

Cheshire West & Chester Council

# West Cheshire Homes Common Allocations Policy 2021-2026



## Contents

### Section 1 – Overview of scheme and policy

1.1 Introduction	4
1.2 Our key aims and objectives	5
1.3 Legal context	5
1.4 Members of the Council, staff and their relatives	6
1.5 Changing the policy	7
1.6 General Data Protection Regulations 2018	7
1.7 Privacy notice	7
1.8 Right to information	8
1.9 Equality, accessibility and monitoring	8
1.10 Complaints	9
1.11 Statement on choice	10
1.12 Penalty for refusing a set number of offers	11

### Section 2 – Who can be housed?

2.1 The Common Housing Register	13
2.2 Who is eligible?	13
- (A) Local connection	14
- (B) Homeownership or legal interest in homeownership	17
- (C) Financial resources	18
- (D) Family members of a person of Northern Ireland	19
- (E) Stateless Leave	20
- (F) Hong Kong British National status	20
2.3 Disqualified/exclusion rules	21
- Applicants who refuse three reasonable offers in a 12-month period	21
- Applicants who refuse an offer made under a statutory homelessness duty	21
- Applicants who fail to bid	22
- Applicants who give false information	22
- Applicants with housing related debts	22
- Applicants guilty of unacceptable behaviour	23
- Checks into any court cases or unspent criminal convictions	25
- Customers who have deliberately worsened their housing circumstances	25
2.4 Appealing against a disqualification/exclusion decision	26

### Section 3 – How to apply

3.1 How to apply	28
3.2 How applications will be assessed	28
3.3 How joint applications will be considered	29
3.4 Customers with access to children/shared residency order or child Arrangement Orders	29
3.5 Including a carer in an application	30
3.6 Changes of circumstances	30
3.7 Reviewing the register	31
3.8 Cancelling an application	31

3.9 The Review process	31
3.10 The Review procedure	31

#### **Section 4 - How an applicant's housing priority is decided**

4.1 The Banding system	33
4.2 Reasonable preference criteria	34
4.3 Exceptions to the allocation by band and time within band rule	40
4.4 Additional local connection criteria and impact on allocations by band	41
4.5 Specialist and adapted accommodation	41
4.6 Bedroom standard	41
4.7 Size and type of property for which applicants are eligible	42
4.8 Offers of accommodation	42

#### **Appendix**

Appendix one: how any local lettings policy will be applied and reviewed	44
Appendix two: local lettings toolkit	46
Appendix three: assessing and awarding medical priority	48
Appendix four: exceptions panel – terms of reference	57
Appendix five: rehabilitation periods	59
Appendix six: exclusions policy	60
Appendix seven: definition of a suitable offer	64
Appendix eight: Gypsy and Traveller allocation policy for Council-owned sites	65

## Section 1 – Overview of scheme and policy

### 1.1 Introduction

All local authorities are required to have a housing allocation policy (also known as an allocations scheme) which sets out the priorities and defines the procedures to be followed in allocating social housing in accordance with the requirements of The Housing Act 1996 (Part VI) as amended.

The Cheshire West and Chester allocation scheme is called 'West Cheshire Homes' and is a choice based letting scheme where applicants are able to bid for advertised vacant properties. West Cheshire Homes is a partnership between the Council and those Registered Providers with housing stock in the area.

The following Registered Providers are members of the West Cheshire Homes partnership:

- 1) Cheshire West and Chester Council
- 2) ForHousing
- 3) Sanctuary Housing
- 4) Weaver Vale Housing Trust
- 5) Muir Group.

Each of the Registered Providers (commonly known and referred to in this policy as Housing Associations) have voluntarily signed up to the scheme to ensure that all applicants applying for social housing in Cheshire West and Chester are provided with a single route of access and assessed using a single policy. This allocation policy will also be used for any other Housing Association that subsequently joins the scheme or lets their vacant properties under a nomination arrangement with the Council.

The Council and all participating Housing Associations have agreed to advertise their available vacant properties through the scheme and in accordance with this policy however, there may be occasions where there are urgent management or other reasons when a tenant could transfer to another property outside of this policy.

This policy covers how applicants can apply for and access social housing, the priority they will be given, and the order in which any offer of social housing will be made. In certain circumstances a participating Housing Association may apply their own rules for when a property can be allocated. Where there are rules set by a Housing Association that differ from this policy these will be set out in a link to the online policy.

To support the operation of the policy members of the partnership have agreed:

- 1) A nominations and exclusions policy to cover how all partners will apply rules for assessing affordability, former rent arrears, behaviour and bids from applicants who are vulnerable and have support needs. The objective is to have a clear set of agreed rules for when an applicant who has been accepted onto the housing

register and is successful in bidding, may have that 'nomination' refused or will be 'bypassed' by a partner despite coming top of any shortlist for a property advertised. An exclusions policy is set out at appendix six.

- 2) To minimise the number of situations where a partner Housing Association or the Council wish to apply a separate rule or policy that is not part of this common policy.
- 3) To establish a panel where individual cases that do not clearly fit the criteria set out in the exclusions policy can be fully considered. The terms of reference for the panel are set out at appendix four.

This revised housing allocation scheme will take effect in respect of all allocations of housing on or after *Monday 5 April 2021* and the assessment of need and qualifying criteria set out in this policy will be applied to new and existing applicants from this date.

This is the Council's published allocation policy and can be viewed online at <http://www.westcheshirehomes.co.uk> along with links to the working operational processes that are used to implement the policy. A copy of the full policy is also available in print form free of charge on request.

## **1.2 Our key aim and objectives**

The overall aim of this policy is to ensure that social housing is allocated fairly and objectively to those in the greatest housing need. This policy will achieve the following key objectives:

- 1) A common housing register which will enable customers in housing need to access social housing across the Cheshire West and Chester area.
- 2) A high-quality service to customers.
- 3) An allocations scheme which offers realistic choice to those with a housing need.
- 4) Improved local mobility across the Cheshire West and Chester area.
- 5) A policy that contributes to creating balanced and sustainable communities.
- 6) To ensure that every customer is treated fairly and consistently irrespective of race and ethnicity, disability, gender/gender reassignment, sexual orientation, religion and belief and age.
- 7) A policy that is simple to understand, transparent and is seen as fair by the general public and applicants.
- 8) A policy that meets the legal obligations of the Council namely, to give appropriate priority to customers who fall within the Housing Act "reasonable preference" categories.

## **1.3 Legal context**

In developing this policy, the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- 1) The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- 2) The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017

- 3) Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”
- 4) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- 5) Improving access to social housing for members of the Armed Forces guidance (June 2020)
- 6) Plus, the following statutory regulations:
  - a) Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
  - b) Allocation of Housing (England) Regulations 2002, SI 2002/3264
  - c) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
  - d) Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
  - e) Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
  - f) The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
  - g) The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861).
  - h) The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (Family members of a person of Northern Ireland and Stateless Leave)
  - i) Allocation of accommodation: Guidance for local authorities in England December 2020

The Council and its partners have also had regard to the Council’s Homelessness Strategy, Housing Strategy, and Tenancy Strategy.

In relation to f) above, in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England, (Department for Communities and Local Government, March 2015) a limit of up to five per cent of nominations will be set for people looking to move for employment purposes.

#### **1.4 Members of the Council, staff and their relatives**

Elected Councillors cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent them from seeking or providing information on behalf of their constituents. Their prime role, as outlined in statutory guidance, is developing and approving future policy and holding officers of the authority to account for their actions.

In order to ensure that the Council is treating all applicants fairly, any application for housing from Councillors or employees of the Council’s Housing Department will be assessed in the normal way, but an offer of housing must be approved by the service manager in the Council with responsibility for administering the scheme. Housing Associations will apply their own rules in this respect. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

## **1.5 Changing the policy**

This policy cannot be amended until a copy of the proposed amendments has been sent to every Housing Association in Cheshire West and Chester regardless of whether an association is a member of this common allocation partnership. Each association will be given a reasonable opportunity to comment on the proposals.

Any major changes will require a full and detailed consultation process for those potentially affected by the changes. The Council will fully consider good practice guidance to public bodies on undertaking consultation on important policy matters when deciding the appropriate level and method of consultation for any changes.

All major changes will be approved by a meeting of the Cabinet.

For minor changes to the policy, decisions will be delegated to the Cabinet Member responsible for the housing portfolio. For minor changes to procedure, decisions will be delegated to the service manager responsible for Housing in the Council who will consult on any minor changes to procedure with the Chief Executives of the Housing Associations or their delegated officer.

The Council will notify within a reasonable period any major changes in policy to those it may affect.

## **1.6 General Data Protection Regulations 2018**

All personal information will be stored lawfully and processed in a fair and transparent way. The Council will only collect data that is specific, explicit and legitimate for the purpose of the housing register application and data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Information will only be shared with other organisations or individuals in order to legitimately process an applicant's housing register application, for the prevention of fraud or with the person's explicit consent.

An applicant's permission to share their personal information is a condition of being accepted on to the Council's housing register.

## **1.7 Privacy Notice**

The Council has a duty to protect the public funds it administers. The Council may share an applicant's personal data, provided for housing application purposes, internally to provide statutory services or other functions the Council is empowered to exercise. The Council may pass the information to other agencies or organisations, as allowed by law and may check information that has been provided, or information about the applicant that someone else has provided, with other information held.

The Council may also get information about the applicant from certain third parties, or give information to:

- 1) Prevent or detect crime or fraud

- 2) Protect public funds
- 3) Make sure the information is correct.

These third parties include government departments, local authorities and private sector companies, including companies that assist us in fraud detection and prevention, such as credit reference agencies. The Council may also obtain information about an applicant from social media. The Council will not give information about an applicant to anyone else, or use information about them for other purposes, unless the law allows it to.

Any use of personal data will be in full accordance with the Data Protection Act 2018.

### **1.8 Right to information**

The Freedom of Information Act 2000 makes it a requirement for every public authority to produce a publication scheme which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The publication scheme includes information that the Council is legally obliged to publish. The publication scheme is also intended to assist in developing a culture in which openness and transparency are encouraged which supports the requirements of the Local Government Act 2000.

### **1.9 Equality, accessibility and monitoring**

The Council is committed to ensuring that its policy and procedures are non-discriminatory and that all customers can access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010.

To identify the needs of customers, the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other relevant criteria. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments, as may be required, to ensure no group is disadvantaged by the policy.

Under the Equality Act 2010 and in particular Section 149 of the Public Sector Equality Duty, local authorities are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, in their exercise of a public function. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council will ensure that its policy complies with the current equality legislation and with the relevant statutory codes and guidance. The new policy will be subject to a full, detailed equality audit before it is adopted, and this will be regularly reviewed as monitoring information about the impact of the policy is obtained.



The Council will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

- 1) Those in the 'reasonable preference' categories are given priority for housing.
- 2) The Council is complying with its Equality Act duties.
- 3) There is overall customer satisfaction with the scheme.

### **1.10 Complaints**

Complaints should first be made using the Council's complaints procedure. A copy of the current procedure is available on the Council's website.

Complaints regarding the handling of an application by a partner Housing Association should be made through that Association's complaints procedure which will be detailed on the Association's website.

Where a complaint relates to how an applicant has been dealt with under this policy they have the right to continue with their complaint to the Ombudsman service; the Local Government Ombudsman is an independent service run by Central Government to make sure that local authorities provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone does not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration. For example, if the Council has:

- 1) Delayed taking action without good reason
- 2) Taken into account facts which are not relevant or ignored facts which are relevant
- 3) Not followed their own rules or complied with the law
- 4) Not taken action that they had promised to
- 5) Given a customer the wrong information
- 6) Not reached a decision in the correct way.

The Ombudsman will not normally investigate:

- 1) Until after the Council has had the opportunity to review its decision (normally by accessing the complaints process)
- 2) Matters which have been, are, or could be dealt with by the courts or the internal review procedure
- 3) Matters which the customer was aware of more than twelve months before making the complaint.

The aim of the Ombudsman is to have the Council put right any wrongs which may have been done to the complainant and to ensure that things are done right in the future.

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councillor or get another advocate to write on their behalf.

The contact details for the Local Government Ombudsman are:

Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH  
Tel: 0300 061 0614.  
You can also text 'call back' to 0762 480 3014.  
Fax: 024 7682 0001  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **1.11 Statement on Choice**

The Council wishes as far as possible to give choice to applicants who are looking to obtain social housing. Therefore, it operates a choice based letting scheme, to give applicants the best possible choice over where they may wish to live

For all applicants eligible and registered under the scheme the Council believes that any applicant should be able to express a preference over the area in which they would like to live and the type of property they would ideally like, but all applicants should be aware that the Council's ability to satisfy a preference may be severely limited.

The partnership will provide information about the number and types of homes, and current vacancy rates, to help applicants to make an informed choice. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their needs.

The Council will ask all applicants to state those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Council must be satisfied such factors exist and that it should, on the facts, consider the concerns stated by the applicant in these circumstances.

An applicant will be restricted to placing no more than three bids in any bidding cycle.

Not all properties that become available will be advertised and offered through the choice based letting process and not all properties will be allocated by band and date order. There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offer of housing outside of the choice based letting scheme and the band and date order criteria as set out in this policy. Examples of this include:

- 1) Where an applicant is homeless and in temporary accommodation and owed a Section 189B(2) relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council, the Council may make a direct offer of suitable accommodation at any time.
- 2) If an applicant is not being realistic in the areas they are bidding for accommodation and, as a result, they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- 3) Where a vacant adapted property or a property designed to disability standards becomes available, the Council may need to offer that property to an applicant whose disability needs best match that property, regardless of the date they were registered.
- 4) Where the Council considers that it is inappropriate for the applicant to participate in the choice based letting scheme. For example, vulnerable applicants nominated by Adult Social Care where the Council will work closely with social workers and care managers to decide on the best letting method for these applicants.
- 5) Other examples include cases where an applicant is subject to Multi-Agency Public Protection Arrangements Multi Agency Public Protection Arrangements (MAPPA) or presents a risk to themselves or others.

Furthermore, the Council may restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation would be made in any area of the district that the Council has assessed is suitable and safe for the applicant to live in.

### **1.12 Penalty for refusing a set number of offers**

To help address the problem of applicants making unlimited bids that have, under the previous policy, resulted in higher refusal rates and higher re-letting times for vacant homes, applicants who have refused three reasonable offers within a 12 month period will have their application placed into band C for up to 12 months and will therefore be unable to bid for properties unless they are asked if they wish to be considered for a low demand property.

Criteria setting out what will be, and not be, a reasonable offer is set out in appendix seven. A refusal of an offer of the correct property size and type will normally be considered unreasonable.

If an applicant owed any of the statutory homelessness duties under the Housing Act 1996, as amended by the Homelessness Reduction Act 2017, refuses a written offer of suitable accommodation made through this policy, the homelessness duty owed to them will be discharged and they will lose any priority status afforded to them because of that duty owed to them.

In these circumstances unless they have another reason to be awarded a banding under this policy, they will be placed into band C. If they have another reason to be awarded a banding under this policy the offer will count as their first offer out of the three allowed under the policy, but they will no longer be owed any banding award

for being owed a statutory homelessness duty, as that duty would have been brought to an end when they refused the offer of suitable accommodation.

A statutory homeless duty is defined as:

- 1) The prevention of homelessness duty under Section 195(2)
- 2) The relief of homelessness duty under Section 189B(2)
- 3) Where the relief duty has come to an end and an applicant is then owed a Section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (Section 190(2) duty)
- 4) The Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty

Where it has been decided to refer the case to another authority at either the 'relief stage' or at the 'main duty stage' of their homeless application, an applicant will not receive any banding for being owed any homelessness duty as the Council will owe no duty (other than, depending on the circumstances) an interim accommodation duty. Being owed an interim accommodation duty pending the outcome of a local connection referral does not qualify an applicant to be owed a banding as defined by 1-4 above.

Where the Council has ended any statutory homeless duty and is exercising its power to provide accommodation pending a review decision (Section 188(3) power) no statutory duty will be owed by the Council unless the outcome of any review is positive for the applicant. Therefore, where a review has been requested any banding priority for being owed any of the homelessness duties set out in 1-4 above will be removed.

## Section 2 Who can be housed

### 2.1 The Common Housing Register

The common housing register is a single list of applicants across Cheshire West and Chester (and others from outside the area who fulfill the local connection criteria) who have been accepted onto the scheme. It includes new applicants and existing social housing tenants wishing to transfer.

Anyone over the age of 16 is eligible to join the Council's housing register if their current address is their only home or sole residence and they are not already registered on someone else's housing application.

If an applicant is under 18 years of age, they will not normally be offered a tenancy. This does not apply to young people living in a foster home or in residential care provided by social services for whom rehousing under the Children Act has been agreed and who are within six months of their 18th birthday. There is a protocol agreed between the Council's housing and social services departments that cover housing for applicants who are looked after or were formerly looked after.

Any offer of accommodation to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing the tenancy offered through a lack of support.

This may include a referral and the need for an assessment to the Council's social services or other support services to ensure the appropriate support is in place. If a 16 or 17-year-old person is granted a tenancy, this will be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

### 2.2 Who is eligible?

Everyone can apply to join the register but there are some groups of people who, by law, cannot join the register regardless of their housing need or circumstances. These are people who:

- 1) Come under the Government's persons from abroad eligibility rules and cannot lawfully be given housing help.
- 2) Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland) for tax purposes.
- 3) Do not have the right to live in the UK.
- 4) Plus other categories of people who the Government may, in the future, decide are not eligible for housing assistance.

To clarify, the Council cannot allocate a tenancy or nominate a person for housing if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control; or a person from abroad who is prescribed as ineligible shall not be allocated housing accommodation: Section 160ZA (1), (2) and 4). The relevant regulations that the Council applies are:

- 1) Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- 2) All subsequent amendments including The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861).

The rules are complicated and anyone who is impacted or believes they may be impacted by these rules can approach the Council for advice on the rules or seek independent legal advice.

In addition to the Government rules that set out when a person is ineligible for an allocation of housing accommodation, local housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (Section 160ZA (6)(a)).

This means under Section 160ZA(7) the Council has been granted the power by the Government to decide the groups of people who the Council may decide are, or are not, qualifying persons. Cheshire West and Chester Council have adopted qualification and disqualification rules. What these rules are and how they will be applied as well as several defined exceptions is set out below.

#### **(A) Local connection qualification rule**

Only those applicants with a local connection to Cheshire West and Chester and who also have an assessed housing need, as defined by this policy, are eligible to be included on the active bidding register (bands A and B). This means they will be able to participate in bidding for accommodation. There are some properties that may be subject to additional local connection requirements however, these will be clearly stated in the advert where this is the case.

To demonstrate a local connection to the borough an applicant must meet one of the following criteria:

- 1) Have lived in the area continuously for the last two years and that residence was of their choice, or
- 2) Be employed in permanent employment in the area. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cheshire West and Chester area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate i.e. casual or zero hours contract, an average will be taken over the last three months, or
- 3) Have close family (normally mother, father, brother, sister, son or daughter) that have lived in the area for a minimum of the past five years. In addition, the circumstances must be that the applicant needs to give or receive essential support for the foreseeable future. It is for the Council to assess and decide if the claim of support to be received or given is essential. The Council will consider whether there are exceptional circumstances where other family members may

be considered as close. For example, the circumstances where a person was brought up by an extended family member in the absence of their own parents. The level of support required must be significant and cannot be short term or low level for example to carry out shopping once a week. Evidence will need to show there would be savings to the public purse i.e. via the health budget or reduced pressure on the care system, especially where there is no existing support package in place, or

- 4) Where there is an exceptional need to move to the area as determined by the Council for very special circumstances.

For the purposes of determining local connection the Council will include:

- 1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site in the area, or an official pitch.
- 2) People who are forced to sleep rough in the area. However, they would still be required to meet the qualification period for residency.

An applicant will retain their local connection where they have left the area due to:

- 1) Being in hospital.
- 2) Having to move out of the area for care.
- 3) Being accommodated in supported accommodation outside the district.
- 4) Having been placed into temporary accommodation outside of the area by the Council.

### **Local connection exemptions**

The only exemptions to the above are as follows:

- 1) The applicant is homeless, and Cheshire West and Chester Council have accepted a full duty to them under the Housing Act 1996 (as amended) Section 193(2).
- 2) Applicants who are owed a Section 189B relief duty by the Council for as long as that duty is owed to the applicant.
- 3) Applicants owed a Section 195 prevention duty by the Council for as long as that duty is owed to the applicant. There is an exemption to the qualification rule for applicants to whom Cheshire West and Chester Council has accepted a homelessness duty under Section 189B(2) or 193 (2) of the Housing Act 1996 because either a) they have a local connection with the Council under the definition of local connection set by Part 7 of the Housing Act 1996 but do not otherwise meet the local connection criteria for joining the register or b) they do not have a local connection with this Council but do not have a local connection with any other area therefore remain the responsibility of this Council.

There is, however, no exception for applicants owed any homelessness duty by any other council and who have:

- a) Been placed into temporary accommodation by another council in this district, or

- b) Been placed into private rented accommodation of any tenure in this district by another local authority to end any homelessness duty owed to that applicant. A homeless duty includes any accommodation to end a Section 195 prevention duty, Section 189B relief duty, any Section 193 duty or to meet any intentional homelessness duty under Section 190 of the Housing Act 1996 Part 7. These applicants will be regarded as non-qualifying persons regardless of the length of time they have been placed unless the period of time is longer than three years since they were placed, or
  - c) Do not reside in the district but have applied to join the Council's housing register but are owed a statutory homeless duty by another local authority. Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 (this includes households owed a Section 188, 190, 198, 195, 189B, 193(2) or 193C(4) duty) will be regarded as non-qualifying persons regardless of whether they have been placed in this district or not. This rule is justified because that other local authority retains the responsibility for housing or helping the applicant to obtain housing.
- 4) Where there are significant and special circumstances with overriding reasons requiring the move into the area the Council will consider exempting an applicant from the local connection rules. This will be decided on a case by case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
- a) Reasons of safety; i.e. when an applicant is suffering from domestic abuse or hate crime from another area, or
  - b) Is on a witness protection program, or
  - c) Whereby not moving to the area this would be detrimental to their wellbeing or cause significant hardship.
- This will require approval from the service manager.
- 5) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and were resident in settled accommodation within Cheshire West and Chester for the two years immediately before they moved into their current accommodation will be allowed to qualify as an exception to the two continuous years rule.
- 6) The Council will consider under exceptional circumstances any application from a Gypsy or Traveller household that does not meet the continuous period of residence rule, as the period may have been broken by periods of travelling. The Council will consider the facts of each case to decide whether circumstances are exceptional and will make its decision in full consideration of the policy intention behind the local connection qualification rule, which is that, due to there being limited social housing resources available in the district, the Council wishes to prioritise offers of social housing to applicants who have a strong connection to the area based primarily but not exclusively on residence.
- 7) Care leavers below the age of 21 years who are owed a duty under Section 23C of the Children Act 1989 by any local authority Children Services Department and have been accommodated within Cheshire West and Chester for a continuous period of at least two years (including some time before they were 16 years of age).



- 8) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
  - a) Applicants who are serving members of the regular armed forces.
  - b) Applicants who served in the regular armed forces within the five years immediately prior to the date of their application.
  - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
  - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
  - e) Applicants who are recently divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- 9) They satisfy the right to move criteria: the Right to Move qualification regulations 2015 state that local connection criteria must not be applied to existing social tenants who seek to move from another local authority district in England and who have a need to move for work-related reasons to avoid hardship.

To qualify the applicant must:

  - a) Be a social housing tenant living in England.
  - b) Wish to join the housing register in Cheshire West and Chester due to work-related reasons to avoid hardship and can provide evidence of their hardship that is acceptable to the Council.
  - c) Satisfy the Council that they need, rather than wish, to move for work-related reasons and that if they were unable to do so, this would result in hardship.

In determining whether the tenant needs to move, the Council will consider the following factors:

- a) The distance and/or time taken to travel between work and home.
- b) The availability and affordability of transport, taking into account level of earnings.
- c) The nature of the work and whether similar opportunities are available closer to home.
- d) Other personal factors, such as medical conditions and childcare, which would be affected if the tenant could not move.
- e) The length of the work contract.
- f) Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.

## **(B) Homeownership or legal interest in homeownership**

An applicant cannot qualify for the active bidding register if they own a residential property in the UK or elsewhere, including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last five years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds). This includes properties owned and rented out to other persons and/or properties in other countries.

Applicants who own or part-own accommodation or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) also do not qualify.

However, if as a result of a divorce settlement, a Court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed five years, then the applicant will be treated as if they do not own, or part-own accommodation.

### **(C) Financial resources**

Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Cheshire West and Chester will not qualify for the active bidding register. 'Sufficient financial resources' are defined as sufficient capital to buy; or sufficient income to raise a mortgage to buy; or a combination of both. The income and savings limits are:

- 1) Applicants (both single persons and couples) aged under 55 years who have total savings, investments and/or assets of £25,000 or more.
- 2) Applicants (both single persons and couples) aged 55 years and above who have total savings, investments and/or assets of £125,000 or more. If there are exceptional circumstances which mean that an applicant would have to pay more for an appropriate property (if for example someone in the household has a severe disability requiring extensive adaptations) this would be considered when assessing financial resources.
- 3) Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

'Sufficient capital' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part-own anywhere in the world. Valuation evidence of any capital or assets will be required. However, any lump sum received by a member of the armed forces as compensation for an injury or disability on active service is disregarded.

Although this qualification rule will mean an applicant cannot join the active bidding register, it does not prevent applicants being considered for any low cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes or lower demand properties offered to applicants who have registered for the housing options band C. Information can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes and how applications can be made direct to a provider.

### **Homeownership or legal interest in homeownership/financial resources exemptions**

Applicants who do not qualify under the sufficient financial resources or ownership rules set out above may be considered as an exception if:

- 1) They own or part-own accommodation or have a legal interest in accommodation and
- 2) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted and
- 3) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market in Cheshire West and Chester despite owning a property or having income or savings above the sufficient resources thresholds set out in this policy.
- 4) They are a former member of the Armed Forces and have been awarded a lump sum for an injury or disability sustained on active service.

The exemption rules are intended to cover situations where a person owns their own home but where it is agreed by the Council that they are no longer able to manage it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This includes the circumstance where the proceeds from selling the home would not provide sufficient funds to purchase a more suitable alternative in the area, thus leaving that person in an unsuitable living situation.

#### **(D) Family members of a person of Northern Ireland**

As part of a commitment by the UK Government to change the rules governing how the people of Northern Ireland bring their family members to the UK, eligible family members of the people of Northern Ireland can apply for immigration status on broadly the same terms as family members of Irish citizens in the UK. This means that where a person is a family member of 'a relevant person of Northern Ireland', as defined in the Appendix EU to the Immigration Rules, and that family member has been resident in the UK, and a family member, for at least five years, the family member will be granted settled status (indefinite leave to remain) under the EU Settlement Scheme.

Where a person is a family member of a person of Northern Ireland and that family member has been resident in the UK, or a family member, for less than five years, the family member will generally be granted pre-settled status (limited leave to remain) under the EU Settlement Scheme, but will be able to apply for settled status after five consecutive years of residence in the UK. The people of Northern Ireland must have been resident in the UK by 31 December 2020 and the family relationship must have existed by that date. These criteria mirror those for family members of EEA (including Irish) citizens.

The Home Office provisions apply to both EEA and non-EEA family members of a person of Northern Ireland. However, EEA nationals residing in the UK by 31 December 2020 are already able to apply to the EU Settlement Scheme without relying on a family relationship with the person of Northern Ireland.

Having acquired leave under the EU Settlement Scheme, the family member of a person of Northern Ireland will be able to access benefits and services on broadly the same terms as the family members of EEA nationals (including Irish) citizens. This means those granted settled status will be given the same access to benefits and services as UK nationals, while those granted pre-settled status will only have access to benefits and services if the person of Northern Ireland is in an equivalent

position to an Irish citizen exercising treaty rights in the UK.

### **(E) Stateless Leave**

Stateless persons are third country nationals who cannot be admitted to reside permanently in any other country. They derive their status from the 1954 and 1961 UN conventions on statelessness. The 1954 convention – ratified by the UK – requires stateless persons to have access to housing on terms that are ‘not less favourable than that accorded to aliens generally in the same circumstances.

The main reasons for ‘statelessness’ include, for example, gaps in nationality laws, movement of borders, the creation of new states, and lack of effective administrative systems in the country of origin, such as the lack of a system to formally register a person’s birth. Statelessness is distinct from asylum, in that asylum is granted based on fear of returning to one’s place of origin, whereas statelessness is the *inability* to return to and live permanently there as a resident.

A specific category of limited leave, ‘stateless leave’, was created within the Immigration Rules in 2013. The rules are set out in Part 14 of the Immigration Rules: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-14-stateless-persons>. Leave is granted with recourse to public funds, and lasts for 5 years, after which individuals may apply for settlement. There are currently less than 200 people with stateless leave in the UK. Persons with ‘stateless leave’ are already eligible for Housing Benefit and Universal Credit subject to passing the habitual residence test.

### **(F) Hong Kong British National**

Under sections 160ZA(2) and 185(2) of the Housing Act 1996 (c. 52) (“the 1996 Act”), a person who is subject to immigration control is ineligible for an allocation of housing accommodation by a local authority under Part VI of that Act, or for housing assistance under Part VII of that Act, unless they come within a class of persons prescribed in regulations by the Secretary of State.

Regulation 4 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 amends regulation 3 of the Eligibility Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under Part VI of the 1996 Act. It prescribes an additional class of persons (“Class K”) who are eligible for such assistance. This new Class K applies to certain persons with limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British National (Overseas) of the Immigration Rules where the person does not have a “no recourse to public funds” condition attached to their form of leave and where the person is habitually resident in the ‘Common Travel Area’ (the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland).

Regulation 5 amends regulation 5(1) of the Eligibility Regulations which relates to the eligibility of persons subject to immigration control for homelessness assistance under Part VII of the 1996 Act. It prescribes an additional class of persons (“Class L”) who are eligible for such assistance. This class is equivalent to Class K inserted by regulation 4.

## **2.3 Disqualified/exclusion rules**

There are several circumstances where a person registered will be disqualified from the housing register or will not be allowed to join the register because they come under the disqualification rules adopted by Cheshire West and Chester Council. The following sets out the rules for when an applicant will be disqualified or excluded from the Register.

### **Applicants who refuse three reasonable offers in a 12-month period**

An applicant who refuses three reasonable offers in a 12-month period will be placed into the housing options band C and will not be included on the active bidding register for a period of 12 months. This policy is intended to tackle the problem of applicants making successful bids then refusing the property offered, resulting in higher re-letting times for vacant homes. The Council will determine whether the offer was reasonable for an applicant to accept. A refusal of an offer of the correct property size and type will normally be considered unreasonable. An 'offer' is made when a Housing Association offers an applicant a property that meets their housing requirement in writing. Criteria setting out what will be, and not be, a reasonable offer is set out in appendix seven.

All offers of accommodation made in accordance with this policy that are subsequently refused by the applicant, without accepted justification, will be treated as a reasonable offer. This includes:

- a) An offer made as a result of the applicant bidding for the property advertised and where a refusal of the property offered is not accepted by the Council based on the applicant's safety.
- b) An offer made as a result of a direct offer and where a refusal of the property offered is not accepted by the Council based on the applicant's safety.
- c) Any circumstances where an applicant has refused to view a property offered.

Any decision to waive the three reasonable offer disqualification rule because of a claim that there is an exceptionally urgent and immediate need to be housed will be made by the service manager responsible for the operation of this policy.

### **Applicants who refuse an offer made under statutory homelessness duty**

If an applicant owed any of the statutory homelessness duties under the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 refuses an offer of suitable accommodation, the homelessness duty owed to them will be brought to an end and they will lose any priority status afforded to them because of the duty. They will be placed into the housing options band C unless they have a reason to be placed in band A or B. If they are in band A or B the offer will count as their first offer out of the three allowed under the policy.

## **Applicants who fail to bid**

An applicant who has not bid on any property for 12 months may, after considering the reasons why they have not bid and at the discretion of the Council, be removed from the active bidding section of the register and will not be able to reapply for a period of 12 months, unless they can demonstrate exceptional circumstances for being allowed to reapply earlier than 12 months.

This rule will not be applied where an applicant has registered and wishes to only bid for existing or new build accommodation in a rural parish and who would meet the criteria to be considered for an offer in that parish.

Although this is not a disqualification rule the Council will reassess an applicant's circumstances where they have been granted band A on the basis of their need to move urgently and whether they have bid for any accommodation within what the Council considers is a reasonable period of time. This may be dependent on the availability of property. The assessment may decide that:

- a) There is no longer an urgent need to move and therefore the band A award should be removed, or
- b) There remains an urgent need to move and this may be better resolved by making a direct offer.

## **Applicants who give false information**

Under Section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf.

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given and an assessment of why the information was withheld.

## **Applicants with housing related debts**

This section sets out the rules for applicants with housing related debts

### **Current tenancy housing related debts**

Where an applicant has rent arrears or housing related debt relating to their current tenancy these arrears will need to be under £1000 to register with West Cheshire Homes. An application will not be made live until all the account is cleared. However, the priority date will be backdated on clearing the debt to the date of the initial application.

## Former tenancy housing related debts

Where an applicant has arrears relating to a former social tenancy and those arrears are above £1000 an applicant will not be able to join the register. However, if these arrears are reduced to under £1000 and a repayment schedule is in place, they may register accruing time on the register but will not have access to bidding until either the account is clear or 13 consecutive weekly payments have been made.

The following criteria should also be noted.

1. For the purposes of this policy, housing-related debt includes:
  - a) Current or former tenancy rent arrears of a social housing tenancy
  - b) Outstanding re-chargeable repairs
  - c) Current and former housing-related service charge arrears
  - d) Bed and breakfast or other temporary accommodation charge arrears
  - e) Any court costs associated with any of the above debts.
2. When carrying out an assessment, the Council will take into consideration all housing-related debts, associated with either a current or former tenancy.
3. Debts that are recoverable will be taken into consideration when assessing an application. (Debts included in a Debt Relief Order or Bankruptcy and have been discharged will not be taken into consideration.) However, if a static debt still exists with a landlord and is outside the Limitations Act 1980, the landlord may still ask for the debt to be cleared or addressed before considering an applicant.
4. Housing-related debts apply to both the applicant and any members of their household included within their application for housing. The following procedure will be applied to applications where there is evidence of a social housing-related debt:
  - A) The Council will consider whether the applicant still owes that debt, and if they do, the extent of the arrears/debt and whether it is a recoverable debt.
  - B) The Council will consider whether there are exceptional circumstances and, if there are exceptional circumstances, then the applicant may not be subject to the rules set out here.
  - C) The Council will consider whether the applicant has taken debt advice, acted on it, entered into and begun to implement any arrangement to clear the arrears/debt.
  - D) The Council will consider whether an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.
5. Where an applicant has taken out a loan to pay off all or a substantial proportion of the debt this will not normally be accepted as evidence that an applicant is committed to meeting their rental obligations for a future tenancy. The purpose of requiring regular payments to pay off the debt is that this provides evidence that an applicant is less likely to default on their rental obligations in the future.

Where an applicant has cleared their debt under this policy it will be at the discretion of the Housing Association to whom the debt was owed as to whether they were to consider the applicant for housing again. However, it will not prevent an applicant from being considered for housing by the Council itself or by another Housing Association.

The only exception to this policy is those who can demonstrate that their circumstances are exceptional and that the household faces serious hardship through not being considered for housing despite the debt.

### **Applicants guilty of unacceptable behaviour**

This will apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour which, in the view of the Council makes them, at the point of their application, unsuitable to be a tenant. Whether an applicant's behaviour means that they are not allowed to register for the active bidding register is a matter for the Council. The Council is not restricted to applying a test of whether the unacceptable behaviour would entitle the Council to an outright possession order (if they had been a tenant).

The Council will decide on the facts of the case whether:

- a) The applicant does not qualify for the active bidding register due to their behaviour, or
- b) Will be allowed to qualify but will not be allowed to bid until the behaviour has changed and been resolved to the satisfaction of the Council using the guidance adopted in this policy and set out below.

Where an applicant in housing need can qualify but cannot bid, they will be awarded a band that reflects their housing need but will not be allowed to actively bid until the unacceptable behaviour is resolved to the Council's satisfaction. They will, however, continue to accrue 'time' (on the register and for the band awarded) despite not being able to bid. Once they have resolved their unacceptable behaviour, their date within the band awarded will be the date they were awarded that band for their housing need and will not be the date they resolved the unacceptable behaviour to the satisfaction of the Council.

The rule of non-qualification, or qualification but not allowed to actively bid, will apply where the Council is satisfied, having considered all available evidence that an applicant (or a member of their current or prospective household) has:

- a) Demonstrated a serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, that circumstances have changed such that the previous conduct



is unlikely to reoccur. In many cases this could include demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.

- b) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the Council has assessed is still current. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by the Council (or some other competent body) on grounds of alleged anti-social behaviour (ASB).
- c) Rent arrears for their last private rented tenancy where the Council has been able to obtain information that, on the balance of probabilities, the debt is owed.
- d) They, or any member of their household, have assaulted a member of staff whether an injunction is being sought or has already been obtained
- e) They, or any member of their household, have knowingly given false or misleading information, or withheld information, that has been reasonably requested to obtain social housing. This will be considered on the facts of the case.

Any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

Where an applicant is disqualified for unacceptable behaviour, they will be told in writing the reasons why and informed of the actions they are expected to take to resolve the problem. They will also have a right to ask for a review of the decision made to disqualify them.

Where an applicant has demonstrated a change in their behaviour to the satisfaction of the Council, an individual Housing Association may not consider an applicant for housing; for example, where they have been previously evicted for their unacceptable behaviour. This will be dependent on the rules/ policies adopted by each Housing Association. However, it will not prevent an applicant from being considered for housing by the Council itself or by another Housing Association.

### **Checks into any court cases or unspent criminal convictions**

In the interests of assessing an applicant's eligibility to join the register all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The Council may use any information disclosed, or any other information obtained during the assessment or following registration, to ascertain whether the applicant should be disqualified from joining, or remaining, on the register due to serious unacceptable behaviour and/or because, depending on the facts, they may pose a serious risk to a community where they might be housed. Where a criminal conviction is spent the Council will not consider that an applicant had received a criminal conviction in assessing that person's eligibility to join the register. The

assessment will reflect whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the Council decides, on the information obtained during the assessment process, that there is a real pressing need for a police check, an approach may be made to the Disclosure and Barring Agency for information but only to establish whether the person has been involved in a serious crime(s) that may come under the unacceptable behaviour non-qualification criteria.

Information gained will not automatically exclude an applicant from the register. It may also be used to make informed decisions about any nomination for a vacant property.

All assessments will be carried out in accordance with the relevant data protection and information sharing policies and legal requirements.

Appendix five of this policy sets out the rules on spent and unspent conviction rehabilitation periods that apply under national legislation.

### **Applicants who have deliberately worsened their housing circumstances**

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances.

Examples of this are:

- 1) Customers who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation and this has resulted in the property being overcrowded.
- 2) Customers who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- 3) Homeowners who have transferred their property to another family member within the last five years from the date they make their application to the register.
- 4) Giving up affordable and suitable private rented accommodation which they can maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- 5) Requesting or colluding with a landlord or family member to issue them with a notice to quit.

These are examples only. There will be other circumstances considered to decide whether an applicant has deliberately worsened their circumstances.

## **2.4 Appealing against a disqualification/exclusion decision**

Should an applicant disagree with a decision against their disqualification/exclusion, their first option should be to request that a manager review the decision. The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions regarding the qualification and disqualification rules. This discretion will normally be exercised by the service manager responsible for the housing allocation scheme. However, where it is considered by that service manager to be appropriate, such cases can be referred to the West Cheshire Homes exceptions panel.

The terms of reference for the panel and how it will operate is set out at appendix four.

The panel will consider:

- a) Whether the application would result in the applicant being awarded reasonable preference band A and B under the Council's scheme and if so
- b) Whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the qualification rules should be waived.

The panel will assess the case using guidance criteria and will record all decisions reached with full reasons for that decision. The applicant will receive a written decision with the full reasons set out.

The Council cannot waive the eligibility rules for applicants who are legally not allowed to access social housing under the eligibility rules set by Central Government and such cases will not be referred to the panel.

In deciding whether an applicant's circumstances are exceptional the panel will fully consider the Equality Act duties placed upon the Council and will specifically consider:

- a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010.
- b) If the Council agrees that the applicant, or a member of their household, comes under the definition for a protected characteristic, it will fully comply with Section 149 of the Equality Act 2010 and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider, if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic.
- c) Any decision that the applicant's circumstances are not exceptional and that the applicant does not qualify for the register will be a decision that is a proportionate means of achieving a legitimate aim.

## Section 3 – How to apply

### 3.1 How to apply

People wishing to join the register must apply through the West Cheshire Homes website: <http://www.westcheshirehomes.co.uk>. If they meet the eligibility and qualification rules, they will be registered and can show their interest by bidding on advertised social homes in the area.

Applicants can call the West Cheshire Homes advice line where they will be guided through the process of making their application online. There is free access to the Internet at libraries, Council offices and at some community facilities. A telephone or office appointment can be offered when an applicant has no access to the Internet or is unable to use the Internet.

Applications will need to be supported by additional information. Applicants will receive a phone call, email or letter setting out any additional information needed.

If accepted onto the register, applicants will be informed of:

- 1) The band they have been placed in (this determines priority)
- 2) The date of application (may be used to determine priority within the band)
- 3) The size and type of properties for which they can bid
- 4) Their application reference number (customers will need this to bid)
- 5) How to appeal against the banding if they think it is wrong.

### 3.2 How applications will be assessed

In order to assess an applicant's housing need and therefore their place on the housing register, the scheme uses a needs-based banding scheme. The banding system is summarised in section 4 of this policy.

The bands are awarded to reflect housing need, whereby the needs reflected in the highest band indicate the greatest need for housing.

Applicants will be required to sign a declaration, or to give informed consent, to:

- 1) Confirm that the information given is correct and that they will notify the Council of any change in their circumstances
- 2) Give consent to allow enquiries to be made concerning their eligibility for housing and level of priority
- 3) Give consent to allow information to be provided to another partner organisation in the scheme.

It is the responsibility of the applicant to provide the Council with all the information requested to assess their circumstances and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until the Council is satisfied it has all the information required to complete its assessment. All incomplete applications will be cancelled after 28 days (from the date the information was requested) if the information has not been provided. This

cancellation does not prevent the applicant making a subsequent application at a later date, although all applicants should note that in such cases the effective date of registration would not be backdated to the earlier application date.

The Council will request information or a reference from an applicant's current or previous social landlord and may, depending on whether the information raises concern, request a reference from the most recent private sector landlord if there has been a private sector tenancy.

Where a landlord does not reply, a reminder will be sent and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

Applications are subject to verification checks and may be assessed:

- 1) At the point of initial application
- 2) Following any change of circumstance notified to the Council by the applicant
- 3) Following routine validation audits
- 4) Following an annual review of the application
- 5) At the point of an offer of accommodation
- 6) At the point of letting.

### **3.3 How joint applications will be considered**

Joint applications will be accepted and will be treated as one application. The housing needs of the full household will be considered in assessing housing need. However, in relation to the Housing Associations that are part of this policy the individual association will decide whether to allow a joint tenancy depending on their own rules and policies.

### **3.4 Customers with access to children/shared residency order or child arrangement orders**

The Council will record that an applicant has children that live with them part of the week, whether this arrangement is set by the court. Priority for larger properties will always be given to families with children living with them on a full-time basis, however shared access arrangements may result in the applicant being considered for larger accommodation and this will depend on the rules applied by each Housing Association. A decision of a Housing Association will depend on several factors including:

- 1) The ability of the applicant to afford the rent with or without help from benefits; the property must be assessed as affordable.
- 2) The availability and popularity of family housing in any area that an applicant expresses a preference to live. For example, a Housing Association may be more flexible if the property is a flat rather than a house or in an area of low demand.

An applicant should contact the Housing Association(s) directly for more information on their individual rules.

### **3.5 Including a carer in an application**

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and the need to live with them or near them.

Even if a carer is in receipt of carer's allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by social care and health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies, for example social care or a health professional.

### **3.6 Changes of circumstances**

It is the responsibility of the applicant to inform the Council of any change of circumstances and, where requested, provide proof of that change. Registered applicants should complete a change of circumstances form online and, if requested, submit evidence. Examples of a change in circumstances include but are not limited to:

- 1) A change of address or contact details, for either themselves or members of their prospective household.
- 2) A change in their medical condition or disability (either existing or newly acquired).
- 3) Additional family members or other people they wish to add to their application; (it will be for the Council to decide whether they will allow additional people to join the application).
- 4) Any family member or any other person on the application who has left the accommodation.
- 5) Any significant changes in income, savings or assets, which may require a reassessment under the income and savings qualification rule.

A change in circumstance may not result in a change in priority. The Council will verify and assess the extent of the change to ascertain whether this will result in a change in priority. However, a change may mean an applicant qualifies for additional priority and may move up a band or may mean that an applicant no longer qualifies for a higher band. Applicants will not actively be considered for housing whilst the change of circumstance is being verified and the Council will endeavor to assess the change of circumstances as quickly as possible to avoid any disadvantage to an applicant.

### **3.7 Reviewing the register**

Every applicant on the register will have their application reviewed annually, or more frequently as decided by the Council, in order to manage the administration of the register. A letter or email will be sent to all applicants requesting confirmation of their current circumstances and that they wish to remain on the register. If a reply is not received within 28 days of the date the correspondence is sent, their application will be cancelled.

### **3.8 Cancelling an application**

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

- 1) At the customer's request.
- 2) If the customer becomes ineligible for one of the qualification grounds.
- 3) When the customer has been housed.
- 4) On failure to reply to a review letter or requests for further information within a given time period.
- 5) Where it is discovered that the customer has given false or misleading information.

In circumstances 2) and 5) the customer will be notified in writing, including the reason why their registration has been cancelled and of their right to request a review of that decision.

### **3.9 The Review process**

Applicants who want to query a decision made in relation to their application to join the register and certain subsequent decisions have a right to ask for a formal review of the decision.

There is a legal right to a review of a decision in the following circumstances:

- 1) The applicant disagrees with the band in which they have been placed.
- 2) The applicant considers that a decision has been reached based on incorrect information.
- 3) The applicant has been treated as ineligible based on their immigration status.
- 4) They have been treated as ineligible to join the register due to serious unacceptable behaviour coming under the non-qualification criteria set out in the policy.
- 5) Their application has been given reduced preference.

### **3.10 The Review procedure**

- 1) Applicants will be notified in writing of decisions made in respect of the review.
- 2) An applicant must request a review of a decision within 21 days of being notified in writing, unless there are exceptional circumstances as to why they did not request a review within that timescale. They must give reasons why they wish to

have the decision reviewed, including where they believe an incorrect decision has been made on the facts.

- 3) The service manager will undertake the review.
- 4) The review will be considered based on the authority's allocation scheme, any legal requirements and all relevant information. This will include information provided by the applicant on any relevant developments since the original decision was made.
- 5) The Council will aim to complete the review and inform the applicant in writing of the decision within 21 working days, after considering any additional information that has been provided by the applicant. Alternatively, the applicant will be advised of any time extension required to make the decision.



## Section 4 – How we decide an applicant’s housing priority

### 4.1 The banding system

The banding system will normally be used to decide when to make an offer of accommodation and to whom, unless the Council/housing association applies the direct lets procedure as set out in this policy.

There are two active bidding bands and one housing options band. The purpose of reducing the number of active bidding bands to two is to ensure that the policy is transparent and is seen to be fair by all applicants. Once a band has been allocated based on the applicant’s housing need, the band would (with the exception of where a direct offer is required under the policy) operate as a waiting list so that applicants can see progression and be given more accurate information on how long they are likely to wait for an offer of accommodation for property types in any area that they may choose to bid for.

The Council has chosen to adopt a simple and transparent system creating two queues where people will be ranked by date order in each queue. Applicants in housing need can better understand the logic of why they have or have not been placed in bands A or B, as the levels of housing need to qualify for A or B are clearly set out in this policy.

**Band A – urgent housing need to move:** these are applicants that are owed a statutory award of ‘reasonable preference’ but whom the Council believes should also be awarded ‘additional preference’ based on their urgent housing need.

**Band B – statutory housing need to move:** these are applicants that are owed a statutory award of ‘reasonable preference’ under the policy and have been awarded band B priority based on their assessed housing need.

**Bands A and B** form the active bidding section of the register for residents assessed as being in a statutory housing need. Applicants in these two bands are supported through a system of ‘assisted choice’. Assisted choice will support applicants to make decisions on the best options to meet their statutory housing need and will support them to exercise that choice. Applicants will receive a regular review interview to discuss their case and bidding options.

**Band C** is the housing options band. These are applicants that are not assessed as having a statutory housing need. Applicants placed in the housing options band cannot bid for properties under the scheme this is because they are highly unlikely to receive an offer of housing through the bidding system. They will still be able to service their own needs through accessing up to date information to help them plan what housing options to pursue, including a small number of social and affordable rented units which have not been allocated to band A and B applicants.

The housing options available to those registered in the housing options band C are structured into a ‘marketplace’ of realistic housing options that can be accessed via the applicant’s online account.

The Council and partners will use technology to send direct texts and emails to inform applicants of available housing options and may include information on:

- 1) Social rented low demand properties available now in Cheshire West and Chester and how to access these
- 2) Social housing opportunities in the borough and the north west
- 3) Older person housing opportunities
- 4) Affordable homes with specific rural local connection criteria
- 5) Affordable rent
- 6) Rent to buy
- 7) Shared ownership/equity
- 8) Discounted market sale / starter homes
- 9) Market rented
- 10) Help to buy opportunities.

## **4.2 Reasonable preference criteria**

### **Where band A will be awarded**

#### **Applicants moving on from care**

Care leavers will be prioritised to the top of a short list when bidding for a property however, applicants must be a former 'relevant child' as defined by the Children Leaving Care Act 2002 and be a young person at risk of homelessness. The evidence to support this award will be provided by the Cheshire West and Chester Council's leaving care service and will consist of confirmation that:

- 1) The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.
- 2) The care leaver possesses the life skills to manage a tenancy including managing a rent account.
- 3) Ongoing support needs have been assessed and, where appropriate, a support plan is in place.

#### **Applicants who are statutory homeless and owed a main duty**

Where the Council have:

- 1) Accepted a section 189B (2) Relief duty and the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is in temporary accommodation provided by the Council to meet a section 188 interim accommodation duty.
- 2) The Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty: these sections refer to duties that may be owed by the Council to an applicant if they are homeless and have been assessed as being homeless through no fault of their own and have been awarded something the homelessness legislation calls 'priority need' because they have dependent children or are a single person or couple assessed as being vulnerable and unable to cope with being homeless.

### **Applicants who are unable to continue to occupy their current accommodation due to high medical need or disability**

- 1) Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time.
- 2) Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants:
  - a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access
  - b) Whose condition is terminal, and rehousing is required to provide a basis for the provision of suitable care
  - c) Whose condition is life threatening and their existing accommodation is a major contributory factor
  - d) Whose health is so severely affected by the accommodation that it is likely to become life threatening; for example, where an applicant has significant mental health problems which are exacerbated by their accommodation
  - e) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day to day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
  - f) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection.

### **Applicants suffering from domestic abuse**

Applicants suffering from domestic abuse that have been assessed as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger.

### **Applicants who are fostering/adopting**

Applicants who have been approved by the local authority for fostering and/or adoption, where the only thing preventing them from fostering and/or adopting one or more children is the lack of suitable accommodation. These applicants will also be eligible to bid for the size of property which will accommodate the number of children they are intending to foster or adopt. Applicants must be aware that housing benefit may not cover the full cost of the property in these circumstances.

### **Applicants who meet the armed forces criteria**

- 1) Where the applicant or a member of their household has been injured as a result of service in the armed forces and where the injury is such that their existing

housing is no longer suitable, or where they are unable to be discharged from hospital until appropriate housing is found.

- 2) Applicants who have a serious injury, medical condition or disability sustained as a result of their service in the armed forces and their current home is unsuitable.
- 3) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence, following the death of their spouse or civil partner who served in the regular forces and whose death was attributable (wholly or partly) to that service.

### **Applicants suffering from extreme violence**

Applicants who are suffering extreme violence, harassment or discrimination, whether a hate crime or otherwise, and that there is a significant risk for them to remain in their present home/locality.

### **Where band B will be awarded**

#### **Applicants who are statutory homeless and owed a statutory homeless duty**

- 1) Applicants where it has been verified by the authority that they are rough sleeping in Cheshire West and Chester and meet the local connection rules regardless of whether they have made a homeless application.
- 2) The prevention of homelessness duty under Section 195(2).
- 3) The 'relief of homelessness duty under Section 189B(2) and the applicant is, at the point of that 189B duty, considered unlikely to be in priority need and will not therefore require temporary accommodation provided by the Council to meet a section 188 interim accommodation duty. For this award to continue to be granted the applicant must still be assessed as homeless whilst on the register and still be homeless at the point that any offer is made.
- 4) Where the relief duty has come to an end and an applicant is then owed a Section 190 intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (Section 190(2) duty). This award will only be for the period that the Council is under a Section 190(2) intentional homeless duty. This is normally for no more than one month, this being the period that an intentionally homeless household is owed a temporary accommodation duty.

Due to the shortage of one bedroom and studio accommodation applicants who are in categories a and b below will be given priority in any shortlist over applicants found not to be in priority need:

- a) Owed a relief of homelessness duty and are likely to be found unintentionally homeless and in priority need, or
- b) Are assessed as needing to leave supported housing.

#### **Applicants where housing conditions exacerbate a serious medical condition or disability**

- 1) The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or significantly impacts on the ease of use of the facilities within their home for a disabled person.

- 2) Applicants who have mobility issues and have been assessed as needing to move to ground floor or level access accommodation.
- 3) Applicants who have mobility issues and need to move to accommodation that has level access showering facilities.
- 4) Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to substantially ease or resolve their condition.
- 5) Applicants who have a medical need for an additional bedroom (for example, because they need an overnight carer most of the time or need to accommodate a substantial amount of medical equipment).

### **Applicants who are overcrowded**

Overcrowding is defined as requiring two or more additional bedrooms to reach the bedroom standard or requiring one bedroom for applicants with children. For the purpose of this policy the Department for Work and Pensions bedroom standard will be used with the following deviations:

- 1) Children under the age of one will be expected to share a bedroom with their parents
- 2) Lodgers, border or non-family members over 18 will be discounted
- 3) Two children of the same sex under the age of 18 would be expected to share a bedroom

### **Applicants who are overcrowded and have an insecure accommodation arrangement**

A pregnant woman or applicant with a child who is sharing a home with family who are not part of their household where a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because c) The family member with the interest in the home has agreed to allow the applicant to remain for at least 1 year.

### **Applicants suffering from domestic abuse**

Applicants with an urgent need to move due to abuse and/or harassment but who can remain in the home temporarily without significant risk.

### **Applicants needing to move for welfare reasons**

Not every circumstance that may present can be captured by this policy so the policy sets examples of welfare circumstances cases that may be awarded band B priority under this category, thereby demonstrating the 'threshold' for which an award may be granted. Whether the award would be granted is for the Council's assessing officer, or scheme manager to determine, or, in unclear cases may be decided by the exceptions panel.

- 1) Exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is high risk to the tenant or their family's safety if they remain in the dwelling/area.
- 2) For applications in circumstances where there is a serious threat to the wellbeing of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in children's services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child.
- 3) Gang-related violence or threats: applicants who are suffering violence or harassment where there is strong police evidence that an urgent move is required to protect the life of an applicant or a member of their household and can demonstrate to the satisfaction of Cheshire West and Chester Council that it is not safe for the applicant (and or their household) to remain in their present home. Where exceptional band A may be awarded.
- 4) In terms of assessing alleged incidents of anti-social behaviour that have not been able to be resolved, an applicant's banding will be awarded in conjunction with the housing association.
- 5) Employment hardship: priority will only be given in exceptional circumstances and applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer.

### **Applicants living in unsatisfactory housing conditions**

- 1) Applicants who currently occupy a private sector property which has at least one 'Category One' hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a prohibition order has been served under the Housing Act 2004 and the effect of the prohibition order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must present an immediate threat of serious injury or a considerable risk to the occupant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.
- 2) Applicants without access at all to any of the following facilities:
  - a) A bath or shower
  - b) A toilet
  - c) Cooking facilities
  - d) Running hot water supplies
  - e) Electric/gas needed for essential activities.

Applicants who have access to shared facilities for cooking, bathroom and toilet will not qualify under these criteria.

## **Applicants moving on from supported housing**

On the recommendation of a support worker, is ready to move on from supported to independent housing. Before the award is made, ongoing support needs will need to have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding.

## **Applicants who meet the armed forces criteria**

Members of the armed forces who are serving in the regular forces with a housing need who will be discharged within three months and have served for five years preceding their application for an allocation of housing accommodation, as long as this has not been a dishonorable discharge.

This includes those who are leaving the armed forces having received their notice of discharge date; or have left in the last five years, having been medically discharged in the last five years; or served the required minimum level of service. This does not include Discharge As Of Right (DAOR).

## **Applicants Right to Move**

Existing social tenants of accommodation in England who wish to exercise their Right to Move (using the Government's Right to Move regulations) to a social tenancy in Cheshire West and Chester do not have to meet the Local Connection criteria set out in section 2 if they are an applicant who: a) Is already either a secure or introductory tenant of a local authority or an assured tenant of a private registered provider; and b) Needs to move to Cheshire West and Chester where failure to meet that need would cause hardship (to themselves or others); and c) Needs to move because they work, or have been offered work, in Cheshire West and Chester. In the case of an offer of work the Council must be satisfied that the Applicant has a genuine intention of taking up the offer of work. A need to move which is associated with work, or the offer of work, which is a short-term or marginal in nature, ancillary to work in another district, or voluntary work will not qualify for exemption under this paragraph. Applicants under the right to move criteria will be placed in Band B but will be given less priority than other Applicants in Band B who do have a local Connection. Allocation to those Applicants who qualify is limited to a maximum of 1% of properties allocated each year, amounting to estimated 6 properties per year. The Council considers this to be reasonable, considering the particularly high demand that exists from other applicants who do have a Local Connection with Cheshire West and Chester"

### **4.3 Exceptions to the allocation by band and time within band rule**

Priority within a band will be determined by the length of time the application has been placed in that band (and most allocations will be made to applicants in the highest band) and then by the time they have waited within that band. An exception to this rule will apply to those moving on from care in band A. Care leavers will be prioritised to the top of a short list when bidding for a property.

There may also be circumstances when an offer will be made to an applicant outside of the priority band and 'time registered' procedure. This is where there is an urgent need for an individual household to be housed or where there is an operational or financial need to house certain categories of applicants.

For example, where an applicant has been given additional preference due to an exceptionally urgent need for housing, they may be placed at the front of the priority band and made an offer of housing as soon as possible. A decision that a person's need to be housed is exceptionally urgent would be made by the West Cheshire Homes exceptions panel or can, in urgent cases, be made by the service manager responsible for the Council's allocation policy.

In addition, there may be other circumstances where there are urgent operational or financial reasons to make a direct offer of housing outside of the band and date order criteria. Specifically, examples of the circumstances where there may be urgent operational or financial reasons to allocate outside of the band and date order criteria are:

- 1) People that need to move due to a fire or flood, or severe storm damage to their home.
- 2) People who are at imminent risk of violence and are to be housed through a witness protection programme.
- 3) People who it has been agreed must be housed urgently as part of a multi-agency protocol such as a MAPPA, MARAC case or a protocol between the housing and social services departments, where there is a need agreed between housing and social services to provide a specific property for a vulnerable individual.
- 4) Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time, or where the Council needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council as a whole.
- 5) Where a vacant adapted property or a property designed to disability standards becomes available, it may be offered to those customers with a need for this property type, regardless of the date they were registered.
- 6) A small number of properties may require a sensitive letting because of the circumstances in which the vacancy arose. For example, if the previous tenant was evicted for anti-social behaviour, the landlord will not want to offer the property to another tenant with a history of anti-social behaviour, even if they are no longer excluded from the register. Sensitive lettings will be made at the discretion of the landlord however, such lettings will be monitored by the Council.

In some circumstances, qualification criteria for a property will be restricted to households that meet specific criteria; this is common for properties located in rural areas of the borough. Restrictions may apply to:

- 1) Properties subject to a local lettings policy.
- 2) Properties situated on rural exception sites.
- 3) Properties subject to a Section 106 legal agreement or affordable housing statement made under the Town and Country Planning Act 1990 or neighbourhood plan.



#### **4.4 Additional local connection criteria and impact on allocations by band**

Where the Council has agreed a Section 106 agreement or affordable housing statement regarding new affordable developments, the specific allocations criteria (regarding local connection to a defined area) as agreed as part of the planning consent for the site will take priority ahead of the broader criteria set out in this policy.

#### **4.5 Specialist and adapted accommodation**

Some homes have been specially adapted to meet people's needs or have the potential to be adapted to meet people's needs. This includes homes for the disabled and for older people. To ensure the Council match people to suitable homes and make the best use of the accommodation, properties may be flagged up as being currently adapted or suitable for adaptation and the Council reserves the right to allocate such a property outside of the band and date order system in order to best match that property to an applicant who requires an adapted property and is in an urgent band need.

#### **4.6 Bedroom standard**

The following rules will apply (or may be applied by individual Housing Associations) to the size and type of property offered under the scheme:

- 1) A 'child' is defined as a dependent child under the age of 18 and/or qualifying for Child Benefit. Applicants with households where there are no dependent children will not be offered houses except in exceptional circumstances which have been agreed by the exceptions panel or where there is a low demand house and no suitable bids from families with dependent children.
- 2) Sheltered housing will normally be available only for applicants aged over 55. However registered Housing Associations may have rules to vary the age criteria.
- 3) Bungalows (except for specifically adapted properties) will be allocated to households with a family member over the age of 55 or other households with a medical need for accommodation on the ground floor. If there are no eligible households meeting these criteria then other people will be considered below this age, taking account of their circumstances.
- 4) Adapted properties will be allocated to the household who has been assessed by the Council as benefitting the most from the existing adaptations at the property. The Council may seek advice from an occupational therapist or medical adviser in making this decision.
- 5) A Housing Association may at its own discretion decide to allocate a larger property than the applicant's household qualifies for, if the applicant requests it and the Association is satisfied that the applicant can afford the rent.

#### **4.7 Size and type of property for which applicants are eligible**

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include houses with two or more bedrooms to be let to families with dependent children,

sheltered housing flats for older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the bedroom standard will normally be used.

In exceptional circumstances the service manager may exercise discretion in deviating from the bedroom standard. Examples are:

- 1) Where applicants require larger accommodation on health grounds. The service manager will consider this on a case by case basis and may consider representations from the applicant's medical health professional and the Council's qualified medical advisor.
- 2) Where there is little or no demand for a vacancy, and it is therefore difficult to let.
- 3) Where the applicant has been approved as a foster carer by children's services, and so will need a larger property than normally required by the household.
- 4) Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household.

#### **4.8 Offers of accommodation**

This section sets out the procedure that will apply to making the offer of accommodation once an applicant has been selected from a shortlist of successful applicants bidding for that property.

Once selected and prior to an offer being made, the Housing Association for that property will carry out a further verification of the applicant's eligibility and priority. In certain situations, the offer will not be made or, if made, may be withdrawn if:

- 1) Since joining the scheme an applicant has become ineligible.
- 2) On verification of the applicant's details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- 3) The applicant's circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- 4) The landlord has good housing management reason not to offer a property.

In order to ensure fairness and consistency all partners to the scheme will be asked to agree to abide by an exclusions policy (see appendix six for more details). The exclusions policy includes the circumstances when an applicant who has bid for a property can be legitimately 'by-passed' for that property.

If an applicant does not reply to an invitation to view a property within two working days of receiving an offer, then the offer will be deemed to have been refused and the property will be offered to the next customer on the shortlist who qualifies for that offer.

A suitable and reasonable offer of accommodation (see appendix seven) is defined in the policy as:

- 1) Being the right size for the household as defined by the policy.
- 2) Is free from the threat of violence or domestic abuse.

All offers will be formally made in writing. Notification in writing may be made by letter, e-mail or, in an urgent situation, by text.

There may, unfortunately, be exceptional circumstances where an offer is withdrawn following notification. This can be done up to the point when a tenancy agreement is signed. Examples of reasons when a property offer may be withdrawn are:

- 1) The property is not suitable for the household's needs.
- 2) The property fails to become available.
- 3) There is an issue and concern for community safety.
- 4) It comes to light that information has been withheld.
- 5) It comes to light that that the household or member of the household has a property-related debt.
- 6) The offer has been made in error.
- 7) The household's circumstances have changed.
- 8) The property is required for an emergency.
- 9) It transpires that the rent would not be affordable.

## **Appendix one - how any local lettings policy will be applied and reviewed**

Local lettings initiatives may be applied to meet the needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local letting policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- 1) Age restrictions.
- 2) Prioritising applicants who are key workers, as defined by the Council.
- 3) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- 4) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- 5) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- 6) Ensuring that there is a balance of working and non-working households allocated to a scheme.
- 7) Enhanced local connection restrictions relating to a specific parish.

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a local lettings policy will normally be used for new developments larger than four properties. This may set restrictions on the number of lettings which can be made to families with young children, for example, or the number of families who are not working.

### **How will a local lettings policy be assessed and agreed?**

The Council and the Housing Association partner will come to an agreement on the villages, estates, blocks or streets where a local lettings policy may be appropriate and why.

There must be a clear evidence base for adopting a local lettings policy. Agreement as to whether a local lettings policy is appropriate will be based on the following test:

- 1) That there is a clear definition of the objective to be achieved by that particular local lettings policy.
- 2) That there is a clear evidence base to back up the need for a local lettings policy.
- 3) That any potential equality impact has been considered.
- 4) How long the local lettings policy is intended to operate.
- 5) When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met. Local lettings policies must be approved by the exceptions panel before they are applied.

All current local lettings policies will be listed as a link to the online version of this policy so the public can see which policies are in operation at any point in time.

## Appendix two - local lettings toolkit for existing housing stock

### 1) Initial assessment: what is the problem that you are seeking to address through a local lettings policy?

- a) Define the geographical area.
- b) Think about what you and stakeholders perceive as the problem within the area.
- c) Consider your objectives: how would things change as a result of allocating properties in a different way?
- d) Is it a short-term fix? Or a longer-term intervention?
- e) Who are your stakeholders?

### 2) Test your theory

Please provide key data to identify the critical issues within the proposed area. You may find the following risk assessment and 'traffic light' system helpful in clarifying your thoughts and helping to present the information later.

Assess risk on a scale of 1-5, where 1 equals no risk, 5 equals high risk. Calculate your mark as a percentage of the total possible mark (i.e. 5) for each indicator.

- a) Demand and mobility with the neighbourhood

Indicator	Risk	Mark	Traffic light
Applicants per vacancy			
Stock turnover, voids as a percentage of total stock			
Tenancy turnover, particularly the percentage of tenant's resident for under two years			
			<b>Total % of possible</b>

- b) Social conditions

Indicator	Risk	Mark	Traffic light
Unbalanced customer base in terms of age, gender, ethnicity			
Benefit dependency/unemployment			
Incidence of long-term limiting illness			
Levels of anti-social behaviour, levels of crime or, equally important, the perception of these issues is a major factor			
			<b>Total % of possible</b>

The scores for each indicator are added to produce a total score that provides an indication of the relative popularity or health of the neighbourhood. The higher the score, the more unpopular or unsustainable an area is. Cumulative scores for the indicators may be compiled. Then the neighbourhood can be classified as follows

below. The traffic light system can make this easier; the traffic light and risk marks will help to highlight the areas of concern for individual indicators in the neighbourhood.

- **Significant decline: 75 per cent or more of the available score. Traffic light: red**  
Characteristics: high turnover, low demand, high benefits dependency, high crime/anti-social behaviour, poor health.
- **Borderline: 50 to 75 per cent of the score. Traffic light: amber**  
Characteristics: as above but not so pronounced.
- **Sustainable areas, but specific problems: 25 to 50 per cent of the score. Traffic light: green**  
Characteristics: low turnover, high demand, low benefit dependency, low crime etc.

Please indicate below any further statistical data, making comparisons to general stock where appropriate.

### 3) Assessments

What are your key concerns? What are your objectives? For example:

- a) Increase stability by reducing tenancy turnover.
- b) Achieve a better mix of age groups and household types.
- c) Increase demand for the area or specific property types.
- d) Reduce abandonment; learn more about why tenants leave.
- e) Influence resident's perceptions about anti-social behaviour/crime.
- f) What targets would you want in place?
- g) Over what period?
- h) How will you know if you have been successful?
- i) Do your stakeholders agree with you?

Please detail any other supporting evidence below:

## **Appendix three - assessing and awarding medical priority**

### **How will West Cheshire Homes (WCH) decide if a priority 'medical priority' award can be given?**

Applicants must provide as much information to WCH as possible to ensure a fair and accurate decision can be made by the WCH Officer. The WCH application form includes a detailed section for applicants to complete in order to explain their medical conditions; including how their current housing situation impacts on their health. Applicants should explain and evidence the impact their current housing is having on their health, including but not restricted to;

- Diagnosed medical conditions
- Medication and treatment
- Whether the current housing situation is adversely affecting health or care needs
- Any specialised needs within the home (i.e. adaptations)
- How would a move improve or resolve the issue?

The applicant may include supporting information from any relevant medical professionals to support their application. An applicant who has an existing WCH application but wishes to apply for a 'medical priority' will need to complete a 'change of circumstances' form by accessing their WCH account online and completing the medical section.

WCH will assess each application based upon the 'Common Allocations Policy', a copy of which is available on the WCH website. The Common Allocations Policy stipulates that only applicants with an 'Urgent' or 'High' medical need for a move will qualify for 'medical priority'. WCH will carefully consider the situation of the applicant and any information provided in support of their needs. WCH will be unable to award a 'medical priority' if there is insufficient information available to reach a decision. In this instance the applicant will be informed of the reasons why and advised what information is lacking.

### **Will every applicant with a health issue receive a priority 'medical priority' award?**

The Common Allocations Policy stipulates that only applicants with an 'Urgent' or 'High' medical need for a move will qualify for 'medical priority'. This means that some applicants with health issues will **not** be awarded 'medical priority' by WCH; for instance those considered in a 'medium' or 'low' medical need, i.e. conditions which are considered less-severe, commonly treated under a general practitioner and has a less-than-significant impact on their current housing needs.

Some applicants may have a serious and debilitating health condition which requires specialist housing adaptations; however, a 'medical priority' award can only be given if their current home is unable to meet their needs. WCH may consider whether the applicant already has the necessary adaptations in their current home before a 'medical priority' band is awarded to help them move. Also, consideration will be given as to whether the applicant could remain in their current home with further adaptations being put into place. A referral to the Occupational Health Service may



be requested to determine the full options available before a 'medical priority' can be awarded.

### **How will Registered Providers decide if a property is suitable for an applicant with medical needs?**

WCH will attempt to ensure that every application is correctly set up to reflect the applicant's needs and preferences for housing. It is important that applicants provide as much supporting information as possible to enable West Cheshire Homes, and any prospective landlords, to understand and properly assess their housing needs.

Applicants, who require 'adapted need' or 'sheltered' properties, should have the relevant field ticked on their application to allow them to apply for properties which are adapted or classed as sheltered.

If an applicant with a medical / adapted need successfully bids for a property via West Cheshire Homes, the relevant social housing landlord will need to consider whether the property will actually meet the needs of the applicant – and that the applicant would make 'best-use' of the property. This means that the landlord may overlook or 'skip' an applicant if their needs are not going to be met in the advertised property; for instance, the property has an existing adaptation already in place (stair lift, level access shower, etc.) which the applicant does not require but other applicants may benefit from.

WCH or a social housing Landlord can request the services of an Occupational Therapist in determining the suitability of a property for an applicant with a medical condition.

The medical application process:

- Evidencing physical health issues
- Evidencing mental health issues
- General Practitioners
- Applicants who are in existing Social Housing
- Applicants in Private Rented accommodation
- Allowing under 55 years of age applicants to bid on 'sheltered' properties
- Allowing an applicant to be eligible for 'adapted need' properties
- Allocations
- Appeals
- Review of medical awards

**Applicant** submits a WCH application or change of circumstances form indicating a **medical need**. **WCH Officer** will review the information and check that the applicant has fully completed the form as incomplete forms may not be processed.

### **Evidencing medical issues**

WCH must be satisfied that an applicant's medical need has a genuine impact on their housing. This will require verification from a medical professional. The tables below give examples of who can provide support for rehousing on medical grounds; however not all may be accepted, especially if the person is not suitably trained or qualified to give opinion:

## Who can support a medical needs assessment?

Occupational Therapist
Specialist medical advisor
Community / mental health nurse
Hospital / discharge liaison
Social Worker
GP
Health visitor
Applicant (self-certify)
Carer
Family / Friends
Support Worker

## What type of information can be supplied in support?

<b>Health professional letter</b> detailed support for rehousing on health grounds
<b>OT recommendation</b> Housing Needs Assessment
<b>Proof of medication / treatment</b>
<b>Proof of diagnosis</b>
<b>Copy of PIP award</b> detailing the assessment and reasons for the award
<b>Community Mental Health Team – supporting letter</b>
Statement from applicant
Proof of Disability Benefit
Signed letter from carer / relative / friend
Support from Housing Management Officer - WCH may require this if applicant is in existing social housing and wishes to move

## General Practitioners

Whilst GP's provide the most likely source of medical opinion for most housing applicants, it is not uncommon for GP surgeries to refuse a request from a patient or WCH for supporting medical information. This is due to GP surgeries facing increasing demand on their services and GP's time for 'non-clinical' matters. If an applicant is unable to gain supporting information from their GP, it is advisable to try other medical professionals who may be involved. In the absence of any medical professional being able to verify and support an applicant's health needs, WCH will consider all other supporting information available including the applicants own self-assessment of their needs. WCH will not pay for the release of medical information from a GP.

## Existing Social Housing tenants

If an existing social housing tenant applies to WCH due to their current property being medically unsuitable for their needs, WCH may request the opinion of their

current landlord before a medical banding can be awarded. This is to ensure that the property could not be adapted to meet the needs of the applicant rather than seek a move to alternative social housing.

Please adopt the following template when awarding a MEDICAL band:

- Medical band: A / B
- The applicant's current accommodation is not currently suitable due to:
- The following factors have been considered in the award:
- The applicant(s) require the following property types and adaptations:
- Medical professional(s) involved:
- Sheltered need                    Y / N
- Adapted need                    Y / N

## **Staff procedure**

### **The assessment: Awarding Medical Priority for significant Medical Conditions that are being made worse by an applicant's housing circumstances.**

Detailed below is the operational process officers will follow when deciding on whether a medical or welfare priority should be awarded.

Applicants must provide documentary evidence of how their health or welfare is affected by or why their health/welfare issue cannot be managed in their current home by completing a medical form.

1. On receipt, officers are to consider whether any supplementary information is needed from other relevant professionals (for example: Environmental Health or Housing Officers, Occupational Health Worker, Social Worker or Health Visitor) to further explain the impact the medical condition/disability has on the applicant's current housing. Officers can ask applicants to obtain this information if they deem this is required.
2. While this information is being provided and pending the assessment of medical priority, eligible applications who have another statutory housing need will be registered and placed in a band according to their circumstances excluding their medical priority. Where no other housing need exists, the application will remain as pending until their medical priority is determined.
3. The assessing officer supported by a senior officer will normally make a decision based upon the information provided whether or not to award a priority band based on medical grounds.
4. In exceptional circumstances an officer may refer a medical case to the Exceptions Panel for consideration however, such cases would be considered an exception rather than the norm.
5. In making an assessment, a decision will be based on the information provided by the applicant within their housing application along with any supporting evidence provided. Staff should note however, that the applicant is not required to submit any supporting evidence at the application stage.
6. Where required, the assessing officer may request any necessary information from any relevant medical professional.

Medical priority will not be awarded in the following circumstances:

- a) Having a health issue, however severe, not impacted by the accommodation occupied by the applicant
- b) Health problems that are not affected by housing or cannot be improved by moving
- c) Where a move would only make a marginal improvement to the applicant's condition
- d) Housing defects that can be rectified
- e) Neighbour disputes
- f) Anti-social behaviour
- g) Additional medical priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.
- h) Time-related medical problems (e.g. pregnancy-related problems or a broken leg)
- i) Disrepair problems not impacting significantly on the applicant's medical condition
- j) Overcrowding not impacting significantly on the applicant's medical condition
- k) Where the medical condition is as a result of a lifestyle choice (e.g. drug use)
- l) If the situation can be resolved by equipment or minor adaptations which are available in a reasonable period of time.

7. Applicants who require housing support to live independently will only be placed in a Band for their medical or welfare need if an appropriate package of support has been agreed. If no appropriate support package has been agreed the applicant will be bypassed whilst the support plan/package is pursued by the Council, and or agencies working with the applicant.
8. Everyone on the application with a health or welfare problem will be assessed. If there is more than 1 member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest health problem.
9. Where an applicant has been assessed as having an urgent housing need (band A) as a result of a medical or welfare assessment, the applicant's medical priority may be reviewed every 3 months.
10. Where an applicant has been placed in the high housing need (band B) as a result of a medical or welfare impact assessment, this may be reviewed every 6 months. The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/or support agency, or a home visit.
11. Once the assessment has been completed the Council will send a letter to the applicant advising them of the outcome, and if a priority band is awarded their designated band i.e. Band A or Band B.
12. Where an applicant who is already registered notifies WCH of a change in their medical circumstances that are impacted by their current housing, the applicant's priority will be re-assessed using the same process.

### **The operational procedure used by the Council to assess medical cases**

1. The applicant will be asked to indicate on their on-line application form whether they or anyone in their household have an illness or disability which is affected by their current home.
2. If the information provided by the applicant is unclear as to the impact the applicant's current housing has on their medical condition, the assessing Housing Officer will write to the applicant asking them to describe how their current housing is impacting on the condition described.
3. The letter will also explain that where supporting information from a health professional is available, the applicant should provide this. However, the Council as a matter of course will not request that an applicant submit a medical report or obtain

a letter from their GP. The Council has no wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before any application is considered.

4. The officer should then carry out an assessment as per this procedure.
5. Depending upon the circumstances and seriousness of an applicant's case, the case may need to be considered by the Exceptions Panel to help the officer make the assessment. However, it is expected that such an approach would be the exception as most cases would be assessed by an officer taking advice from the manager the Allocation and Lettings Service.
6. Where the information indicates that the applicant's condition is not so urgent, they are able to live in their current home or that there is insufficient evidence that the medical condition would be significantly improved by alternative housing no A or B band award will be made.
7. Where the assessing officer believes there may be an urgent and immediate need due to the severity of the impact of their current housing on an applicant's disability, and the applicant may be unable to continue to live at their present home, the case can with a senior officer's approval be submitted to the Council's Occupational Therapy Team (OTT) for a more detailed assessment. In order to do this the OTT may visit the home of the applicant and consider any supporting information and may recommend whether Band B (or in exceptional circumstances Band A) priority should be awarded, based upon the severity of the case and the urgency of the need for re-housing. The OTT may also recommend the type of housing that the applicant needs to resolve the urgent circumstances.
8. Where priority is awarded on the basis of medical circumstances applicants can only be considered for the type of properties identified so for example, if someone needs to move to a bungalow because they have suddenly become a wheelchair user, they will only be considered for suitable properties that meet this need.
9. There may be occasions when the advice of a doctor or consultant will need to be sought. For example, where an applicant's housing circumstances are affecting their mental health, or where a GP has written a report stating that the patient requires priority banding as a result of the impact of their current housing on their physical or mental health. In such cases the officer may seek further information from the applicant's GP or other health professional should this be required.
10. The following list covers some of the main factors, which can be reflected in a banding award under Medical Considerations:
  - a) An applicant's inability to manage stairs, control temperature, etc.
  - b) Where an applicant is confined to their existing accommodation
  - c) Where present accommodation is having a significant or exceptional impact or is causing an applicant's mental or physical health condition.
  - d) An applicant's restricted ability to fend for him/herself
  - e) The need for adapted housing and/or extra facilities
  - f) The need for sheltered or supported housing
  - g) The need for housing as part of a care plan

When assessing whether to award Band A, B or no priority on medical or disability grounds, there is a 4-stage assessment process. The 4-stage process is as follows:

1. Is the medical condition serious enough for a priority banding to be considered? (This assessment procedure will be used to decide cases more likely to be awarded priority and cases less likely to be awarded priority.)

2. If the medical condition is serious enough for a priority banding to be considered, the next stage is for the assessment officer to decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation. i.e. Is the applicant's current housing making the medical condition substantially worse or would make it worse?

3. In practical terms the officer should consider what degree of need exists and, secondly, what adverse effect this has on the ability of the applicant to manage day to day tasks in their current home.

4. If the assessment officer agrees this to be the case, they will next need to be satisfied that there is a realistic expectation that the identified medical condition would improve significantly if alternative, more suitable accommodation was to be made available. If the answer to the above is it would be improved, the final question will be whether to award Band A or Band B depending on the severity of the condition.

### **More extensive examples to help the assessing officer to decide if Band A should be awarded on medical or disability grounds**

The following are examples of cases that may qualify for a Band A priority. It may apply to the applicant or a member of their household.

1. Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation or their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property.
2. Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as wheelchair standard accommodation.
3. An immediate life-threatening condition which is seriously affected by the current housing and where re-housing would make it significantly easier to manage.
4. An applicant has a serious illness and is currently receiving palliative care and urgently requires rehousing to facilitate the on-going provision of this care.
5. A life-limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
6. The applicant's health is so severely affected by the accommodation that it is likely to become life-threatening, e.g. an applicant has severe mental health problems that are significantly exacerbated by their accommodation.
7. A new and life-changing condition that severely impairs an applicant's mobility, meaning they are unable to carry out day-to-day activities or have difficulty accessing facilities inside and outside of their accommodation and requires rehousing into accommodation suitable for their use.
8. Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced HIV infection.
9. A member of the household cannot be discharged from hospital until a suitable adapted property is provided.
10. Due to limited mobility a person is unable to access essential parts of their property e.g. bathroom/toilet and requires re-housing into accommodation suitable for their use.
11. A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.

12. Armed Forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability he or she, or a member of their household, has sustained as a result of service.
13. Veterans who have seen active service within the armed forces and are suffering from post-traumatic stress disorder or serious illness directly related to service in the Forces.
14. Applicants who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
15. Where an applicant is living in a mobile home, caravan or converted vehicle which, due to medical conditions, does not meet their needs.
16. Where there is a significant risk of serious and permanent injury and/or permanent disability.
17. Where someone cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.
18. Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition.
19. Someone whose housing has rendered them housebound and has little or no Support available.
20. Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support and that there is a significant and immediate detriment to the care or health of the applicant in remaining in their current home. This might include for example residential care; overnight care provision, or other support with similar resource implications.

**More extensive examples to help the assessing officer to decide if Band B should be awarded on medical or disability grounds**

1. Applicants who have mobility issues and need to move to ground floor or level access accommodation.
2. Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition.
3. Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment).
4. Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent housing will be awarded reasonable preference priority if they meet the criteria set.
5. Children with severe conditions such as autism, or cerebral palsy where their long-term needs cannot be met without settled accommodation.
6. A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps.
7. A person with a severe disability requiring substantial adaptations to a property not provided for in their current accommodation.
8. Can access their home but is unable to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. Where an adaptation is possible, practical and affordable this should always be pursued along with their housing application. If the adaptation is possible

but will not be undertaken in the short term, this priority will be awarded in the interim. (The priority would be removed once the adaptation is undertaken)

9. The person is suffering from a mental illness and that situation has existed for a significant period of time and is being exacerbated by their current housing. Typically, the applicant would be under secondary Mental Health Services.
10. A person would be housebound, but where a sufficiently high level of support is available to enable them to get out of the house and reduce to a significant degree the impact of their circumstances.
11. A person with a terminal illness or long-term medical debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.



## **Appendix four - exceptions panel - terms of reference**

The role of the panel will be to consider and make decisions on applications, nominations, exclusions and exceptional circumstances where the facts of a case do not meet the criteria set out in the policy. A decision to refer a case to the panel will be made by the service manager from the partnership and cannot be requested by an applicant.

The intention is that, for most cases, a decision will be made by the senior officer responsible for the allocation scheme in the Council or, where the issue is a refusal of a nomination, a decision will normally be taken following a discussion between the senior officers from the Council and partner Housing Association. However, there will be cases where agreement cannot be reached, or the service manager believes that an applicant's circumstances would benefit from a broader consideration from the panel rather than an individual senior officer.

Set out below are examples of when a decision may be taken to refer a case to the panel, which will consider:

- 1) Requests to agree exceptions to established policies; for example, where qualification rules have been applied but there are exceptional circumstances that need to be considered as to whether the rule should be waived.
- 2) Sensitive cases that require a multi-agency and coordinated approach to housing.
- 3) Needing more settled accommodation in order to deal with child protection issues arising under the Children Act.
- 4) Whether an applicant has addressed behaviour that resulted in the decision that they are to be treated as an inactive bidder on the choice based letting scheme.
- 5) Disputes between partners on whether a nomination can be refused under the agreed policy or where the facts do not clearly fall under the criteria set.
- 6) To agree a local lettings policy or to review a local lettings policy, to decide if it should be removed or retained.
- 7) Where a debt recovery order has been obtained an applicant will not normally be considered for housing until it is discharged 12 months after being obtained. Where there is a case with exceptional circumstances, these cases can be referred to the panel for consideration.

### **Terms of reference:**

#### **a) Composition of the panel**

The panel will consist of the following officers:

- A West Cheshire Homes service manager, or their representative with responsibility for the operation of the housing register
- Representatives from at least three of the partner Housing Associations
- Additional relevant members co-opted as and when required with a specialism regarding a particular issue that has been referred for a panel decision.

## **b) Frequency of meetings**

The panel will meet monthly or more frequently as required. The panel will receive the case and supporting evidence in a standard format. Where a case cannot wait for the monthly panel, a decision can be made by circulating evidence relating to the case on a standard form to panel members who will make their recommendation by email.

All decisions and reasons for that decision will be recorded and an applicant informed of the decision. In exceptional cases an applicant may be asked to attend the panel to provide clarification on their case.

## **c) Monitoring**

The number of cases dealt with by the panel, along with the decisions made and reasons, will be monitored and reported annually to the relevant Council Committee as part of any annual performance information report for applications and lettings and will also be sent to a nominated person of all Registered Providers.

## Appendix five - rehabilitation periods

The Rehabilitation of Offenders Act (ROA) allows most convictions and all cautions, reprimands and final warnings to be considered spent after a certain period. This period, known as the 'rehabilitation period', is determined by the sentence or disposal given, rather than by the type of offence. The rehabilitation periods for custodial sentences (including suspended prison sentences) and community sentences, after which a conviction will be spent, are shown in the table below.

Sentence	Time it takes to become spent (age 17 or under at time of conviction)	Time it takes to become spent (age 18 or over at time of conviction)
Prison [1] term of over four years	Never	Never
Prison [1] term of more than 30 months and less than, or equal to 4 years [2]	Sentence + 3.5 years	Sentence + 7 years
Prison [1] term of more than 6 months and less than or equal to 30 months [3]	Sentence + 2 years	Sentence + 4 years
Prison [1] term of 6 months or less [4]	Sentence + 18 months	Sentence + 2 years
Detention and Training Order (over 6 months)	As prison sentences	
Detention and Training Order (6 months or less)	As prison sentences	
Sentence of Detention (over 6 months but not exceeding 30 months) [5]	As prison sentences	As prison sentences
Sentence of Detention (6 months or under)	As prison sentences	As prison sentences
Removal from Her Majesty's Service [6]	6 months	1 year
Service detention [7]	6 months	1 year
Community Order [8]	6 months	1 year
Youth Rehabilitation Order [9]	6 months	
Fine [10]	6 months	1 year
Compensation Order [11]	Once paid in full	Once paid in full
Hospital Order [12]	End of the order	End of the order
Conditional discharge, binding over, Care Order, Supervision Order,	End of the order	End of the order
Reception Order	End of the order	End of the order
Absolute discharge	Spent immediately	Spent immediately
Disqualification	End of disqualification	End of disqualification
Relevant Order	End of the order	End of the order
Conditional cautions	Once conditions end	Once conditions end
Caution/warning/reprimand [14]	None	None

Notes:

If a sentence/disposal is not covered in the table above, under the changes it has no rehabilitation period and becomes spent immediately (unless it is attached to another sentence/disposal which does have a rehabilitation period).

- [1] The term 'prison' includes suspended prison sentences, youth custody, detention in a young offender institution or corrective training.
- [2] From the day on which the sentence (including any licence period) is completed.
- [3] From the day on which the sentence (including any licence period) is completed.
- [4] From the day on which the sentence (including any licence period) is completed.
- [5] Passed under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under Section 206 of the Criminal Procedure (Scotland) Act 1975
- [6] Starting from the date of conviction relating to the sentence.
- [7] Starting from the day on which the sentence is completed.
- [8] From the end of the order. This period starts from the last day of when the order given by the court has effect. Where no such date is provided, the rehabilitation period for the order is two years, starting from the date of conviction.
- [9] From the last day on which the order is to have effect.
- [10] From the date of conviction.
- [11] The date on which the payment is made in full.
- [12] Under the Mental Health Act 1983
- [13] The day provided for by or under the order as the last day on which the order has effect.
- [14] Spent as soon as issued.

## **Appendix six: exclusions policy**

This exclusions policy sets out the circumstances when a Housing Association partner to this common allocation policy may bypass (or, in practice, refuse the nomination) for an applicant who it has been decided should receive the property on offer through being top of a shortlist or through a direct offer.

It is agreed between the parties to the common policy that:

- 1) Blanket bans should not be used.
- 2) A decision by the Council or any partner Housing Association to bypass an applicant who would be next in line for an offer of accommodation will only be taken according to the criteria agreed and set out in this policy.
- 3) Any local lettings policy that the Council or a partner Housing Association wish to apply must only be applied according to the procedure agreed by the Council and the Housing Associations and set out in this policy.
- 4) Where a Housing Association partner to this policy may wish to retain exception rules that are not part of this agreed policy, these should be kept to a minimum. (For example, rules relating to the size of accommodation to be offered; or rules relating to offers of accommodation from applicants with former rent arrears or behaviour that has not yet been addressed or resolved). Where there are rules that differ to this policy these should be transparent and will be recorded for each Housing Association as an appendix to the common allocation policy so it is clear when a named Housing Association will bypass an applicant and why.
- 5) That the needs of vulnerable applicants are recognised, and arrangements are made for care and support to be available to enable vulnerable tenants to sustain tenancies.

An exceptions panel consisting of a senior representative of the Council and representatives of the registered Housing Associations will meet monthly (and more frequently if both parties agree) to review cases where an applicant's circumstances fall outside of the agreed policy rules or may not be clear.

Clearly it is not possible to describe every situation where an applicant due an offer of social housing might be bypassed. The following are the most common situations and this policy sets out the agreed criteria that will be applied:

### **1) The household is of the wrong size for the property.**

A household does not fit the size criteria rules for a Housing Association despite meeting the size criteria for matching applicants set out in this policy. This could be for example where an Association has adopted different rules with regard to the ages of children for calculating bedroom size or have their own rules for applicants who would be subject to the single room subsidy. Where different rules apply, they will be recorded for that association in the appendix to the common allocation policy.

### **2) The applicant claims they have resolved their social housing tenancy-related debt through completing the actions set by the Council when they applied.**

An applicant who has former social housing rent arrears/housing-related debts and where the assessing officer has decided that their debt has been resolved but one or more partner housing associations disagree or alternatively the assessing officer

having considered the criteria is still unclear as to whether the evidence provided is sufficient to prove the debt has been resolved, then the case would be considered by the exceptions panel.

**3) The applicant claims they have resolved their unacceptable behaviour by complying with the actions set out by the Council when they applied.**

At the point when an applicant has indicated to the Council that they believe that the unacceptable behaviour has been resolved and wishes:

- a) To have their application to the register considered again where the original decision was that they do not qualify to be included on the register, or
- b) To have the inactive restriction for bidding lifted;

The case will then be considered by the exceptions panel to decide whether enough action has been taken by the applicant to address the issue.

As a guideline in most cases the status will be reconsidered when there is clear evidence that the applicant has addressed their behaviour to the satisfaction of the exceptions panel and there has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of six months from the point where action has been agreed with the applicant to address their behaviour or other identified problems.

Where the panel are not satisfied that enough action has been taken by the applicant to address their behaviour, the applicant will be informed of the action that they will need to further take to demonstrate that they have resolved their unacceptable behaviour.

**4) Applicants who are vulnerable and have high support needs or applicants who require a sensitive letting such as MAPPA cases.**

There are several circumstances where the Council or a Registered Housing Association partner may need to bypass an applicant who is imminently due an offer of social housing. This may be where:

- a) An applicant may be vulnerable and considered not yet ready to sustain a tenancy.
- b) It is considered there may be a risk to the applicant or others where, for example, a MAPPA case needs to be housed and a sensitive let may need to be planned.

It is not possible to describe every situation where an applicant may be bypassed. Individual cases that fall outside the criteria will need to be discussed by the exceptions panel. However, it is important that such applicants do not end up being bypassed because of a lack of pre-offer planning resulting in an offer not being made because of a lack of information, or lack of an appropriate support package. Where there are applicants who are extremely vulnerable or considered to pose a risk to themselves or others, the case should be submitted to the monthly exclusion panel meeting to decide whether they are ready to sustain a tenancy and what support package is required, so that an offer of accommodation can be made.

The type of information to be considered by the panel may include:

- a) Details of any long-term illness, health problem, or disability that requires specific or specialist housing, care or support
- b) Details of other care and support needs, for example because of vulnerability due to learning difficulties
- c) Details of proposed, existing and previous packages of care provision provided by statutory or other bodies where known
- d) Relevant and reasonable information regarding previous history of anti-social behaviour that might impact on the safety of the community
- e) Type of accommodation moving from and any additional available accommodation history.

It is also important that no individual Housing Association houses a disproportionate number of vulnerable, complex needs, or MAPPA cases and a system based on transparency and evidence needs to be established. Therefore the number of empty properties; profile of vacancies by area; profile of vulnerable cases previously housed by area and a clear evidence based justification as to why any property cannot be used for a vulnerable, complex needs or MAPPA applicant needs to be considered by the panel and recorded, where it is agreed a specific property cannot be used or an individual's risk or vulnerability means they will be bypassed for a property which their housing needs status would mean they are due to be offered.

#### **5) Circumstances where it is considered that an applicant is unable to afford to pay their rent and housing costs**

With the further restrictions on benefits and the impact of Universal Credit and the Benefit Cap, the ability of an applicant to be able to afford their rent and other housing costs is naturally a concern for any registered Housing Association. It is important that any decision to bypass an applicant on the grounds of their ability to afford to pay their housing costs is consistently applied and follows a clear and robust assessment process.

Where there is a difference of opinion on whether the applicant's ability to afford the rent sits inside or outside of the agreed criteria, a case will be submitted to the exceptions panel for consideration.

#### **Dispute procedure where a party does not agree**

Any dispute arising as to the refusal by a partner to make an offer of accommodation to an applicant, or consider making an offer to an applicant whose priority means they are due an offer, where either the Council or the registered Housing Association believes this is contrary to the agreed policy shall be resolved in accordance with the following procedure:

- a) Within two days of a concern being raised, the Housing Association's nominated officer and the Council's nominated officer (as the Council is the party ultimately responsible for the allocation policy) shall meet and all parties shall use all reasonable endeavours to settle the dispute amicably in good faith, provided that if they cannot resolve the dispute then.
- b) If the dispute cannot be resolved through a) above it will be referred to the Council's service manager with overall responsibility for this policy and the Housing Association's nominated person, who shall use best endeavours to discuss the matter within two days of the dispute being referred to them and

shall use all reasonable endeavours to settle the dispute amicably and in good faith.

- c) If the dispute still cannot be resolved, it will be referred to the operational partnership group and, if needs be, the partnership board which is responsible for the governance of the policy.



## **Appendix seven definition of a reasonable offer**

A refusal of an offer of the correct size and type will normally be considered unreasonable.

### **Guidance on reasonable and unreasonable refusals:**

#### **1) Property size**

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the Council's housing standards, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

#### **2) Property type**

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore, an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the Council.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy
- c) Offers of sheltered housing where the applicant is not of the appropriate age.

#### **3) Property condition**

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

#### **4) Area of choice**

Where the offer is not within one of the applicant's specified areas, the refusal will not be considered to be reasonable. It should also be noted that where an applicant is made a direct offer such as: where the applicant has been assessed as being statutory homeless and are owed a statutory homeless duty, area of choice will not apply.

#### **5) Racial harassment**

Where an applicant from a black or ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

#### **6) Choice of landlord**

An applicant receiving a direct offer cannot choose whether they are rehoused by the Council or by a Housing Association or a specific Housing Association. Therefore, any refusal of Housing Association property because, for example, there is no Right to Buy or Right to Acquire or the rent is higher than a Council property rent, is not reasonable.

#### **7) Pets**

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the Council's or partner Housing Association's tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

## Appendix eight: Gypsy and Traveller allocation policy for Council-owned sites

### 13. Introduction

- 1.1 This policy sets out how the Council allocates available pitches on the sites under its management and ownership. The policy is based on a banding system, in line with the Council's housing allocation policy, designed to meet accommodation needs of Gypsies and Travellers and as such it gives priority to those in the greatest need when pitches become available. The Council aims to provide appropriate accommodation and support services to the Gypsy and Traveller communities. Central to this is a commitment to respect the culture and traditions of the communities, whilst providing effective management of the sites.
- 1.2 The aim of this policy is to ensure that the allocation of pitches on Council sites is made in a fair and transparent manner and that those in the greatest need are given priority assistance in securing accommodation.
- 1.3 Cheshire West and Chester Borough Council owns and manages two permanent residential caravan sites for Gypsies and Travellers. The Council's sites are specifically designed to help meet the needs of the local Gypsy and Traveller communities.
  - Winsford: Slater's Way has 18 pitches. There are a variety of sized pitches:
    - Two larger pitches
    - Thirteen medium sized pitches
    - Three smaller pitches.
  - Ellesmere Port: Kalewood Road has 12 pitches. There are two sizes of pitches:
    - Eleven medium sized pitches
    - One smaller pitch.
- 1.4 The Council recognises that it may not have enough pitches to meet the requests from everyone who may apply, and this allocation policy will give priority to those in the greatest need.
- 1.5 The Council appreciates and understands that Gypsy and Traveller communities are diverse and that many Gypsies and Travellers choose to live within family groups where they can enjoy the benefits of their extended family support, which is an essential part of their culture. The Council is committed to supporting the Gypsy and Traveller communities and therefore preference will be given to those families or individuals with a local connection.
- 1.6 Applicants will be required to complete and submit a pitch application form which is available from the Council's Gypsy and Traveller team. If the applicant requires help filling out the form, the Gypsy and Traveller Team will be happy to help. The Council will use the information provided on this form to assess the

eligibility of applicants for entry onto the register and therefore their eligibility to be considered for a pitch on either site.

- 1.7 On receipt of the application form, the Council may request further information and supporting evidence so the applicant's eligibility and needs can be confirmed. The Council will verify the information provided which may include:
  - Inviting the applicant for an interview
  - Visiting the applicant's present accommodation
  - Contacting various agencies.
- 1.8 An application will remain inactive until the Council receives all the relevant information it requires to complete a full assessment of the application. This means the Council cannot allocate a pitch to applicants during this period.
- 1.9 The Council may take legal action against applicants who withhold or provide false information regarding their application and may disqualify applications supported by false information. Where an applicant has been given a pitch as a result of providing false information, the Council may take court action to obtain possession of the pitch.
- 1.10 As part of the allocation process, the Council will consider the merits of each individual application together with the needs and requirements of other applicants. This will be done by considering the total number of applicants, the time on the register, their local connection and any other information considered relevant and available to the Council.

#### **14. Eligibility**

- 2.1 In order to be eligible to register on the waiting list and considered for a pitch on either site, applicants must:
  - Be aged 16 or over (it is very rare for anyone under 18 years of age to be offered a tenancy)
  - Be from a Gypsy or Traveller background
  - Have a local connection to the area
  - Not have any serious criminal convictions
  - Not be intentionally homeless
  - Not have been excluded from any accommodation in the past
  - Not have rent arrears or other housing-related debts with previous landlords
  - Be in need of accommodation as outlined in the priority need bands below.
- 2.2 Applicants who are considered to have adequate lawful accommodation currently will not normally be considered for the allocation of a pitch on either site. Those living in bricks and mortar housing, who have a preference for living in a caravan, can apply but may be placed in band D, depending on their personal circumstances, and will not normally be offered a pitch above those without any lawful accommodation.

2.3 Consideration will be given to accommodating persons who are currently in lawful accommodation in exceptional circumstances; these may include:

- An element of risk for the applicant in their existing accommodation.
- The applicant having an urgent and overriding medical/health need or a need for the applicant to reside on either site, in order to care for an existing site resident.

## **15. Local connection**

3.1 A local connection is defined as:

- Applicants working in the local authority area and have a full time contract.
- Applicants who are normally resident in the local authority area (six months out of 12 months OR three of the past five years).
- Applicants have family members who are resident in the local authority area (family members are defined as parents, children, brothers and sisters who have been resident in the local authority area for a period of five years or longer).
- Applicants who are existing permanent residents in the borough, who have lived in the area for more than 12 months and are in need of separate or alternative accommodation.

Proof of residence could be demonstrated by any one of the following:

- Electoral register
- Council Tax/Housing benefit letter
- Income Support/Child Benefit/Working Tax Credit award letter
- VAT or Income Tax documents
- School attendance documents.

Please note: Letters from GPs or hospitals confirming that an applicant is or has been under their care for a relevant period are not ordinarily sufficient proof in their own right because experience shows that patients often keep the same doctor when they change address.

3.2 If the applicants, or any person who might reasonably be expected to live with them, has no local connection with any area in the United Kingdom, then this will be considered as part of their application. The application will then be judged on their personal circumstances alone.

## **16. Equality**

4.1 The Council managed sites are specifically designed to meet the needs of the Gypsy and Traveller community. Therefore, to apply for a pitch, applicants must be a Gypsy or Traveller as defined in the Housing Act 2004 or any subsequent legal definition. The housing needs of others are addressed through the West Cheshire Homes allocation policy.

4.2 With the exception of the pre-condition set out in paragraph 4.1, the Council will not discriminate against anyone applying for a pitch on the grounds of:

- Ethnicity or national origin
- Sex
- Marital status
- Disability
- Age
- Religion or belief
- Sexual orientation.

## **17. Application process**

- 5.1 Applicants who wish to apply for a pitch need to contact the Gypsy and Traveller Team: Gypsy and Traveller Team, Civic Way, Ellesmere Port, CH65 0BE Phone: 0151 356 6537
- 5.2 Every applicant must make a formal application through completion of the application form, although enquiries are welcome either by telephone or in person. The Gypsy and Traveller team can offer support in completing the application form where necessary.
- 5.3 Applicants will be invited to meet with the Gypsy and Traveller Liaison Officer (GTLO) to verify the information disclosed on the application and to undertake an assessment of housing and support needs where necessary. This will enable the Council to consider any support mechanisms required prior to the tenancy starting.
- 5.4 Applicants must provide details of previous addresses for the past five years. The Council may contact an applicant's previous landlord(s). Applicants must provide the names and addresses of two referees, preferably from recent landlords. Applicants may be refused if they do not provide a referee or if the references received give serious grounds for concern.
- 5.5 Where an applicant has previously only lived with their parents/relatives, they will be required to provide the name of at least one, but preferably two, unrelated people, who would be willing to act as referees.
- 5.6 When the applicant applies for a pitch, they are required to sign a declaration to confirm that:
- The information provided is true and accurate.
  - They will inform the Council of any changes in circumstance.
  - They consent to the Council making enquiries of any relevant persons to confirm the information on the application form is correct.
  - The consent to the release of any relevant information.

## **18. Allocations**

- 6.1 Once an applicant's application has been accepted, they will be placed on the waiting list in one of the four priority bands. Our priority bands are: A, B, C and D. Band A reflects the highest priority. A full list of the bands and the circumstances for being in a band are detailed below.

- 6.2 This section details the banding scheme which determines the priority given to an applicant. Priority for vacancies will be given to applicants in the highest band. If there is more than one applicant in the highest band at the time of a vacancy, consideration will be given to the respective personal circumstances of the applicant and regard will be had to which application was accepted first.
- 6.3 If circumstances change which result in an applicant moving to a higher priority band, the band date applies from the date the application is given the higher priority, not the original date of the application.
- 6.4 If circumstances change which result in an applicant moving to a lower priority band, the date for the lower band will be treated as either; the date the application first went into the band, or the date the application first went to the higher band whichever is earlier.
- 6.5 An applicant will be placed in the highest band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.

### **Band A – urgent**

Priority will be given to an applicant who is currently or will soon be without alternative lawful accommodation, as follows:

- Those persons assessed as being homeless, in priority need and not intentionally homeless in accordance with the criteria contained in the Housing Act 1996 Part VII (as amended)
- Those living on sites situated within the borough of Cheshire West and Chester without the benefit of a permanent planning permission
- Those with a history of living on the accepted encampment in Ellesmere Port
- **And a local connection.**

### **Band B – high priority**

- Those with an urgent medical need which would be addressed through Council accommodation
- Those with an urgent social need (for example Fleeing violence/harassment)
- Young care leavers
- **And a local connection.**

### **Band C – medium priority**

- Those who are homeless without priority
- Those who have a high medical or social need
- Those who lack facilities in their current provision
- **And a local connection.**

## **Band D – low priority**

Applicants with no local connection to Cheshire West and Chester borough and those with no housing need will automatically be placed in this band.

### **19. Exclusions**

7.1 The Council wishes to ensure that its sites are well managed and that the communities within sites can have peaceful enjoyment of their homes. To ensure this, the Council will not allocate pitches to the following persons, unless there are exceptional circumstances:

- Applicants who own property within the locality that they can be reasonably expected to occupy.
- Applicants who have carried out malicious damage to property and/or unpaid rechargeable repairs.
- Applicants who have been violent to or threatened staff or agents of the Council, previous landlords or the police.
- Applicants owing money to the Council, previous landlords, or with a poor payment record on previous sites, or with unsettled accounts with other local authorities relating to both site and non-site related issues.
- Applicant (or persons within the household) with a history of anti-social/unacceptable behaviour that would have led (or previously led) the Council to obtain a possession order against them if they had been a Council tenant (this includes households who have not held a Council tenancy, but whose behaviour was such that they had been a Council tenant, the Council would have obtained a possession order against them).
- Perpetrators of anti-social/criminal/unacceptable behaviour.

7.2 Anti-social/criminal/unacceptable behaviour, for the purpose of this policy include but are not restricted to:

- Convictions for violent/serious offence
- Convictions for drug use/drug dealing
- Anti-social/threatening behaviour towards neighbours and the local community
- Moving onto sites without advance permission
- Breach of tenancy agreement.

7.3 Exclusions from the waiting list will be for an initial period of one year from application, unless there are very special circumstances. Applicants can then re-apply if they can satisfy the Council that their circumstances have changed (for example debts have been cleared; track record of behaviour has demonstrably improved).

7.4 Any applicant facing exclusion will receive a letter from the Council setting out the reasons for exclusion and offering the right to appeal. Additionally, the applicant will be contacted to have the reasons explained fully by the Gypsy/Traveller Liaison Officer.



7.5 Decisions about managing risk will involve information sharing between partner agencies, including: the police, community safety teams, probation services, social services, health professionals and other relevant bodies.

7.6 Applicants have the right to appeal against this decision within 21 days of being notified.

## **20. Appeals**

8.1 Applicants have the right to request a review of decisions made in the allocations process.

This includes decisions on:

- Eligibility
- Banding
- Medical or welfare priority
- Suitability of offers
- Operation of the policy.

Applicants who want to request a review of a decision must do so within 21 days of the decision being made. The decision letter will inform the applicant of how to request a review. Applicants will need to set out in writing why they think the decision is wrong, providing any additional supporting information. Applicants who find this difficult can ask for support to do this.

The review of the decision will be made by a different officer to the one who made the original decision; they will have had no involvement with the original decision and will be senior to the person who made the original decision. The reviewing officer will consider all the evidence and decide whether to overturn or support the original decision. The applicant will be informed of the outcome of the review in writing, within 21 days of receipt of the request for a review. The letter will include the reasons for the decision and the facts taken into account.

### **8.2 Right to a further review**

Applicants, who are unhappy with the outcome of a review, can request a further review. This must be done within 21 days of receiving the letter setting out the outcome from the first review. Applicants should consider whether they feel the first reviewing officer did not take all the facts into account, or if there is new information which was not made available at first review.

Reviews will be undertaken by a different and more senior officer at the Council. They may offer a face-to-face meeting to discuss the issues and why the customer is unhappy. They will notify the applicant of the outcome of the further review as soon as possible and no later than 56 days from receipt of the letter requesting a further review.

If the applicant is still unhappy with the decision, they can seek advice from a Citizens' Advice Bureau, solicitor, law centre, housing or other advice centre.

They should do this as soon as possible, as they may lose any further rights if there is a delay.

## **21. Data Protection Act 1998**

The Data Protection Act 1998 sets out rules for processing personal information and applies to paper and electronic records. The partnership will always operate within the Data Protection Act.

## **22. Freedom of Information Act 2000**

The Freedom of Information Act 2000 promotes openness and accountability within public bodies. The Council is required to comply with the Freedom of Information Act.



