

# **Eastleigh Borough Council**

## **Homechoice Allocation Policies**

This scheme of allocations relates to the exercising of the Council's functions under Part 6 of the Housing Act 1996

The Council is required by law to publish its allocation scheme that describes how it determines priorities between applicants and the procedures it follows when nominating to social housing in the borough.

17<sup>th</sup> December 2020

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## Introduction

- 1.1 Eastleigh Borough Council is required to establish an allocation scheme for determining priorities between people who apply for housing and setting out the procedure to be followed in allocating housing accommodation.
- 1.2 An allocation is defined as occurring when a local housing authority selects a person to be its own secure or introductory tenant, nominates a person to be a secure or introductory tenant elsewhere, or nominates a person to be an assured tenant of another social landlord. The selection or nomination of a person for the initial grant of a 'flexible' or 'affordable' tenancy of social housing will also be an 'allocation' because those are simply variants of secure or assured tenancies.
- 1.3 The Scheme of Allocation details all aspects of the allocation process, including the responsibility for decisions, policy on offering choice to applicants, how applications will be assessed, processed and how decisions will be made with regard to the allocation of social housing in the borough of Eastleigh.
- 1.4 The Council operates a choice based lettings scheme in partnership with Havant and Test Valley Boroughs, Winchester City and East Hampshire District Councils (together forming a 'Sub-Regional Area' for the purposes of housing allocation), and consists of a Common Allocation Framework (known as the Hampshire Home Choice Allocation Framework) agreed between these authorities, with individual schemes of allocation prepared by each participating authority in accordance with that Framework.
- 1.5 The Council's scheme of allocation and Hampshire Home Choice (HHC) Sub-Regional Allocation Framework ensures applicants are given 'reasonable preference' in accordance with legislation. This includes the following customers:
  - a) people who are homeless or threatened with within the meaning of Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002) or are owed the prevention or relief duty under the Homelessness Reduction Act 2017
  - b) applicants who are owed a full duty under Part 7 of Housing Act 1996 (as amended by the Homelessness Act 2002) or Homelessness Reduction Act 2017.
  - c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
  - d) People who need to move on medical or welfare grounds;
  - e) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

- 1.6 Additional preference will be awarded to applicants who are in a reasonable preference group if their housing needs are serious and urgent.
- 1.7 The Council's scheme may contain provisions for determining priorities between people in reasonable preference groups. Applicants entitled to reasonable preference will be further assessed against the following:
- a) The financial resources available to an applicant to meet his/her housing costs
  - b) The behaviour of an applicant (or a member of his household) which affects their suitability to be a tenant
  - c) The local connection of the applicant to the HHC local authority districts.
- 1.8 An allocation under the Council's scheme of allocation is where:
- (a) A person is nominated to be an assured tenant (including fixed-term, flexible, or Affordable Rent tenure) of a registered provider of social housing in the borough.
  - (b) There is a transfer of housing accommodation where a Registered Provider/Housing Association tenant is in a reasonable preference group and where the transfer has been made on the basis of the need expressed in a person's housing application.
- 1.9 The letting of accommodation to applicants not in a reasonable preference group or of temporary housing for homeless applicants will normally be made outside of this scheme.
- 1.10 Tenancies let through this scheme will include flexible and shorthold tenancies and tenancies let on social and Affordable Rents.
- 1.11 Partner Registered providers of social housing in the scheme have a duty under Housing Act 1996 to cooperate with housing authorities to such extent as is reasonable in the circumstances in offering accommodation to applicants with priority under this scheme.
- 1.12 The Council when drawing up its scheme of allocation has had regard to the following:
- The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002, the Localism Act 2011 and other relevant legislation.
  - Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code".
  - Providing social housing for local people: Statutory Guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".

- Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation: Statutory guidance on social housing allocations for local authorities in England (MHCLG, November 2019) “Supplementary Code”.
- Improving access to social housing for members of the Armed Forces (MHCLG, 27 June 2020) “Supplementary Code”.
- Homelessness Reduction Act 2017.
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483.
- Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- Housing Act 1996 (Additional Preference for Armed forces) (England) Regulations 2012, SI 2012/2989.
- Allocation for Housing (Qualification Criteria for Right to Move) (England) Regulations 2015, SI 2015/967.
- Homelessness & Rough Sleeping Strategy.
- Tenancy Strategy.
- The Equality Act 2010
- Existing Case Law

## **2 Principles and Objectives**

### **2.1 Strategic Priorities**

#### Corporate Plan

Providing access to a decent home is one of the Council's Corporate Plan priorities.

The key principles and objectives of the scheme which determines how allocations will be made are:

- To meet our homeless prevention and statutory homelessness duties
- To give 'reasonable preference' to those in greatest housing need (see para 1.5)
- To meet the needs of vulnerable people with support
- To provide applicants with as much choice as possible
- To help to create and maintain sustainable local communities
- To make the best use of available housing resources
- To allocate scarce local housing resources in as fair a way as possible

### **2.2 Hampshire Home choice Sub-Regional Allocation Framework**

HHC administers a single housing register for people in housing need across the HHC sub region. The HHC Housing Register is used by the five partner local authorities to nominate and allocate social housing across the sub region. This information is shared with the partner RPs (which includes local authority landlords).

Applicants registered on Hampshire Home Choice from East Hants, Havant, Test Valley and Winchester are eligible to bid for a quota of properties identified across these four Council areas, as well as homes in the Local Authority in which the applicant has a local connection. These properties will be clearly labelled in the property adverts and it will be very clear for which properties the applicant can and cannot bid.

Cross boundary moves will be regularly monitored to ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas. Eastleigh Borough Council does not participate in the cross boundary moves element of the scheme.

## **Registered Providers' Tenants**

Ensuring that sufficient priority is given to existing Registered Providers (Registered Social Landlords) tenants in order to make best use of existing social housing stock.

### **2.3 Exceptional and critically urgent cases**

Ensuring there is provision for households living in exceptional and critical circumstances to be given highest level of priority under the allocation scheme

### **2.4 Local lettings policies**

Local lettings policies will be used to ensure where possible, that there is a mixed and balanced community. Local letting policies for some existing properties and initial lettings on new build schemes may specify different priorities for allocating properties. Properties subject to such a policy will be clearly labelled in the property advert.

Local lettings policies may be applied in addition to any local planning restrictions (contained in agreements made under Section 106 of the Town and County Planning Act 1990) which may be in place but will not override them. These local lettings policies will be agreed by the respective Registered Provider and local authority Housing & Homelessness Specialist.

### **2.5 Sensitive Lettings**

There may be occasions when a Registered Provider requests that a vacant property is advertised as a sensitive letting; for example, where a previous tenant has caused anti-social behaviour and it is important to get the right mix of tenants in the area, having regard to the needs of existing vulnerable or elderly tenants. The landlord and the local authority may agree that the applicant in prime position for nomination is not suitable to be offered the property and instead agree to offer the property to a more suitable applicant.

Priority may be given to working applicants taking into account all relevant factors in relation to the applicant's housing need, suitability of the property for that applicant and the needs of the community. In these cases the advert will clearly state the property is subject to the Sensitive Lettings policy.

## **3 Housing Register**

3.1 The Council maintains the Housing Register and is the main point of contact for all applicants wishing to apply for social housing within the Borough of Eastleigh.

3.2 The Council maintains the register on behalf of Registered Providers who operate within Eastleigh. All nominations to vacancies provided by the Registered Providers are made by Eastleigh Borough Council in accordance with the Council's Scheme of Allocations and the Hampshire Home Choice Sub-Regional Framework.

- 3.3 Registered Providers will allocate their accommodation in accordance with the Council's scheme of allocations and Hampshire Home Choice Sub-Regional Framework, with the exception of:
- Any applicant who may be excluded for an allocation by virtue of the Providers' Allocation policy
  - Any applicant who may be excluded for an allocation as a result of the Providers' charitable status.
- 3.4 No applicant will be excluded for an allocation by a Registered Provider without full written notification by the relevant Registered Provider to the applicant and the Council.
- 3.5 All applicants will have the right of a review by/to the Registered Provider of any aspect of an adverse decision. Details of the Registered Provider's review policy will be included with any notification of an adverse decision.
- 3.6 Registered Providers in the Hampshire Home Choice Scheme request 100% nominations to their vacancies within Eastleigh be provided by the Council. Nominations to such vacancies will therefore be made in accordance with this Scheme of Allocations.
- 3.7 Some Registered Providers may reject nominations for reasons set out within their independent allocation policies. In such circumstances, the Council will require the Registered Providers to provide written confirmation of the reasons for their rejection to both the Council and the applicant within 3 working days. Applicants will be able to request the Registered Provider review its decision according to its own independent appeals procedure.

#### **4 Eligibility for the Housing Register**

- 4.1 Certain people from abroad, including some subject to immigration control, are not eligible for an allocation of social housing. These are known as restricted persons. These regulations are set by Government and updated regularly.
- 4.2 Allocations and nominations under the scheme of allocations can only be made to eligible persons. The Council cannot allocate housing accommodation under the scheme to:
- (1) A person from abroad who is subject to immigration control unless he/she is of a class prescribed by regulations made by the Secretary of State, or currently a tenant of the Council or a registered provider. No person excluded from entitlement to housing benefit shall be included in any class prescribed by the secretary of State.
  - (2) Two or more persons jointly if any of them falls under 4.2 (1) above
  - (3) Other classes of persons from abroad specified by the Secretary of State.



#### 4.3 Habitual Residence Test

Most persons from abroad who are not subject to immigration control (including British Citizens) must also be habitually resident in the Common Travel and/or have the right to reside in the Common Travel Area in order to be eligible to join the Housing Register.

The Common Travel Area consists of the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

The Habitual Residence Test is used to ensure new allocations of social housing is to the applicants who are ordinarily resident in the UK, i.e. those habitually resident in the UK, and to EEA nationals exercising Treaty Rights. In applying this test, some British citizens, nationals of EEA member states, and others exempt from immigration control may nevertheless be denied an allocation on the grounds that they are 'not eligible'. The Test can be reapplied at a later date and a different outcome may arise.

4.4 Subject to 1.5 (reasonable preference criteria) and any other relevant regulations made by the Secretary of State, the Council may decide what classes of people are to be treated as qualifying persons; able to join the Council's Housing Register and to be considered for housing accommodation.

4.5 Applicants deemed not to be a qualifying person by the Council will not be able to be considered for housing and must be notified in writing.

4.6 Any applicant regarded by the Council as ineligible to join the housing register may request a review of this decision. (see Section 28:Right to Request A Review).

### **5 Applicants who qualify for inclusion on the Housing Register**

5.1 The Council will consider all applications to join the Housing Register in accordance with its Scheme of Allocations. Applicants will be accepted onto the Housing Register for housing provided they:

(1) Are aged 16 years of age or over and

(2) Are eligible to be considered for housing accommodation and

(3) Are a qualifying person and

(4) Have a local connection with the Eastleigh Borough Council area.

5.2 *Applicants under the age of 18 years of age,*

Applicants aged 16 or 17 years of age will be accepted onto the Housing Register, providing they are not otherwise ineligible. When allocating a tenancy to an applicant under the age of 18, then:

- a) A trustee must be appointed. A person under the age of 18 cannot be the legal owner of an interest in land, including a tenancy. The trustee would be the legal owner of the land and hold it in trust until the young person reached 18 years of age. Any such case will need to be jointly assessed by the Housing Service and Children's/Adult Services before an offer of accommodation is made, and
- b) A suitable guarantor for the tenancy would need to be identified until the applicant reaches 18 years of age.

### 5.3 Qualification Criteria

An applicant will normally be a qualifying person and therefore qualify to join the Housing Register and for an allocation under the Council's scheme of allocations, if they are:

1. In Housing Need, (See Section 14 – Housing Need Assessment) and
2. Have a single or joint household income of less than £45,000 per annum and/or assets and savings of less than £16,000, and
3. Have a local connection to the borough of Eastleigh by meeting one of the following criteria:

#### **a. Residency Qualification**

- Have been resident in the Borough of Eastleigh for 12 continuous months at the time of application.
- have lived in the Borough of Eastleigh for 3 out of previous 5 years
- Have close family (mother, father, brother or sister, adult children, grandparents) who have been resident for 5 continuous years and continue to be resident in the Borough of Eastleigh.

#### **b. Employment**

An applicant may be a qualifying person if he/she or his/her partner is in employment which meets all of the following criteria:

- The office or business establishment at which a person is based or from where their work is managed is within the Borough of Eastleigh and
- Is in paid employment and
- Works a minimum of 16 hours per week and
- Has been employed for a minimum of 12 months and is currently in employment and
- Has a permanent or fixed term contract or is self-employed.

If an applicant or their partner is self-employed further information may be required including but not limited to evidence that they are registered with HMRC for tax and National Insurance payments, tax returns, payslips, accounts, etc.

## 6 Applicants who are not qualifying persons and do not qualify for inclusion on the Housing Register

6.1 Applicants will not normally be qualifying persons if they:

- 1) Do not have a local connection to the Borough of Eastleigh **unless**, at the time of their application they are:
  - Owed a re-housing duty by the council under the homelessness legislation or
  - A person who is serving in the regular forces or
  - A person who has served in the regular forces within five years of the date of their application for an allocation of social housing under Part VI of the Housing Act 1996 or
  - Those who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
    - The spouse or civil partner has served in the regular forces: and
    - Their death was attributable (wholly or partly) to that service: or
    - Is serving or has served in the reserve forces and who is suffering from a serious illness or disability which is attributable (wholly or partly) to that service.

For the purposes of this policy the definition of 'regular' and 'reserve' forces will reflect the definition set out in s374 of the Armed Forces Act 2006.

- In a class of people prescribed by regulation who cannot be deemed a non-qualifying person due to a lack of connection to one of the local authority areas. (for example MAPPA, MARAC, Witness Protection.) or
- A 'looked after child' as defined by Children's Services in another region.
- A care leaver aged under 21 who normally lives in a different area to that of a local authority that owes them leaving care duties and has done for at least 2 years including some time before they turn 16 or
- A care leaver aged under 21 owed a duty under Section 23C of Children Act 1989 by Hampshire County Council will have a local connection with every district that falls within the area of HCC or

- A person who needs to move to a particular locality within the HHC area, where failure to meet that need would cause themselves or others hardship or
  - Social housing tenants who have reasonable preference because of a need to move to the local authorities' district to avoid hardship; and need to move because the tenant works or has been offered work in the district of the authority and has a genuine intention to take up the offer.
- 2) Are an applicant who has the means to resolve their own housing difficulties.
  - 3) Are an owner-occupier with the exception of those with a housing and assessed care need, who cannot resolve their own housing situation and have a need for extra-care or sheltered accommodation.
  - 4) Are not in housing need, unless they are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for such a property. This will normally be sheltered and/or older persons accommodation, not bungalows.
  - 5) Each application will be considered on its merits. Applicants who do not qualify or are not eligible to join the Housing Register will be advised in writing of the decision and their right of review of the decision that they do not qualify or are ineligible for the Register. (see Section 28)

## **7 Suspension Policy**

7.1 The Council operates a suspension policy. Applications will be suspended in the following circumstances:

- 1) Where an applicant has deliberately worsened their circumstances
- 2) Unacceptable behaviour
- 3) Former rent arrears and debt
- 4) Refusal of suitable accommodation

### **7.2 Deliberately Worsened their Circumstances**

Applicants who seek to gain an advantage on the Housing Register by deliberately worsening their circumstances, for example, moving to severely overcrowded housing or sub-standard accommodation will have their housing application suspended for 6 months. For applicants whose application has been suspended for deliberately worsening their circumstances, their priority date will be the date their application is made live following suspension for 6 months.

### 7.3 Unacceptable Behaviour

Qualifying persons who are unsuitable to be a tenant because of behavioural issues, including anti-social behaviour or poor tenancy or household management will have their application suspended for six months. Applications will be assessed on their own merits.

Applicants and/or their household will need to demonstrate that there has been a significant change in their behaviour and that this has been sustained for a minimum period of 6 months before they may qualify for housing. In some cases an applicant may qualify, subject to them agreeing to accept tenancy support or signing an acceptable behaviour contract.

### 7.4 Behavioural issues may include the following:

- (i) Verbal and abusive physical behaviour and/or
- (ii) Arson and/or
- (iii) Assault and/or
- (iv) criminal behaviour and/or
- (v) criminal damage and/or
- (vi) damage to property and/or
- (vii) domestic violence and/or
- (viii) drug and alcohol misuse/abuse and/or
- (ix) harassment and/or
- (x) homophobic behaviour.

Applications will be assessed on their own merit taking into account current and recent conduct along with relevant supporting information provided by partner organisations, support workers and the Police. For applicants whose application has been suspended for unacceptable behaviour their priority date will remain what it was before their application was suspended.

### 7.5 Former Rent Arrears and Debt

Where an applicant and/or their partner owe money to the Council or Registered Provider in the HHC partnership and there is no payment arrangement in place or there is a payment arrangement in place which has not been adhered to for a period of 6 months and continues not to be paid their application may be suspended. For applicants whose application has been suspended for former debt/rent arrears and debt, their priority date will remain as it was before their application was suspended.

Examples of money owed:

- i. Current rent arrears and/or
- ii. Former tenant rent arrears and/or
- iii. Repair costs/Rechargeable works orders and/or
- iv. Claim against deposit scheme for damage or rent arrears and/or

- v. Rent in advance/Tenancy Start Up or housing related loans owing and/or
- vi. Outstanding debt with a private landlord may be considered

It is the responsibility of the applicant to provide evidence confirming that there is a payment arrangement in place and that payments have been adhered to for a minimum period of at least 6 months and continue to be paid or evidence of where serious hardship would result if accommodation is not offered.

#### 7.6 Refusal of Suitable Accommodation

An applicant, who successfully bids, is nominated and offered suitable accommodation but subsequently refuses an offer on two occasions within a six month period will not be able to bid for further properties for six months from the date of refusal of the second property.

### **8 Registration on the Housing Register**

- 8.1 Housing applicants will only be registered onto the Housing Register following receipt by the Council of the duly completed housing application form and requisite verification documentation.
- 8.2 An applicant's registration date will be the date on which the Council receives their application. This date is known as the registration date.
- 8.3 All applications for housing are assessed and placed in one of four bands depending on the applicant's housing need. Priority is awarded within each band by date the application was placed in the band. This date is known as the priority date.

The Council will endeavour to register all applications and notify the applicant of their position on the register within 10 working days of receipt of all relevant information, informing them of the date their application was registered, their banding and their assessed bedroom need.

### **9 Statement of Choice**

The Council and its partner landlords are fully committed to enabling applicants to play an active role in choosing where, and in what property type and tenure they wish to live, while continuing to house those applicants in the greatest housing need and complying with all relevant legislation.

- 9.1 Applicants can apply (subject to eligibility) for vacancies which are advertised each week. In making this choice applicants need to consider their housing need priority against the availability of properties in any given area.
- 9.2 The Housing Register offers eligible applicants an opportunity to express preferences in relation to accommodation in the following ways:
  - Applicants can make a positive choice about the area in which they wish to live.

- Applicants can state their preferences for type of heating, a garden and other amenities.
- We will provide applicants with clear information about the supply of and demand for vacancies through our weekly Newsletter. This will help inform them about the implications of their choice and decisions in terms of waiting time and the availability of properties.
- We may use local lettings initiatives to enhance choice and enable applicants to make a positive decision about where they live.
- We will seek to ensure that local people have the opportunity to live within their home villages.

We will offer choice of tenure, for example social and Affordable Rent properties, low cost homeownership, Homebuy.

## **10. Managing Choice**

- 10.1 Applicants awarded a 'Management Transfer' priority will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to their original Band
- 10.2 Applicants owed the prevention or relief duty under Homelessness Reduction Act 2017 or owed a full duty under Part 7 of Housing Act 1996 (as amended by the Homelessness Act 2002) and placed in homeless temporary accommodation stock to end or satisfy these duties will be expected to bid for suitable properties. If the applicant does not bid for suitable properties, then the local authority will bid on their behalf and make a suitable offer of a vacant property within their district.

## **11. Offers of Accommodation**

- 11.1 All offers of accommodation made by Registered Providers in the Borough of Eastleigh will be made in writing, direct to applicants from the Registered Provider themselves. If applicants do not respond to the offer within 2 working days it will be assumed they have refused the offer.

## **12. Renewing applications/remaining on the Housing Register**

- 12.1 Applicants will be required to renew their housing application on an annual basis on the anniversary of their relevant application date – known as the "renewal" date.
- 12.2 If applicants fail to voluntarily renew their application they will be sent a written reminder to do so within 21 days of the renewal date. Any applicant who does not renew their application within 28 days of receiving their reminder letter to do so

will be assumed to no longer require housing and their application will be cancelled accordingly.

- 12.3 If an applicant makes contact within 6 months of their original application being cancelled this application will be reinstated.
- 12.4 If contact is not made within 6 months and satisfactory evidence is provided of an incapacity causing the failure to renew, the application can be reinstated from the date of the original application.
- 12.5 Eligibility and qualification for the list may be reconsidered when an application is being reviewed.
- 12.6 Applicants must keep the Council informed of any changes to their circumstances, as and when these arise, by submitting written details to the Housing Case Management Team. Applicants may be required to complete a new application form and provide any necessary supporting documentation.

### **13. Vulnerable Applicants/Support Needs**

- 13.1 The Council is committed to ensure that all residents in the Borough have every opportunity to sustain their homes.
- 13.2 The Council will provide the following details to a Registered Provider when responding to a request for a nomination from the Housing Register:
  - any tenancy support provided to an applicant;
  - any known involvement by any support agency with an applicant, and
  - any concern that the applicant may need tenancy support even if tenancy support has not been given and there is no involvement of any support agency.



## 14. Housing Need Assessment

### 14.1 Household Size and Accommodation Eligibility

The number of bedrooms an applicant can be considered for is determined by looking at the size and structure of the household. The table below details the normal bedroom requirements for typical households:

<b>Household Size</b>	<b>Size of accommodation</b>
Single Person	Bedsit/studio flat/one bedroom property
Couple	One bedroom property
Household with one child	Two bedroom property
Household with two children of same sex *	Two bedroom property
Household with two children of opposite sex; where both children are under 10 years of age	Two bedroom property
Household with two children of same sex, where one sibling is over 16 years of age.	Three bedroom property
Household with two children of opposite sex, where one is 10 years or over. **	Three bedroom property
Household with three children	Three bedroom property
Household with four or more children	Three/four bedroom property
Household with five or more children	Four/five bedroom property.

\*Two siblings of the same sex under 16 years of age will be expected to share one bedroom of appropriate size.

\*\*Two siblings of opposite sex, where one is 10 years or over are entitled to separate bedrooms.

14.2 Where an applicant states a separate bedroom is required for a carer/s providing overnight care, the Council will assess whether the carer is part of the household.

14.3 In exceptional circumstances, the Council will consider allocating properties of alternative sizes to applicants. Such decisions will be made by the Council's Housing & Homelessness Specialist in consultation with the Hampshire Home Choice Manager.

#### 14.4 Additional Priority

14.5 Additional priority may be given in the following circumstances:

(a) Fostering

Additional priority may be given to foster carers where their current accommodation is not suitable to accommodate a foster child placement. An example is where an applicant may require a larger property to accommodate one or more foster children. In these cases the local authority will work closely with Children's Services to meet the needs of an approved foster carer.

(b) Health and Welfare Assessment

An applicant, who has a need to move to a particular locality in the district where significant hardship would be caused to them or others, if they did not move, maybe awarded additional priority.

(c) Armed Forces with Urgent Housing Needs

Additional priority may be given to members of the Armed and Reserved Forces, widows/widowers of Armed/Reserve Forces personnel killed whilst in service and who have an urgent housing need. For example those who need to move urgently because of a life-threatening illness or sudden disability.

(d) Emergency Management Transfers

Existing RP tenants in need of an emergency management transfer will be awarded Additional priority and placed into Band 1. (see18.3)

#### 15. **Applicants in the following circumstances have a need for accommodation under the Housing Register**

##### 15.1 Overcrowded Circumstances

Households will be regarded as overcrowded when they are assessed as needing at least one more bedroom than their current accommodation provides.

For the purpose of defining overcrowding the following factors apply:

- a) A single person aged 16 or over requires one bedroom.
- b) A couple require one bedroom.
- c) Two children of a different sex, where one is aged 10 or over, require 2 bedrooms.
- d) Children of same sex share a bedroom until 16 years of age.
- e) One room will be classified as a living room; all other rooms (except bathrooms and kitchens) will be classified as bedrooms provided they are suitable as sleeping accommodation.

Rooms measuring less than 4.6 square metres (50 square feet) will not be counted as a bedroom.

## 15.2 Homeless Households

- a) Applicants who are owed a prevention or relief duty or a full duty to be housed under the homelessness legislation and who are placed in accommodation that is not suitable for their long-term needs, or
- b) Where the lease for their private sector leased property is ending through no fault of their own, or
- c) Where the Council needs to release temporary accommodation in order to meet local homeless priorities and pressures.
- d) Households occupying homeless temporary accommodation stock or Private Sector Leasing Scheme (PSL) properties after 2 years will be moved into Band 2.

## 15.3 Severe Disrepair

Where an applicant's home is assessed as being in serious disrepair and is considered unsafe by the Council, but cannot be remedied by the applicant or landlord within a reasonable timescale and housing conditions can be resolved through re-housing.

Assessments will be carried out by Environmental Health Officers having regard to Category 1 hazards under the Housing Health Safety Rating System (HHSRS).

## 15.4 Existing Social Housing Tenants

Existing Social Housing tenants living in the Borough of Eastleigh who:

- Will release a property required by the Councils to meet housing need. (e.g - tenants in properties previously adapted who no longer require the adaptations)
- Are under-occupying their property by one bedroom or more and who wish to move to smaller accommodation
- Are under-occupying their property by one bedroom or more (including starter tenancies) and are suffering or may suffer financial hardship because of reduced welfare payments due to under-occupation. Additional priority may be awarded to applicants in these circumstances.
- Are applicants who have succeeded to a tenancy and who are required to move to smaller accommodation.
- Are living in a two bedroom flat and who have two children will be considered for more appropriate family accommodation, e.g a house or maisonette.
- Are living in a bedsit/studio flat for a period of 2 years or over.

### 15.5 Households living in Temporary/ insecure Housing

The following applicants are considered to be living in temporary or insecure housing if:

- (1) They have been accepted as statutorily homeless by the Council and been placed into temporary housing.
- (2) Accepted a qualifying offer of private rented accommodation, which brings the Council's homelessness duty to an end.
- (3) They have an Assured Shorthold Tenancy in the private rented sector and do not have the means to resolve their own housing situation.
- (4) Are considered to be of 'no fixed abode'.
- (5) They occupy Armed Forces accommodation and are close to the end of their service. Applicants with an 'urgent housing need' may be awarded additional priority.

Fixed-term secure tenancies will not be considered to be temporary/insecure housing.

### 15.6 Health and Welfare Assessment

An applicant or household member who has a significant health or welfare problem caused or substantially worsened by their existing accommodation and where it could be alleviated or resolved by rehousing, maybe awarded priority on health and/or welfare grounds.

<b>Priority level</b>	<b>Definition</b>	<b>Priority Band</b>
<b>Urgent</b>	There is a critical need to move. The current housing situation is seriously detrimental to health and interferes with quality of life to an intolerable degree.	<b>Band 1</b>
<b>High</b>	There is a high medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a high degree.	<b>Band 2</b>
<b>Medium</b>	There is a moderate medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a moderate degree.	<b>Band 3</b>
<b>Low</b>	There is a slight medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a low degree.	<b>Band 4</b>
<b>None</b>	There is no medical need to move or a move would offer no improvement. The current housing situation is not detrimental to health and does not interfere with the quality of life.	<b>No Priority</b>

When awarding priority on health and/or welfare grounds, the award of urgent priority on these grounds need to be considered alongside the needs of other applicants who are waiting for rehousing.

15.7 Lacking Essential Facilities

Where an applicant is lacking the following essential facilities:

- Cooking Facilities
- Bath or Shower
- Internal WC
- Cold/Hot Water Supplies
- Electricity/Gas Supply
- Adequate Heating

15.8 Sharing Facilities

Where an applicant is sharing the following essential facilities with another person who is not part of their application:

- Kitchen
- Bathroom/Shower
- Internal WC
- Living Room

15.9 Vulnerable Applicants in Supported Housing

Eastleigh Borough Council follow pathways for referrals into supported housing provisions. Prioritising and agreeing move on from supported housing schemes to facilitate moves into independent accommodation with floating support will be considered by the Housing & Homelessness Specialist and agreed with the Health & Wellbeing Executive Head

15.10 ADHAC

An applicant who the Agricultural Dwelling Housing Advisory Committee (ADHAC) recommends for re-housing unless they have the means to resolve their own housing situation. Additional preference may be given if recommended by the Committee.

15.11 Living in Tied or Armed Forces accommodation

Applicants living in Tied or Armed Forces accommodation.

15.12 Applicants wishing to be considered for difficult to let properties.

Are not in housing need, unless they are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for difficult to let. This will normally be sheltered and/or older person accommodation and NOT bungalows.

15.13 Currently serving prison sentences

Applicants who are serving prison sentences and who on release will have a housing need or be homeless and have a local connection to one of the HHC local authorities. The applicants will be reassessed on release.

## 16. The Banding Scheme

Applicants, who are eligible and qualify to be accepted on to the Housing Register, will have their housing need assessed and be placed into one of four bands:

- Band 1: Urgent Priority
- Band 2: High Priority
- Band 3: Medium Priority
- Band 4: Low Priority

## 17. BAND 1: URGENT PRIORITY

Applicants who fall into this category will be households who need to move because of:

- a) Emergency Cases – Usually on health medical or welfare grounds; or
- b) Emergency Management Transfers
- c) Special Cases agreed by the Housing & Homelessness Specialist and the Health & Wellbeing Lead Specialist.

### 17.1 Emergency Cases

Very few cases are likely to be eligible for this category, it will apply to:

- Applicants assessed as having a life-threatening health condition that is directly linked to unsuitable housing conditions and where the applicant has been awarded an urgent medical or welfare assessment.
- Applicants requiring urgent hospital discharge where their current accommodation is totally unsuitable for their needs.
- Applicants required to move for witness protection reasons, Multi-Agency Risk Assessment Conference (MARAC) cases, Multi-Agency Public Protection Arrangements (MAPPA) cases and Child Protection issues.

### 17.2 Emergency Management Transfers

Where an existing tenant of an RP provider in the partnership needs to be moved immediately because of serious violence or harassment, where this has been substantiated and management action against the perpetrator cannot resolve the situation.

17.3 Other cases recognised as emergencies and at the discretion of the local authority.

17.4 Urgent priority banding will be time limited for 3 months. Applicants will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period.

If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to their original Band.

17.5 Decisions regarding Emergency Management Transfers will be made by the Council's Housing & Homelessness Specialist and Registered Provider concerned.

**18. BAND 2 – HIGH PRIORITY**

Applicants who fall into this category will be households who need to move because of:

- Statutory Homeless Duties
- Overcrowding by Two Bedrooms
- Serious Disrepair
- High Medical Priority or Welfare Grounds
- Vulnerable applicants in Supported Housing ready for Move On agreed as per 15.9
- Existing Social Housing Tenants Under-occupying their Current Accommodation
- Management Transfers - Where an existing tenant of an RP provider in the partnership needs to be moved urgently, but does not need to move into the next suitable available property as their situation does not require immediate re-housing.

High priority banding will be time limited for 3 months. Applicants will be expected to bid for the next suitable vacancy. This can be extended where no suitable property has arisen during the time period. If a suitable property arises and the applicant is successful in bidding but refuses the offer of accommodation, then their priority will be reduced to original Band.

**18.1 Statutory Homeless Duties**

- (a) Applicants who have been accepted by one of the Councils with a full duty to house under the homelessness legislation and who are placed in accommodation that is not suitable for their long-term needs or
- (b) Where the lease for their Private Sector Leased (PSL) property is ending through no fault of their own, or
- (c) Where the Council needs to release temporary accommodation in order to meet local homelessness priorities and pressures or
- (d) Households occupying homeless temporary accommodation stock or Private Sector Leasing Scheme (PSL) properties for 2 years.

18.2 Applicants assessed as having a Band 2 priority can be moved to Band 1 if there are both urgent and exceptional circumstances.

## **19. BAND 3 – MEDIUM PRIORITY**

Applicants who fall into this category will be households who need to move because of:

- a) Overcrowding by one bedroom
- b) Temporary/insecure housing (including those occupying Armed Forces accommodation who are close to the end of their service).
- c) Lacking/sharing facilities
- d) Medium Medical Priority or Welfare Grounds
- e) Social housing tenants living in two bedroom flats that have two children
- f) Social housing tenants living in a bedsit/studio for 2 years or over
- g) Social housing tenants accepted in accordance with the Right to Move Regulations.
- h) Owed a Prevention or Relief duty under the Homelessness Reduction Act 2017.

## **20. BAND 4 – LOW PRIORITY**

Applicants who fall into this category will be households who need to move because of:

- a) A low Medical Priority or Welfare Grounds
- b) Living in tied or Armed Forces accommodation
- c) Wish to be considered for difficult to let properties. This will normally be sheltered and/or extra care accommodation.
- d) Applicants who are serving prison sentences and who on release will have a housing need or be homeless and have a local connection to the Eastleigh Borough.

## **21. Determining Priorities under the Scheme of Allocations**

Priority is awarded within each band by the date the application was placed in that band. This date is known as the priority date.

- 21.1 If an applicant is moved up a band the application will be given a date when the increased priority is awarded. This becomes the new priority date. An exception to this is when armed forces members are given notice to leave their tied or forces accommodation and are moved up from Band 4 to Band 3. In this case they will be allowed to retain their original priority date.
- 21.2 Applicants who are assessed as not in housing need, but are of a household type which could be considered for housing which is normally difficult to let and they wish to be considered for difficult to let properties, will be placed in Band 4.
- 21.3 If an applicant has a serious housing problem that requires urgent consideration for rehousing, their application will be reviewed by the Council's Housing &



Homelessness Specialist and discussed with the HHC Manager and awarded higher priority, if appropriate.

## **22. Determining Between Applications**

When determining an allocation or nomination for a vacancy, the Council will normally consider allocating according to the following rank orders:

- Suitable applicants within Band 1 the Urgent rehousing band (by date order of approval as an agreed critical/urgent case)
- Suitable applicants within Band 2 (by priority date in the band)
- Suitable applicants within Band 3 (by priority date in the band)
- Suitable applicants within Band 4 (by priority date in the band)

22.1 A decision of the “suitability” of a particular applicant will also have reference to the appropriate household size and accommodation eligibility criteria and criteria set out below in Section.37.

## **23. Occupation/Property Eligibility Criteria**

For vacancies, the following issues will be considered:

a) Achieving an appropriate balance between the following range of factors:

- management issues (e.g. child density, sensitive lettings, local lettings policies, etc)
- balancing competing levels of demand between different household types
- making best use of available stock
- the particular design, layout and room sizes of the property
- whether the vacancy is deemed accessible to meet the needs of a disabled person
- Housing Associations’ individual allocations policies

b) An applicant’s ability to maintain a tenancy (particularly when moving on from supported housing).Assessing what households are eligible for designated property size.

## **24. Accommodation for Disabled People with Access Needs**

Properties that have been designed or adapted to meet the needs of disabled people) will be prioritised for people who have access needs (or families with a disabled member who has access needs).

Disabled people with access needs (or families with a disabled member who has access needs) will be considered for other vacancies by virtue of their ranked position on the housing register where it is reasonable and practicable to adapt that property.

## **25. Direct Match**

In certain circumstances the Council will allocate a property directly to an applicant which is known as a direct match. The advert will clearly state that the property has already been allocated to an applicant with a specific need. Examples of when a direct match may take place are:

- Applicant requires a specifically adapted property
- Urgent management decant required
- Applicant is subject to Witness Protection, MAPPA or MARAC and requires specific accommodation in a specific area

## **26. Properties not included in the scheme**

Whilst most allocations will be managed through the choice based allocation process, there will be some circumstances when it is necessary to exclude vacancies from the process.

Examples of lettings which may be excluded are as follows:

- Decants to allow repairs to be carried out
- Temporary accommodation for households who are homeless or may be threatened with homelessness
- Supported housing
- Extra-care housing
- Management cases for an existing social tenant.
- Community safety issues, such as MAPPA or witness protection

## **27. The Administration and processes governing the Choice Based Lettings Scheme**

27.1 Eastleigh Borough Council operates a choice based lettings scheme in partnership with Havant and Test Valley Boroughs, Winchester City and East Hampshire District Councils and has agreed a common approach to the assessment of applications and the choice based lettings processes for the purpose of allocating social housing across the sub region.

27.2 The choice based lettings processes and administration of the scheme are annexed to Eastleigh Borough Council's Scheme of Allocations.

## **28. The Right to Review**

Applicants have the right to request a review of any aspect of their housing application assessment made by the council when assessing their application for housing, under the Housing Act 1996, Part 6. This includes decisions regarding eligibility, qualification, housing need assessments and the suitability of offers of accommodation.

## **29. The process of Review**

An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

29.1 A request for a Review must be made within 21 days of the decision providing the reasons for the Review. The Council has discretion to extend the time limit if it considers this would be reasonable. If further information is needed, the applicant will be invited to write or, if unable to do this, make oral representation.

29.2 The applicant may also appoint someone on his or her behalf to do this. If the reviewing officer finds that the original decision did not take relevant information into account they will refer the case back for re-consideration. The applicant will be notified of the Review decision within 56 days of the request for a Review.

## **30. Complaints Procedure**

### **30.1 Internal**

If an applicant is dissatisfied with any aspect of their application, other than where a review can be made, they should follow the Council's published complaints procedure, available on the Council's website or on request.

### **30.2 The Local Government Ombudsman**

If an applicant is not satisfied with the action taken by the Council and has exhausted the complaints procedure available, they can send a written complaint to the Ombudsman. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH.  
Phone:0300 061 0614  
Fax: 024 7682 0001 Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Annex – Processes and administration of Choice Based Lettings in Eastleigh**

### **Section 1 – Processes, Applications and Assessment**

#### **1 Applications and Assessment**

Anyone requiring assistance to complete an application for housing can contact the Council who will be able to offer them advice and support in making an application for housing.

##### **1.1 Registration and Priority Date**

New applications will be registered from the date they apply to be registered on the Housing Register. For on-line applications this will be the date the on-line application is completed. For the purposes of a paper application form, this will be the date the application form is received by the Council. This date is known as the registration date.

Under the Scheme of Allocations all applications for housing are assessed and placed in one of four bands depending on their housing need. Priority is awarded within each band by date the application was placed in the band. This date is known as the priority date.

##### **1.2 Household**

When applicants join the list, and whenever an application is reviewed, an assessment will be made of the make-up of the applicant's household. This assessment will normally be straightforward, but decisions may need to be made as to whether individuals included on an application form are accepted by the Council as being part of the household who, in the event of re-housing, will be accommodated with the applicant. The size and make-up of the household will determine the bedroom requirement. (see Appendix 3).

##### **1.3 Individual Assessments**

Once a completed form or on-line application has been received, the relevant Housing Team will then undertake an assessment of housing need against this Policy. The date of registration, health and welfare needs are taken into account in the assessment. If additional information is required, a Health and Welfare Assessment form will be sent out to be completed.

Providing the applicant is eligible and qualifies for the Housing Register and the application has been completed fully, it will be registered onto the Hampshire Home Choice Housing Register. Through the assessment process, each applicants housing needs will be considered and a level of priority awarded by placing the applicant in one of four bands.

A letter will be sent to the applicant within 10 working days of receipt of all relevant information, confirming their application reference number, the date the application was registered, their banding and their assessed bedroom need.

As a result of the partnership between the participating Councils, the five registers are effectively merged into the Hampshire Home Choice Register and operate under the Allocations Framework.

#### 1.4 Missing Information and Incomplete Applications

If further verification is required, the applicant will be contacted in writing to provide the information necessary to assess their application. Any applicant who does not provide the requested information within 28 days will be assumed to no longer require housing and their application will be cancelled accordingly.

Paper application forms not completed fully will be returned to be completed. On-line applications which are not completed within 28 days will be cancelled.

#### 1.5 Applicants not eligible and do not qualify

If the applicant is considered to be ineligible or does not qualify for the Housing Register, they will be sent a letter confirming this and the reason for this decision.

#### 1.6 Cancelling and Suspending Applications

If information is obtained that gives reason to believe that an applicant who has already been accepted onto the Housing Register is, in fact, ineligible or no longer qualifies to be on the Register, or their circumstances may have changed, their application may be suspended or cancelled. The applicant will be informed in writing and they will be given 28 days to provide the requested information. If they do not reply within this period, or if they reply but the Council still believes them to be ineligible or no longer qualifying, they will be removed from the Housing Register. (see Appendix 5).

#### 1.7 Change in Circumstances

Applicants who move to a new address or whose circumstances change after they have been accepted onto the Housing Register (e.g. - who wish to add or remove someone on their application or a change in income or employment, etc.) should immediately contact the Council with which their application for housing is registered to notify them of the changes and arrange to complete any necessary forms.

Eligibility and qualification for the Register may be reconsidered when there is a change in circumstances.

#### 1.8 Remaining on the Housing Register

Applicants will be required to renew their housing application, on an annual basis, on the anniversary of their relevant application date – known as the “renewal date”.

If applicants fail to voluntarily renew their application they will be sent a written reminder to do so within 21 days of the renewal date. Any applicant who does not

renew their application within 28 days of receiving their reminder letter to do so will be assumed to no longer require housing and their application will be cancelled accordingly.

If an applicant makes contact within 6 months of their original application being cancelled, this application will be reinstated.

If contact is not made within 6 months and satisfactory evidence is provided of an incapacity causing the failure to renew, the application can be reinstated from the date of the original application.

Eligibility and qualification for the list may be reconsidered when an application is being reviewed.

#### 1.9 Confidentiality

Information regarding a person's application for housing will not be disclosed to any third party or member of the public without the applicant's express consent unless the Council is required to do so legally. By signing the housing application form, an applicant gives consent for the relevant Council to make enquiries with regard to their housing need and their potential ability to manage a future tenancy. The declaration also gives express consent to share such information with partner Registered Providers or other social housing providers when nominating applicants to be tenants of their properties.

#### 1.10 False or Misleading information

If an applicant knowingly or recklessly gives false information or knowingly withholds information which the Council has reasonably required of him/her, an offence is committed. In all such cases the Council will consider a prosecution for the offence in which an applicant may be subject to a fine of up to £5,000 under the Housing Act 1996. If an applicant has accepted a tenancy on the basis of using false or withholding information, the landlord may apply to the court for possession of the property.

#### 1.11 Right to Review

All decisions with regard to the Scheme of Allocations are subject to Review should the applicant be dissatisfied with a decision. This right to a Review includes decisions regarding eligibility, qualification, housing need assessments and the suitability of offers of accommodation. A request for a Review should be made to the Council. An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

A request for a Review must be made within 21 days of the decision providing the reasons for the Review. The Council has discretion to extend the time limit if it considers this would be reasonable. If further information is needed, the applicant will be invited to write or, if unable to do this, make oral representation. The applicant may also appoint someone on his or her behalf to do this. If the reviewing officer finds that the original decision did not take relevant information

into account, they will refer the case back for re-consideration, or amend the application. The applicant will be notified of the Review decision within 56 days of the request for a Review.

## Section 2 – Allocations and Lettings

### 1.12 Available Properties

100% of social lettings to which the Council has nomination rights will be made available through the scheme. The Council may agree some specific exceptions.

### 1.13 Properties not included in the scheme

Examples of lettings which may be excluded are as follows:

- Decants to allow repairs to be carried out
- Temporary accommodation for households who are homeless or may be threatened with homelessness
- Supported housing
- Extra-care housing
- Management cases for an existing social tenant.

### 1.14 Cross Boundary Moves

A 10% pool of properties across Test Valley, Havant, East Hants and Winchester will be available for cross boundary moves. The 10% figure will be calculated based on the total number of lettings from the previous year. This total will be equally divided between the four local authorities and those properties will be advertised as being available for cross boundary moves.

The following properties will be excluded:

- New-build properties unless specifically agreed
- Properties that are provided under Rural Exception Site policies and which are subject to any specific requirements to meet local housing needs through agreements under Section 106 of the Town & Country Planning Act 1990
- 4+ bedroom properties
- Sheltered housing.

Eastleigh Borough housing register applicants will not initially be included in the arrangements for cross boundary moves. It is hoped that Eastleigh will be able to offer this benefit to applicants at a later date.

### 1.15 Direct Match

In certain circumstances, the Council will allocate a property directly to an applicant which is known as a direct match. The advert will clearly state that the property has already been allocated to an applicant with a specific need. Examples of when a direct match may take place are:

- Applicant requires a specifically adapted property
- Urgent management decant required



- Applicant is subject to Multi-Agency Public Protection Arrangements or Multi-Agency Risk Assessment Conference and requires specific accommodation in a specific area
- Witness Protection.

#### 1.16 Advertising Properties

Vacant Social Housing to which the Council has nomination rights will be advertised through the Choice Based Lettings scheme. Adverts will be available at locations throughout Eastleigh including the Council offices in which free internet access is available. Details of available properties will also be placed on the Hampshire Home Choice web site at [www.hampshirehomechoice.org.uk](http://www.hampshirehomechoice.org.uk)

The Council and Registered Providers will arrange for each vacancy to be advertised and will specify the requirements for each property. Some properties may be labelled by the Council to enable the development of sustainable communities. For new developments this may include Local Lettings Policies. Depending on the Council's strategic needs, the labelling of properties may include certain restrictions, e.g. some social housing may only be offered to people who have an assessed support need or for transferring tenants.

The advertisement will usually include details such as the following:

- The Registered Provider (landlord)
- The weekly rent, including all other service charges
- Whether property is a social or affordable rent
- Whether property is let on a fixed term tenancy
- Properties available for cross boundary moves
- The anticipated date the property will be ready for occupation
- The recommended number of permitted occupants
- Any age limits e.g. for households with children, for sheltered accommodation for older/disabled persons or any landlord specific requirement
- Whether the property is restricted by a Planning Obligation under section 106 of the Town and Country Planning Act 1990 where offers of tenancies may only be made to applicants with a strong local connection to a rural exception site
- Village vacancies subject to local connection restrictions
- Accessible housing e.g. wheelchair adapted.
- Whether pets are allowed.

#### 1.17 Bidding

All eligible and qualifying applicants can make bids for properties advertised by telephone or online via the website. Full details of how to bid are set out in the Hampshire Home Choice User Guide. This can be found on the Hampshire Home Choice website or directly from the Council.

Applicants can only bid for up to three properties for which they are eligible per bidding cycle. There is a weekly bidding cycle although this may change at times during the year subject to agreement from the five Councils.

#### 1.18 Multiple Bidding

For new developments, the same property types will be covered by one advert. Applicants only need to place one bid to be considered for all the property type covered by the advert.

#### 1.19 Assisted Bids

All applicants are expected to make bids themselves but in limited circumstances those who do not bid for properties may receive a direct bid. Since service user participation is a critical part of Choice Based Lettings the Council recognise that some vulnerable applicants may require assistance in making bids. To ensure that vulnerable households have fair access to the scheme applicants with support needs and those who have language difficulties will be supported by the Council, or an appointed support provider which may include assisted bidding.

#### 1.20 Assessment of Bids

Priority within the band is decided by the date the application was awarded that band.

Registered Providers taking part in the scheme will have access to the shortlist of applicants who have made a bid for the property. The applicant with the highest priority and who meets all of the advert and preference criteria and who is therefore at the top of the shortlist will be nominated to the Registered Provider.

Once a bid is accepted the letting of property will be organised by the Registered Provider.

#### 1.21 Applications for a property when more than one applicant has identical preference

Where two or more eligible applicants apply for a property and have the same priority band and have the same priority date, the Council will carry out a housing needs assessment of the applicant to determine who may have the highest housing need for the property. Regard may also be given to which household size and family make-up may make best use of the property.

If an applicant's housing need, household size and family make-up are similar, then the length of residency connection with the district shall be considered with the household with the longest residency connection with the Council from where the property is being advertised getting priority.

This will also be applied in the event of a property being advertised as available for cross boundary moves.

#### 1.22 Reasons why a Registered Provider may refuse a nomination

If for any reason the Registered Provider wishes to refuse an applicant, the Registered Provider is required to notify the Council. The Council will re-nominate to the next suitable applicant on the shortlist.

If there are no eligible bids or the shortlist has been exhausted the property will be re-advertised. For grounds for refusal see Appendix 6.

1.23 If a Registered Provider refuses a nomination, they must inform the applicant of their reasons for refusal and of their Review Process.

#### 1.24 Verification

The Council will verify all information provided by the applicant that is relevant to their eligibility and qualifying for an allocation of accommodation. Further verification, which may include inviting the applicant for an interview or completing a home visit, will be required at the time an applicant is allocated a property and the Council may check information with other sources as allowed by the law.

Applicants will be expected to provide documentary evidence that all persons included on the application are resident at the address applied from. Applicants will also be required to provide any additional proof considered appropriate to confirm the applicant's circumstances.

Registered Providers may carry out their own verification processes and these will be in addition to those carried out by the relevant Council's verification.

#### 1.25 Offer of Tenancy

Once all verification processes are completed, the Registered Provider makes an offer of the vacancy to the successful applicant.

#### 1.26 Difficult Lets

If there are no eligible bids for a property, it will be re-advertised by HHC. In some cases the eligibility criteria may be relaxed.

Once a bid is accepted the letting of property will be organised by the Registered Provider.

#### 1.27 Refusals

An applicant, who successfully bids, is nominated and is offered suitable accommodation by a Registered Provider but subsequently refuses an offer on two occasions within a six month period will not be able to bid for further properties for six months from the date of the refusal of the second property.

### 1.28 Feedback

All successful lettings will be reported on the Hampshire Home Choice website. The reports show the number of bids for each property, the band and the priority date of the successful applicant.

### 1.29 Fair Allocations

The Councils are committed to providing equality of opportunity to all applicants who apply for housing. The monitoring of allocations under the scheme will take place to ensure that everyone is treated fairly. All applicants applying for social housing across the five authorities will be assessed by way of an assessment of housing need.

### 1.30 Equality

The Council is subject to the general public sector equality duty in the Equality Act 2010. The Council and its partner Registered Providers are committed to providing equality of opportunity to all individuals who apply for re-housing. Monitoring of applications and lettings may take place to ensure that everyone is being treated fairly.

### 1.31 Changes to the Scheme

The Scheme of Allocations will be reviewed and updated where necessary. This will help to ensure that the policy meets legislative and best practice requirements.

### 1.32 Monitoring

The Council attends a quarterly HHC Board meeting which is attended by representatives and members from each of the Councils and representatives from the Registered Providers.

The annual review will also ensure that each authority is not disproportionately affected as a result of cross boundary migration between Council areas.

### 1.33 Complaints

If an applicant is dissatisfied with any aspect of their application, other than where a review can be made, they should follow the Council's published complaints procedure, available on the Council's website or on request.

[www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)

### 1.34 Access to Personal Information

In accordance with the Data Protection Act 1998, & General Data Protection Regulations, people have a right to see what information is kept about them on written records. (please note a fee may be charged) As far as possible the Council

will make this available, subject to certain restrictions. If you wish to view your records, please contact the Council:

EastleighBorough Council,  
Eastleigh House  
Upper Market Street  
Eastleigh  
SO50 9YN.

023 8068 8000  
[housing@eastleigh.gov.uk](mailto:housing@eastleigh.gov.uk)

### 1.35 The Local Government Ombudsman

If an applicant is not satisfied with the action taken by the Council or a Housing Association and has exhausted the complaints procedure available, they can send a written complaint to the Ombudsman. The Local Government Ombudsman can be contacted at:

Local Government Ombudsman,  
PO Box 4771, Coventry CV4 0EH.  
Phone:0300 061 0614  
Fax: 024 7682 0001  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **Appendix 1 – Sensitive Lettings**

### Purpose

The purpose of the Sensitive Lettings Policy is to create sustainable and cohesive communities in relation to individual lettings where there may be need to redress the balance of the community.

### Objectives

In these cases the Registered Provider is departing from the routine allocation process. Instead of allocating a property to the applicant at the top of the shortlist with the most housing need the landlord considers the suitability of the applicant for the vacancy, on the basis of the information they have about the applicant and the knowledge they have about the property, its location or the neighbours.

In allocating housing the Registered Provider needs to balance a range of factors:

- the individual's housing need;
- the suitability of the property for that applicant;
- to create a community that is sustainable;
- to ensure current and future tenants feel safe;
- to protect the public and residents from nuisance and anti-social behaviour;

Preference will be given to applicants who are able to demonstrate that they will be able to manage a tenancy successfully and using the following cascading mechanism:

- a) Applicant or partner is resident within the local authority area and employed in paid work.
- b) Applicant or partner is employed in paid work and has a local connection to the local authority area.
- c) Are registered on Hampshire Home Choice.

### Exclusions

Applicants will not be considered for a property advertised as a sensitive let where there is evidence of known history or convictions for the following;

- criminal behaviour
- anti-social behaviour
- drug abuse
- drug dealing
- breaches of any tenancy with any landlord
- rent arrears.

The landlord may request additional information from other partner agencies such as the Police, Probation Service, Primary Care Trust, Drug and Alcohol Services and former Landlord in determining suitability for a property subject to the Sensitive Lettings Policy.

## Process

If a landlord wants to advertise a property as a sensitive let they will need to provide evidence to the Council and on the reasons why the property is required to be let on a sensitive let basis. The Council will have to agree to any property being advertised as a sensitive let.

The property advert will clearly state the property is subject to a Sensitive Lettings Policy.

Once the shortlist has closed, the Council will nominate in accordance to the preference criteria within the Sensitive Lettings Policy. If for any reason the Registered Provider wishes to refuse an applicant the Council can re-nominate.

## Right to Review

An applicant has the right on request to be informed of any decision about the facts of their case which has been taken into account in deciding whether to make an allocation of a sensitive let to them.

## Equality Impact Statement

This Sensitive Lettings Policy does not discriminate directly or indirectly and has given regard to the Equality Act 2010 to ensure no one is treated unfairly and has equal opportunities to access housing.

The Council is using its powers under the Localism Act 2011 to enable applicants who are working to access housing by framing their allocation's scheme so as to enable specific properties to be allocated to those in employment through the use of Local Lettings Policies.

## Monitoring

The effectiveness of properties being advertised as sensitive lets will be monitored on a regular basis. A property should only be advertised as a sensitive let if this is absolutely necessary to address the situation and any housing management issues.

## **Appendix 2 – Owner Occupiers**

Owner occupiers, who apply to join the Housing Register, would not qualify unless there are exceptional circumstances or they wish to be considered for a difficult to let property designated for those aged over 55 years.

In considering those exceptional circumstances the Council will need to be satisfied that the applicant is in housing need and is unable to resolve their own housing circumstances. Applications will be assessed case by case, taking all relevant information into account.

In assessing whether an applicant is in housing need the following will be considered:

- (a) the suitability of their present accommodation – whether current accommodation is adequate for their situation taking into account state of repair, health, employment, family support and whether an applicant’s situation is likely to deteriorate.
- (b) the applicant’s financial circumstances – whether their income, savings or the equity within any property they own is sufficient to secure alternative suitable accommodation. The Council may take into account the current house prices locally in making its decision.

In some cases the Council may consider it reasonable for the applicant to be able to secure accommodation in the private sector. However due to a shorthold tenancy being only available initially for a limited term this may not always be appropriate.

- (c) An applicant must be aged 55 years or over with a housing support need and would benefit from sheltered housing.

Sheltered housing is usually designated for those aged over 55 years. In some cases the scheme may only be available for those aged over 60 or 65 years of age. In some cases the scheme landlord may carry out a needs assessment to assess if an applicant is eligible for their scheme.

If an applicant is assessed as qualifying for an allocation this does not guarantee they will be allocated a property. An applicant will have to also meet the criteria set by the scheme landlord especially in cases where the landlord may have charitable status.

Where an applicant who is an owner occupier has been assessed as a qualifying person as a result of having a housing need and a need for sheltered housing, they will only qualify for an offer of sheltered housing and will not qualify for an offer of a general needs property or a bungalow restricted to older applicants..



### **Appendix 3 – Definition of a Household**

Any person wishing to be included as part of an applicant's household must satisfy the Council that they are a permanent member of the applicant's household and show that it is reasonable to expect them to reside with the applicant on a continuing basis.

In the case of a separated household or where residence of children is shared between parents, it would not normally be considered reasonable for a child who has a suitable home with one parent to be taken into account when considering the housing needs of the other parent.

In all such cases, an assessment will be carried out to decide who should be considered to be part of the household and the following factors will be taken into consideration along with any other relevant facts:

- Access of people included on the application to other suitable accommodation
- Previous living arrangements
- Actual living arrangements
- Preferred living arrangements
- Evidence of longstanding residence and commitment to being part of the household
- Likely longer-term living arrangements
- Special circumstances
- Information from Children's or Adult Services.

#### **Applicants requiring a Carer**

Where the applicant states that they require a carer to live with them who would not normally be considered to be part of the household, then the Council will decide whether the carer is part of the household or could reasonably be expected to be part of the household. In most cases, care can be provided without the provision of a separate bedroom for a carer.

Each case will be dealt with on its own merits, and the following factors will be taken into consideration along with any other relevant facts:

- Whether there is an established need for live-in 24 hour care
- Availability of supported or extra-care housing which may meet the applicant's needs
- Current living and care arrangements
- Likely future living and care arrangements
- Special circumstances
- Information from Adult Services

Other cases may arise where there are queries about households (e.g. where adult sons or daughters return home or where distant relatives or 3 generation families or friends are included on the housing application.)

## Appendix 4 – Health and Welfare Assessment

This policy along with the HHC Allocation Framework and current Scheme of Allocations explains how and when a Health or Welfare award can be given to applicants and what evidence is needed in order to support additional priority under Health or Welfare grounds.

The health and welfare of an applicant or a member of their household will be assessed on the basis of the effect of their current property on their condition, and how a different property would improve the applicant's health or welfare. A health or welfare issue in this context means a physical or mental illness, disability or incapacity, including behavioural syndromes, problems of physical or mental development and disorders related to drugs and / or alcohol. The assessment is based on a holistic approach, which takes account of psychological and social factors alongside physical issues.

**To qualify for an award the condition must be made worse by your present housing and your health or welfare must also be likely to be improved by moving to alternative accommodation.**

Please note that a health or welfare award does not necessarily mean that your application will move into a higher Band.

The following table shows which awards are available and which Band an application will be placed into if the award is made:

### Health and Welfare Table

Priority level	Definition	Priority Band
<b>Urgent</b>	There is a critical need to move. The current housing situation is seriously detrimental to health and interferes with quality of life to an intolerable degree.	<b>Band 1</b>
<b>High</b>	There is a high medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a high degree.	<b>Band 2</b>
<b>Medium</b>	There is a moderate medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a moderate degree.	<b>Band 3</b>
<b>Low</b>	There is a slight medical need to move. The current housing situation is detrimental to health and interferes with the quality of life to a low degree.	<b>Band 4</b>
<b>None</b>	There is no medical need to move or a move would offer no improvement. The current housing situation is not detrimental to health and does not interfere with the quality of life.	<b>No Priority</b>

### Health and Welfare Assessment Form

Applicants only need to tell us about problems if they think that their health or welfare is being made worse by their housing and that it would improve if they moved.

Applicants can discuss their situation with the Council. Housing options may be offered to assist applicants to resolve any issues they may be experiencing in the first instance.

If an applicant's condition is made worse by their present housing and their health or welfare is also likely to be improved by moving to alternative accommodation they will be sent a Health and Welfare Assessment form.

Only one award can be given to a household. Where more than one household member has a health condition an assessment will be made taking into account everyone's health or welfare needs and the highest award applicable will be made.

### **Health and Welfare Assessment Process**

The Health and Welfare Assessment Panel is made up of two members of the Housing department who will assess an applicant's Health or Welfare assessment form against the criteria shown within the Health and Welfare table based on all of the information provided by the applicant about themselves and their household and according to the guidelines in the table.

If further information is necessary before a decision can be made, the Housing department will write to the applicant, their general practitioner or any other agency regarding additional information relating to the Health and Welfare application. They may also contact an independent medical advisor regarding the case if this is necessary.

The Health and Welfare Assessment Panel will usually meet on a 2 weekly basis, although Winchester City Council's Panel is held on a weekly basis.

### **Additional Bedrooms**

Applicants can apply for an additional bedroom due to their medical needs. Evidence will be required to support any requests for an additional bedroom. Usually the only circumstances in which an additional bedroom will be awarded is where an applicant requires a full-time live-in carer who is not part of the normal household.

### **Adapted properties**

Applicants who need a home suitable for wheelchair users may need to provide a report from an Occupational Therapist before an offer can be considered.

When allocating properties suitable for wheelchair users, or with any other adaptations for disabilities, or when allocating ground floor accommodation, priority will be given to applicants who have an assessed housing need for these properties and where evidence has been provided.

### **What to do if you disagree with our decision**

All decisions with regard to the Scheme of Allocations are subject to Review should the applicant be dissatisfied with a decision. A request for a Review should be made to the Council. An officer senior to the person making the original decision and who was not involved in making the decision will carry out the Review.

Details of the Right to Request a Review are shown in 28 and 29.

It is important to remember that it is for the Council to make decisions in the administration of housing applications. Only the Council will be able to determine priority in line with the Scheme of Allocations.

The Council may where necessary take into account medical professional's information about medical conditions and any need for alternative housing as a result of that condition and any impact of the current housing on such a condition but the Council will make the final decision.

## **Appendix 5–Cancelling and Suspending Applications**

### **1. Reasons for suspending an application:**

- Adequately housed
- Applicants request
- Rent arrears – temporary accommodation
- Awaiting documentation
- Evicted for rent arrears / nuisance
- Intentionally homeless
- No recent contact
- No response to offer
- Offer refused
- Person from abroad
- Rent arrears
- Unacceptable behaviour
- Under investigation
- Under offer

### **2. Reasons for cancelling an application:**

- Applicant became ineligible
- Applicant gone away / no contact
- Cancelled at applicants request
- Data error
- Deceased
- Failure to respond within the time limit
- Housed by Local Authority
- Housed through shared ownership
- Housing by social landlord or other
- Housing Register review
- Housing review not returned
- Made own arrangements
- Mail returned as no longer at that address
- Moved away
- No longer wishes to be on list
- No response to contact letter
- No response to correspondence
- Non-qualifying person
- Unsuitable to be a tenant

## **Appendix 6 - Reasons for refusal of a nomination by a Registered Provider**

A Registered Provider may refuse a nomination from the Councils for the following reasons:

- Anti-social behaviour
- Area unsuitable
- Change of circumstances
- Does not meet age criteria
- Does not meet financial criteria
- Does not require ground floor
- Does not meet criteria
- Does not meet local lettings policy
- Efficient management of stock
- Fails to meet accommodation criteria
- Financially secure
- Geographic exclusion
- Health reasons
- Incomplete agency information
- Incomplete application
- Incomplete verification by applicant
- Management decision
- Needs supported housing
- No support package in place
- No vacant possession guarantee
- Non-compliance with tenancy conditions
- Non engagement with services
- Not ground floor
- Offered to another shortlist
- Owner occupier
- Previously bypassed
- Previously refused
- Previously refused by Registered Provider
- Property unsuitable
- Rent arrears
- Rent Deposit Loan Scheme and/or deposit scheme debt to the Councils
- Requires ground floor
- Sensitive let
- Suspected fraudulent application
- Unable to proceed
- Other reason – which may not fall within any of the above