

Chelmsford City Council

Housing Needs Register and Allocations Scheme

Effective from November 2018

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1. Introduction

The Allocations Scheme sets out who can join Chelmsford City Council's Housing Needs Register, and how applicants will be prioritised for social housing. It is written and published to clarify how:

- Applicants qualify to join the Housing Needs Register.
- Qualifying applicants are assessed and placed in different bandings of priority.
- Applicants are nominated to homes offered by registered providers.
- Certain applicants on the Housing Needs Register have some choice about the home they are offered.
- The Council meets legal requirements governing the allocation of housing.

Chelmsford City Council is a strategic housing authority but does not own a stock of permanent housing. We work in partnership with the registered providers (which used to be called housing associations) within the area. The providers own and manage stock, and the majority of their available homes are let through the Housing Register. The Council keeps a register of housing need to enable us to nominate applicants to these homes. It should be noted that much of the social housing available to applicants is located outside of the Chelmsford City area.

Social housing in the Chelmsford City area is in high demand, and there are far more people on the Register than there are homes available. In July 2018 there were approximately 4000 households on the Register. In the year November 2016 - November 2017, 437 households were successfully housed through the Register. Of those 437 households, 86% of successful lets were to households in the top two bands of priority (Band 1 and 2). The gap between demand for social housing and homes available through the Register is likely to increase over the next few years. Therefore, most households are not likely to be successful in finding a home through the Housing Needs Register.

The Allocations Scheme is supported by the Council's Housing and Customer Services, which inform applicants of their prospects of obtaining social housing. You can use our web pages to access information about other housing options, including finding private rented accommodation and ways of remaining in your current home.

2. Policy Aims and Objectives

This updated policy was developed to reflect current demand for accommodation in the Chelmsford area, and to better serve residents. A public consultation took place to consider resident's views on all the proposed changes from the former policy. The consultation ended on Sunday 22nd April 2018. A report was submitted to Cabinet detailing the changes, which were approved at Cabinet on 3rd July 2018.

The policy aims to:

- Be simple, fair, transparent and understandable, and have due regard to the prevailing circumstances in the city.
- Help applicants make informed, realistic decisions about their future housing prospects, and to better manage their expectations.
- Minimise applications from households with little to no realistic chance of successfully finding a home through the Register.
- Ensure that applicants who can afford to find their own housing independently are expected to do so.
- Promote the effective use of the housing stock made available by registered providers.
- Reduce the use of emergency and temporary accommodation for homeless applicants.
- Promote homelessness prevention by prioritising applicants who are threatened with homelessness.
- Incentivise applicants to seek employment if they are able to work.
- Encourage active participation for those able to bid using Choice Based Lettings.
- Maximise the availability of lettings to applicants with a well-established local connection to Chelmsford.

3. The Legal Framework

The Allocations Scheme sits within a legal framework which includes:

- Housing Act 1996 (as amended by the Homelessness Act 2002 and The Homelessness Reduction Act 2017)
- Localism Act 2011
- The Allocation of Accommodation: Choice Based Lettings Code of Guidance 2008
- Equality Act 2010
- The Allocation of Accommodation: Guidance for Local Housing Authorities England 2012
- Providing social housing for local people: Statutory Guidance December 2013
- Other relevant legislation and guidance

The Council is required, by virtue of Section 167 of the Housing Act 1996, to have an allocations scheme for determining priorities and the procedure to be followed in allocating housing.

i. Limits of the scheme

The following are defined as allocations within this scheme:

- Nominating an applicant to be a tenant of housing accommodation held by a registered provider to which we are able to make a nomination.
- Nominating an applicant to be a tenant of housing accommodation held by another person (i.e. by another housing authority) to which we are able to make a nomination.

The Allocation Scheme does 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

ii. Exceptional circumstances

Allocations of social housing will be through the Housing Register in accordance with the provisions of the Allocations Scheme. The Council recognises that there may be some exceptional situations not covered by the Allocations Scheme. In such instances, The Strategic Housing Services Manager will have delegated authority to make decisions, as he/she considers appropriate, and these will be fully documented.

iii. Existing applicants

The provisions of this Allocations Scheme will apply to all new applicants to the Council's Housing Register after the effective date for the implementation of this scheme.

They will also apply to all existing applicants on the Council's Housing Needs Register at the time of the effective date of this scheme. Existing applicants will be contacted at the time of the implementation of this Allocations Scheme, and required to renew their application within a stated timeframe. All applications will be renewed under the new provisions.

All prior Allocation Schemes published by this authority will no longer be valid.

iv. Equality

The Council's Allocations Scheme complies with our equality duties. The Council will ensure that people are treated fairly and equally and, when allocating housing, ensure that the policy and its operation do not discriminate unlawfully against any particular group. Applications and outcomes will be monitored for this purpose.

All applications will be assessed according to the applicant's needs; an application will not be treated less favourably on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. The Council will monitor housing applications and outcomes to ensure this. This policy adheres to the Commission for Racial Equality's Code of Practice in housing.

4. Applying for the Register

Any person can approach the Council for advice and assistance regarding housing. However, due to the extremely limited availability of social housing in the city area, the Council does not maintain an 'open' housing register.

In considering an application, the Council will firstly assess if an applicant is eligible to qualify for an allocation of accommodation. Any applicant assessed as either not eligible or who does not qualify for another reason, will not be considered for an allocation and will not have access to the Housing Register (see Section 5). The applicant will be notified in writing of the decision and the reasons for the decision will be explained to them.

i. Application process

If you believe you meet the qualifying criteria in Section 5, you can apply through an online application form at <http://www.homeoption.org/>

If you require assistance to complete an application, you can contact the Council at the Customer Service Centre in Chelmsford.

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

All applicants will be required to provide evidence to verify both their eligibility and qualification status at the point of application and again at the point of allocation. This can include but is not limited to:

- proof of identity for all those included on the application
- proof of current address
- details of any dependants and other household members
- confirmation of income and savings
- details relating to previous accommodation where appropriate

All applicants will be required to give consent for third parties to be contacted in order to check information, and to obtain any information relating to housing need and circumstances.

It is an offence to:

- obtain, or try to obtain, a tenancy by deception
- knowingly keep back information that we need to assess your application
- knowingly or recklessly provide incorrect information about your circumstances

Doing so could result in any or all of the following:

- permanent removal of the housing needs register application
- changing a decision that an applicant is owed a statutory duty as a homeless person
- possession proceedings against any tenancy obtained as a result
- criminal prosecution

ii. Who can be included in an application?

Applicants should only include people in their application who will be part of their household and occupying the accommodation as their principal home. They can only include people who normally reside with them or could reasonably be expected to do so. This can include:

- a partner, civil partner, or spouse
- dependent children, including children for whom they have been approved to foster/adopt within their household
- siblings
- adult children
- other adults who are dependent upon them, or care for them

Any person who could not be reasonably expected to reside with them would need to make their own, separate application

Non-dependent children/step-children or adults previously dependent on the applicant, will only be considered as part of the household where they have had continuous recorded residence with the applicant and have never had their own independent accommodation, unless this was whilst in further education.

If an applicant is in a permanent relationship and wishes to have a shared application, they may be a joint applicant with another person. For a joint application, both applicants must satisfy all the qualifying criteria in Section 5.

5. Qualifying for the Register

There are certain groups of applicants who cannot qualify for the Register under the Housing Act 1996. In addition, under the Localism Act 2011, local authorities can identify groups who will not qualify for an allocation of social housing, by considering:

- a household's ability to meet their own housing costs
- any behaviour that affects a person's ability to be a suitable tenant
- local connection between the household and the local authority

Parts I – VIII of this section set out the criteria for qualifying for the Register. An applicant must meet the qualifying criteria to have access to the Housing Needs Register. If you do not qualify for any reason you are entitled to a written decision explaining the reasons for this. Applicants who receive a decision that they cannot join the Register have a right to request a review of this decision. Further details are available in Section 9: Part VI of this policy.

Eligibility and/or qualification status can change and accordingly can be reassessed by the Council at any point. If you cease to qualify for the register your application will be removed (see section 9: Part IV).

i. Eligibility: Immigration status

You will not be eligible to qualify for the Register if you do not have recourse to public funds due to your immigration status. This includes applicants who:

- are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he or she comes within a class prescribed in regulations made by the Secretary of State)
- only have a right to reside in the UK because they (or a member of their household) are a jobseeker
- are not habitually resident in the Common Travel Area (i.e. The U.K., Channel Islands, Isle of Man and the Republic of Ireland)
- Have a right to reside in the UK of less than three months.

The legislation governing eligibility may change from time to time and the description of the current position as set out above is not definitive.

If you are eligible for housing but your partner is not eligible because they fall into one of the above groups, you may be able to bid for accommodation, but if you are successful in securing a tenancy, you will not be able to have a joint tenancy with your partner.

Most other persons not described in the list above will meet the qualifying criteria regarding eligibility. This includes:

- British or Irish citizens who are habitually resident in the Common Travel Area.
- EEA nationals exercising a right to reside in the UK under EEA regulations – other than the initial right to reside or being a jobseeker.
- A person granted some form of leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds.

ii. Local connection

An applicant must have a location connection to Chelmsford to qualify to join the Register.

An applicant has a local connection to Chelmsford if they meet one or more of the following criteria:

- They have been continuously living in in the city council area for at least the last 5 years.
- They are in regular, continuous and paid employment in the city, and have been so for at least 6 months prior to the date of their application.
- They have an immediate family member who has lived in the city for at least five years. Immediate family members are parents, legal guardians, adult children and siblings. Alternatively, other family members or special persons who are providing substantial ongoing care or support.

- They are owed the 'main housing duty' by Chelmsford City Council. Or, they are assessed and placed in Band 2 under a prevention duty to prevent a main duty being owed. Local connection criteria for the main duty are defined by s199 of Part VII of the Housing Act 1996.
- Other special circumstances as defined by statute or agreed by the Strategic Housing Services Manager, Housing Solutions Manager, or Housing Casework Manager.

If immediate family members live in the city but have been here for less than 5 years and there is a proven need for the applicant to live near them for support, the residence requirement may be reduced at the discretion of the Council.

iii. Financial circumstances: Income

Households with sufficient income or capital to meet their own housing needs cannot qualify for the Register. This means that they are judged to be able to afford to house themselves, either by privately renting or buying a home of an appropriate size for their needs.

Whether an applicant can afford to access market housing is based upon their personal financial details and current market house prices and rent levels in the Chelmsford City Council area.

We will consider all of your financial details to make this decision, including any income, equity, savings and available borrowing capacity. If you recently owned a home, you will be asked for evidence of the sale and details of any capital gained from the sale. Your circumstances will also be assessed with consideration to 'deprivation of capital' rules. This means if you deliberately or needlessly spend or give away capital (such as proceeds from selling your home) which puts you under the threshold, you may not qualify for the Register.

The income and savings rules do not apply in the following cases:

- Home owners who cannot maintain, or manage in their existing home, and need sheltered housing or retirement housing.

- Local social housing tenants who want to downsize to a 1 bedroom home or into sheltered or retirement accommodation.
- Other exceptional cases may be allowed by the Strategic Housing Services Manager, based on the merits of each case.

We think it is acceptable for you to spend up to 30% of your gross household income on your rent or mortgage. Gross household income means all your family's income from all sources including most benefits, and 25% of non-dependent's (for example adult children) income living within your household.

We make an affordability assessment judged on what income you would need to obtain a home in and around the Chelmsford district for your household's bedroom need. This is calculated using Local Housing Allowance (LHA) rates in Chelmsford. If your gross household income means you cannot afford to find a home independently, you can join the Housing Needs Register, provided you also meet the other qualifying criteria.

If you receive means-tested benefits or if your benefits are capped, your income is likely to be below these limits. If your total household income exceeds these limits, even if you receive means-tested or capped benefits, you will not be able to join the Register.

The following benefits will be disregarded in the calculation of gross income:

- Disability Living Allowance
- Personal Independence Payment
- Attendance Allowance
- Armed Forces Independence Payment
- maintenance payments
- income from fostering

iv. Financial Circumstances: Capital

You may not be able to join the register if you or members of your household (those seeking to be rehoused with you) have capital (savings, investments or other assets) of £16,000 or more. You should be able to pay the tenancy deposit or rent in advance to enable you to access privately rented housing without assistance from the Council. For the purpose of capital this excludes any capital held in trust for children under 18 years.

If you have received a lump-sum payment (such as proceeds from the sale of a house, an inheritance, a lottery win, a bonus or a gratuity, army severance pay, redundancy pay, insurance settlements, accident/injury/illness settlements) that would have put your capital over £16,000, but have spent it on things that were not necessary, you will be treated for the next 12 months as if you still had the money. In deciding whether expenditure was necessary the Council will have regard to the “deprivation of capital” rules used in connection with benefit claims.

v. Unacceptable behaviour

An applicant cannot qualify for the Register if they, or a member of their household, has acted in a way that demonstrates they are not suitable to be a tenant. This may be recent behaviour, or actions in the past which continue to make them unsuitable to hold a tenancy.

Unacceptable behaviour can include, but is not limited to:

- Being evicted from a tenancy due to a breach of any tenancy condition, regardless of tenure.
- Being subject to a civil injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO) as punishment for antisocial behaviour.
- Being a perpetrator of domestic violence subject to a non-molestation order, an injunction order, an occupation order, or a restraining order.
- Committing an act of fraud, withholding, falsifying or misrepresenting any information pertaining to access to public funds and/or services.
- Deliberately damaging or allowing someone else to deliberately damage your home,
- Subletting any Council or housing association tenancy.
- Threatening, violent, or abusive behaviour towards a Council or partner registered provider employee.
- A conviction for using a property for illegal purposes.
- An unspent criminal conviction committed in, or near their home.

In making the decision whether an applicant does not qualify for the Register, the Council will consider:

- Whether the applicant or household member is guilty of unacceptable behaviour and if there is sufficient evidence of this?
- If the behaviour was serious enough to make the applicant unsuitable to be a tenant?
- The length of time elapsed since the unacceptable behaviour, and whether there has been a change of circumstances? Consequently, at the time of the application or allocation, if the applicant is still unsuitable to be tenant?

Unacceptable behaviour may be proven by conviction of an offence, an eviction granted by the court due to the behaviour, or evidenced by information which would have been presented in court to obtain an eviction had the tenancy not ended another way. Other relevant information may also be taken in to consideration for the Council to reach the decision.

vi. Holding a legal tenancy

An applicant cannot qualify to join the Register if they are incapable in law of holding a legal tenancy. This applies to everyone under the age of 18.

vii. Rent Arrears

Any applicant who has been evicted for rent arrears within the last 5 years, from a private or social tenancy, will not qualify to join the Register. There can be exceptions to this at the discretion of the Council, if, either the rent arrears were subsequently repaid in full, or there are exceptional circumstances which make it unreasonable to attribute the responsibility for the arrears to the applicant. Evidence would need to be provided to enable these exceptions to be considered.

Applicants with rent arrears from a previous tenancy will be able to join the Register (unless they have been evicted as set out above), but may not always be able to be nominated to accommodation. They are unlikely to be considered for an offer of accommodation by a registered provider if arrears are outstanding from a previous tenancy, including tenancies within the private sector, without a proven repayment plan in place.

viii. Housing Need

Applicants who have no assessed housing need will not qualify to join the Register. This means they do not need to be given greater priority for any reason given in the housing legislation, and do not meet any of the banding criteria set out in Section 6.

6. Assessing Housing Need

Each applicant's housing circumstances are assessed based on the information in their online form and supporting documents, and if they qualify, the application is then placed in one of four bands. These bands ensure that greatest priority is given to those in highest housing need so that the most effective use is made of available homes.

Band 1 is considered the highest priority of housing need, Band 2 the next highest and so on, with Band 4 being the lowest priority.

Applications are prioritised by band and then by priority date. The priority date used for most applications is the initial date when the applicant joined the Housing Needs Register. In Bands 1 and 2, it will be the date on which they went into that band rather than the initial date of joining. Further details are in Section 8: Choice Based Lettings and Allocations.

Usually the applicant in the highest band with the earliest priority date who has bid for the property will be nominated to it. In the event two or more Band 2 applicants have the same priority date in a bidding cycle, priority will be awarded to the applicant in Band 2 due to a 'prevention duty'.

Unless otherwise stated, any decision on the banding award and/or qualifying status of an applicant can be made by any staff member of the Council's Customer and Housing Services.

i. Reasonable preference

The Housing Act 1996 (as amended), requires councils to give certain groups of applicants 'reasonable preference'. This includes:

- Households living in overcrowded or unsanitary conditions.
- Those who need to move due to a medical condition or disability.
- Those who need to move for health related or welfare reasons, including care leavers and people with high level support needs.
- Those who need to move due to hardship.
- Households owed a statutory homeless duty by the Council

ii. Additional preference

The scheme must also be framed to give additional preference to an applicant that meets one or more of the 'reasonable preference' criteria, with urgent housing needs who also:

- Is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable to their service.
- Formerly served in the regular forces.
- 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 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 to the person's service.

We will give this additional preference by backdating the priority date of the relevant application by six months within whichever band the application is placed after assessment. These applicants will be assessed for the bands under the same criteria as any other applicant.

iii. Band 1

Qualifying applicants will be placed in to Band 1 if they meet **at least one** of the following criteria:

- The applicant is a tenant of a registered provider within Chelmsford and is giving up a two, three, or four-bedroom general needs family home to move to a one bedroom property.
- The applicant is a tenant of a registered provider within Chelmsford and is giving up a two, three, or four-bedroom general needs family home to move to a two bedroom **sheltered or age restricted** property.
- The Council has received detailed information from social services, the police, or other relevant agencies, confirming that the applicant needs to move urgently on **extremely serious** social or welfare grounds. We must be satisfied that their difficulties cannot be adequately resolved in their current accommodation. This degree of priority must be agreed by the Strategic Housing Services Manager, Housing Solutions Manager, or Housing Casework Manager.
- The Council makes an extreme health and housing award. See Part VIII for a definition of the award.

iv. Band 2

Qualifying applicants will be placed in to Band 2 if they meet **at least one** of the criteria below:

- Following assessment by the Housing Service, the Council accepts that the applicant is threatened with homelessness and is owed the 'prevention duty'. The Council must also accept that the applicant is threatened with homelessness through no fault of their own, and would be likely to fall into the priority need categories defined in homelessness legislation if they became homeless. This may include if the applicant has already lost their last settled accommodation, but the Council is assisting them, and they are not residing in temporary accommodation provided by the Council.
- The applicant is owed the 'main housing duty' by Chelmsford City Council as an accepted homeless household.

- The Council makes a mobility health and housing award. See Part VIII for a definition of the award.
- The Council makes a composite health award. See Part VIII for a definition of the award.
- A prohibition order or demolition order has been served or is about to be served in relation to an applicant's home. This indicates that the property has one or more category 1 hazards that cannot be remedied as defined by the Housing Health and Safety Rating System in Part I of the Housing Act 2004. The Council's Housing Standards Team will try to remedy hazards through enforcement action wherever possible. An applicant will only go into this band if the hazards cannot be remedied, and it is unsafe or unreasonable for the applicant to remain at the property.
- A crowding and space assessment (under the Housing Health and Safety Rating System in Part I of the Housing Act 2004) for the applicant's home has identified a category 1 hazard due to a lack of two or more bedrooms. This must not be due to any deliberate or unnecessary overcrowding.
- The applicant is a tenant of a strategically relevant supported or specialist housing project, whose provider has an agreement in place with the Council and is ready to live independently.

v. Band 3

Applicants are placed in to Band 3 if they meet **at least two** of the following criteria:

- The Council makes a significant health and housing award. See Part VIII for a definition of the award.
- The applicant needs larger accommodation because they have been approved as a foster carer (confirmed by Children's Social Care), there are children waiting to be placed with them, but there is no bedroom for the foster child according to our bedroom standard (see Section 7).
- The Council is satisfied that the applicant is living in a property subject to a prohibition order or which has a category 1 hazard under the Housing Health and Safety Rating System in Part I of the Housing Act 2004, other than for crowding and space, which cannot be remedied. The Council's Housing Standards Team will try to remedy hazards through enforcement action wherever possible and

an application will only go into this band if the hazard(s) cannot be remedied.

- The Council accepts that the applicant is homeless or threatened with homelessness, has a priority need under the homelessness legislation, but considers that they have become homeless intentionally.
- The Council accepts that the applicant is homeless or threatened with homelessness, but has no priority need under the homelessness legislation.
- The applicant is owed the reduced accommodation duty under Section 193C (4) of the Homelessness Reduction Act 2017.
- The applicant has fewer bedrooms than their household requires according to our housing needs register bedroom standard (see Section 7).
- A crowding and space assessment (under the Housing Health and Safety Rating System in Part I of the Housing Act 2004) for the applicant's home has identified a category 1 hazard due to a lack of one or more bedrooms. This must not be due to any deliberate or unnecessary overcrowding.
- The Council has received detailed information from social services, the police or other relevant agencies, and is satisfied that the applicant needs to move on serious social or welfare grounds, and that their difficulties cannot be adequately resolved in their current accommodation.

vi. Band 4

Applications are put in to band 4 if an applicant meets only **one** of the criteria listed under band 3 above.

Or:

- An applicant who has been housed in one of the supported housing projects, and will need to move on from their accommodation when they are ready to.

- An applicant who cannot maintain or manage in their current home and is willing to move in to age restricted accommodation (current housing need and financial means are discounted in this case).

vii. Health and housing awards

If an applicant submits an online health and housing application form as part of their application or change of circumstances, we will assess the form and supporting documents for a health and housing award. This assessment process is intended to identify those applicants whose present accommodation is *highly* detrimental to their medical condition, and to prioritise their need for alternative accommodation. All members of the applicant's household who have submitted medical information will also be considered to ensure that composite needs are assessed.

We will normally assess applicants based on the information that applicants provide; this could include GP letters, hospital letters, and letters from relevant medical practitioners or support workers. The council may however use an independent medical advisor to assist in the decision on an applicant's medical priority.

You will need to cooperate with our assessment processes by example by providing consent for medical information to be supplied to us or to cooperate with any independent medical assessment. If you fail to cooperate we will be not take any medical factors into account in the determination of your housing needs or need for a particular type of property.

In all cases medical priority is only given where there is a direct link between the applicant's illness/disability and their housing circumstances. Meaning their condition would continue to deteriorate if they remained in the property, **and** would improve if they were rehoused.

Physical or learning disability

Certain available properties have been specially designed or adapted for use by those with disabilities. These properties may be used for direct lets and not made available for Choice Based Lettings. If applicants are able to bid for these properties, priority is given to urgent medical cases whose needs match the property. If an applicant bids for a property unsuited to their needs, they will be overlooked. The

scarcity of these properties means they must be reserved for those with matching housing needs.

If an applicant's medical condition deteriorates and they provide further medical evidence, then the case will be reassessed.

We will be unable to assist applicants for housing where their medical condition is such that it would be impossible or impractical to manage in a community based setting and instead we will refer such cases to social services and or the local health care trust.

Appeals

We have a different procedure for appeals against medical decisions. A medical appeal will be considered by a member of the Housing Service, who can consult the Council's specialist medical advisors if necessary. The appeal decision is final. There is no further appeal against medical decisions unless your circumstances have significantly changed.

The awards available are:

Extreme health and housing award

This exceptional award is only made where an applicant and/or member of their household has a serious or life threatening physical or mental health problem which is directly linked to their current housing. The award is to reflect an urgent need to move to a different type of housing or area to enable them to function independently and safely carry out normal activities of daily living. It is only awarded if their current property cannot be adapted to meet these needs.

Mobility health and housing award

This award is made where an applicant and/or member of their household needs a specially constructed or adapted home because of their illness or disability and this is not possible in their current accommodation. You will usually need to provide an Occupational Therapist's report to evidence this level of need.

Composite Health Award

A member of the household has a severe long-term limiting illness and their health or quality of life is severely affected by the home that they currently live in. Alternatively, there are number of household members with health conditions which when taken together, meet the criteria for a composite health award to be made.

Significant health and housing award

This award is made where an applicant and/or member of their household's health is being seriously affected by their current housing and would improve if they moved. For example, it is difficult but not impossible to move around their home but another type of accommodation would improve their health and/or ability to function.

No award

No award will be made where an applicant and/or member of their household's health is not being affected by their housing **or** their health is being affected by their current housing, but it would not improve by moving to alternative accommodation.

More information is available about how awards are made in the Council's Health and Housing Award Guidelines upon request.

viii. Multiple needs

Legislation states where multiple categories of housing need are present the Council should make a composite assessment of the needs. In these circumstances, if the applicant's housing needs are not appropriately addressed by the band priority criteria, they will be assessed by one of the following: The Strategic Housing Services Manager, the Housing Solutions Manager, or the Homeless Casework Manager. However, applicants with single or multiple needs are not prevented from being in the same band

7. Bedroom Requirements

Bedroom requirements for a household will ordinarily be assessed using the bedroom standard:

- Each couple in the household requires one bedroom
- Each single person in the household over the age of 16 requires one bedroom
- Two children of opposite sex under the age of 10 require one bedroom between them
- Two children of the same sex both aged under 16 require one bedroom between them
- Each child of opposite sex aged 10 or over requires one bedroom

This standard is used to:

- determine any housing need due to overcrowding in the banding criteria in Section 6
- determine what size of property an applicant can be nominated to if and when they qualify to join the register (see Section 8 Part III for further details)

This means that the following guidelines apply for the type of home for which the applicant is eligible (although exact eligibility will depend on the applicant's circumstances).

People in household	Bedroom Need
Single person	Studio / 1 bedroom flat
Couple and applicant who is pregnant	1 bedroom flat
Single pensioner or applicant who requires ground floor accommodation	1 bedroom flat or bungalow

Households who are approved to be in Band 1 for moving to age restricted or sheltered accommodation.	1/2 bedroom flat or bungalow
1 child family	2 bedroom flat, maisonette or house
2 child family of same sex or opposite sex if child under 10 years of age	2 bedroom flat, maisonette or house
Family with two children of same sex under 16	2 bedroom flat, maisonette or house
2 child family with children of opposite sex and over the age of 10	3 bedroom flat, maisonette or house
3 child family	3 bedroom flat, maisonette or house
4 child family depending on family make up	3 bedroom flat, maisonette or house 4 bedroom house
5 child family depending on family make up	4 bedroom house
6+ child family depending on family make up	4 bedroom house

Applicants who have “staying access” to dependent children or shared residence orders are not usually entitled to bedrooms for those children. The Housing Needs Register recognises the need for a child to have one home of adequate size, and the Council will not usually accept responsibility for providing a second home for children.

There are exceptions to the bedroom standard which can mean you will be awarded a different bedroom need:

- If you require extra rooms under the Fostering Regulations bedroom standard.
- In exceptional cases, an extra bedroom may be agreed on medical or welfare grounds where the nature of a condition suffered by a household member makes it essential to have a separate bedroom. This would need to be supported by a care or medical assessment carried out by relevant professionals.

- For 'live-in' carers to be considered in need of an additional bedroom it must be their principal home and they must be an established part of the household.

8. Choice Based Lettings and Allocations

The Council operates a choice based lettings scheme called Home Option. Vacant properties are advertised to applicants every week on a website at <http://www.homeoption.org>.

Most applicants will be able to bid using Choice Based Lettings. They can bid on properties that are suited to their household's needs and for which they wish to be considered in line with this policy (see Section 8: Part III). There are some circumstances in which this will not apply, and the Council will either restrict access to bidding (restricted bidding), make bids on behalf of an applicant (assisted/auto bidding), or make direct offers. The Council reserves the right to do this at any time in order to effectively manage allocations of homes against housing need.

Applicants on the Housing Needs Register can apply for a property by "expressing an interest" (or "bidding") on the Council's choice based lettings website www.homeoption.org. If they are unable to access the internet and do not have assistance or an advocate to do this for them, the Council is able to provide assisted bidding by setting up an "auto bid" function on the application, to ensure that expressions of interest are made on the applicant's behalf.

i. The bidding cycle

Applicants may register an interest (bid) for up to three homes every week. At the end of each weekly "bidding cycle", we look at the bids received and nominate a household to the registered provider advertising the property. Applications are prioritised by band and then by priority date. The priority date used for most applications is the initial date when the applicant joined the Housing Needs Register. In Bands 1 and 2, it will be the date on which they went into that band rather than the initial date of joining. Usually the applicant in the highest band with the earliest priority date who has bid for the property will be nominated to it.

The results of each bidding cycle are published on the website, showing the number of bids received on each property, and the band and registration date of the successful applicant. This shows the priority of the successful applicant and how long they have had that level of priority and makes the system clear and easy to understand.

Anyone on the Housing Needs Register will have access to an online guide with all the details of how to use the system. Anyone who may have difficulty with it can contact the Council at the Customer Service Centre in Chelmsford for assistance.

There may be occasions when a property is not advertised through the Choice Based Lettings scheme but is let directly. Examples of this might be a specifically adapted property for a specific client need, or where an applicant is in temporary accommodation under a statutory homelessness duty, or in other circumstances deemed applicable by a manager in the Strategic Housing Service. The Council reserves the right to do this at any time, in order to make best use of resources to meet housing need and comply with statutory duties.

There is a quota for direct lets for applicants on the Register due to being in a supported housing placement, and who are ready to move on. A proportion of available properties each year will be allocated to this group. Priority within the quota will be given to applicants in supported schemes to which the Council has nomination rights, *and* the provider has developed a plan to help them move on and to maintain any necessary support in their new accommodation.

ii. Who has choice?

Band 1

All applicants in Band 1 will ordinarily have access to Choice Based Lettings, and be able to register an interest in suitable properties each week. This is provided your application is not suspended. Applicants are expected to bid on the first available property that is suited to their needs.

If you are insufficiently active in bidding for an extended period of time the Council may suspend your access to Choice Based Lettings or remove your application altogether (see section 9: Part IV).

Band 2

Applicants in Band 2 because of a 'main housing duty', who are resident in temporary accommodation provided by the Council, will **not** have access to Choice Based Lettings at any time. Bids will be made for them by a member of the Strategic

Housing Service or through auto bidding. This is to ensure that the duty to secure settled accommodation is complied with as soon as possible. If you are owed the 'main housing duty' under homelessness legislation you will have been informed of this in writing.

The above also applies if you were initially placed in Band 2 for the 'prevention duty' and then moved in to temporary accommodation under the 'relief duty'. At the point you enter temporary accommodation provided by the Council you will lose access to Choice Based Lettings. However, the applicant will retain the same priority date they were assigned for the 'prevention duty'.

All other applicants in Band 2 will ordinarily have access to Choice Based Lettings, and be able to register an interest in suitable properties each week. This is provided their application is not suspended. Applicants are expected to bid on the first available property that is suited to their needs.

If you are insufficiently active in bidding for an extended period of time the Council may suspend your access to Choice Based Lettings or remove your application altogether (see section 9: Part IV).

Bands 3 and 4

Applicants in Band 3 and 4 will ordinarily have access to Choice Based Lettings, and be able to register an interest in suitable properties each week. This is provided their application is not suspended. Applicants are expected to bid on the first available property that is suited to their needs.

If you are insufficiently active in bidding for an extended period of time the Council may suspend your access to Choice Based Lettings or remove your application altogether (see section 9: Part IV).

The exceptions to this are applicants in Band 4 due to living in a supported housing placement. They will **not** have access to Choice Based Lettings at any time. Any offers made to them will be through direct lets available through the quota.

iii. Properties you can bid for

The Council will advertise any eligibility requirements for a property and applicants may not register an interest for a home for which they are not eligible.

- Applicants will only be able to apply for a property with the number of bedrooms for which they are entitled (see Section 7).

- Applicants will only be eligible to register an interest for a house if they have one or more children aged 15 years or under. If all the children are aged 16 years or over, an applicant is only eligible to register an interest in a flat or maisonette.
- Registered providers will sometimes require households of certain sizes and ages. If this applies, the Council will include details when the home is advertised and only applicants who meet these criteria will be able to be nominated from the Housing Needs Register.
- Some homes are designated for older people, normally people over either 60 or 50 years of age.
- Some homes are designated as suitable for people with a disability because they have already been adapted or could be adapted for use by a disabled person. There may be occasions where, if a property's adaptations specifically meet the needs of an applicant, the property may be allocated to them, irrespective of their priority band or date within that band or registration date.
- Some registered providers will not consider applicants who own a home in the UK or abroad, or an interest in a property.
- Applicants for affordable housing options who own a home must have exchanged contracts or be in the process of doing so to sell their current home before they will be considered by a registered provider for a nomination to a property.
- Some properties may be subject to a local lettings plan and certain groups of applicants may not be eligible for a nomination. The local lettings policy will be agreed between Chelmsford City Council and the registered provider whose property is being advertised.
- Some properties in rural areas are only available to applicants who meet special criteria on local connection to the relevant parish.

iv. Nominations to registered providers

The Council will nominate applicants to social and affordable rented homes with a registered provider from a shortlist of all applicants who expressed an interest in the property being advertised. This includes if a bid was made on the applicant's behalf.

We will usually give registered providers details of the three applicants with the highest priority who have expressed an interest in each home, in line with the band

priorities (see Section 6). This is provided these applicants are otherwise eligible for the property under both our Allocations Scheme and any policies of the registered provider.

Applicants will be invited to an accompanied viewing of the home. Some registered providers will carry out multiple viewings involving more than one applicant from the shortlist. Providers will usually ask the nominated applicant to go through their own application process as well. The property will usually be offered to the applicant with the highest priority, as long as they meet the provider's requirements. If the applicant accepts the offer, they will be expected to sign up to the tenancy as soon as possible.

If you are currently nominated for a property, any other bids you make for alternative properties whilst the nomination process is ongoing will be disregarded.

v. Refusals of nominations and offers

If any applicant refuses **two** nominations to accommodation for which a bid has been placed either by the applicant or by the Council on their behalf, and which would be accommodation suited to their needs, their application can be suspended for a period of 6 months. The applicant will be told about this in writing. It will be up to the applicant to contact the Council after the period of suspension to reactivate their application, otherwise it will remain suspended.

If the Council has accepted a 'main housing duty' for an applicant under homelessness legislation, they will only receive **one** reasonable offer of accommodation. This offer will discharge the Council's homelessness duty, provided it is suitable for their needs. If the applicant refuses the offer, the duty will end, but the applicant has the right to request a review of the suitability of the offer (see Section 9: Part VI). If the review is successful, the duty will continue, and a further offer of suitable accommodation will be made.

If the duty does end, the applicant will lose their temporary accommodation and their application on the Housing Needs Register will be reassessed in line with the banding criteria in Section 6.

9. Management of the Scheme

This section contains general information on how the Strategic Housing Service manages the Housing Needs Register, including how active applications are administered on an ongoing basis.

i. Information provided to applicants

Applicants will be informed in writing at various stages of their application about:

- The band the applicant is awarded under the scheme if any
- 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.

Requests for information

If requested, the Council can provide information that is practicable and reasonable to supply, in order to explain the applicant's position and priority for an allocation in relation to an offer of suitable accommodation.

ii. Changes of circumstances

It is the responsibility of the applicant to notify the Council immediately of any change in their circumstances by completing an online form. This can be done via the HomeOption website.

A change of circumstances can include:

- A change of address
- If anyone included on the application moves out
- family size, for example if you have another child
- if you want to add any other person to the application (see section 4ii for guidance)
- a change in income or capital
- if you no longer have recourse to public funds

The Council may also check an application at any time to make sure the circumstances have not changed. Applicants are required to provide documentary proof of the change, and this change may alter the band in which the application is placed. All applicants will be unable to bid whilst their application is re-assessed, including if they failed to update the Council of any changes.

iii. Management of applications

Band 1

All applications within Band 1 can be re-assessed, usually after 6 months, to determine whether their level of priority is still appropriate. If re-assessment results in a lower banding being awarded, the application will have the original date of registration as their priority date. Applicants will be notified in writing of all decisions, and the applicant has the right to a review on any decision that is made.

Applicants will need to demonstrate that the circumstances which led to original banding are still applicable at the re-assessment date. They will be required to produce documentary evidence which will be specified at the time.

Band 2

All applications in Band 2 under one of the statutory homeless duties will be actively case managed:

Prevention duty cases will be subject to continuous assessment and the duty can be ended at any point if the relevant circumstances arise under the legislation. Enquiries

will be made as to whether the landlord/excluder is still intending to enforce eviction, to establish whether the applicant still meets the threshold for the band. If there is no longer a threat of homelessness, the application will be reassessed and may be removed from the Housing Needs Register if the applicant no longer qualifies to remain on it. If the Strategic Housing Service determines that the applicant is no longer in priority need or is threatened with homelessness intentionally, they may also be given a lower banding.

For applicants in Band 2 under a relief duty, their application is dependent upon the outcome of that duty. If the relief duty ends and does not result in the 'main housing duty' being owed for any reason, this may result in either a lower banding award or the applicant no longer qualifying for the Register. All homelessness applicants will be given a written decision under homelessness legislation informing them of the outcome. They will also have a right to review under the same legislation.

For applicants owed the 'main housing duty', their banding will remain until that duty is discharged (comes to an end) for any reason. Details of how the 'main housing duty' can be discharged can be provided separately to applicants.

All other applications within Band 2 can be re-assessed at the point of nomination, or before, to determine whether their level of priority is still appropriate. If re-assessment results in a lower banding being awarded, the application will have the original date of registration as their priority date. Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

Applicants will need to demonstrate that the circumstances which led to original banding are still applicable at the re-assessment date. They will be required to produce documentary evidence which will be specified at the time.

Bands 3 and 4

Applicants in Band 3 and 4 will not be actively case managed or subject to regular re-assessments. However, they are still required to update the Council with any changes of circumstances (see Section 9: Part II). Furthermore, in the event that they are nominated for any property, their application will be re-assessed at that point to determine if the banding award is still appropriate.

iv. Removing applications

We will remove an application if:

- The applicant requests it.
- The applicant does not respond to renewal or re-registration requests within the given timescale.
- The applicant accepts an offer of accommodation from the Housing Needs Register.
- The applicant stops being eligible to stay on the register for any reason, including moving to different accommodation where they do not have an assessed housing need (see Section 5).
- An applicant has made false or deliberately misleading statements in connection with their application (see Section 4).
- An applicant has access to but does not use the choice based lettings system or make any bids for a period of six months and does not tell us why, or where we cannot contact an applicant using any of the details they have given us.

If there are joint applicants, both must tell us in writing that they want us to remove the application. If this does not happen, and only one applicant tells us they want us to remove it, the application will continue in the name of the other applicant alone. The Council may remove the application for both joint applicants for any of the above reasons.

v. Re-registration and renewal

Applicants must complete any re-registration or renewal exercise carried out by the Council. Applicants accept when they join the Register that their application will be removed if they do not do this within the timescale given when the exercise takes place. All applicants will be informed when applicable, and the timescale will be clearly stated on any correspondence.

If you fail to re-register or renew your application within time, and subsequently make a fresh application, you will **not** retain your priority date from your prior application.

vi. Reviews

Applicants have the right to ask for a review of some decisions made about their application for housing or an offer of accommodation in line with the Housing Act 1996 Pt VI and the Allocations of Accommodation Statutory Code of Guidance. These include: -

- decisions about refusing to allow an applicant to join the register;
- removing an application from the register;
- size or type of property
- assessment of Bands; and
- offers of housing.

An applicant who disagrees with a decision the Council has made that affects their housing application may request a review of that decision within 21 days of receiving the decision. A request for a review should usually be made in writing/via e mail although the Council may also consider verbal requests for a review to be undertaken.

The applicant should clearly outline their reasons for formally requesting a review and a different officer at the Council will review the original decision. In some cases the Council may need to request further information from the applicant in order to make a decision.

The Council will respond to the review request in writing within 8 weeks.

Complaints procedure

The Council's complaints process **cannot** be used to request a review of the aspects of an application to the Councils Housing Register identified above, and the review process above must be used in these circumstances.

If an applicant is dissatisfied with a different aspect of the management of their application, outside of the circumstances when a review can be considered, they can make a complaint through the Council's complaints procedure. Details of this can be found at <http://www.chelmsford.gov.uk/complaintsprocedure>

If an applicant is not satisfied with way in which the Council has dealt with their complaint and they have been through all of the stages of the Council's complaints procedure, they can send a written complaint to the Local Government Ombudsman. Further detail about the Local Government Ombudsman can be found here:

<http://www.lgo.org.uk/>

10. General Provisions

i. Data Protection: GDPR

Chelmsford City Council is a data controller. This means we need to collect your personal data so that we can investigate and respond to your request for housing assistance. We will only collect the personal data from you that we need in order to deal with your housing application and request for assistance, under the Housing Act 1996, Part 6 and Part 7 (as amended).

We do this as a task carried out in the public interest. We will not be able to accurately and fairly investigate your request for housing assistance without the personal data you provide us with.

The Council will treat all information given in confidence and only discuss it with third parties if consent has been obtained from the applicant. When an application is made to the Housing Needs Register, the applicant will be asked to give permission for information to be obtained from, or shared with, third parties.

The only exceptions to this are where there are concerns about child protection, safeguarding of children and vulnerable adults, fraud, or a serious criminal matter or in such cases where someone's health or safety is believed to be at risk.

You have the right to access the personal information we hold about you. Any access requests are free of charge. If the information we hold about you is inaccurate, you have a right to have this corrected and you have the right to request completion of incomplete data.

You have the right to ask us to erase your personal data in certain circumstances ('right to be forgotten').

You have the right to ask us to stop or restrict the processing of your personal data, in certain circumstances. Where possible, we will seek to comply with your request, but we may need to hold or process information to comply with a legal requirement.

Further details about data protection and how your data will be controlled, or can be accessed, are available online: <https://www.chelmsford.gov.uk/your-council/accessing-information/our-privacy-policy-and-privacy-notices/privacy-notice-for-housing-assistance-and-housing-applicants/>

ii. Lettings to staff, Council Members, or their relatives

Council staff, Members, and their relatives, are treated the same as any other applicant and must be seen not to be gaining any advantage, or disadvantage, 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.

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

iii. Changes to the policy

The Council will continue to assess whether the scheme:

- Delivers its aims and objectives
- Continues to give reasonable preference to those in greatest housing need and that the scheme is not dominated in any way by applicants who fall outside of the categories of need outlined in this scheme.

Reviews of this policy will be undertaken by the Council when required and in response to any:

- Evidence that the policy is not achieving its aims and should be altered to rectify this.
- Changes in legislation that affect the policy
- Changes in national guidance.

Further public consultation will take place if any additional significant changes are proposed in future. The changes would also be subject to Cabinet approval.