

Executive
11th February 2021

Title: Housing Allocations Policy Review
Lead Officer: Lisa Barker
Portfolio Holder: Jan Matecki
Public report
Wards of the District directly affected: All

Contrary to the policy framework: No
 Contrary to the budgetary framework: No
 Key Decision: Yes
 Included within the Forward Plan: Yes
 Equality Impact Assessment Undertaken: Yes
 Consultation & Community Engagement: Yes
 Final Decision: No
 Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19 January 2021	Chris Elliott
Head of Service	14 January 2021	Lisa Barker
CMT	19 January 2021	
Section 151 Officer	19 January 2021	Mike Snow
Monitoring Officer	19 January 2021	Andrew Jones
Finance	19 January 2021	Mike Snow
Portfolio Holder(s)	14 January 2021	Jan Matecki
WCC Legal Services	14 January 2021	Lara Macnab

1. Summary

- 1.1. This report proposes a number of changes to the policy that the Council uses to allocate housing in its own stock and for nominating potential applicants to Registered Providers.

2. Recommendation

That Executive recommend that Council:

- 2.1. Approves the revised policy at appendix 1 of this report.
- 2.2. Delegates authority to the Head of Housing Services in consultation with the Housing and Property Portfolio Holder to determine the date that the revised policy takes effect.
- 2.3. Delegates authority to the Head of Housing Services in consultation with the Housing and Property Portfolio Holder to make changes to the policy that are required to ensure it remains in line with best practice, Government Guidance and delivers clarity and consistency across the policy

3. Reasons for the Recommendation

- 3.1. The housing allocations policy is a legal requirement. It sets out the rules that the council uses to decide who may apply for vacant council and housing association homes in the district and how decisions will be taken as to who will be offered these vacancies. The overarching aim of the policy is to get more people into homes appropriate to their circumstances. The current Allocations scheme was adopted in 2018. Since that time there have been several changes in government guidance in this area of policy. A review of the current policy has proposed a number of changes.
- 3.2. There will be a number of operational and IT changes required in order to implement the proposals and a reasonable timescale needs to be allowed for the new system to be put in place.
- 3.3. Changes to the policy may be required from time to time to ensure that it remains in line with current best practice and to ensure clarity and consistency across the policy.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
- 4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities - The housing allocations policy is critical to how the council addresses housing need. The proposed changes will ensure that the most urgent housing needs are met in the most efficient manner while also giving existing tenants opportunities to move to alternative accommodation where appropriate.

Services - Green, Clean, Safe - None

Money- Infrastructure, Enterprise, Employment - None

4.2.2. **Internal impacts of the proposal(s)**

People - Effective Staff – None

Services - Maintain or Improve Services - Housing allocations are a key customer service and refining the policy ensures that it continues to address people's needs in the best way.

Money - Firm Financial Footing over the Longer Term - None

4.3. **Supporting Strategies**

4.3.1. The council adopted the current Housing and Homelessness Strategy in April 2017. This includes objectives around providing suitable accommodation for the homeless in an effort to prevent and reduce homelessness and meeting housing needs through new provision and regard has been had to that strategy, and to the Warwickshire Tenancy Strategy, in framing these proposals.

4.3.2. A robust, effective and proportionate allocations policy ensures that both new and existing available properties can be targeted towards meeting housing and homelessness needs and facilitating moves for existing tenants to free up other accommodation to meet such needs, thereby creating a chain of lettings.

4.4. **Changes to Existing Policies**

4.4.1. This report recommends changes to the existing Housing Allocations Policy.

4.5. **Impact Assessments**

4.5.1. The new Housing Allocations Policy does contain changes to the prioritisation of some housing needs issues across each of the bandings within the policy. These changes have been modelled and this has shown that the number of applicants within each band will remain broadly similar. These changes were discussed and agreed at the Housing and Property Policy Advisory Board.

5. Budgetary Framework

- 5.1. Changes to the allocations policy may require changes to stationery, website information, customer information and staff training. There will also be postage costs involved in mailings to customers. These will be met from existing resources.
- 5.2. There will also be a need to update the HomeChoice software to reflect the revised policy. Provision for this development work is included in the contract with the software provider and is therefore also within current budgets.

6. Risks

- 6.1 Council and housing association properties are a scarce resource and inevitably their allocation is an area of controversy that is always open to challenge.
- 6.2 It is also a policy area that is legislated for and the council is not entirely free to set policy as this needs to be laid out within the context of the legislation and case law (which is also substantial). Legal advice has therefore been sought in relation to the detail of the allocations policy and the changes proposed. A verbal update will be provided at the meeting.
- 6.3 Failure to keep the policy up to date and within legislative boundaries therefore carries reputational and financial risks if challenged, with potentially very high costs if this were to proceed to court.
- 6.4 There is also the risk of inconsistent decision-making and inappropriate allocations if the policy is not clearly defined. At the same time the policy will not withstand legal challenge if it is so rigid as to fetter the council's discretion. A careful balance between the two is therefore required.

7. Alternative Option(s) considered

- 7.1. The option of not revising the policy has been considered but this was not considered appropriate due to the range of new guidance and best practice published since the last review.
- 7.2. The proposals set out in this report were discussed with the Housing and Property Policy Advisory Board in October 2020 when potential alternatives were considered and debated.

8. Background

- 8.1. The Council's Housing Allocations Policy was last reviewed in 2018 and it had become clear that a further review of the policy was required to improve the process of deciding priorities across applicants for social housing and to ensure fairness across the policy.
- 8.2. The allocation of local authority housing has, for many years, been subject to certain statutory requirements. The current legislation is contained in the:
 - Equality Act 2010
 - Housing Act 1985, 1988 and 1996

- The Localism Act 2011
- Health and Social Care Act 2012
- ASB Crime and Policing Act 2014
- Homelessness Reduction Act 2017
- Immigration and Asylum Act 1999
- Asylum and Immigration Act 1996
- Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations)
- Human Rights Act 1998

The Allocation Scheme takes into account the following regulations:

- Allocation of Housing (Procedure) Regulations 1997,
- Allocation of Housing (England) Regulations 2002,
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012,
- Housing Act 1996 (Additional Preference for Armed Forces) (Armed Forces) (England) Regulations 2012, Allocation of Housing (Qualification Criteria for Right To Move) (England) Regulations 2015
- The Homelessness (Review Procedure etc.) Regulations 2018
- The Allocation Scheme takes into account the following Codes of Guidance:
 - 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".
 - Right to Move: Statutory Guidance on social housing allocations for local housing authorities in England (DCLG, March 2015).
 - 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 (Ministry of Housing, Communities & Local Government November 2018).

8.3 Councils have to give a reasonable preference to certain defined categories of people in housing need. These categories have changed over time but the current requirements are as follows:

- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who are homeless (within the meaning of Part VII of the Act)
- People who are owed a duty by any local housing authority under section 190(2) 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People who need to move on medical or welfare grounds (including grounds relating to disability)

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- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

8.4 In addition to specifying the reasonable preference categories, the legislation also requires local authorities to have an 'allocations scheme' for determining priorities between applicants for housing and setting out the procedure to be followed when allocating housing accommodation. The Council is required to have regard to its Tenancy Strategy and Homelessness Strategy in setting out its allocations scheme.

8.5 The legislation contains provisions for the Secretary of State to issue guidance which a local authority is required to have regard to in framing its allocations scheme. Current guidance is contained in the following documents:

- 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".
- Right to Move: Statutory Guidance on social housing allocations for local housing authorities in England (DCLG, March 2015).
- 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 (Ministry of Housing, Communities & Local Government November 2018).
- Improving Social Housing for Members of the Armed Forces (27 June 2020 Ministry of Housing, Communities and Local Government)
- Allocation of Accommodation: Guidance for Local Housing Authorities in England (December 2020 Ministry of Housing, Communities and Local Government) "the updated Code"

8.6 The review commenced in spring 2020 with a group of officers from Housing working alongside the Portfolio Holder for Property and Housing with advice and assistance from officers from County Council Legal Services and elsewhere from across the Council.

8.7 The proposed policy changes were taken to the Housing and Property Policy Advisory Board and fully debated on 15th October 2020.

8.8 The Council has a statutory duty to consult with local Registered Providers over major changes to the allocations policy and this was undertaken in November 2020 alongside a wider public consultation.

8.9 Seven responses were received:

- Four of these responses acknowledged the changes proposed and offered their full support.
- One response suggested that gender neutral language be used throughout the policy and this has been addressed in the final version of the policy.

- One response felt that there was still not enough support available to victims of domestic abuse. This will be considered further in the final draft to ensure that the policy does reflect the importance of this hugely important issue.
- One response picked up on the fact that the policy proposes restricted access to the housing register where someone has 'committed a serious offence, for which you could be arrested, in (or in the area near) your home.' The response suggested that this should be changed to 'in the district'. This proposal will be carefully considered to ensure that the policy offers appropriate protection in such circumstances whilst also ensuring that such restrictions remain proportionate.

8.10 Key Changes Proposed to the Housing Allocations Policy

8.10.1 Transfers for existing social Housing Tenants

The current policy has a separate 'Transfer Band' but the new policy proposes that this be removed and that existing social housing tenants will have to demonstrate their priority for housing alongside other applicants.

8.10.2 Like for like Moves

It is proposed to remove this category from the policy.

8.10.3 Advertising priority

The proposal is for 60% to be allocated to band 2 and 40% to band 3. Any applicant may bid on any property but band 1 to have priority over any other banding.

8.10.4 Managing bids and offers

It is proposed that after set periods of time, housing staff are able to place bids on behalf of applicants. Following a set number of failed offers, the applicant may be removed from the register until such time as their circumstances change.

8.10.5 Refusals of offers of social housing

It is proposed that the refusal of 2 suitable offers of housing within a 12-month period may result in being disqualified from the housing register for a period of 12 months. This change is proposed to help ensure that the register is made up of applicants who are actively seeking housing.

8.10.6 Lettings Quotas

It is proposed that along with our housing association partners we want to make sure that applicants with the highest priority band (the most urgent need to be rehoused) have the best opportunity to be rehoused. We suggest setting a quota for advertising properties across each priority band as follows:

- 60% for Band Two;
- 40% for Band Three.

A property will have been advertised with a preferred band, decided randomly by the computer according to the quotas above.

All applicants, regardless of band will be able to bid for any property of the right size and type (including age-designated properties, subject to being of the required age). Properties will however be advertised with a preference for a specific band and applicants in that band will be considered first for that property.

Band Four applicants can bid for properties but they would only be successful if no applicants from the higher bands place a bid or accept the property. Applicants in band 1 will be able to bid for properties advertised in any band.

8.11 Other Changes Proposed

8.11.1 Implications of Brexit

From 1st January 2021 the UK will be able to set its own rules about who is eligible for assistance. We will ensure that this policy is in compliance with UK law in this regard from the time of its implementation.

8.11.2 Local Connection

This section sets out the circumstances through which applicants will be able to demonstrate a local connection. Several additions/changes have been made either in response to changes in guidance from government, comparison with other local authority approaches to and also to provide a more sophisticated use of this policy to be able to respond to key local authority priorities such as fostering and Looked After Children.

- The person has lived through their own choice in the Council's Local Authority area for the last two years.
- Where the applicant has been placed in the Warwick District Council area by another local authority, the applicant must have been resident in the area for a period of at least three years.
- The person has evidenced a continuing caring responsibility for someone resident within the Council's Local Authority area
- The person is in employment or has received an evidenced offer of employment (permanent or temporary, for at least one year) within the Council's Local Authority area
- The person is in or evidences that they are due to undertake training or further education within the Council's Local Authority area, which has a duration of at least 6 months
- The person is aged 18,19 or 20 and was looked after, accommodated or fostered by Warwickshire County Council between the ages of 16 and 18
- The person is a former Warwickshire County Council care leaver aged 21 years of age or over, who is not a relevant student and who is

vulnerable as a result of having been looked after, accommodated or fostered

- The person is a bereaved spouse or civil partner or divorced or separated from a member of Her Majesty's Regular Armed Forces or divorced and is leaving services accommodation provided by the Ministry of Defence following the death of their spouse or partner and where that death was wholly or partly attributable to military service.
- The divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of 12 months following the divorce or separation.
- The person is a serving or former member of Her Majesty's Reserve Forces who needs to move because of serious injury, medical condition or disability wholly or partly attributable to military service.
- You have a son, daughter, brother, sister, mother or father who is over 18 and has lived in Warwick district for at least the last five years as their only or main home at the date of your application.
- Has recently stopped living in, or will stop being entitled to live in, Ministry of Defence accommodation following the death of their service husband, wife or civil partner if the person who has died has served in the regular forces and their death was totally or partly due to their service.

8.11.3 Domestic Abuse

The current policy refers to domestic violence and the policy review proposes that is changed throughout to 'domestic abuse' to reflect the reality that abuse can come in many forms including coercive and controlling behaviour rather than simply relying on the need to demonstrate actual physical violence.

8.11.4 Unacceptable Behaviour – Housing Debt

At section 4.2.1 the policy sets out those things that are generally considered unacceptable behaviour that will be taken in to account in deciding whether an applicant might be "unsuitable to be a Council or housing association tenant".

In the current policy it is further set out that if there is a former housing debt then at least 50% of this would normally be expected to have been repaid before the applicant is accepted on to HomeChoice. The bullet points below set out those things that will be considered in making this decision and the final point has been added in to the new policy to ensure that those former tenants that have accrued substantial debts but who might only be able to repay a modest amount each week are not excluded for possible years before the total debt is reduced by 50%.

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to deem the applicant unsuitable to be a tenant?
- At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?

- Whether the applicant has demonstrated a clear commitment to repaying the debt by maintaining a repayment plan for at least 13 weeks

8.11.5 Applicants with Income/Assets

It is proposed to amend the upper income/saving limits above which applicants will not qualify for housing under this policy. We propose that these income limits are changed with only one income ceiling of £50k pa rather than separate limits for households made up of single and household income on the grounds that the cost of purchasing a home would not be substantially lower for a single income earner.

8.11.6 Homeowners

Section 4.2.3 sets out that homeowners are generally excluded from joining the housing register but does highlight the examples of exceptions to this general rule as follows:

- Where adaptations are required and the current accommodation cannot reasonably be adapted (6.5.2.1)
- Where the applicant could not reasonably be expected to live in their own home.
- Where the applicant requires specialist or sheltered accommodation
- Where the cost of home ownership is causing hardship

The council would normally require the applicant to sell their property within 12 months

8.11.7 Banding – Section 7

It is proposed that the wording in the structure of the banding system is changed to:

Band 1 - Applicants who have a reasonable preference and/or have a very urgent need to move are awarded an additional preference.

Band 2 - Applicants who fall within one of the reasonable preference categories and/or have an urgent need to move.

Band 3 - Applicants who fall within one of the reasonable preference categories and/or have an urgent need to move but who do not qualify for a Band 2 award.

Band 4 - Want to move – no reasonable preference but qualify for other specified reasons.

Certain specific changes are proposed to the banding awarded to certain specific situations to help ensure that the policy appropriately reflects levels of housing need alongside the need to ensure fairness across the policy. These changes are set out below:

1 Overcrowding

A more sophisticated approach to prioritising overcrowding is suggested so that those applicants overcrowded because they require 3 additional bedrooms are now awarded band 1 priority, those overcrowded because they require 2 additional bedrooms are awarded band 2 priority and those overcrowded because they require 1 additional bedroom are awarded band 3 priority.

2 Releasing significantly adapted social housing

It is proposed that band 1 priority is awarded in the following circumstances:

"Where social housing tenants within the Council's area are releasing a significantly adapted house or designated older person's accommodation by moving to a lesser or non-adapted property and there is a potential suitable applicant/s identified for the adapted property which would be released through rehousing."

3 Unfit homes in the private rented sector

It is proposed that a Band 1 priority is awarded in the following circumstances.

"Where an applicant is living in a private rented sector property that has been identified as having insanitary or unfit conditions, where the conditions pose an ongoing and serious risk to health and the property conditions cannot be rectified by the owner within 6 months".

4 Looked after Children and Foster Care

each of the following are specifically included in Band 1.

- Serious threat to a child
- Move on from Care and
- Foster Carers

5 Under-occupation of social housing

It is proposed to include in Band 1 in the following circumstances

Applicants where tenants of social housing that are currently under occupying a 4-bedroom property or larger and are willing to move to a smaller sized property.

6 Under-occupation – Band 2

It is proposed to include in Band 2 the following circumstances.

Where tenants of social housing are currently under-occupying a house and are willing to move to a smaller sized property.

7 Lacking facilities

It is proposed to include in band 1 where applicants permanently lack any or all of the following:

- A bathroom
- A kitchen
- An inside wc
- Hot or cold water supplies
- Electricity, gas or adequate heating in the living area where a temporary supply cannot be installed

8 Move on from Care

It is proposed to include in band 2 in the following circumstances:

“Young people referred by the County Council’s Children’s Services as young people leaving the Care of the County Council who have been assessed as tenancy ready and where access to suitable accommodation provides the secure platform that will contribute to the young person moving towards greater independence.”

9 Child in need

It is proposed to include in band 2 where a child(ren) are part of the application, where there is a need to move and the accommodation is a contributory factor to the risk to the child or children. This will occur where the child or children are the subject of a Child Protection Plan and the Child Protection Conference recommends rehousing as being important for the welfare of the child.

10 Threats of abuse, violence or harassment

It is proposed to include within Band 2 as follows:

“Applicants who need to move due to threat of domestic abuse, violence or harassment but who are not in immediate danger, as determined by an appropriate approved risk assessment by the referral agency”.

11 Care and Support

It is proposed to include within Band 2 in the following circumstances:

- Those who need to move to give or receive care that is substantial and ongoing as agreed by Warwickshire County Council
- Older or disabled applicants assessed by Warwickshire County Council as requiring retirement, extra care or sheltered housing.

12 Hardship

It is proposed to include within Band 2 to reflect specific and significant hardship which may include:

- Financial or economic hardship
- An applicant who needs to move to a different locality in order to give or receive care, or to access specialised medical treatment,
- An applicant who wishes to take up a particular employment, education or training opportunity.

13 Children aged 10 and under living above ground floor

The current policy sets that Band 3 priority will be awarded to tenants with one or more child under the age of 16 living above the first floor. It is proposed that this is changed as follows:

"Applicants, who are private-sector tenants or Council/housing association tenants with one or more child aged 10 or under, living in a flat or maisonette above the ground floor can be considered for a transfer to a lower floor."

14 Band 4 Changes

It is proposed to make amendments to Band 4 to help clarify that this award will be given to applicants who are currently adequately housed but who wish to move.

15 Rural lettings Policy

It is proposed to revise the Rural Lettings Policy with amendments ensure that a local connection to a local community is prioritised. The new proposed policy sets this out as follows:

- Under the Rural Lettings Policy allocations will be made first and foremost to those with a local connection need to be housed in the locality and with a demonstrable housing need (Bands 1 to 3).

Equality Impact Assessment:

An Equality Impact Assessment has been undertaken and this concluded that none of the changes proposed as part of the review will negatively impact on any of the protected characteristics set out in the Equality Act 2010.

It is felt that the review will benefit those people in significant housing need.



Warwick District Council Housing Allocation Scheme 2021



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1 INTRODUCTION

Social Housing is housing owned by District and Borough councils (councils) and registered providers (formerly known as Housing Associations). Social housing is a valuable but limited resource in the Warwick District Council area and demand for it is greater than the number of social homes available.

All councils must have an Allocation Scheme for determining priorities for allocating social housing and the procedures that will be followed. Warwick District Council's (the Council) Allocation Scheme describes the criteria that the Council will use to prioritise applications for homes owned by the Council and homes offered to the Council by registered providers through nominations agreements. A nomination agreement is an agreement negotiated between councils and registered providers which guarantees a council's ability to access registered providers' owned new build accommodation and relets for applicants on a council's Housing Register.

This scheme also sets out who will and who will not be assisted, how to apply for housing and how homes will be allocated.

The Council's Allocation Scheme, which is called HomeChoice, is supported through the delivery of the Council's housing advice and allocation service which informs applicants of their realistic prospects of obtaining social housing, and providing applicants with a range of information regarding other housing options that will include information about:

- Using the Council's housing options web pages
- Mutual exchanges with another council or registered provider tenancy
- Low cost home ownership options
- Renting in the private rented sector
- Options to remain in the current home.

The Council's Allocation Scheme supports and contributes towards the Council's vision that Warwick district should be a great place to live, work and visit, where we aspire to build sustainable, safe, stronger and healthier communities and it is consistent with the Council's Homelessness and Tenancy Strategies.

2 AIMS AND OBJECTIVES

The key objectives of the Council's Allocation Scheme are to:

- Operate within the legal and regulatory frameworks for the allocation of social housing
- Be simple, fair, transparent and understandable and have due regard to the prevailing circumstances in the district.
- Enable fair access to social housing for applicants in housing need as defined by the scheme

- Help those with a housing need and help to prevent and relieve homelessness in line with our duties under the Homelessness Reduction Act 2017;
- Enable the best use of the Council's and partner registered provider's stock
- Be realistic and informed by stock availability
- Operate a simple and understandable assessment system.
- Have due regard to the need to eliminate discrimination, harassment or victimisation and to advance equality of opportunity and foster good relations between different people in accordance with the Council's Public Sector Equality Duty under the Equality Act 2010

3 The Legal and Policy Framework

This Allocation Policy has been drawn up having regard to all of our statutory duties along with key corporate strategies including the Housing & Homelessness Strategy and Warwickshire Tenancy Strategy.

Before adopting the scheme or making any alteration that reflects a major change of policy, the Council will send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements in accordance with Section 166A (13) (a) Housing Act 1993

Relevant Legislation and Guidance

The Allocation Scheme takes into account the following legislation:

- Equality Act 2010
- Housing Act 1985, 1988 and 1996
- The Localism Act 2011
- Health and Social Care Act 2012
- ASB Crime and Policing Act 2014
- Homelessness Reduction Act 2017
- Immigration and Asylum Act 1999
- Asylum and Immigration Act 1996
- Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations)
- Human Rights Act 1998

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- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, as amended
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012,

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- The Homelessness (Review Procedure etc.) Regulations 2018

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- Allocation of Accommodation: Guidance for Local Housing Authorities in England (December 2020 Ministry of Housing, Communities and Local Government) "the updated Code"

Statement on the Protection of Public Funds

The Council is committed to protecting the public funds entrusted to it. The allocation of social housing via this Allocation Scheme is considered to be the allocation of public funds. The Council will seek to ensure that all housing allocations are in accordance with this scheme and that applicants on the Housing Register are subject to thorough verification and identity checks to minimise losses to fraud and corruption.

Fraud, Misrepresentation or Withholding Information

Under section 171 of the Housing Act 1996 it is a criminal offence for anyone to try and obtain accommodation from the council by knowingly or recklessly giving a false statement or knowingly withholding information. Offences under these provisions are prosecuted in the Magistrates' Court and carry an unlimited maximum fine for offences committed after 13 March 2015. The Council may seek possession of a tenancy that was granted because of a false statement and may also attempt to recover any costs incurred. Housing Register applicants are also reminded that it is an offence under the Counterfeiting and Forgery Act 1981 to hold or present false documents such as passports or bank statements with a view to receiving goods or services including social housing.

It is also an offence in accordance with Section 2 of the Fraud Act 2006 for a person to dishonestly make a false representation, that is a representation that the

person making it knows is or might be untrue or misleading and intends, by making the representation to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss.

Failure by an applicant to inform the Council of changes to his/her application or deliberately withholding information relevant to, or misrepresenting, his/her housing circumstances, may result in an offer/nomination for accommodation being withdrawn.

Under certain circumstances we may also prosecute any applicants who deliberately provide us with false information.

You can be disqualified from registering on HomeChoice for up to two years if you are found to have given false or misleading information in connection with your application.

Equality and Diversity

We serve a wide-ranging community and are committed to meeting the needs of that community when allocating housing. We will:

- Make sure that customers are treated fairly and equally and will not use discriminatory practices when allocating housing;
- Monitor and analyse how effective HomeChoice is at meeting the needs of our community and use the information to develop future policies and services; and
- Recognise that it is important that everyone who applies for rehousing understands HomeChoice. We will produce further information to explain the scheme and this will be available in large print

Data Protection and Privacy

Any personal data provided to the Council will be managed in line with the requirements of the Data Protection Act 2018 (which is the UK's implementation of the General Data Protection Regulations GDPR). The Council will use this information to respond to customers and improve services. The Council will take all reasonable steps to ensure that the data and information (including sensitive information) it collects and holds is protected against any unauthorised access with a particular emphasis on IT security. This has regard to the fact that it is an offence for a person to cause a computer to perform any function with intent to knowingly secure unauthorised access to any program or data held on the computer, or to knowingly enable any such unauthorised access to be secured in accordance with Section 1 of the Computer Misuse Act 1990.

We collect and process a range of data relating to Housing Register applications including names, addresses and address history, national insurance numbers, information relating to ethnicity and gender as well as sensitive information for

example relating to medical health needs. We only collect personal data that we need in order to offer our services.

All data is held in line with our obligations under the Data Protection Act 2018 and our Data Retention and Destruction Policy. All applications for housing accommodation will be dealt with in a confidential manner and only accessed by those who need to see it. Information held by the council will not be disclosed to any third party except where:

- the individual who is the subject of such confidential information has consented to disclosure to a third party to facilitate securing accommodation e.g. through a nomination to a housing association where an information sharing protocol is in place; or
- the council is permitted to disclose the information under data protection legislation; or
- there is a requirement in law to make such disclosures; or
- it is considered by the Council that the applicant has provided freely-given, specific and informed consent for any information held on an application to be shared with other social housing landlords, such as housing associations and other agencies.

An applicant accepted onto the Housing Register is entitled to see his/her entry and receive a copy of the details we hold. An applicant also has the right to request general information to assess how his/her application is likely to be treated under the Allocation Scheme and whether housing appropriate to his/her needs is likely to be made available to him/her.

For more details about how we use your data – please see our Privacy Statement which can be found on our website at:

<https://www.warwickdc.gov.uk/privacy>

3.1 What is an allocation

The following are defined as allocations within this scheme:

- The selection of a person to be a secure or introductory tenant of housing accommodation held by the Council or
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. by another housing authority) or
- Nominating a person to be an assured tenant of housing accommodation held by a registered provider.

3.2 What is not an allocation

The Allocation Scheme will not apply to the following:

- Succession to a tenancy
- Assignment of a tenancy through mutual exchange

- Assignment of a tenancy to a person who would be qualified to succeed to the tenancy
- Assignment of a tenancy in pursuance of a relevant court order
- Graduation from an introductory to secure tenancy.
- Transfers that the housing authority initiates for management purposes
- Allocation to an existing secure tenant, unless that tenant applied for a move and has a “reasonable preference”

There are also situations set out in legislation where the Allocation Scheme rules are not applied. These are:

- Where the local authority has a duty to find accommodation for a household under section 39 of the Land Compensation Act 1973; and
- Where the local authority grants a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling-house under sections 554 and 555 of the Housing Act 1985.
- Where allocation of housing accommodation is to a person who lawfully occupies accommodation let on a family intervention tenancy

3.3 Decisions on Applications

All decisions, taken in relation to applications for housing made through the provisions of this scheme, will be made by Housing Allocations staff; with the following exceptions:

- Decisions, in exceptional circumstances, to allow the qualification of applicants who would not otherwise qualify (see 4.4) – Housing Needs Manager
- Decisions to accept an applicant to the housing register who has already been housed through HomeChoice within the last 12 months (see 4.5) will be taken by Senior Housing Advice and Allocations Officer
- Decision to award a Band 1 priority (see 6.5) – Senior Housing Advice and Allocations Officer; except: – Decision to award a Band 1 priority for an exceptional need (see 6.5.3) – Housing Advice and Allocations Manager.
- Decision to award a Band 2 priority for Hardship (see 6.6.3) – Senior Housing Advice and Allocations Officer
- Decisions to make direct offers of accommodation to applicants (see 7.1) – Head of Housing
- Decisions taken on review (see 9.6.7). An officer more senior than the original decision maker will carry out reviews, as follows:
 - Decisions made by a Housing Allocations Officer will be reviewed by a Senior Housing Advice and Allocations Officer
 - Decisions made by the Senior Housing Advice and Allocations Officer will be reviewed by the Housing Advice and Allocations Manager
 - Decisions made by the Housing Advice and Allocations Manager will be reviewed by the Housing Needs Manager

- Decisions made by the Housing Needs Manager will be reviewed by the Head of Housing.

In all cases the Council reserves the right for a more senior officer than detailed above to make decisions on applications. References to officer titles include equivalent officers following any changes to organisational structures.

4 ELIGIBILITY AND QUALIFICATION

The Council is required by law to decide whether certain applicants are eligible for assistance in line with UK immigration and asylum law.

4.1 Applicants who are eligible

You will normally be eligible to apply to HomeChoice if you are a British citizen or Commonwealth citizen with Right of Abode

The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended) sets out certain classes of people who are subject to immigration control (see definition in paragraph 4.2) but are eligible for an allocation of housing accommodation. These classes of people are as follows:

- (a) Class A — a person who is recorded by the Secretary of State as a refugee
 - (b) Class B — a person—
 - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules and;
 - (ii) who is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;
 - (c) Class C — a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area) and has been given indefinite leave to enter or remain, other than a person who requires sponsorship for leave to enter or remain.
- In a case where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for five years since the date of entry or the date of sponsorship (whichever is later) before they become eligible for an allocation of housing accommodation. Where the sponsor (or all of them if there were more than one) have died within the first five years, the applicant will be eligible for an allocation of housing accommodation.
- (d) Class D— a person who has humanitarian protection granted under the Immigration Rules

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(e) Class E- a person who is habitually resident in the Common Travel Area and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under the Immigration Rules

(f) Class F – a person—

(i) who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention granted under the Immigration Rules as long as they are not subject to a condition to accommodate and maintain themselves and their dependants without recourse to public funds;

(g) Class G – a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom as an unaccompanied refugee child and has leave to remain granted under the Immigration Rules

(h) Class H – a person who is habitually resident in the Common Travel Area and has Calais leave to remain under the Immigration Rules

(i) Class I – a person who has limited leave to enter or remain in the United Kingdom by virtue of Appendix EU of the Immigration Rules where they are a family member of a relevant person of Northern Ireland (a relevant person of Northern Ireland is either a British citizen, an Irish citizen, or a British and Irish Citizen) where the Immigration Rules apply

(j) Class J – a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the United Kingdom as a stateless person in accordance with the Immigration Rules

The United Kingdom's exit from the European Union:

On 31 January 2020 the UK left the European Union. If you are an EEA national (which for the purpose of this policy means a national of an EU member state, Iceland, Norway, Liechtenstein or Switzerland) who is resident in the UK on or before 31 December 2020, and you do not have British Citizenship or Indefinite Leave to Remain you will need to apply to the EU Settlement Scheme ('the EUSS') before the 30 June 2021. On doing so, if you can provide evidence showing that you have been resident in the UK for a period of 5 years or more, then you should be granted indefinite leave to remain (settled status). If you have less than 5 years residence in the UK you should be granted limited leave to enter or remain in the UK (pre-settled status) and after 5 years of pre-settled status you can apply for settled status.

If you are granted settled status you will be treated as a person subject to immigration control who is eligible for an allocation of housing because you have indefinite leave to enter or remain in the United Kingdom in line with 'Class C' as referred to above.

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The provisions of section 7(1) of the Immigration Act 1988 and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to protect the rights of EEA nationals, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement (the International Treaty on the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community)

This means that EEA nationals, and their family members, who:

- have acquired limited leave to enter and remain in the UK (pre settled status)
- were frontier working (that is, were working in the UK but were living in another EEA state) in the UK prior to 31 December 2020; or
- were lawfully residing in the UK by 31 December 2020, but have still to apply to, or acquire status under, the EUSS before the deadline of 30 June 2021, and are covered by the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020

will continue to be treated as 'persons not subject to immigration control' so that their eligibility for allocation will be judged in accordance with Regulation 4 of The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006

The rules on immigration can be complex so all applicants will automatically be subject to an eligibility assessment. For Guidance on what the Immigration Rules are please refer to: <https://www.gov.uk/guidance/immigration-rules>. For Guidance on Local Authority Housing Allocation as a result of the United Kingdom's Exit from the European Union please refer to: <https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities/chapter-3-eligibility-and-qualification>

4.2 Applicants who are not eligible

If you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (that is, you are a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom) you may not be eligible to apply to HomeChoice unless you are a class of person prescribed by Regulations made by the Secretary of State, as referred to in Section 4.1. You will

not be eligible if you are a person from abroad not subject to immigration control and:

- i. You are not habitually resident in the Common Travel Area or;
- ii. Your only right to reside in the United Kingdom is derived from your status as a jobseeker (or your status as being a family member of a jobseeker) or;
- iii. Your only right to reside in the United Kingdom was an initial right to reside for a period not exceeding three months in accordance with the Immigration (European Economic Area) Regulations 2016 (the EEA Regulations) or;
- iv. Your only right to reside in the United Kingdom was a derivative right in accordance with the EEA Regulations
- v. Your only right to reside in the Common Travel Area is derived from your status as a jobseeker (or family member of a jobseeker), was an initial right to reside for a period not exceeding three months or was a derivative right in accordance with the EEA Regulations

If you are not subject to immigration control and you fall into category (ii) or (iii) above you will be ineligible for allocation for housing accommodation regardless of whether you have been granted limited leave to enter or remain in the UK in accordance with Appendix EU of the Immigration Rules or you have been granted a family permit issued under the EUSS granting limited leave to enter the UK in accordance with the Immigration (Leave to Enter and Remain) Order 2000

Habitual Residence

The term 'habitual residence' generally means that there is a degree of permanence in a person's residence in the Common Travel Area. Applicants who have been resident in the Common Travel Area for two years continually prior to their application to HomeChoice will usually be regarded as having 'habitual residence'. If you have lived abroad in the two years prior to making your application, the Council will conduct further enquiries to determine whether you are habitually resident.

Exemptions from the requirement to be habitually resident:

If you are from abroad you will be eligible for allocation to HomeChoice if you are not habitually resident in the Common Travel Area but the following applies:

- (i) You are an EEA national who is in the United Kingdom as a worker

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- (ii) You are an EEA national who is in the United Kingdom as a self-employed person
- (iii) You have a right of residence of an accession State national subject to worker authorisation
- (iv) You are a family member of a person referred to in (i) to (iii) above
- (v) You have been granted a right to reside permanently in the United Kingdom in accordance with the EEA Regulations
- (vi) You are in the United Kingdom as a result of your deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.
- (vii) You are in the United Kingdom as a Frontier Worker
- (viii) You are in the United Kingdom as a family member of a Frontier Worker and have a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom as a family member of a relevant EEA national under the Immigration Act 1971 by virtue of Appendix EU to the Immigration Rules

You may retain your status as a worker or self employed person even if you are not working if you:

- (a) are temporarily unable to work as the result of an illness or accident; or
- (b) are recorded as involuntarily unemployed after having been employed in the United Kingdom (provided that you are registered as a job seeker with the Employment Office) and
 - (i) were employed for one year or more before becoming unemployed, or
 - (ii) were unemployed for no more than 6 months, or
 - (iii) can provide evidence that you are seeking employment in the United Kingdom and have a genuine chance of being engaged; or
- (c) are involuntarily unemployed and have embarked on vocational training; or
- (d) have voluntarily ceased working and embarked on vocational training that is related to your previous employment.

If you are an EEA national who has established citizen's rights in accordance with Part 2 of the Withdrawal Agreement you can be joined by a close family member (spouse, civil and unmarried partner, dependent children and grandchildren, dependent parents and grandparents) who live abroad at any time in the future, as long as the relationship existed before 31 December 2020 and still exists when the family member wishes to join you in the United Kingdom. The family member

has three months from the date of arrival or until 30 June 2021 to apply to the EUSS.

When considering the family member's eligibility for allocation for housing accommodation, the Council will consider whether they have acquired indefinite leave to remain in the UK in their own right.

Applications to HomeChoice between 1 January 2021 and 30 June 2021:

If you are an EEA national or a family member of an EEA national and you are applying to HomeChoice after 1 January 2021 you will have to provide evidence of your immigration status. If you have already applied to EUSS and been granted status you can provide the Council with your digital status which will be used to establish whether you are eligible

Generally:

- EEA citizens, and their family members, granted settled status (also known as indefinite leave to enter or remain) will be eligible for allocation to HomeChoice and
- EEA citizens, and their family members, granted pre-settled status (also known as limited leave to enter or remain), and EEA citizens frontier working in the United Kingdom will be eligible for an allocation to HomeChoice on broadly the same terms as was the case prior to 31 December 2020

If you are eligible to apply to the EUSS but have not done so by the deadline of 30 June 2021, before you are considered eligible for HomeChoice the Council will have to satisfy itself that:

- you were exercising a qualifying EU right to reside immediately before 31 December 2020 (or you are a family member who has joined their sponsor EEA citizen between 1 January to 30 June 2021 but you have both yet to apply to the EUSS)
- You meet the relevant eligibility criteria at the time of your initial application to HomeChoice and again when the Council considers making an allocation particularly where a substantial amount of time has elapsed since the original application.

Those EEA citizens who miss the 30 June 2021 deadline and who do not have a different form of UK immigration status will be considered to have no lawful basis for remaining in the UK. They will need to obtain status under the EUSS or another UK immigration status to resolve this. Late applications to the EUSS will be accepted where there are reasonable grounds for missing the 30 June 2021 deadline.

Newly arriving EEA citizens and their family members who move to the United Kingdom from 1 January 2021 will (unless they are eligible to apply to the EUSS in another capacity) come under the new points-based immigration system. Under that system, access to social housing will be the same for EEA and non EEA citizens. They will generally be considered eligible after indefinite leave to remain is granted, usually after five years of continuous residence.

Eligibility can change with a change of immigration status and you are responsible for informing the Council of any change in immigration status. A member of the Housing Options Team will determine the eligibility of an applicant based on immigration status and applying the immigration and asylum legislation that is in place both at the time of application and again at the time of any allocation

An allocation for Housing cannot be made where two or more persons jointly apply and one of those persons are ineligible in accordance with Section 160ZA (1) (b) of the Housing Act 1996

Qualification:

In accordance with Section 160ZA (6) of the Housing Act 1996, the Council not only has to consider whether you are eligible but also decide whether you qualify for an allocation for social housing before you can be registered with HomeChoice. The following sets out qualifying criteria that is both decided by legislation and by the Council:

4.2.1 Unacceptable behaviour

If you or members of your household have been guilty of unacceptable or anti-social behaviour serious enough to make you unsuitable to be a Council or housing association tenant, we will treat you as non-qualifying and you will be excluded from HomeChoice. This applies to all applicants, including those where the unacceptable behaviour occurs or comes to light after the applicant has been accepted onto the register.

Unacceptable behaviour or anti-social behaviour is defined as behaviour that, had the applicant been a tenant, the Council or housing association would have been entitled to a possession order under the legislation relevant to that tenancy.

Such unacceptable behaviour includes but is not limited to:

- Applicants and/or any member of an applicant's family who have had a possession order made against them for arrears of rent regardless of tenure

Applicants and/or any member of the applicant's household with a recoverable housing related debt associated with a tenancy that has now terminated. Housing related debts may include:

- rent arrears from a Council, housing association or private tenancy;
- former tenancy arrears;
- rent arrears which resulted in an eviction;

- Housing Benefit overpayments;
 - Council Tax;
 - court costs;
 - repair charges;
 - housing-related support charge overpayment;
 - debts owed to building societies, banks and other lenders.
-
- Applicants and/or any member of the applicant's household who have been served with a Notice of Seeking Possession [or equivalent notice] in relation to behaviour or conduct of tenancy, excluding non-payment of rent, regardless of tenure
 - Applicants and/or any member of an applicant's household who have been given an order made in a civil or criminal court that is linked to a property or the locality of a property
 - Perpetrators of domestic abuse
 - Applicants and/or any member of an applicant's household who have been evicted from a tenancy due to a breach of any tenancy condition
 - Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes
 - Applicants and/or any member of an applicant's household who have an unspent criminal conviction committed in, or in the locality of a property
 - Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services
 - Applicants and/or any member of an applicant's household who have displayed threatening, violent or otherwise abusive behaviour towards a Council or partner registered provider employee or person employed to undertake work on their behalf.
 - Committing a serious offence, for which you could be arrested, in (or in the area near) your home.
 - Deliberately damaging your home.
 - Knowingly or recklessly giving false statements in relation to a housing application.
 - Loss of tied accommodation due to misconduct; or
 - harassment

In determining whether an applicant does not qualify due to unacceptable behaviour, the Council will consider:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to deem the applicant unsuitable to be a tenant?
- At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?

- Whether the applicant has demonstrated a clear commitment to repaying the debt by maintaining a repayment plan for at least 13 weeks

An applicant with housing-related debt exceeding £500 will be suspended from being able to bid until the applicant has made an agreement to pay off the debt and has kept to it for at least 13 consecutive weeks.

Exceptions to this will be considered on a case-by-case basis by a senior officer within the Housing Advice & Allocations Team, in conjunction with the body to whom the debt is owed. In particular, exceptions will be considered for tenants being affected by under occupation charges who are seen to be trying to keep up with their rent payments but nevertheless falling into arrears. Exceptions to these rules will be considered by the Head of Housing.

4.2.2 Applicants with income/assets

If you have an income or savings or investments that will allow you to get private accommodation, we will encourage and support you to take this option.

An applicant and their household with assets, or equity in a property, with a net value of more than £16,000 will not qualify for housing under the Council's housing allocation scheme.

The income of the applicant and their household will be taken into account when determining eligibility for HomeChoice. Households who have an income in excess of £50,000 will not qualify for housing under the Council's housing allocation scheme. Disability Living Allowance (DLA), Personal Independence Payment (PIP), child maintenance payments and War Pensions are not included as income.

The above savings limits do not apply to applicants who are former members of the armed forces. For further information about armed forces applicants please refer to Section 4.2.4.

The above restrictions may be removed for individual cases by the Head of Housing in exceptional circumstances where it can be shown that it would cause exceptional hardship or other special reasons.

4.2.3 Homeowners

Applicants who own their own home are generally excluded from joining the housing register. There are some exceptions to this such as:

- Where adaptations are required and the current accommodation cannot reasonably be adapted (6.5.2.1)
- Where the applicant could not reasonably be expected to live in their own home.
- Where the applicant requires specialist or sheltered accommodation
- Where the costs of home ownership is causing hardship

The Council would normally require the applicant to sell their property within 12 months

4.2.4 Age requirements

Applicants will generally need to be at least 18 years of age to be allowed onto HomeChoice unless you are:

- accepted as statutorily homeless; or
- the subject of a Special Agency Referral.

The Council only grants tenancies to people aged 16 or 17 in exceptional circumstances and may need an adult or organisation to guarantee to pay the rent if you get into arrears. Wherever possible 16- and 17-year-olds will be moved into a home where appropriate support is provided.

4.2.5 People housed through HomeChoice in the past 12 months

Anyone that takes up a tenancy allocated through HomeChoice, regardless of the type of tenancy, will be required to wait 12 months before being able to go back onto the Housing Register. The exceptions would be, for example, a change of circumstances which come under the 'reasonable preference' categories which are set out in section five below.

4.2.6 Persons who are incapable in law of holding a legal tenancy, unless:

The person

- Is in the care of Warwickshire County Council, or a care leaver
- Has been defined as a child in need as a result of a s17 Children Act 1989 statutory assessment
- Is owed a full statutory homeless duty following a s20 Children Act 1989 statutory assessment, or
- Has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends.

4.2.7 Refusals of offers of social housing

Applicants who have refused 2 suitable offers of social housing (within a 12 month period) or who are deemed to have unreasonably refused a suitable offer of housing will be disqualified from the housing register for a 12 month period, after which time a new application must be made.

Where a reasonable offer of housing has been made by the Council to discharge its homelessness duty and this offer of housing is refused, then your application will be reassessed based upon your circumstances and it is possible that the Council will have no further duty to house you.

4.3 Local Connection

Local connection is established by demonstrating that:

- The person has lived through their own choice in the Council's Local Authority area for at least 6 months over the last 12 months or for three years during the last 5 year period.
- Residence is not of own choice if the person is detained in the area by Act of Parliament
- Where the applicant has been placed in the Warwick District Council area by another local authority, the applicant must have been resident in the area for a period of at least three years.
- The person has evidenced a continuing caring responsibility for someone resident within the Council's Local Authority area
- The person is in employment or has received an evidenced offer of employment (permanent or temporary, for at least one year) within the Council's Local Authority area
- The person is in or evidences that they are due to undertake training or further education within the Council's Local Authority area, which has a duration of at least 6 months
- The person is aged 18,19 or 20 and was looked after, accommodated or fostered by Warwickshire County Council between the ages of 16 and 18
- The person is a former Warwickshire County Council care leaver aged 21 years of age or over, who is not a relevant student and who is vulnerable as a result of having been looked after, accommodated or fostered
- You have a mother, father (or other primary care giver), son, daughter, brother or sister, who is over 18 and has lived in Warwick district for at least the last five years as their only or main home at the date of your application.
- The person was provided with accommodation under Section 95 of the Immigration and Asylum Act 1999 which relates to support given to asylum seekers

Some applicants can join HomeChoice even though they do not have a local connection. These are known as "exempt categories" and are as follows:

- **People needing to move to the district to be near special medical or support services**
- **People suffering domestic abuse or harassment**

There are rules in homelessness law about how this is defined and we will use those rules in deciding whether to let you on HomeChoice for this reason

- **Key workers**

People who want to move to the district to take up a confirmed offer of a key public sector post will be considered on a case-by-case basis and may not have to meet the local connection criteria. Issues we will consider include the nature of the service to be provided, an affordability assessment, and the efforts that have been made to recruit locally.

We will consider requests from private sector employers wanting key-worker housing for employees who do not live in the district on an individual basis. If the Head of Housing Services considers that there is a strong argument in favour of agreeing the request it will be reported to Executive for approval.

- **Cases where the Council has accepted a full homeless duty.**

There are detailed rules in law about this that we will use to assess whether this applies to an application.

- **The Right to Move**

Council and housing association tenants who do not live in the district who:

- have a reasonable preference under s.166(3)(e) because of a need to move to the district to avoid hardship; and
- need to move because they work in the district; or
- need to move to take up an offer of work.

- **People in the armed forces.**

The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 sets out that a local authority may not require a person to have a 'local connection' where the person:

1. is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation
2. has 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:
 - (i) the spouse or civil partner has served in the regular forces; and
 - (ii) their death was attributable (wholly or partly) to that service; or

3. is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.

4.4 Exceptional circumstances

The Council recognises that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify. The Council may reconsider the qualification of these individuals in extreme exceptional circumstances, for example, where there is a threat to life and no other housing options are available. Such circumstances would require the approval of the Head of Housing.

A tenant allocated their current property through HomeChoice regardless of the type of tenancy, will be required to wait 12 months from the tenancy commencement date before being accepted to the housing register except where for example, there has been a change of circumstances which falls within one of the reasonable preference categories set out at section 6 of this policy.

We may consider you for extraordinary case priority if you have an exceptional housing need that is not addressed within this policy. The Head of Housing will determine such cases and place the applicant within a band commensurate with the applicant's needs.

4.5 Notification of decisions on eligibility and qualification

Where a person is deemed either ineligible or not to qualify for an allocation of accommodation they will be notified of this in writing and told why. An unsuccessful applicant has the right to request a review of the decision that they are not a qualifying person. Such reviews will consider if there is any evidence to support that the behaviour or circumstances upon which the decision was made have altered.

In accordance with Section 160ZA (11) of the Housing Act 1996, Applicants who have previously been deemed not to qualify for an allocation of housing accommodation may make a fresh application if they consider they should now be treated as qualifying.

5 REGISTRATION

5.1 The Housing Register

Warwick District Council operates a 'choice-based lettings' Housing Register in partnership with local Registered Providers (more commonly known as housing

associations). Details of the housing associations that we work in partnership with can be found at Appendix 1 below.

The Housing Register is known as 'HomeChoice' and allows most new and existing Council and housing association homes that become empty to be available to eligible households. Every year, more people are applying for housing and demand outstrips supply. HomeChoice helps us to prioritise those households who are in greatest need and provide rehousing options to local residents and tenants. HomeChoice also allows us to monitor the level and the nature of housing need locally.

5.2 How HomeChoice works

Anyone who wants to be considered for a Council or housing association home can apply to join HomeChoice, although not everyone will be accepted. If we accept you, we will assess your housing needs and place you into one of four bands reflecting your current situation and the severity of your housing need. We also assess your application to decide which properties, in terms of size and type, are suitable for your household.

You may then express an interest for advertised properties that are suitable for your household. This is often referred to as 'bidding'.

After an advert closes, the landlord will offer the property to the interested applicant with the most need, according to the various rules of HomeChoice and any other rules that may apply.

The Council will make all allocations and nominations in accordance with this Allocation Scheme, with the proviso that the Head of Housing of the Council as delegated authority, in exceptional circumstances, to let residential properties to persons who are not eligible for accommodation in accordance with this policy.

5.3 Statement of choice

We are committed, along with our partner housing associations, to offering the greatest choice possible when it comes to letting housing, while also making sure that housing goes to those with the greatest need.

With HomeChoice you will know your level of priority and can develop an awareness of the availability of accommodation suitable to your needs within the district. You can make an informed decision, balancing your need for accommodation with the availability of properties. HomeChoice also allows you to make an informed choice about whether you want to look for other solutions such as privately rented or full or part ownership properties.

5.4 How to apply

If you are applying for housing, you must provide us with accurate up to date details and supporting documents. Once you have submitted your application you must:

1. Tell us if you have a change in circumstances;
2. Respond to all of our requests for information;
3. Allow us to carry out a home visit if requested.

5.5 Completing the HomeChoice application form

If you would like to be considered for housing, you must complete a HomeChoice application form and send this to the Council.

Once a fully completed application form has been received along with the required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation, followed by an assessment of their housing need.

Applicants will be required to provide supporting documentation where indicated or requested by the Council.

The verification process includes requesting supporting information and documentation as set out below (other documents may be required depending upon your individual circumstances):

- Proof of Identification e.g.: passport or immigration documents
- Tenancy agreement and eviction notices
- Proof of pregnancy e.g.: ante-natal record (electronic hospital records are acceptable)
- Proof of dependent children e.g.: full length birth certificates
- Proof of income /assets /employment e.g.: wage slips and bank statements
- Proof of address history and residence e.g.: Council Tax record, utility bills etc

We will need to see original documents (photocopies will not be accepted). A Housing Advice & Allocations Assistant may also carry out a home visit to verify your circumstances.

5.6 Who will be considered for housing

The size of accommodation for which each applicant will be based upon who is included in the applicant's household.

For the purposes of assessing the size of property applicants require, the Council will take into account the details of people who normally reside with applicants or who would reasonably be expected to reside with applicants as a member of

his/her household (refer to 5.4). Other people will only be considered if there are demonstrable extenuating circumstances that require them to live with applicants.

5.7 People who have an extenuating need to live with the applicant

This will only be considered if the extenuating need is to provide or receive on-going and substantial care which can be evidenced.

The applicant must demonstrate:

- That they need to be cared for and are dependent on the applicant
- That other satisfactory arrangements cannot be made
- That the arrangement is ongoing
- The member of the household will need to be resident in the UK.

The applicant will be required to provide evidence that the person to be included requires or receives support or care, e.g. proof that they are providing care and in receipt of care allowances or have had a carer assessment.

5.8 Family members not currently living with the applicant

Immediate members of the applicant's family not currently living with the applicant and who would normally live with the applicant upon allocation may be included. The applicant will be required to provide appropriate evidence regarding their current living circumstances to determine if they are eligible and if they qualify.

If applicants are applying to include family members who are not living in the UK, the application may be registered but applicants cannot be allocated together until the family has been reunited in the UK.

Applicants who have been approved for fostering or adoption and have been referred via Warwickshire County Council's children's services will be able to include children for whom they have been approved to foster/adopt within their household.

Applicants will be required to provide evidence that the members of the family included in the application have an ongoing intention to reside with the applicant in their new home.

5.9 Split households

Where people living separately wish to live together each household is expected to complete a separate application form which will be submitted and assessed jointly. A joint application will be registered to the address that would attract the lower banding were the parties to move in together. Where an offer of accommodation is made, both parties must sign up to a joint tenancy. If either party moves out or seeks to terminate the tenancy and leave the other in occupation during the first twelve months of the tenancy - a fraud investigation will

be initiated if there is reason to believe that the tenant or tenants have misled the Council.

If both parties are social housing tenants, then they may be banded as a transfer “two for one” case (see section 7.6.4).

5.10 Notification of registration

Once we have completed an assessment of your HomeChoice application a Housing Allocations Assistant will write to you to give you details of the result of the assessment. The letter will confirm the following information:

- whether you are eligible;
- whether you are a qualifying person;
- whether you have a reasonable preference;
- what band you have been placed in;
- how many bedrooms you are entitled to;
- the type of property you are entitled to;
- your registration date;
- your right to request a review if you are unhappy with our assessment.

6 MANAGEMENT OF THE SCHEME

6.1 Advice and information on the scheme

The Council will make available information and offer advice to assist applicants in understanding how the scheme operates.

The Council will provide the following:

- A summary of the scheme
- Information about how to apply and how to bid for vacant advertised properties
- How their application will be treated and whether they will be given any preference
- Information about how we award priorities within the Scheme
- How successful applicants will be selected for vacant properties
- The rules on how properties will be advertised via the Choice Based Lettings system, including details of the bidding cycles and assisted bidding
- Information about review procedures.

6.2 Information for applicants about their own application

- The band the applicant is awarded under the scheme
- The properties the applicant is entitled to bid for

- What the applicant needs to provide as evidence to support their application and when this information will need to be provided
- If the applicant does not qualify or is found to be ineligible, this decision will be notified in writing giving clear grounds for the decision based upon the relevant facts of the case.

If the applicant is not eligible or does not qualify for an allocation, they will be offered advice and assistance on alternative housing options available.

Applicants who have any difficulty reading or understanding this allocations scheme will be offered appropriate support.

6.3 Transitional Arrangements

Applicants do not need to reapply to the housing register. We will use the information provided by you in your most recent application to us to reassess your application in line with this new allocations policy.

If your banding does not change no further action will be required.

If your banding does change or we feel that we require further information from you then we will contact you.

6.4 Management of applications within each band (Assisted bids and number of offers)

6.4.1 Assisted bids

The Council reserves the right to place a bid on behalf of the applicant (assisted bidding).

6.4.2 Number of offers

Applicants can receive up to two suitable offers of accommodation (note the exception in 6.6.4 for certain households awarded a priority due to homelessness).

Applicants that are homeless will receive one suitable offer.

If the Council considers that the applicant has unreasonably refused two offers of suitable accommodation (one suitable offer for homeless applicants) the application will no longer qualify for an allocation and the applicant will not be entitled to apply again within 12 months of the date of disqualification.

An offer of accommodation which is arranged by way of a nomination to a registered provider will be considered to be a suitable offer.

An offer of a local authority tenancy will be considered to be suitable.

Applicants will be notified of all decisions and the applicant has the right to a review on any decision that is made.

All applicants are entitled to two suitable offers of accommodation apart from homeless households who are awarded a Band 1 or Band 2 priority who are entitled to one suitable offer.

All applications within Bands 1 and 2 will be re-assessed after 6 months for those awarded Band 1 priority and after 12 months for Band 2 applicants, to determine whether the circumstances/needs that led to the award are still prevailing. If upon the Council's re-assessment, a lesser award is given, the application will revert to the original date of registration.

6.4.2 Band 1

If the applicant has not reasonably bid for a suitable property within 3 months of their Band 1 award, the local authority reserves the right to place bids on the applicant's behalf (assisted bidding).

All applications within Band 1 will be re-assessed after 6 months to determine whether the circumstances/needs that led to the award are still prevailing. If upon the Council's re-assessment, a lesser award is given the application will be given the original date of registration.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

6.4.3 Band 2

Applicants within Band 2 awarded a homelessness reasonable preference award will be expected to bid for suitable properties in the first available bidding cycle. Should applicants within Band 2 with a homelessness reasonable preference fail to bid for suitable properties at the first opportunity, the Council reserves the right to place bids on their behalf (assisted bidding).

For all other applicants in Band 2 that have not reasonably bid for a suitable property within 6 months of their Band 2 award, the local authority reserves the right to place bids on the applicant's behalf (assisted bidding).

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

6.4.4 Band 3

Applicants within Band 3 will be entitled to up to two suitable offers of accommodation. Applicants who have previously refused a suitable offer made whilst in a higher band will receive one further suitable offer.

All applications within Band 3 will be reviewed after 18 months to determine whether the circumstances/needs that led to the award are still prevailing. If, upon the Council's review, a lesser award is given the application will revert to the original date of registration.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

Where applicants fail to respond to the Council's review, the application may be cancelled.

6.4.5 Band 4

Applicants within Band 4 will be entitled to up to two suitable offers of accommodation.

All applications within Band 4 will be reviewed after 18 months to determine whether the circumstances/needs that led to the award are still prevailing.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

Where applicants fail to respond to the Council's review, the application may be cancelled.

6.4.6 Changes in circumstances

It is the responsibility of the applicant to notify the Council immediately of any change in their circumstances.

Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or email.

Changes in circumstances will include:

- A change of address, for themselves or any other person on their application. A new application will be required for any change of address.
- Any additions to the family or any other person they would wish to join the application (the Council will decide whether to allow the person/s to join the application)
- Any member of the family or any other person included on the application who has left the accommodation
- Any change in income, assets or savings which results in the applicant exceeding the threshold for qualification

Applicants will not be able to bid or be considered for an allocation whilst the application is reassessed. This will include applicants where circumstances have changed, the applicant has failed to inform the Council, and it subsequently comes to the Council's attention.

Applicants will retain the original date of application on a change of address as long as the new accommodation has not been obtained through HomeChoice in which case a new application will not be accepted for twelve months from the date of rehousing.

6.4.7 Decisions and reviews

Applicants have the right to information about decisions and rights of review of decisions made relating to their application. This will include:

- The right, on request, to be informed of any decision about the relevant facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them
- The right, on request, to review a decision mentioned above, or a decision to treat them as ineligible or not qualifying for an allocation
- The right to be informed of the decision on the review and grounds for it.

Applicants or their representatives should request a review in writing within 21 days of being notified of a decision.

The Council will consider the review within 56 days of the request. A longer period may be agreed with the applicant.

The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed.

The Council's decision on review is final and can only be challenged by way of a judicial review.

An officer more senior (than the original decision maker) within the Council will carry out reviews.

6.5 Annual Reviews

We will write to you every year around the time of the anniversary of your application to ask you if you wish to remain on HomeChoice. If you do not reply your application will be cancelled.

Before removing you from the HomeChoice scheme for failing to respond to a review letter, we will give you 21 days' notice of this action.

6.6 Cancelling your application

If you do not place a bid within a 12 month period you will be disqualified from the housing register for a period of 12 months unless there are extenuating circumstance for your failure to bid.

There are other reasons why we may cancel your application including if you:

- accept a tenancy with us or a housing association;
- become a joint tenant with an existing tenant of WDC or a housing association;
- buy a property through the Help to Buy Scheme;
- have an introductory tenancy that has been ended or is in the process of being ended due to unsatisfactory conduct;
- ask us to cancel it;
- do not respond to correspondence;
- move and do not tell us your new address;
- have a change of immigration status that deems you ineligible for allocation for social housing; or
- give us false or incomplete information connected with your registration.

If we do remove you, we will notify you in writing and also give you details about your right to request a review of our decision. For more information about 'the right of review'

6.7 Choice and constraints

The amount of choice that the Council is able to offer is limited by the shortage of social housing in the area and the responsibilities owed to some groups in housing need. Applicants are able to express a preference for a particular type of property and the area in which they would like to live. However, applicants should be aware that the Council's ability to satisfy expressed preferences may be severely limited.

The Council operates a Choice Based Lettings system. The majority of applicants will be able to bid using Choice Based Lettings. There are some circumstances in which this will not apply and the Council may make bids on behalf of an applicant (assisted bidding) or make direct offers. A direct offer means that an applicant will not bid on properties but will receive one offer of suitable accommodation. Direct offers are made outside of HomeChoice. The Council reserves the right to do this at any time.

Applicants will be required to state areas within the district where they believe they cannot live due to an evidenced risk of violence, harassment or domestic abuse. The Council must be satisfied such factors exist and that it is necessary to allocate accordingly. This will assist the Council in making more informed decisions regarding restricted bidding, assisted bidding and direct offers. It will also help support officers who may be assisting an applicant to bid to know where not to express an interest in properties.

Applicants are encouraged to bid for properties over a wide geographical area of the district and to consider properties in the private rented sector if they require a specific area where demand for social housing is high or in limited supply.

6.8 Special rules applying to Preference Bands

If you are in Band One, you will have this priority for up to 12 weeks. The 12-week period will begin from the date you are registered in Band One. During this period, we will make only one reasonable and suitable offer of accommodation. The Housing Advice Team will be able to make bids on behalf of applicants for any suitable properties that become available. If your bid is successful we will not make you any further offers.

If you have not been housed, or received an offer of suitable accommodation, within the 12-week period we will review your case. In these circumstances we will either extend the time period or make one final direct offer of suitable and reasonable accommodation.

If you are a homeless applicant in Band 1 you will have 4 weeks in which to place a bid after this time your allocated Housing Options officer will place bids on your behalf. We will make only one reasonable and suitable offer of accommodation. If you have a successful bid, we will offer that property as long as it is considered reasonable and suitable for your needs. Once the offer has been made you will no longer be able to bid for properties. If you refuse the offer, apart from any request for a review, we will reassess your application and move you to the appropriate band. The same is true if your circumstances change or you make other arrangements to resolve your housing situation.

Homeless applicants in Band 2 with a Prevention or Relief duty owed to them that do not actively bid for properties on HomeChoice will have bids placed for them by their allocated Housing Options Officer.

When bidding on behalf of an applicant or making a direct offer, the Council will normally take into account the following factors:

- The number of bedrooms required
- Any essential requirement concerning the type or location of housing
- The housing band into which the applicant has been assessed
- The Homelessness (Suitability of Accommodation) Order 1996 where the applicant has been granted a homelessness reasonable preference and is placed within Band 2.

The Council will not normally take into account:

- Non-essential preferences concerning the location or type of re-housing requested by the applicant.

The Council will offer assistance in using the Choice Based Lettings system to applicants with identified support needs.

If you are not cooperating to try to 'prevent' or 'relieve' your homelessness your banding will be demoted to Band Three. Whilst homeless you will be expected to bid on all suitable properties available.

7 ASSESSMENT OF NEED

Only applicants who have been assessed as eligible and who qualify will be assessed for housing need.

Applicants who are not eligible or who do not qualify for housing will be offered advice regarding their housing options.

7.1 The Structure of the Priority Banding System

The housing bands are summarised below:

- | | |
|---------------|--|
| Band 1 | Applicants who have a reasonable preference and/or have a very urgent need to move are awarded an additional preference. |
| Band 2 | Applicants who fall within one of the reasonable preference categories and/or have an urgent need to move. |
| Band 3 | Applicants who fall within one of the reasonable preference categories and/or have an urgent need to move but who do not qualify for a Band 2 award. |
| Band 4 | Want to move – no reasonable preference but qualify for other specified reasons. |

The banding awarded under this policy is aimed at meeting the applicants specific housing needs and the applicant will be expected to actively bid for properties that are advertised through HomeChoice. Bidding activity will be monitored and failure to make a bid on any properties may result in suspension from the housing register or other action as set out below:

- | | |
|---------------|---|
| Band 1 | Failure to bid on any properties over a 12-week period whilst in Band 1 may result in demotion to Band 2. |
| Band 2 | Failure to bid on any properties over a 6-month period whilst in Band 2 may result in demotion to Band 3. |

Failure to bid for any properties over a period of 12 months will result in disqualification from the Housing Register for a period of 12 months unless there are extenuating circumstance for your failure to bid.

7.2 Reasonable preference

The Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in the Warwick District Council area, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended) over those who do not have a reasonable preference. Reasonable preference does not mean that applicants will have an absolute priority over all other applicants.

The statutory reasonable preference categories in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) are:

- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who are homeless (within the meaning of Part VII of the Act)
- People who are owed a duty by any local housing authority under section 190(2) 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People who need to move on medical or welfare grounds (including grounds relating to disability)
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

7.3 Additional preference

The Council can grant 'additional preference' to applicants where the Council is satisfied that applicants who have been assessed as having a reasonable preference also have other exceptional or urgent housing needs.

There are special provisions for such additional preference in relation to Her Majesty's Armed Forces personnel who have urgent housing needs. In this regard, Additional preference will be given to a person with urgent housing needs who:

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable wholly or partly to the person's service or
- Formerly served in the regular forces or
- Has 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 who has served in the regular forces and whose death was attributable (wholly or partly) to that service or
- Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's services

7.4 Other Specified groups

The Council intends to exercise the legal discretion to include local priorities alongside the statutory reasonable preference categories. The Council's local priorities can be included providing:

- That they do not dominate the Scheme and
- Overall, the Scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

For the purposes of the Scheme, Identified local priorities are referred to as 'other specified groups'.

7.5 Assessment of additional preference – Band 1

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1.

7.5.1 Unsatisfactory accommodation – Band 1

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1. Recommendations from internal and/or external advisors may be sought.

7.5.1.1 Council approved clearance and demolition, lease expiry – Band 1

Where a Council tenant is required to move because their home will be demolished or required for major works within 6 months and the tenant will not be returning. Properties must be within a Council approved clearance or regeneration area/scheme.

Where an owner of a property within a Council approved clearance or regeneration area/scheme is subject to a compulsory purchase order and vacant possession is required within 6 months.

Where a Council tenant is required to move within 6 months because the lease on the property is due to expire within this period. This may be necessary if the freehold of the property does not belong to the Council, the lease is due to end and the Council is obliged to return the property with vacant possession.

Priority is awarded for the period of time during which applicants will be expected to bid. If applicants fail to bid or bid inappropriately or unreasonably refuse suitable properties, a direct and final offer may be made.

7.5.1.2 Acute overcrowding – Band 1

Where the applicant and the applicant's household are overcrowded by 3 bedrooms in line with the bedroom standard (see section 9) will be awarded Band 1 priority. For the purpose of the scheme the number of bedrooms the applicant and the applicant's household have use of will be taken in consideration.

Information provided by the applicant will be verified using various Council sources and may include home visits.

This award does not apply where the applicant has been placed in any Bed and Breakfast accommodation by any Local Authority.

7.5.1.3 Releasing significantly adapted social housing – Band 1

Where social housing tenants within the Council's area are releasing a significantly adapted house or designated older person's accommodation by moving to a lesser or non-adapted property and there is a potential suitable applicant/s identified for the adapted property which would be released through rehousing.

Significantly adapted properties will be defined by the Council's Housing Needs Manager, Head of Assets or Head of Housing

The award will be granted only where the Council will be given vacant possession of the property.

Where the rehousing has been initiated by the Council these are by law not an allocation.

7.5.1.4 Private rented sector properties – Band 1

Where an applicant is living in a private rented sector property that has been identified as having insanitary or unfit conditions, where the conditions pose an ongoing and serious risk to health and the property conditions cannot be rectified by the owner within 6 months.

Priority will be awarded where the Council has determined that the property poses a Category 1 hazard (excluding overcrowding) under the Housing Health and Safety Rating System. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or has living conditions which are a statutory nuisance, and there is no prospect of the disrepair being remedied within a 6-month time period. Additionally, the HHSRS assessment has determined that continuing to occupy, the accommodation will pose a considerable risk to the applicant's health this assessment will be undertaken by the Council's Private Sector Housing Team.

The applicant will need to demonstrate and evidence why the owner cannot resolve the property conditions within 6 months and why alternative private rented sector accommodation cannot be secured.

Priority will also be awarded where a private sector property either owned or rented that is subject to a prohibition or demolition order has been issued by the Council for disrepair and as such the applicant is likely to lose the use of the property on a permanent basis. Additionally, the Council has assessed and is satisfied that as a result of the disrepair continuing to occupy the accommodation will pose a considerable risk to the applicant's health.

7.5.1.5 Lacking facilities – Band 1

Applicants who permanently lack any or all of the following:

- A bathroom
- A kitchen
- An inside wc
- Hot or cold water supplies
- Electricity, gas or adequate heating in the living area where a temporary supply cannot be installed

and there is no prospect of the conditions being remedied within a 6 month time period.

Applicants who have access to shared facilities in shared accommodation will not qualify under these criteria.

7.5.2 Medical and/or welfare – Band 1

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1. Recommendations from relevant professional might be sought.

7.5.2.1 Emergency medical or disability – Band 1

An applicant's circumstances will normally only be referred for a medical assessment if the applicant has indicated that there is a serious medical condition or disability that is made substantially worse by their current housing. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in or where the applicant or a member of the applicant's house has an immediately life-threatening or progressive condition which is seriously affected by your current housing.

Priority will be given depending on how unsuitable the current accommodation is in relation to their medical or disability needs. The assessment is not purely based on the applicant's health conditions.

The following are examples of circumstances that would qualify for additional preference:

- Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations
- Those who have nowhere at all to live when they leave hospital and who have a continuing and enduring medical condition. These applicants will qualify for additional preference for medical, disability or welfare reasons if the need to move is urgent and all other reasonable housing options have been explored
- Those who have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations because of cost effectiveness, structural difficulties or the property cannot be adapted within a reasonable amount of time. Applicants will be individually assessed
- Where an applicant's condition is terminal and rehousing is required to provide a basis for the provision of suitable care. The condition must be diagnosed and indicated as terminal within a period of 12 months.
- Where an applicant's condition is life threatening and the existing accommodation is a major contributory factor
- Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening
- Disabled persons (as defined under the Equality Act 2010) who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities or have difficulties accessing facilities e.g bathroom, kitchen, toilet, inside and outside of their accommodation safely and the current accommodation cannot be reasonably adapted
- Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in Her Majesty's regular armed forces. This award only applies where the applicant's current accommodation does not meet the requirements of the occupants in terms of adaptations.

7.5.2.2 Serious threat to a child – Band 1

The award of additional preference will be given if Warwickshire County Council's children's services have determined that a child(ren) or young person (under the age of 18) is at significant risk of harm and the level of risk in relation to the child(ren) or young person remaining in the current property will be so critical that no other reasonable options in relation to

accommodation are available to protect the child and/or stabilise a family situation.

7.5.2.3 Move on from care – Band 1

Young people who have reached the age of 18 referred by Warwickshire County Council's Children's Services as leaving the care of the County Council. The young person will have a completed Pathway Plan that is approved by the Reviewing Officer. The approved plan will clearly set out that the young person has been assessed as having acquired the skills needed to make the transition to the responsibilities of adulthood. This will include an assessment that the young person has the financial capability and practical skills required to manage and hold a tenancy and the arrangements that are in place for continuing care and support.

7.5.2.4 Foster Carers – Band 1

The award of additional preference will be given following a referral from Warwickshire County Council's children's services to those foster carers and adopters who have been assessed and approved and whose housing prevents them from being able to start, or continue to provide foster care to a Warwickshire County Council looked after or former looked after child.

The award will also be given to special guardians, holders of a residence order and family and friend carers who have been formally approved to provide long term care of a child(ren) because the parents are unable to provide care and there is a potential for the child(ren) to become a Warwickshire County Council looked after child and there is a need to move to larger accommodation in order to accommodate the child(ren). The award will be given following a referral from Warwickshire County Council's Children's Services.

7.5.3 Exceptional need – Band 1

The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Threat to life:
 - If there is a significant threat of violence or other harm to an individual (including domestic abuse or racial harassment). The request for rehousing will need to be supported by senior officers within the Police or a formally established organisation such as the Risk Assessment Management Panel under the countywide Multi Agency

Public Protection arrangements (MAPPA), Multi Agency risk Assessment Conference (MARAC) or the National Witness Support Scheme.

- Applicants who are at risk of/suffering domestic abuse, extreme violence or harassment whose facts and circumstances demonstrate to the Council that the threat is immediate and it is not safe for the applicant / household to remain in their present home. This will be based upon verification by senior officers within the police or other agencies as necessary in conjunction with a Council approved risk assessment
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with an alternative tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life
- Households who must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community and where a designated approved risk assessment has been received from a relevant agency such as the police
- Cases nominated under the Police National Witness Protection Scheme or other similar schemes that the Council has agreed to be part of
- Emergency need to move
- Where an applicant's circumstances fall outside of the scheme and have been assessed as an exceptional need to move.
- Urgent and immediate housing needs not covered by HomeChoice.
- Applicants with multiple needs which together significantly negatively impact on the applicants current housing situation.

7.5.4 Her Majesty's Armed Forces – Band 1

Additional preference will be given to an applicant who:

1. Falls within Band 2 and
2. Meets one or more of the following criteria:
 - (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
 - (ii) formerly served in the regular forces,
 - (iii) has 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 who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or

(iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Where applicable, the Council will ask you to provide discharge documents (or equivalent) or a certification of cessation of entitlement to occupy a service quarter documents in order to determine your eligibility.

7.5.5 Special agency referrals

Referrals from organisations such as Warwickshire County Council Social Care and Children and Families Services; and Probation. Referrals will be considered on a case-by- case basis.

7.5.6 Homeless Applicants – Full Legal Duty Band 1

An applicant assessed under the homelessness legislation who has a local connection, is eligible, in priority need, homeless, not intentionally homeless and owed a full statutory duty under S193(2) of the Housing Act 1996.

7.5.7 Under-occupation – Band 1

Applicants where tenants of social housing that are currently under occupying a 4 bedroom property or larger and are willing to move to a smaller sized property. The award will be granted only where the Council will be given vacant possession of the property.

7.6 Assessment of Reasonable Preference – Band 2

The award of reasonable preference will be made in the following circumstances and applicants will be placed in Band 2.

7.6.1 Unsatisfactory Accommodation – Band 2

The award relating to unsatisfactory accommodation will be made in the following circumstances

Applicants will be placed in Band 2. Recommendations from internal and/or external advisors might be sought.

7.6.1.1 Council approved clearance and demolition, lease expiry – Band 2

Where a Council tenant is required to move because their home will be demolished or required for major works within 12 months and the tenant will not be returning. Properties must be within a Council approved clearance or regeneration area/Scheme.

Where an owner of a property within a Council approved clearance or regeneration area/scheme is subject to a compulsory purchase order and vacant possession is required within 12 months.

Where a Council tenant is required to move within 12 months because the lease on the property is due to expire within this period. This may be necessary if the freehold of the property does not belong to the Council, the lease is due to end and the Council is obliged to return the property with vacant possession.

Priority is awarded for the period of time during which applicants will be expected to bid. If they fail to bid or bid inappropriately or refuse suitable properties, a direct and final offer may be made.

7.6.1.2 Overcrowding – Band 2

Where the applicant and the applicant's household are overcrowded by 2 bedrooms in line with the bedroom standard (see section 9) they will be awarded Band 2 priority. For the purpose of the scheme the number of bedrooms the applicant and the applicant's household have use of will be taken in consideration.

Information provided by the applicant will be verified using various Council sources and may include home visits.

This award does not apply where the applicant has been placed in any Bed and Breakfast accommodation by any Local Authority.

7.6.1.3 Under-occupation – Band 2

Where tenants of social housing are currently under-occupying a house and are willing to move to a smaller sized property. The award will be granted only where the Council will be given vacant possession of the property.

7.6.2 Medical and/or welfare – Band 2

The award of reasonable preference will be made in the following circumstances and applicants will be placed in Band 2. Recommendations from relevant Council advisors might be sought.

7.6.2.1 Medical or disability – Band 2

An applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing. However, their housing conditions directly contribute to causing serious ill health and/or seriously negatively impacts on the applicant's welfare and the condition of the property cannot be resolved within a reasonable period of time.

Circumstances will be assessed by a relevant officer of the Council and may need to be referred to a relevant Council advisor, depending upon the circumstances.

The following are examples of cases that would qualify for reasonable preference:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health, such as severe chest condition, requiring intermittent hospitalisation as a result of chronic dampness in the accommodation
- Children with severe conditions such as autism, or cerebral palsy, where their long term needs cannot be met without suitable accommodation
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs
- A person with a severe disability requiring substantial adaptations to a property which is not, and cannot be provided for in their current accommodation
- A person with a terminal illness or long term 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 suitable accommodation
- A person suffering with a diagnosed mental illness where the medical condition would be significantly improved by a move to alternative accommodation.

7.6.2.2 Ready to move on from Council Accredited Supported Scheme – Band 2

Applicants will be awarded this priority for certain listed projects. Not all applicants who occupy named supported housing projects will qualify for reasonable preference. Applicants must be assessed as:

- Being in need of long term rather than short term on-going tenancy support
- Being ready to move to independent accommodation
- Having a support package (if required) that has been assessed and is in place
- Having a vulnerability whereby accommodation in the private rented sector would, through its short term, have a detrimental effect on their vulnerability.

7.6.2.3 Move on from care – Band 2

Qualifying young people referred by the County Council's Children's Services as young people leaving the care of the County Council who have been assessed as tenancy ready and where access to suitable accommodation provides the secure platform that will contribute to the young person moving towards greater independence.

7.6.2.4 Child in need – Band 2

Where a child(ren) are part of the application where there is a need to move and the accommodation is a contributory factor to the risk to the child or children. This will occur where the child or children are the subject

of a child protection plan and the Child Protection Conference recommends rehousing as being important for the welfare of the child.

7.6.2.5 Threats of abuse, violence or harassment – Band 2

Applicants who need to move due to threat of domestic abuse, violence or harassment but who are not in immediate danger, as determined by an appropriate approved risk assessment by the referral agency.

7.6.2.6 Care and Support – Band 2

- Those who need to move to give or receive care that is substantial and ongoing as agreed by Warwickshire County Council
- Older or disabled applicants assessed by Warwickshire County Council as requiring retirement, extra care or sheltered housing.

7.6.3 Hardship – Band 2

This award will be given to reflect specific and significant hardship which may include:

Financial or economic hardship

An applicant who needs to move to a different locality in order to give or receive care, or to access specialised medical treatment,

An applicant who wishes to take up a particular employment, education or training opportunity.

Where hardship can be demonstrated, Social Housing tenants from outside of the Local Authority area with the statutory Right to Move will be awarded a reasonable preference. Where demand exists the Council will set aside a proportion of annual lettings in order to meet its statutory obligations with regards to the Right to Move.

7.6.4 Two for One Moves Band 2:

A two-for-one move is where two tenants of social landlords want to move in together so they are freeing up two vacancies in return for the one property available. There are a number of conditions:

- Both properties must be within the Warwick District Council boundary.
- Both landlords must be social landlords.
- Both vacancies must be in demand. (The views of landlords and lettings staff will be asked for before a two-for-one offer is made.)
- Both resulting vacancies must be advertised through HomeChoice. (A housing association landlord will need to confirm this to us before a two-for-one offer is made.)
- Both tenants must sign a joint tenancy for the new property.
- Both properties must be returned to the landlord(s) of the existing tenancies.
- Normal bedroom need requirements will apply.

7.6.5 Inheriting a Tenancy you cannot stay in - Band 2

Tenants who have inherited a secure or introductory tenancy after the death of the previous tenant but who cannot stay in the property because this would lead to under occupation or overcrowding.

7.6.6 Homelessness – Band 2

Where an applicant has been accepted as homeless by the Council and until such time as the Council has discharged its duties in accordance with the Homelessness legislation.

The following applicants will receive an initial Band 2 award:

- Applicants owed the s195 Prevention Duty where there is no realistic prospect of preventing homelessness, or s189B Relief Duty of the Homelessness Reduction Act 2017 for as long as that duty is owed to the applicant regardless of priority or intentionality

• Non-priority and not intentionally homeless applicants (Housing Act 1996)
This reasonable preference award will only be applied whilst the homeless duty is owed. The duty towards Band 2 applicants is ended by the offer of suitable accommodation. If homelessness is the sole reason for qualification to join the Housing Register, this will result in the applicant no longer having a reasonable preference, no longer qualifying and subsequently being removed from the Housing Register. No further offers will be made. These applicants will therefore only be entitled to one suitable offer.

The homelessness duty may be ended by the offer of a private rented sector tenancy.

7.6.7 Demolition or Closing Order – Band 2

Private tenants living in a property that has been served with a Prohibition Order.

7.6.8 Armed Forces – Band 2

Additional preference will be given to an applicant who:

1. Falls within Band 3 and
2. Meets one or more of the following criteria:
 - (i) is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,

- (ii) formerly served in the regular forces,
- (iii) has 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 who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

Where applicable, the Council will ask you to provide discharge documents (or equivalent) or a certification of cessation of entitlement to occupy a service quarter documents in order to determine your eligibility.

7.7 Band 3

Band 3 will be awarded in the following circumstances

7.7.1 Overcrowding – Band 3

Where the applicant and the applicant's household are overcrowded by 1 bedroom in line with the bedroom standard (see section 9) they will be awarded Band 3 priority. For the purpose of the scheme the number of bedrooms the applicant and the applicant's household have use of will be taken in consideration.

Information provided by the applicant will be verified using various Council sources and may include home visits.

This award does not apply where the applicant has been placed in any Bed and Breakfast accommodation by any Local Authority.

7.7.2 Children aged 10 and under living above ground floor – Band 3

Applicants, who are private-sector tenants or Council/housing association tenants with one or more children 10 or under, living in a flat or maisonette above the ground floor can be considered for a transfer to a lower floor.

7.7.3 Homelessness Band 3

The following applicants, where a s193(2) Housing Act 1996 Main Duty is not owed, will receive an initial Band 3 award when the relief duty has been ended by a s184 decision:

- Applicants owed a duty for being intentionally homeless 190(2) – note the Council duty to assist remains for 28 days after which the application will be reassessed and the award may be removed.
- Applicants who are homeless within the meaning of Housing Act 1996 Part 7, but who are owed no housing duties, including the non-priority homeless.

7.7.4 Sharing facilities – Band 3

Applicants who permanently share with another household any or all of the following:

- A bathroom
- A kitchen
- A wc

7.7.5 Neither an owner nor a tenant – Band 3

This might be lodgers, or adult sons and daughters living with parents, who would like to be rehoused.

7.7.6 Under-occupation – Band 3

Where tenants of social housing are currently under-occupying a flat, maisonette or bungalow and are willing to move to a smaller sized property. The award will be granted only where the Council will be given vacant possession of the property.

7.8 The assessment of other specified groups – Band 4

7.8.1 No priority for housing

All applicants without a housing need, with a local connection.

7.8.2 Reasonable preference with no local Connection

Applicants with a reasonable preference and without a local connection (and not exempt from the local-connection criteria as set out elsewhere in this policy) but who are in a reasonable preference category.

7.8.3 Existing Social Housing tenants who are adequately housed

Applicants who are current social housing tenants and do not fit any of the reasonable preference groups set out in the Bandings previously set out in this policy

7.9 Registration date and priority within bands

When an applicant first applies, the application will only be accepted once all the required information is received. The application will then be assessed and placed in a band with the date of acceptance as the 'registration date'. Applicants within the same band will be prioritised in date order.

If there is subsequently a change of circumstances the application will be reassessed and the applicant may:

Change in Circumstance	Relevant Date
Gain greater priority and be placed in a higher band	The date at which the higher band applies (the 'award date')
Be assessed as being in the same band	The original registration date applies
Lose priority or preference due to their circumstances and enter a lower preference band	The original registration date applies
After gaining higher priority then losing that priority or preference due to their circumstances and entering the original or lower preference band	The original registration date applies
May become ineligible or may no longer qualify for an allocation	Will be removed from the Housing Register. Applicants may reapply at a later date if circumstances change. A new registration date will apply
Becoming eligible for properties that have an age restriction	The date the applicant reached the age required to bid for the age related property (note – the original registration date or award date will still apply for bids on non-age related properties)

The relevant date will be used to prioritise between applicants within the same band.

7.10 Deliberately making your circumstances worse

If we think that you have acted unreasonably to make your housing circumstances deliberately worse than your previous accommodation without good reason, or with the aim of qualifying for a higher banding, we will not give you any extra priority. You can ask for a review of this decision. If that review is unsuccessful you will keep the banding and priority you had before worsening your circumstances. This will remain in place for 12 months after which you can ask for it to be reconsidered.

7.11 Advertising properties

When properties become available (including new build properties) they are advertised on the website and applicants can express their interest in them (often called “bidding”).

7.11.1 Property Adverts

The advert goes live on our website from Thursday morning and runs until midnight the following Tuesday.

The properties advertised will generally be accompanied by the following information:

- Type of property with a picture of the front;
- Number of bedrooms;
- Location with a link to a map;
- Any adaptations and level of accessibility for people with mobility problems and wheelchair users;
- Rent charges and service charges;
- Any specific letting criteria in other words, restrictions linked to the age or number of children;
- Landlord details;
- Property reference number;
- If there are any age restrictions, for example if a property is only suitable for people aged 60 and over.

7.12 How to place a ‘bid’ for a property

A bid is an expression of interest in an available property and does not involve money. You may only bid if you are eligible for the type of property advertised (please also see details about properties you can bid for). Adverts have a start and end date and you can bid during the advert period in the following ways:

- On the website at www.warwickdc.gov.uk/HomeChoice
- In person at the Council offices

You can bid for up to five properties in any one advert. If you do bid for more than one property it is possible that you may ‘come top’ more than once. If this does happen we will only make one offer of housing to you. We choose this property by picking the first property that you bid for.

If it has not been possible to let a property after two adverts, we can consider options outside of HomeChoice to allocate the property.

Applicants can bid on any property regardless of the advertised priority preference (Banding) however properties will be allocated in accordance with the priorities detailed in section 8.3

8 HOW PROPERTIES ARE ALLOCATED

8.1 Suitable Offers

For the purpose of this scheme, providing an offer:

- Is of the right size
- Has not been made in error by the Council
- Is accepted by the Council as not presenting a risk to the applicant in offering accommodation in the area the offer was made
- Satisfies the Homelessness (Suitability of Accommodation) Order 1996 (when discharging homeless duties)

the offer will be regarded by the Council as a suitable offer.

Applicants will receive up to three suitable offers (note the exception in 6.6.4 for certain households awarded a Band 2 priority due to homelessness).

8.2 Properties that are not advertised - direct offers

In some very urgent circumstances, we or a housing association may reserve a property before it is advertised to offer it as a 'management let'. Examples of these cases include to:

- provide emergency temporary accommodation following a fire or flood;
- provide a temporary property for tenants affected by regeneration work; or
- deal with an urgent and immediate need for housing, the circumstances of which are unusual in nature and not covered by HomeChoice.
- To provide accommodation to meet the council's commitment to the Multi Agency public Protection Arrangements (MAPPA)

In some cases properties will be allocated through a 'direct offer'. A direct offer means that an applicant will not bid on properties but will receive one offer of suitable accommodation. Direct offers are made by the housing service outside of HomeChoice

8.3 Annual lettings plan and quotas

Upon annual reviews of allocations the Council reserves the right to introduce an annual lettings plan and/or quotas and to make allocations in accordance with these.

The production of any annual lettings plan and/or quotas will take place following a robust review of allocations made and authority for approving annual lettings plans or quotas is delegated to the Head of Housing in consultation with the Portfolio Holder for Housing and Property,

In addition, the Council reserves the right to introduce quotas outside of this arrangement in order to meet statutory obligations, for example the Right to Move.

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In such circumstances the quota will be agreed by the Service Lead, Commissioning Centre of Excellence or equivalent.

Quotas

Along with our housing association partners we want to make sure that applicants with the highest priority band (the most urgent need to be rehoused) have the best opportunity to be rehoused. We set a quota for advertising properties across each priority band as follows:

- 60% for Band Two;
- 40% for Band Three.

Applicants in Band 1 are able to bid on every property that is advertised through HomeChoice to reflect the urgency of their housing need unless a property has specific restrictions applied to it such as an age limit (these would be clearly set out in the advert). Any bid from a Band 1 applicant will receive preference above bids from applicants in any other band.

After the bidding round has closed, a shortlist is automatically produced listing all the applicants who have placed a legitimate bid for the property. The list is ordered according to a set of rules about bands and time on HomeChoice.

A property will have been advertised with a preferred band, decided randomly by the computer according to the quotas above. The shortlist will be arranged according to the following table:

Priority	Band 2	Band 3
1	1	1
2	2	3
3	3	2
4	4	4

All applicants, regardless of band will be able to bid for any property of the right size and type (including age-designated properties, subject to being of the required age). Properties will however be advertised with a preference for a specific band and applicants in that band will be considered first for that property.

Band Four applicants can bid for properties but it is likely that they will only be successful if no applicants from the higher bands place a bid or accept the property.

What happens once an applicant has been selected

Once an applicant has been selected the Allocations Officer will check the application and carry out an initial verification of the application. If these checks are positive, the Allocation Officer will notify the relevant landlord who will make an offer. If your bid has not been successful, you will not hear from us and should

continue bidding on the next available advert. The results of each bidding round are available on our website at www.warwickdc.gov.uk/housing

If the selected applicant refuses the property, we will make an offer to the next person according to the rules set out above until the property is accepted. If nobody accepts the property, it will be advertised on HomeChoice one more time.

Specialist housing

Where accommodation provides care and support for up to 24 hours a day, such properties will be identified in the HomeChoice advert. These properties are outside of the quotas and the allocation of these properties will be made by a panel made up of staff from Housing, Social Care, the care provider and the accommodation provider.

8.4 Offer of accommodation – verification checks

If you successfully bid for a property an Allocations Officer from the Council or from the Housing Association if we have nominated your application will normally tell you within a week of the bidding period closing date. They will then complete an additional verification check before an offer of accommodation is made to you. You will need to provide:

- proof of identity for each member of the household;
- evidence of parental responsibility (if applicable) such as Child Benefit or Child Tax Credit claims;
- details of income such as payslips and bank statements;
- Up to date confirmation of immigration status and right to work if from abroad;
- Up to date medical evidence (if relevant).

You may also have to provide other information, depending on your application.

Landlords have their own criteria and will carry out their own checks on applicants that are nominated for one of their properties. They have the right to refuse to allocate properties which are considered unsuitable for an applicant. Reasons for refusal may for example include:

- affordability;
- medical reasons;
- if you have bid for an adapted property for which you do not have a need; or
- if you pose a risk to the community or you are at risk in a specific location or type of property.

8.5 Viewing the property

The landlord will give you the opportunity to view the property and carry out an affordability assessment before you sign the tenancy agreement. Landlords will

also expect a payment of rent up front which, in most cases, will be a condition of the tenancy.

8.6 Accepting an offer

Once you accept an offer of a property the relevant landlord will arrange to sign you up for the tenancy. Your HomeChoice application will then be cancelled and you will not be able to re-apply to join the Housing register for a period of 12 months from the date of cancellation of the application.

8.7 Local lettings policies

Section 166A(6)(b) of the Housing Act 1996 enables the Council to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for 'local lettings policies' which enable the Council to set aside homes in a particular location, or certain types of properties across the stock, for applicants who meet a certain criteria.

Local lettings policies may be considered in order to achieve a wide variety of housing management and policy objectives such as achieving balanced sustainable communities.

All local lettings policies will need to be developed and approved in accordance with an agreed procedure and will be required to establish a clear evidence-based need, be time limited and subject to an annual review. Authority for approving local lettings plans is delegated to the Housing Advice and Allocations Manager.

8.8 Low demand properties

If a property is advertised through the Council's Choice Based Lettings cycle at least twice and has not been allocated by any form of allocation method, the Council reserves the right to determine the most appropriate method of re-advertisement.

For low demand properties, providing an applicant is both eligible and qualifies in terms of acceptable behaviour, the Council reserves the right to advertise and/or allocate outside of the normal rules of the scheme.

9 Letting criteria

When determining the size of property for which applicants are eligible, the bedroom standard will usually be applied. However, there may be exceptions to this. Examples are:

- Where Homes England or planning regulations stipulate
- Applicants require larger accommodation on health grounds following an assessment by the Council
- Applicants have been approved as a foster carer/adopter and require larger accommodation than would normally be required
- Applicants who need the support of a carer who will be required to sleep in the property and cannot reasonably be expected to share a bedroom with other members of the household.

9.1 Bedroom Requirement

Your banding determines how much priority you have but you will not be able to be considered for every property that becomes available. We have rules about the size of property (in terms of number of bedrooms) and types of property that different households will be considered for.

As part of the application process, we will assess how many bedrooms are needed for your household. You will be notified of this once we have completed our assessment of your HomeChoice application.

We consider that each of the following need one bedroom:

- An adult couple (note that an adult couple in a bedsit is classed as lacking a bedroom);
- Any other person aged 16 or over, including a live-in carer where the need for a bedroom would be accepted under Housing Benefit regulations;
- Two children of the same sex under the age of 16;
- Two children under the age of 10 no matter what their sex;
- Any other child.

When assessing how many bedrooms you need, we only take account of children if their main home is with you and they live with you permanently. We take account of unborn children from 25 weeks into the pregnancy. We will assume their sex is the one that will minimise the number of bedrooms needed, unless you confirm the baby's sex.

If an applicant needs more bedrooms because he/she has been approved by the relevant agencies to foster or adopt a child or children – the bedroom requirements will be assessed taking account of the adoptee(s). The child does not have to be living with the applicant at the time of the application, but we will require formal written evidence that the fostering /adoption has been approved. If the number of bedrooms in their current property is less than the number that they are assessed as needing, the applicant will be banded as overcrowded.

As a rule, you cannot bid for properties with more bedrooms than you need. However, there are three situations where a property can be allocated to you even though it has one bedroom more than you need. These situations are:

1. properties where the occupier has to be of a certain age (normally 55 or over);

2. if you need an extra bedroom under the rules used for assessing claims for Housing Benefit, for example because you need a live-in carer or room for medical equipment;
 3. If you are a Council or housing association tenant living in Warwick district and under-occupying a high demand property with three or more bedrooms.
- If you are a social housing tenant and are under occupying a property, you can bid for a property of any size that has fewer bedrooms than the one from which you are currently occupying.

There are also some situations relating to the letting of properties in rural areas which are set out in the Rural Lettings Policy which can be found as an appendix to this policy.

9.2 Property types

There are a small number of rules about particular property types:

- Bedsits are only offered to single people;
- Houses are only offered to people with children younger than 16.

For certain properties there are specific other rules that the landlord may set about who can bid. Landlords have the right to refuse to let properties they consider unsuitable for the person applying.

In some circumstances, we may restrict the sort of property you can bid for or area that you would like to live in. We will do this if there are concerns about the risks you pose or which are posed to you in a specific location or type of property. This decision may be part of a multi-agency risk assessment.

9.3 Adapted properties

There are a number of properties which have adaptations and are suitable for applicants with disabilities. We advertise all adapted properties through HomeChoice. However, we give preference for this accommodation to those people who have the appropriate level of need for this type of accommodation.

9.4 Age-restricted properties

Certain properties, for example, sheltered accommodation and some (but not all) bungalows have an age restriction. At least one applicant will need to meet the age criteria to be eligible for an age-restricted property, and that applicant must agree to be the tenant or one of the joint tenants.

9.5 Rural local lettings policy

We have a rural local lettings policy to help people to stay or return to a rural area to which they have a connection, and to develop long-term communities within

rural areas. The local connection must relate to current or past homes, family associations or employment in the relevant parish. This policy applies to the allocation of affordable housing in parishes where a need has been identified by way of a current housing needs survey.

If an empty property is covered by the rural local lettings policy, it will be clearly identified in the advert and you will need to prove how you meet the criteria. This section only provides a very brief overview. The full policy is set out in Appendix Two below.

10 GENERAL PROVISIONS

10.1 Applications from staff, their family members and Ward Councillors

Council staff and Members and their relatives are treated as any other applicant and must be seen not to be gaining any advantage, disadvantage or any preferential treatment in the course of their application.

Accordingly, the aforementioned persons must declare their interest and have no direct input into any decisions regarding their re-housing.

All applicants are expected to automatically disclose if they are employed by the Council or have any form of relationship/connection to the Council. As part of the housing registration application process, all applicants, including existing Council tenants, must disclose if they are:

- An elected member of the Council; or
- A Council member of staff; or
- A board member of a partner housing association; or
- Related to any of the above i.e. spouse, child, parent, grandparent, brother, sister, niece, nephew, uncle, aunt, grandchildren.

A Senior Housing Advice and Allocations Officer will oversee the registration, designation of priority and allocation of property in such cases to ensure that no advantage/disadvantage occurs. Any allocation will be subject to checking by the Head of Housing.

Any such applications will be treated in the same way as any other HomeChoice application however formal approval will be needed by a senior officer within Housing Services.

Where an applicant fails to disclose the above information but it subsequently comes to the Council's attention, the HomeChoice application will be closed.

Applications should be clearly marked on the housing management system that the application is that of a staff member, Council member, or relative.

10.2 Monitoring the Allocation Scheme

This Allocation Scheme will be reviewed on a regular basis for example in response to national policy, regional and/or local policy, changes in legislation and the implications of any relevant case law.

We will monitor the effectiveness of this scheme from time to time to ensure that it continues to meet the needs of households seeking social housing in the district.

The Council recognises that it is important for applicants for housing and the wider community to understand how social housing is allocated and who is getting social housing. Therefore, we will publish information on the Housing Register and lettings outcomes which will be made available on the Council's website.

10.3 Amendments to this policy

10.3.1 Delegated authority

The Head of Housing Services has delegated authority, in consultation with the Housing & Property Portfolio Holder, to make minor policy changes from time to time. The Portfolio Holder will report any changes approved in this manner as part of their annual report to the Overview and Scrutiny Committee.

More substantial changes will be the subject of reports to Executive and Council.

Appendix 1

Other housing options

Warwick district is an area of high housing demand and need. In recognition of the extreme pressures on affordable housing in the district, we will give you advice and help about a range of housing options available from us and from partner landlords. These may include one or more of the following.

Private rented accommodation and rent deposit or bond schemes

Households who are in need of housing may find that renting privately is a quicker way of finding accommodation. Many landlords and letting agents advertise properties online. Some popular websites that advertise rooms and properties are shown below.

- Rightmove – www.rightmove.co.uk
- Zoopla – www.zoopla.co.uk
- Spare room – www.spareroom.co.uk
- Gumtree – www.gumtree.co.uk

Disclaimer: Please note that Warwick District Council does not endorse particular websites or services and is not responsible for the content or accuracy of external websites.

Most landlords will need some form of deposit and rent in advance. If you receive Housing Benefit, you may be able to apply for a Discretionary Housing Payment (DHP) to help you with some of these costs.

Under our prevention and relief duties we can also provide homeless households, or those threatened with homelessness within 56 days, with the deposit needed by landlords so they can rent a property in the private sector.

Low-cost home ownership

The affordable housing on all new developments in the district, both rented and shared ownership, are advertised through HomeChoice.

a) Shared ownership

Shared ownership, also known as part rent/part buy, is where we or a housing association sell a share of a home to an applicant and then charge rent on the remaining share. This allows people who cannot afford to buy on the open market the opportunity to get into home ownership.

If eligible you will be able to buy an initial share of the property ranging from 25% up to 75% depending on what you can afford. You can then buy extra shares up to a total of 100% at a later date if you so wish.

You will have a lease agreement which sets out all of your rights and responsibilities.

To qualify for shared ownership, you generally need to:

- have a household income of less than £80,000 a year if you live outside of London;
- be a first-time buyer (or you used to own a home, but can't afford to buy one now);
- be unable to buy a home suitable for your needs without help.

If you are interested, you need to be registered, both on HomeChoice and with the help- to-buy agent for the Midlands area, which is Orbit Homes, part of the Orbit Group, at www.helpstobuymidlands.co.uk

Shared-ownership properties are advertised on the HomeChoice website at www.warwickdc.gov.uk/housing

b) Discounted market housing for sale

Discount market sale allows you to buy a home at a percentage below the market value, yet still own 100% of the property.

c) Rent to buy

Rent to buy allows you to rent a property at a reduced rent for a set period with the expectation that you will buy the property at the end of the tenancy either outright or on a shared-ownership basis.

d) Equity loan

The scheme helps you to buy your home with an equity loan of up to 20% of the full price of the property. You won't have to pay any interest charges on this loan for the first five years and you will own 100% of your own home from the start. The equity loan scheme is open to both first-time buyers and existing homeowners. There is no income cap for applicants and you can buy a new-build property with a value of up to £600,000.

Resettlement service

The resettlement service allows certain tenants to benefit from any of the services listed below up to a value of £1,000. To be eligible for the resettlement service, you must be a Warwick District Council tenant who is:

- affected by the under-occupation charge and is moving to a smaller or lower-cost property; or

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- a person with a disability who is moving to a property that is already adapted to suit your needs.
- New tenants previously vulnerable; homeless or domestic abuse victims who may otherwise be struggling to maintain a tenancy
- Tenants specifically moving on from supported housing schemes including William Wallsgrove House into our tenancies that would benefit from certain items being purchased in order to assist in sustaining their tenancies

There are no age restrictions on who can apply for help from this service and each person's circumstances will be considered. The resettlement service is managed by the Financial Inclusion Project Officer within the Sustaining Tenancies Team and referrals will be made by the Allocations Officer when suitable applicants are offered a property.

Example of support you could receive from the Resettlement Service include:

- Arranging removal, including cost of removal and packing service if needed;
- **Carpets for living room and children's bedrooms if children are moving into the property. If Adults only a maximum of two large rugs maybe provided**
- Refitting (but not buying) a washing machine, dishwasher and cooker. These can **only be purchased in exceptional circumstances and have to be authorised by the Senior Housing Officer or the Landlord Operations Manager**

You can also receive help with:

- filling in relevant benefit and other forms;
- registering for Council Tax, electoral registration, change of address with the DVLA and any other necessary administrative matters arising from your move; and
- disconnecting and connecting utilities and other services.

Homefinder UK

This is an online service for social housing tenants (tenants of the Council or housing associations) who would like to move to another area but want to remain in social housing. It allows social housing tenants to access available properties provided by a range of social landlords.

The Homefinder website can be found at: <https://homefinderuk.org/>

Mutual exchange (Homeswapper)

A mutual exchange is where two or more Council or housing association tenants swap their homes. It does not involve any property becoming empty.

You need your landlord's permission before any mutual exchange can take place. They cannot withhold this permission unreasonably. The grounds for refusing permission could include:

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- exchanges leading to overcrowding or under-occupation of one of the properties;
- exchanges where recovery or legal action is being taken against either tenant because of rent arrears or other problems with the tenancy conditions;
- exchanges involving the landlord's special-needs accommodation where this is not needed by the applicant or a member of his or her household;
- if the accommodation has been provided under a planning condition and the incoming tenant does not qualify; or
- if the tenancy agreement does not allow exchanges between tenants.

Details about Mutual Exchange can be found at the following website:

www.homeswapper.co.uk

Appendix 2

Rural Lettings Policy

The aim of the Rural Lettings Policy is to allow people to stay or return to an area they have a connection to, and to develop sustainable communities within rural areas. The local connection will relate to a current or previous home, family associations or employment in the relevant parish.

Warwick District Local Plan Policy

Planning policy H3, "Affordable Housing on Rural Exception Sites" provides for the development of affordable housing to meet the local needs of villages on sites where housing would not normally be permitted. The rural housing has to meet a particular local housing need as identified in detailed and up to date evidence from a parish or village housing needs assessment and if that need cannot be met in any other way.

Areas covered by the policy

The policy will apply to affordable housing in villages or parishes where a need has been identified and are included as Rural Exception sites in the Council's Local Plan.

Please see our website for further details:

Allocations

For properties covered by this Rural Lettings Policy we will make all allocations in line with the HomeChoice allocations policy which applies at the time of allocation but with the following exceptions:

- Under the Rural Lettings Policy allocations will be made first and foremost to those with a local connection need to be housed in the locality and with a demonstrable housing need (Bands 1 to 3).
- That in the first allocation of a new affordable home in a rural area where the housing needs survey for the parish has identified a need for singles and couples without children but no one bedroom houses or one or two bedroom flats or maisonettes are built on the site, in these circumstances single or couple households without children will be allowed to bid for a two-bedroom house. This will be as well as the standard property types that they are eligible to bid for.

In circumstances when two or more households have the same local connection and needs Band then the allocation will be made to the household with the longest registration date.

Priority	Preference
1	Local Connection & Band 1
2	Local Connection and Band 2

3	Local Connection and Band 3
4	Local Connection neighbouring parish & Band 1
5	Local Connection neighbouring parish & Band 2
6	Local Connection neighbouring parish & Band 3
7	Local Connection & Band 4
8	No Local connection & Band 1
9	No Local connection & Band 2
10	No Local connection & Band 3
11	No Local Connection Band 4

Defining local connection

Applicants will need to demonstrate your connection to the local area and you can do this by meeting at least one of the following criteria.

- People who currently live in the parish and have done so continuously for at least the last two years and who require a move.
- People who have lived in the parish for at least two years out of the last 10 years.
- People who used to live in the parish and who have immediate family (mother, father, adult son, daughter, brother or sister) living in the parish and have done so for at least five years.
- People who are employed in the parish in permanent paid work, and have been for at least 12 months.
- People who have adult relatives living in the parish to whom it is essential to live near in order to give or receive care or significant support. For example, elderly relatives who need help with shopping, personal care, transportation to hospital or GP appointments, young families who need help with child care or couples and single people living independently for the first time. You will need to be able to demonstrate why you need to live in the same parish in order to provide or receive this care and support. Where an applicant is in this situation we may require supporting evidence from, for example, a GP or Social Worker.

We will expect you to be able to verify your local connection for example we would expect to see you registered for Council Tax purposes or on the electoral register if you used to live or are currently living in the parish. We may ask for other supporting evidence of your local connection.

How we will prioritise applicants who have a local connection

If the Council agrees that you have a local connection, then we will preference those in the greatest housing need looking at those applicants in Band 1 first and then those in Band 2 followed by those in Band 3.

If there are no suitable applicants who fulfil any of the above criteria, the property will be allocated to applicants who can show that they meet any one of the above criteria for the adjoining parish or parishes.

If there are no suitable applicants who fulfil any of the above local connection criteria for

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the parish or the adjoining parish or village location we will allocate the property through HomeChoice without the need for a local connection.

APPENDIX 3

Partnership with Registered Providers

We work in partnership with the following Registered Providers (housing associations) operating in the district.

- Riverside - ECHG
- Bromford
- Stonewater
- Optivo
- Platform Housing Group
- Housing & Care 21
- Warwickshire Rural Housing Association
- Midland Heart
- Orbit Housing Group
- Citizen
- WHG

End of Policy

This document has been produced by Warwick District Council Housing Services. If you would like to discuss the contents, please contact:

Housing Services Warwick District Council Riverside House Milverton Hill Royal Leamington Spa CV32 5HZ

Our Housing & Homelessness Strategy can be found on our website at: https://www.warwickdc.gov.uk/downloads/file/4316/housing_and_homelessness_strategy_2017

Further information about housing issues in the council and further copies of this document can be downloaded from our website www.warwickdc.gov.uk

For general housing enquiries please telephone the main Council offices on 01926 456129 or email us on contactus@warwickdc.gov.uk or write to us at Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

Where possible information will be made available in other formats, including large print, CD and other languages. Please call 01926 456129.

www.warwickdc.gov.uk