

# Huntingdonshire District Council

## **LETTINGS POLICY DOCUMENT**

This document sets out how Huntingdonshire District Council, in partnership with Housing Associations with properties in the district, let their properties through the “Cambridge Sub Regional Choice Based Lettings Scheme” (Home-Link scheme)

April 2009

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## Chapter 1

### 1.1 Introduction

1.1.1 This is the letting policy for Huntingdonshire District Council, (“HDC”) 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:

- Cambridge City Council
- East Cambridgeshire District Council
- Fenland District Council
- Forest Heath District Council
- Huntingdonshire District Council
- South Cambridgeshire District Council
- St Edmundsbury Borough Council

1.1.2 The CBL scheme and this lettings policy have been designed in collaboration with the sub regional POs 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 Huntingdonshire 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 HDC to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who is not eligible to be accepted onto the housing register
- How priority for housing applicants will be given
- What the decision making processes are
- How homes will be let

1.1.4 You may view the CBL framework document and this lettings policy, at [www.huntsdc.gov.uk](http://www.huntsdc.gov.uk), or request a copy from any of the PO’s offices. (See appendix 1)

### 1.2 Objectives of the lettings policy

- 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)
- To assist applicants in the highest assessed need
- To let properties in a fair and transparent way and provide a consistent lettings process

- To make best use of housing stock
- To ensure that applicants are not unlawfully discriminated against, whether directly or indirectly
- To support vulnerable applicants
- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the CBL scheme
- To improve mobility across the sub-region
- To promote social inclusion and help achieve sustainable communities

### **1.3 Statement on choice**

- 1.3.1 HDC 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 Huntingdonshire.
- 1.3.2 The CBL scheme will enable applicants from Huntingdonshire 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 placed in the appropriate housing needs band, based on an assessment of their household's needs. 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).
- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:
- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002.)
  - 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)
  - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
  - People who need to move on medical or welfare grounds (including grounds relating to a disability); and
  - 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 HDC will be considered according to the facts unique to that application as HDC 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. HDC will not tolerate prejudice and unlawful discrimination and we will actively promote equality.

## **1.6 Monitoring and reviewing the lettings policy**

1.6.1 HDC 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. Applying for housing

#### 2.1 How to apply for housing

- 2.1.1 Anyone can apply to HDC for housing. However, not everyone will be eligible for housing. HDC will not register people who are not eligible to be housed. Evidence of eligibility may be required to complete registration. (See chapter 3) Applicants are advised that due to a high demand for available housing in Huntingdonshire, not everyone who is eligible to be considered for housing is guaranteed housing from the register
- 2.1.2 To apply to go on the housing register, applicants are required to complete a housing application form. This can be completed on-line at [www.home-link.org.uk](http://www.home-link.org.uk) or by requesting a paper form from any of the Home-Link partners offices. Paper forms should be returned to Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN or any of the POs offices as detailed in appendix 1.
- 2.1.3 An applicant may include anyone on their application who may reasonably be expected to live with them as part of their household.
- 2.1.4 Where more than one eligible applicant wishes 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.
- 2.1.5 On receipt of the application form HDC will assess the form and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. HDC will verify the information provided which may include inviting the applicant for an interview or visiting them at home.
- 2.1.6 After assessment HDC will write to applicants to inform them:
- Whether the applicant is eligible for housing and if so:
  - Their unique reference number, which allows them to bid for homes through the CBL Scheme
  - The Housing Needs Band in which the application has been placed
  - The date that the application was placed in the band (the "date in band")
  - The size of property for which the applicant is likely to be able to bid
  - How decisions may be reviewed

## 2.2 Date of registration

2.2.1 The registration date of an application form will be the date the housing application form is received at the office of HDC, or any of the POs. If the form is completed over the Internet 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.

- **New applications:** the date in band will be the same as the applicant's date of registration.
- **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:

- **Returning to a band that they were previously placed in (whether this is a higher or lower band):** the date in band reverts to the date that applied when the applicant was previously in that band.
- **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 Multiple applications

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

## 2.5 Change of circumstances

2.5.1 Where an applicant registered with HDC has a change in their circumstances they must promptly inform HDC. Applicants can obtain a change of circumstances form from any PO, but this must then be sent to the PO where the original application was made. Change of circumstances received by HDC will be assessed based on the new circumstances. Examples of change of circumstances are detailed below, although this list is not exhaustive.

- Change of address
- People joining or leaving the household



- Pregnancy/birth of a child
- Relationship breakdown
- Change to the medical circumstances of anyone included on the application
- Death of a household member
- Death of a joint applicant
- Change of income and/or capital

## **2.6 Applicant's consent and declaration**

2.6.1 When an applicant applies for housing, they will be required to sign a declaration to confirm that:

- The information they have provided is true, accurate and complete
- They will promptly inform HDC of any change in circumstances
- They understand that information will be shared with all the POs
- They consent to HDC making enquiries of any relevant persons to confirm the information on the application form is correct
- They consent to the release of any relevant information either to HDC held by third parties, or by HDC to third parties

2.6.2 HDC 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.

## **2.7 Data protection**

2.7.1 HDC policy on Data Protection is available on request.

## **2.8 Application review**

2.8.1 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. We will write to the applicant to notify them of this. If an applicant contacts HDC 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 section 2.3 above)

## **2.9 Cancelling an application**

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

- At the applicant's request
- If the applicant becomes ineligible for housing (see chapter 3)

- When the applicant has been housed through the Lettings Policy
- When a tenant completes a mutual exchange
- Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address
- Where the applicant has died

2.9.2 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, HDC 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)

2.9.3 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. Eligibility to be accepted onto the housing register**

#### **3.1 Eligibility categories**

- 3.1.1 Under the Housing Act (1996), local authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.
- 3.1.2 HDC 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.
- 3.1.3 In addition, HDC cannot allocate housing accommodation to other classes of persons from abroad if, by law, Government regulations dictate we cannot.

#### **3.2 Notifying an ineligible applicant**

- 3.2.1 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).

#### **3.3 Exclusions from the housing register**

- 3.3.1 HDC may exclude someone from the register if it considers it proportionate and reasonable to do so as a result of unacceptable behaviour.
- 3.3.2 Unacceptable behaviour is defined as behaviour which would, if the person was either a secure tenant or a member of a secure tenant's household, entitle a landlord to a possession order under any grounds of grounds 1 to 7 of the Housing Act 1985 schedule 2.
- 3.3.3 Unacceptable behaviour can include tenancy related debt or other breach of tenancy conditions.
- 3.3.4 When considering whether to exclude an applicant from the register HDC will consider when the unacceptable 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 Notifying applicants who are excluded due to unacceptable behaviour**

- 3.4.1 All applicants who are excluded due to unacceptable behaviour, will be informed of this decision in writing and how they can become eligible, 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.
- 3.4.2 If an applicant is accepted onto the register, but subsequently becomes ineligible, due to unacceptable behaviour, their housing application will be removed and the applicant will be notified.
- 3.4.3 Applicants found to be ineligible due to unacceptable behaviour have a right to ask for a review of the decision (see chapter 6).

## Chapter 4

### 4. Assessment of housing need

#### 4.1 Legal background

4.1.1 All applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that HDC meet their legal obligations as set out in the Housing Act 1996 as amended by the Homelessness Act 2002.

#### 4.2 Advice and information

4.2.1 HDC will ensure that advice and information on how to apply for housing in Huntingdonshire 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. These assessments are made by housing officers of HDC.

#### 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 HDC. 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 The housing register is open to all customers who are eligible for housing even if they do not have a connection to HDC. They are able to express interest in advertised homes, but usually the property will be labelled as available to a customer with a local connection to HDC or the Sub region. If there is no local connection criteria required for the property, this will be stated in the property advert.

4.4.3 Having a local connection with Huntingdonshire means that one of the following conditions must apply:

- The applicant works in the local authority area for sixteen hours or more per week
- 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

- The applicant previously lived in the local authority area for 5 or more years
- The applicant has family members who are resident in the local authority area. Family members are defined as parents, children 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
- There are special circumstances which HDC considers give rise to a local connection

4.4.4 When applying for a sub-regionally advertised property a local connection to any of the POs will enable applicants to bid for it.

#### **4.5 Housing needs bands**

4.5.1 Housing need is assessed and 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 a housing association tenant living in Huntingdonshire or a PO tenant needs to move urgently because of circumstances that could include:

- Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property
- The property is being demolished
- Urgent social need to move

##### **b) Statutorily overcrowded**

Applicants who have been assessed as being overcrowded as defined in Part X (10) of the Housing Act 1985. An Environmental Health Officer will carry out this assessment.

##### **c) 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 be able to live independently confirmation that this

will be put in place will also be required from the proposed support provider.

**d) Urgent health and safety risk**

Applicants whose current accommodation has been assessed by HDC 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.

**e) 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.

**f) 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 HDC 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).

**g) Urgent multiple needs**

Means 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. i.e. two high medical needs.

For multiple needs in band A please see emergency housing status (see chapter 5)

**4.8 Band B: High Need**

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

**a) High health and safety risk**

Means applicants whose current accommodation has been assessed by HDC 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 a 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) Victims of harassment, violence or abuse**

Where HDC 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.

HDC will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

**d) Lacking two bedrooms**

Means the household is assessed as lacking two bedrooms based on the bedroom calculation in chapter 5,.

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

Means where an existing social housing tenant living in the sub region is living in a property which:

- Has two bedrooms more than are required by the household
- 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.



**f) Homelessness prevention (prior to homelessness decision being made)**

Where an applicant is threatened with homelessness within a period of more than 28 days, HDC 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. Existing housing register applicants within band A will retain their band A status.

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**

Means where it is 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.

**h) Multiple needs**

Means 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 eg. three medical needs.

**4.9 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 a 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.

**b) Lacking one bedroom**

Means the household is assessed as lacking one bedrooms based on the bedroom calculation in chapter 5,.

**c) Under-occupancy by one bedroom.**

Means where an existing social housing tenant living in the sub region lives in a property which has one bedroom more than is required by the household.

**d) Need to move for social reasons**

Means where HDC or a PO has assessed the applicant's need to move for social reasons.

For example, where it has been confirmed that an applicant:

- 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
- Has found employment in the Huntingdonshire area and needs to move closer to work, or will otherwise lose their employment
- Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight
- Is living in a first floor or above property and has children under 10 years of age as part of their household, or is more than 24 weeks pregnant with their first child.

**e) Housing conditions.**

Means 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 living room
- Kitchen
- Bathroom

**f) Other homelessness**

Applicants who are homelessness or threatened with homelessness and are:

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

**4.10 Band D: Low Need**

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.

## **4.11 Low priority**

4.11.1 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 and they will not 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.

4.11.2 The following categories will be considered as low priority:

- Applicants with rent arrears, former rent arrears or other housing-related charges or debts, where these are not sufficiently high to exclude the applicant from the register (see section 3.3). 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.
- Applicants guilty of anti social behaviour where this is not sufficiently severe to exclude them from the register (see section 3.3).

4.11.3 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 has changed.

4.11.4 HDC 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).

4.11.5 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.

4.11.6 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.

#### **4.12 Intentionally worsening housing circumstances**

- 4.12.1 If, in the reasonable opinion of a PO, an applicant has intentionally worsened their housing situation in circumstances to deliberately improve their housing priority, their housing need will be assessed on the basis of their previous accommodation.
- 4.12.2 Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see chapter 6).
- 4.12.3 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.

#### **4.13 Financial resources**

- 4.13.1 All eligible applicants are entitled to apply for housing regardless of income levels. However if an applicant has an 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 will be given a low priority.

This assessment will be based on the following

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

#### **4.14 Officer review for band A applicants**

- 4.14.1 Where an applicant has held band A status for three months from their applicable date in band, HDC will carry out a review of their circumstances. This will result in either:
- A direct let – usually for statutorily homeless applicants living in temporary accommodation
  - Priority being maintained
  - Moving into a lower priority band if the circumstances under which they were placed in band A no longer apply

## **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 housing association property in the Huntingdonshire area 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 criteria in paragraph 5.3.3 below applies).
- 5.3.2 When a decision has been made by HDC 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 in band A. (See chapter 4 section 4.7.1 b)
- 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 would 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.
- 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 section 4.12).

### **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 The following guidelines will be used when assessing the overcrowding in an applicant's own home:

- Couples require one double bedroom
- Single applicants require one bedroom
- Two children of the same sex under 10 years old require one double bedroom
- Three children share a bedroom because they have no other option they will be assessed as lacking one bedroom
- Two children of the opposite sex, where the oldest child is aged 6 years or over require two bedrooms
- Two children of the same sex over 10 years old require two bedrooms
- A pregnant woman expecting her first child requires two bedrooms after 24 weeks pregnant
- Bedrooms below 50 square feet in size will not be included as a room in bedroom and overcrowding calculations
- Where a property has two reception rooms one of these will be counted as a bedroom in the bedroom and overcrowding calculations

## **5.6 Staying contact with children**

5.6.1 A child living between parents at separate addresses will only be considered as having one main home. 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. This means that the child will not be considered as part of the bedroom and overcrowding calculations for that applicant.

## **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, 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, HDC 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 (MAPP) arrangements, HDC 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 CBL scheme. However in certain circumstances some properties may be let directly to applicants. 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.

- 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.
- 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
- 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 though direct lets will be made available though 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 HDC (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 in band A have not been successful in bidding for properties within 3 months of their date in band, HDC reserves the right to make a direct let of a property under the council's homelessness policy. The decision to make a direct let will depend on the extent to which homeless applicants have had the opportunity to bid for a property during the initial 3 month period of the full duty being accepted.

5.12.3 Where a homeless applicant bids for a property within the initial 3 month period of being owed the full homelessness duty, is offered the tenancy and subsequently refuses the offer, 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 lose their priority under this section, when any of the circumstances within s.193 (6) of the Act are met. This will include an applicant:

- accepting an offer of accommodation made through the CBL scheme
- accepting an offer made via the direct let mechanism within the policy (see 5.11 above), or
- 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 HDC 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 direct let is refused by a homeless applicant 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.

5.12.10 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 HDC have a shortage of suitable properties. For example:

- An applicant requires a very large property to accommodate their household
- An applicant requires a property of a specific type in a specific area of the district
- An applicant requires a property with specific adaptations and such a property becomes available
- Where an applicant is willing to move to release a large family home

### **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 Area specific policies**

5.17.1 Area specific policies, also known as local lettings policies, are used within the sub region to help create balanced and sustainable communities. Where an area specific policy applies, it will be stated in the property label. Details of these area specific policies/ schemes will be available from the local authority. Some schemes 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 the 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:

- Multiple need in band
- Emergency housing status
- Moving people up a band or down a band
- Priority assessments, in complex cases.
- Housing people in different accommodation to designated need size
- Low priority review decisions
- Direct lets

This 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:

- Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to the applicant
- Lack of any reasonable preference based on previous behaviour s167 (2C) Housing Act 1996
- 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 HDC.

6.2.3 A request for a review of a decision can be made in writing or verbally to a member of staff at HDC. 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 section 6.5) 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 HDC 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).

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 request 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](http://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](http://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. (See framework document).

### **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, 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, for example, where a local connection is required, or if there is an age restriction on the property.

### **7.3 Bedroom requirements**

- 7.3.1 Table 1 below will be used to assess applicant's/household bedroom requirements.
- 7.3.2 Table 1 below shows the size of property that applicants may be considered for based on their household composition, either when expressing interest for an advertised property or for a direct let. (See section 5.11)

**Table 1**

Key; Bungalow = B Maisonette = M House = H

	Studio Flat M	1 Bed Flat or H or B or M	2 Bed Flat or M.	2 Bed H or B	3 Bed H or B	3 Bed Flat or M.	4 Bed H	4 Bed Flat or M	5 Bed -
Single Person	√	√							
Single Person with overnight contact to 1 or more children		√							
Couple or 2 Adults		√	√						
Household with 1 child			√	√					
Household with 2 children of same sex; or 3 individual adults				√	√	√			
Household with 2 children of opposite sex; or 3 or more children					√	√			
Household with 4 or more children; or household of at least 6 people in total					Large √	√	√	√	
Household with 5 or more children; or household of at least 8 people in total					Large √	√	√	√	√

7.3.3 Please note that these are general guidelines. All properties that are advertised through the CBL scheme will be clearly labelled to identify the household size eligible to bid for each property as some landlords may have different policies on the different property sizes offered to the various household sizes. Applicants should check the information contained in the labelling to see if they are able to be considered for the property.

## **7.4 Short listing**

7.4.1 After the end of an advertising cycle a shortlist of applicants bidding for the property will be taken from the CBL computer system. The shortlist will identify the order of applicants based on who has been in the highest housing needs band for the longest time. In circumstances where there is more than one applicant in the same band and they have the same date in band, priority will be given to the applicant with the earliest registration date. 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.

7.2.2 When a short list 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 short list decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.

7.2.3 After viewing the property the applicant at the top of the shortlist will be given 24 hours to accept or refuse the offer. If the offer is refused the next person on the short list will be offered the property.

7.2.4 In exceptional circumstances a senior officer may make a decision not to offer a property to the applicant who tops a short list, eg. 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.

## **7.3 Formal offer of the property**

7.3.1 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 Register application will be cancelled.

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

## **7.4 Withdrawal of offers**

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

- Where there has been a change in the applicants circumstances
- Where the successful applicant has rent arrears or other housing related debts that had previously not come to light
- Following verification the applicant is not eligible for the property
- Where an error has been made in the advertising criteria



- Where an offer of accommodation could put a vulnerable person at risk of any harm

## **7.5 Refusing an offer of accommodation**

7.5.1 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.

## **7.6 Allocations to staff, council members or their family members**

7.6.1 Members of staff, their close family and elected members who require housing with HDC 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.

7.6.2 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.

## **7.7 Tenancy management outside the scope of the lettings policy**

7.7.1 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:

- Mutual exchanges
- Introductory tenancies converted to secure tenancies
- Where a secure tenancy of a property is assigned by way of succession to the same property
- 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
- Where court orders are made under one of the following:
  - Section 24 of the Matrimonial Causes Act 1973
  - Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - Paragraph 1 of schedule 1 to the Children Act 1989

## Chapter 8

### 8 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:

- 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 4)
- 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 CBL scheme the POs will only ask for information that they need to assess their eligibility and housing needs. The POs 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 that 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:

- Where the individual who is the subject of the confidential information has consented to the disclosure
- Where the council or a PO is required by law to make such disclosures
- 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**

#### **LSVT Landlord**

##### **Cambridge City Council**

Hobson House  
44 St Andrews Street  
Cambridge City Council CB2 3AS

##### **South Cambridgeshire District Council**

Cambourne Business Park  
Cambourne  
Cambridge, CB3 6EA

##### **East Cambridgeshire District Council,**

The Grange,  
Nutholt Lane,  
Ely, CB7 4PL

##### **Hereward Housing**

St Mary's Lodge  
St Mary's Street  
Ely  
Cambridge  
CB7 4EY

##### **Huntingdonshire District Council**

Housing Services  
Pathfinder House  
St Mary's Street  
Huntingdon  
PE29 3TN

##### **Luminus Group**

Brook House  
Ouse Walk  
Huntingdon  
Cambs  
PE29 3QW

##### **Fenland District Council**

Fenland Hall  
County Road  
March  
Cambridgeshire  
PE15 8QN

##### **Forest Heath District Council**

District Offices  
College Heath Road  
Mildenhall  
Bury St Edmunds  
Suffolk  
LP28 7EY

##### **Kings Forest Housing Association**

College Heath Road  
Mildenhall  
Bury St Edmunds  
Suffolk  
LP28 7EY

##### **St Edmundsbury Borough Council**

Borough Offices  
Bury St Edmunds  
Suffolk  
1P33 1XB

##### **Havebury Housing Partnership,**

Havebury House, Western Way  
Bury St. Edmunds, Suffolk IP33 3SP  
and also Manor Road, Haverhill, Suffolk  
CB9 OEP.  
Email is [Office@Havebury.com](mailto:Office@Havebury.com)

## Appendix 2

### GLOSSARY OF TERMS

**Adapted properties**

Property that has been adapted for an applicant with disabilities.

**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

**Choice Based Lettings (CBL)**

A method of letting social housing through openly advertising property, and allowing applicants to bid for those advertised properties.

**Customer/Applicant**

Is either a tenant of a PO (including those in temporary accommodation) or a housing applicant on the housing needs 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, used as the applicable date when short-listing.

**Decision making organization**

The PO that made a particular decision with regard to a housing or homeless application

**Direct lets**

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.

**Bid**

The process of applicants saying which property they would like to live in

**Housing Associations**

Also known as Registered Social Landlords. These are landlords who also provide social rented housing for which applicants/ customers can bid through the CBL scheme.

**Housing options**

Looking at what housing might be available to an applicant, including private rented accommodation and other solutions.

**Housing needs register**

A list of those requesting and eligible 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 member.

**LSVT Landlord**

Local Stock 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 organizations (POs)** All the organizations that are partners to the Sub regional CBL scheme these may be local authority or RSL organizations.

**The Cambridge Sub Region**

The seven Local Authorities that make up the sub-region.

**Transferring tenant**

An applicant who is currently a tenant of a partner organization