. How their application is likely to be treated under the Lettings Policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of this Policy, (see Chapter 3)
 - b. Whether housing accommodation appropriate to their needs is likely to be made available to them.
- 8.1.2 Applicants have the right to request information held about their application which is likely to be, or has been, taken into account when considering whether to allocate them housing.

8.2 Data protection

- 8.2.1 When an applicant applies to the Home-Link scheme the PO's will only ask for information that they need to assess their eligibility and housing needs. The PO's will collect and keep data in accordance with the council's guidelines on handling personal data.
- 8.2.2 These guidelines are in accordance with the Data Protection Act 1998 which covers both electronic and manual records and the Act governs everything we do with the personal data, including collecting, storing, using and disposing of it.
- 8.2.3 Confidential information held about applicants will not be disclosed to third parties apart from:
- a) Where the individual who is the subject of the confidential information has consented to the disclosure
 - b) Where the council or a PO is required by law to make such disclosures
 - c) Where disclosure is made in accordance with an information sharing protocol

8.3 Requesting information

- 8.3.1 Applicants are able to request copies of the information held regarding their application. This information is held in line with Data Protection Act guidelines. Please note that we cannot provide you with personal information about other people if doing so will breach the Data Protection Act 1998.

Appendix 1

Cambridge Sub regional Choice Based Lettings

Partner Organisation List

Local Authority

Cambridge City Council

PO Box 700
Cambridge
CB1 0JH
Email: CBL@cambridge.gov.uk
Website: www.cambridge.gov.uk

South Cambridgeshire District Council

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
Email: cbl@scambs.gov.uk
Website: www.scambs.gov.uk

East Cambridgeshire District Council,

The Grange
Nutholt Lane
Ely
Cambs.
CB7 4PL
Email: customerservices@eastcambs.gov.uk
Website: www.eastcambs.gov.uk

Huntingdonshire District Council

Pathfinder House
St Mary's Street
Huntingdon
Cambridgeshire
PE29 3TN
Email: housingservices@huntsdc.gov.uk
Website: www.huntsdc.gov.uk

Fenland District Council

Fenland Hall
County Road
March
Cambridgeshire
PE15 8NQ
Email: info@fenland.gov.uk
Website: www.fenland.gov.uk

LSVT Landlord

Sanctuary Housing

Avro House
49 Lancaster Way Business Park
Ely
Cambs
CB6 3NW
Email: contactus@sanctuary-housing.co.uk
Website: www.sanctuary-housing.co.uk

Luminus Group

Brook House
Ouse Walk
Huntingdon
Cambridgeshire
PE29 3QW
Email: homes@luminus.org.uk
Website: www.luminus.org.uk

Roddons Housing Association

Beacon House
23 Hostmoor Avenue
March
Cambridgeshire
PE15 0AX
Email: roddensenquiries@circle.org.uk
Website: www.circle.org.uk/roddons/

Local Authority

Forest Heath District Council

College Heath Road
Mildenhall
Suffolk
IP28 7EY

Email: cbl@forest-heath.gov.uk

Website: www.forest-heath.gov.uk

St Edmundsbury Borough Council

West Suffolk House
Western Way
Bury St Edmunds
Suffolk
1P33 3YU

Email: home-link@stedsbcc.gov.uk

Website: www.stedmundsbury.gov.uk

LSVT Landlord

Flagship Housing Group

Keswick Hall
Keswick
Norwich
Norfolk
NR4 6TJ

Email: info@flagship-housing.co.uk

Website: www.flagship-housing.co.uk

Havebury Housing Partnership

Havebury House
Western Way
Bury St. Edmunds
Suffolk
IP33 3SP

Email: office@havebury.com

Website: www.havebury.com

Appendix 2

GLOSSARY OF TERMS

Adapted properties – Means a property that has been adapted for an applicant with disabilities.

Advertising cycle – Means how often properties are advertised and available to make a bid on.

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

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

Application number - A unique housing number generated by the computer system.

Bedroom eligibility - How many bedrooms a household is assessed as needing.

Bid – The process used by applicants in registering an interest in an available property.

Choice Based Lettings (CBL) - A method of allocating social and affordable homes which have become available for letting by openly advertising them, and allowing applicants to bid for these.

Customer/Applicant - Is either a tenant of a Partner Organisation (PO) (including those in temporary accommodation) or a housing applicant on the Home-Link sub-regional housing register.

Date of registration - The date an application form is registered with a PO

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

Decision making organisation - The organisation that made a particular decision with regard to a housing or homeless application.

Direct let - A property that is offered directly to an applicant, without them having to bid.

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

Housing Associations - Also known as Registered Social Landlords RSL's) and Registered Providers (RP's). These are landlords who also provide social and affordable rented homes for which applicants/ customers can bid for through the Home-Link CBL scheme.

Housing options - Looking at the number of ways in which an applicant or customer might be assisted and supported to find a solution to their housing needs. Housing options may include private rented accommodation, mutual exchange, or even a home-buy product.

Housing needs register - A list of those requesting and qualifying for housing.

Housing Related Debts - Are defined as current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge

arrears and court costs. They do not include Council Tax debts or Housing Benefit overpayments.

Joint Application - Where one or more applicant applies to join the housing register on one application form.

Labelling properties - Describing who is eligible to bid for a property

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

Local elected members - Each local authority is governed by a group of elected members also known as councillors.

LSVT Landlord - Large Scale Voluntary Transfer, where a Local authority has sold its housing stock to a Registered Social Landlord

Mutual exchange - A scheme which allows two tenants to swap their homes.

Partner organisations (PO's) - All the organisations that are partners to the Home-Link CBL scheme these may be local authority or RSL organizations.

The Cambridge Sub Region - The area covered by the seven Local Authorities that make up the Home-Link scheme..

Transferring tenant - An applicant who is currently a tenant of a local authority or housing association and who wishes to move.