



Chesterfield Borough Council

DRAFT Choice Based Lettings Allocations and Transfer Policy

April 2015

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Introduction

This document contains details of the policy, which Chesterfield Borough Council uses in deciding between competing applicants requesting housing.

The Choice Based Lettings Allocations Scheme has been compiled in line with **the** guidance issued by the Department for Communities and Local Government **in 2012 and 2013**; complies with the provisions of the Housing Act 1996, Part 6, and the Homelessness Act 2002 and the Localism Act 2011.

The Council is committed to introducing a lettings scheme that offers greater choice to all those seeking housing and enables people to make well-informed decisions about their housing options.

It is the Council's intention to include all properties in the Choice Based Lettings Scheme, however there will be occasions whereby properties are excluded from the scheme for management purposes.

Choice based lettings will help improve the sustainability of our housing stock to maximise its effectiveness and encourage residents to have a stake in their community.

Equal Opportunities

In line with its aims and values, Chesterfield Borough Council has an Equal Opportunities Policy. The Policy aims to ensure that services and employment opportunities are equally available and accessible to everyone within the Borough.

Chesterfield Borough Council recognises that some groups of people experience discrimination. The Council is committed to actively opposing all forms of discrimination on the grounds of race, sex, age, disability, religion, ethnic origin or sexuality.

Housing Services recognises that both equal treatment and positive action are necessary to counteract discrimination.

An Equality Impact Assessment has been carried out to assess the likely effect on any groups with the protected characteristics as defined in the Equality Act 2010.

Eligibility for Entry onto the Housing Register

Under the Housing Act 1996 the Council is not obliged to maintain a housing register (housing list). The council chooses to keep a register. To be allowed onto the Housing Register the applicant must be an ELIGIBLE PERSON.

Eligibility is defined by the law (please refer to the section "Who Can Join The Housing Register?")

How to Join the Housing Register

In order to join the Housing Register applicants are asked to complete an application form (assistance can be given with this). Applications can also be downloaded from the Council's website. At the time of application, applicants are also given information regarding the choice based lettings scheme.

On the form questions are asked in order to determine housing need and an applicants ability to manage and maintain a tenancy. Applicants can choose areas in which they wish to be rehoused. This information will be used for proxy bidding on behalf of an applicant, **direct matching**, mutual exchanges and nominations.

Relevant information will be required for every applicant requiring accommodation.

Once an applicant is registered on the housing register they receive a letter giving information on the number of points they have been awarded and the band their application is placed in.

All applications will be reviewed annually, in line with the registration date, to ensure that the information is still correct. At the one-year anniversary each applicant will be written to and invited to confirm their application status and details – if there is no response within 21 days, the application will be cancelled and a letter sent confirming this.

Applications will be cancelled in the following circumstances:

- A council tenancy or housing association nomination is accepted
- A joint tenancy with an existing tenant is accepted
- A submission to purchase a council property under the Right to Buy scheme is completed
- The applicant requests us to do so
- There is no response to a review letter or other correspondence
- The applicant moves and does not inform Chesterfield Borough Council of the new address
- We find the applicant has supplied false or incomplete information connected to that application.

Who Can Join the Housing Register?

Anyone aged 18 or over can join the Housing Register except:

1. People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996, unless they are either:
 - already a secure or introductory tenant of the council; or
 - in a class prescribed by regulations made by the Secretary of State.

2. People from abroad prescribed as ineligible in any regulations made by the Secretary of State unless they are already a secure or introductory tenant of the Council.

Please refer to the section titled “Nationality and Immigration Status” below.

3. Applicants who themselves, or members of whose households, have demonstrated that their poor behaviour may make them unsuitable to be Council Tenants.

Young People aged 16 or 17

The Council will not accept applications from applicants under the age of 18 to register on the housing register. 16 and 17 year olds will normally only be rehoused via a Children Act referral from Social Services under the terms of the agreed protocol or Homeless Application.

If a 16 or 17 year old is vulnerable and requires housing before their 18th birthday, the person’s circumstances will be individually assessed and an allocation may be made in these circumstances. Wherever possible, adequate referral and support arrangements should be in place.

Vulnerable young people aged 16 and 17 years old will not be able to bid for properties included in the sub regional scheme and will be assessed and allocated in accordance with this policy.

Nationality and Immigration Status

Persons from Abroad

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under S.160ZA of the 1996 Act. There are two categories for the purposes of S.160ZA:

- (i) *a person subject to immigration control* - such as a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (S.160ZA(2)), and
- (ii) *a person from abroad other than a person subject to immigration control* - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (S.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (S1 2006 No. 1294) (‘the Eligibility Regulations’).

Persons subject to immigration control

The term 'person subject to immigration control' is defined in S.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens.
- (ii) Certain Commonwealth citizens with a right of abode in the UK.
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement.
- (iv) EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status (e.g. whether he or she is a worker, self-employed, a student, or economically inactive).
- (v) Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.
- (vi) Any person who does not fall within one of the four categories will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations.

Qualification for Accommodation

Residency Qualification

In line with the recommendations outlined in the Allocation of Accommodation Guidance issued in December 2013, a person will qualify for accommodation if they have been continuously resident in the Borough for 12 months or more or employed in the Borough on a permanent or long-term contract (12 months minimum) for 16 hours or more.

The Council will consider any request from households with exceptional circumstances who have no local connection with the Borough as outlined above, and who would not normally qualify for housing.

General Qualification Criteria

The Council is committed to tackling anti-social behaviour and enabling our communities to become safer places to live.

The Council is also committed to reducing the level of rent arrears and ensuring that rent is paid promptly.

The Council believes it is entitled, when deciding whether or not to allocate a property to an applicant, to take into account the previous record of the applicant (and/or a member of his/her household), whether as a rent payer or in any other respect. The Council has a duty to have regard to the financial consequences of its actions, and to balance the Housing Revenue Account.

The behaviour of applicants will be a factor to be taken into account as part of the assessment process.

This applies to transfer applicants as well as new applicants.

In the case of new applications, we expect applicants to provide us with some proof that they have behaved responsibly. We would normally ask for a reference from the applicant's current or last landlord confirming whether or not the applicant has behaved as a responsible tenant. We will also consider references from an employer or any other professional person. It will be the applicant's responsibility to obtain the reference. We may make direct contact with the person who wrote the reference but only with the applicant's permission. We would also normally ask applicants to produce a rent book and/or other documentation (for example, a bank statement) to show us whether or not they were up to date with their rent payments. Failure to provide some proof that they have behaved responsibly will not necessarily prevent an applicant from proceeding with his or her application for accommodation but the applicant would have to have a good reason for not being able to do so. Where it is apparent to the Council that an applicant has not behaved responsibly, the applicant will be given the opportunity to explain. Each case will be decided on its own merits.

We will also require all applicants to complete a pre-allocation risk assessment which will determine if they are able to manage and maintain a property and whether they qualify for accommodation in line with policy.

It is the responsibility of an applicant to provide reasonable information to enable their application to be assessed.

Applications will not be registered until we have received all the required information and we are satisfied that an applicant qualifies for accommodation.

The following two sections contain examples of where we may disqualify applicants from housing because of their unacceptable behaviour or where we may for a period of time (normally six months) prefer applicants who are not guilty of poor behaviour over applicants who are guilty of such behaviour.

Poor Behaviour - Disqualification of Applicants

We may disqualify applicants from the Housing Register if we have evidence they have behaved in an unacceptable way and we consider this makes them unsuitable to have a

Council tenancy. Examples of poor behaviour that may result in your disqualification include (but are not limited to):-

- Failing to pay the rent or other charges
- Breaching a condition of the tenancy agreement
- Causing or likely to cause a nuisance or annoyance to people who live, visit or work in the locality of the home; or to the Council (as landlord), or any person employed in connection with the exercise of the Council's housing management functions, and that the conduct affects those functions (either directly or indirectly).
- Being subject to (or having previously been subject to) an Anti-social Behaviour Injunction, an Anti-social Behaviour Order, a Criminal Anti-social Behaviour Order, a Criminal Behaviour Order, a Community Protection Notice, a Closure of Premises Order; or having been in breach of any those orders.
- Using their home for immoral or illegal purposes
- Being convicted of an offence (which carries with it a custodial sentence, whether or not custody was imposed) committed in, or in the locality of, their home, or committed elsewhere against a person with a right to reside in, or occupy housing accommodation in the locality, or was committed elsewhere against the landlord of the home, or a person employed in connection with the exercise of the Council's housing management functions, and that the conduct affects those functions (either directly or indirectly).
- Causing the condition of the property to deteriorate by a deliberate act, or by neglect
- Making a false statement to obtain a tenancy

The Council will consider whether people it has found to be guilty of poor behaviour are, at the time they apply, suitable to be Council tenants. Persons who are found to be unsuitable will normally be disqualified from joining the housing register.

We will act reasonably when we decide to disqualify an applicant. We will consider all the relevant information before we make our decision. Where the Council has reason to believe that poor behaviour is due to a physical, mental or learning disability, the person will not be determined as disqualified without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Social Services, the Council's medical adviser and providers of support services. We will consider the interests of the applicant and their household but we will also consider the interest of the people who live and work on our estates.

In determining the issue it is not necessary for the applicant to have actually been a tenant of the Council when the poor behaviour occurred - for example an applicant who previously had a tenancy with a private landlord and was in arrears of rent, or had been guilty of anti-social behaviour, will be subject to this part of the Policy. Furthermore, the poor behaviour is not limited to behaviour caused by the applicant - it extends to behaviour caused by a member of the applicant's household and visitors to the applicant's home.

For the purpose of rent arrears or other charges this would be any amount above £1500.

If at any time the Council obtains information that leads it to believe that an applicant already on the housing register is ineligible, it will inform the applicant in writing. The applicant will be given 28 days to provide information showing that they are eligible. If they do not reply within this period, or if they reply but the Council remains of the view that they are ineligible, they will be removed from the housing register.

The decision to disqualify an applicant will be made by the **Assistant Manager - Housing Solutions**. We will write to an applicant explaining why we have decided to disqualify him/her from the Housing Register. Any applicant notified that they are being treated as ineligible to join the Housing Register because of poor behaviour may request a review of the decision.

If the review confirms that the applicant is to be treated as ineligible, the applicant may still make a fresh application to the Council at a future date, when the applicant feels they should no longer be treated as ineligible. The Council will consider this fresh application on its merits. However, unless there has been a considerable lapse of time, it will be for the applicant to show that their circumstances or behaviour have changed substantially. For the purpose of rent arrears or other charges, the applicant needs to demonstrate they have reduced the debt by 50% or cleared the account.

Poor Behaviour - Deferral of Application

In certain cases, we will register an applicant onto the Housing Register but will not offer them accommodation until they pay off a debt or improve their behaviour. This applies to behaviour that makes us concerned about an applicant's ability to maintain a tenancy, but is not serious enough for us to disqualify them.

In these circumstances the application will be registered and will be awarded the appropriate points on the list. However, until the applicant has proved that they have remedied their behaviour, normally over a period of six months, then other applicants who have not been guilty of poor behaviour will be preferred over them.

The Council considers that poor behaviour would include the following:

- Housing Debt under £1500 - By "Housing Debt" we mean (1) rent arrears owed to a landlord (including the Council, another Local Authority, a Registered Social Landlord or a Private Landlord), (2) costs of repairing damage to Council housing property or housing property belonging to another Local Authority, a Registered Social Landlord or a Private Landlord, (3) mortgage arrears owed to the Council or any other lender and (4) other Chesterfield Borough Council debts including Housing Benefit overpayments. We expect applicants in debt to either pay the debt in full or make an agreement with us or other creditors as the case may be, to pay off the debt over a set period. They must then keep to the agreement and make regular payments to reduce the debt, until either (1) they have repaid all the debt or (2) they make and maintain regular payments reducing the amount owed by a minimum of 50% over a period of 6 months. When the applicant meets either of these 2 conditions, we will then consider them for accommodation. If, once we have made the application active, the applicant does not keep to their agreement to make regular payments off their debt we will not offer them any accommodation, until they have maintained their agreement for an agreed period of time.

- Breaching a condition of the tenancy agreement - We will visit Council tenants before we offer them another Council property. If we find that the tenant is breaking their tenancy conditions we may not offer accommodation until the breach has been remedied. Breaking tenancy conditions includes: damaging the property; making structural alterations without our consent; allowing the garden to become seriously neglected or overgrown; poor internal decorative and cleanliness standard. We will write to the applicant to tell them why we will not offer accommodation to them. We will also tell them what they need to do before we will offer them accommodation. This also applies to applicants whose landlord is another Local Authority, Registered Social Landlord or a Private Landlord.
- Anti-Social Behaviour - Where there is evidence of anti-social behaviour at the applicant's present address or a previous address, but the behaviour is not serious enough for us to disqualify the applicant, until the applicant has proved that they have remedied their behaviour we will not offer them accommodation and will prefer other applicants who are not guilty of anti social behaviour. This also applies to any member of the applicant's household and applies to both applicants in an application even if only one of the joint applicants is responsible for the behaviour. The period of time in which we will prefer other applicants will be for a set period, which will usually be a minimum of 6 months. During this set period, the applicant will have to show that their behaviour has improved and they are capable of being a responsible tenant. We would

expect them to do this by providing us with a reference from their landlord. The reference should show that the applicant has behaved as a responsible tenant over the set period. We will also consider references from an employer or any other professional person. We may make direct contact with the person who wrote the reference but only with the applicant's permission. If it is clear that the applicant or a member of their household is presently causing anti-social behaviour, we will not offer them accommodation.

- Making a false statement to obtain a tenancy - where we consider that the false statement was not so serious as to justify disqualifying the applicant from the Housing Register, then we will prefer other applicants over them for a set period, which will usually be a minimum period of 6 months.
- Where the regulation number of offers have been refused. We may decide not to make them further offers of accommodation and may prefer other applicants for a set period, which will usually be a minimum period of 6 months.
- **Applicants who do not satisfy the requirements of the Pre-Tenancy Risk Assessment will be advised of why they fail to meet the criteria and will be offered advice and assistance.**
- Applicants who are considered to have voluntarily worsened their circumstances with the effect of increasing their priority under the policy (for example, someone who has given up a tenancy voluntarily to move into less suitable housing). In these circumstances we may decide to prefer other applicants. If we do so it will be for a set period, which will usually be a minimum period of 6 months.

We will act reasonably, when we decide that an applicant has been guilty of poor behaviour, we will consider all the relevant information before we make our decision. For

example, where an applicant has housing debts this will not automatically prevent him or her from being re-housed but it will be one of the things taken into account when deciding whether or not to offer a property to the applicant. Where the Council has reason to believe that poor behaviour is due to a physical, mental or learning disability, the person will not be suspended without first considering whether they would be able to maintain a tenancy satisfactorily with appropriate care and support. In such cases the Council will consult as appropriate with any relevant agencies, including Social Services, the Council's medical adviser and providers of support services. We will consider the interests of the applicant and their household but we will also consider the interest of the people who live and work on our estates.

The decision will be made by the **Team Leader, Housing Solutions**. We will write to applicants explaining the reasons why we have made the decision. We will tell them what they have to do before we will consider them for accommodation. We may ask them to do this within a set period of time. The applicant may request a review of the decision.

Extending the Period of Time of an Introductory Tenancy

An introductory tenancy when granted by the Council to a tenant is for a period of 12 months but this may be extended by a further period of 6 months provided there is a valid reason for doing so; for example, if there has been anti-social behaviour or if there are rent arrears.

If the Council decides it wants to extend the period of an introductory tenancy, a Notice of Extension will be served on the tenant at least 8 weeks before the 12 months expiry date of the introductory tenancy. The Notice of Extension will set out the reason or reasons why the Council want to extend the introductory tenancy and the tenant will have the right to request a review of the decision.

If a tenant's request for a review is refused, or if a tenant fails to request a review, then during the extended period of time of the introductory tenancy the Council may serve a Notice of Proceedings for Possession (subject to a right of review) if there is a valid reason or reasons for doing so.

If a tenant's request for a review is refused, or if a tenant fails to request a review, in respect of the Notice of Proceedings for Possession, then the Council may apply to the Court for a Possession Order and provided that the Council have followed the correct procedures the Court will make a Possession Order requiring the tenant to leave his/her home.

Demoted Tenancies

The Council may apply to the County Court for a Demotion Order in respect of a secure tenancy if a secure tenant, or someone, who lives with him/her or visits him/her, has caused or has threatened to cause anti-social behaviour.

If the Court grants a Demotion Order it means that the secure tenancy comes to an end for a period of 12 months. During that period of 12 months the Council may serve a Notice of Proceedings for Possession if there is a valid reason or reasons for doing so (the reason does not need to relate to anti-social behaviour so it could, for example, include rent arrears). The tenant has the right to request a review of the decision.

If a tenant's request for a review is not upheld, or if a tenant fails to request a review, then the Council may apply to the Court for a Possession Order and provided that the Council have followed the correct procedures the Court will make a Possession Order requiring the tenant to leave his/her home.

Temporary Periods of Residence Outside the Borough

Temporary periods of residence outside the Borough for the following reasons will not be counted against applicants:

- ❑ temporary residence or respite care
- ❑ essential health care, e.g., hospital or hospice
- ❑ temporary employment of less than 6 months
- ❑ attendance at an educational or training establishment
- ❑ offenders serving a custodial sentence
- ❑ attendance at a drug/alcohol rehab unit
- ❑ residence in a refuge or hostel
- ❑ mother and baby home
- ❑ other specialised accommodation.

Temporary periods of residence outside the Borough will not be counted against homeless applicants who are roofless if either:

- (a) their last permanent or settled address was in the Borough, or
- (b) they have a valid existing housing waiting list application registered.

Decisions and Reviews

Decisions

Applicants have the right to request information from the Council about decisions on the facts of their cases which are likely to be, or have been taken into account, in considering whether to allocate them accommodation. They will then be informed of any such decisions that have been made.

Reviews

Applicants dissatisfied with a decision that has been made may request a review of that decision.

Request for reviews are made to the **Housing Solutions Manager** who will consider the review on the basis of written representations. Requests for a review must be made in writing to the **Housing Solutions Manager, 'On The Move'**, within 21 days of the date the decision was notified to the applicant and should include the applicant's reasons for believing the decision made was wrong.

The applicant will be informed in writing of the decision made at the review and the grounds for it.

Reviews of decisions made under Part VII of the Housing Act 1996 (homelessness) are outside the scope of this Policy.

Reviews cannot be made against Council Policy; they can only be against the way policy has been implemented. For example, Council Policy states that 25 points are awarded to council tenants who are living in flats with children, an applicant could not request a review for these points to be increased to 100 points. However they could appeal if a decision had been made not to award points at all.

An example of items against which an applicant could appeal are:

- Disqualifications from the Housing Register
- Reduced preference from the Housing Register
- Not being awarded points to which an applicant feels they are entitled
- What is a reasonable offer

This list is not exhaustive.

Disabled Persons

When an applicant applies to us for accommodation we will ask if the applicant considers that he or she or a member of his or her household has a disability which would affect his or her ability to maintain a tenancy with us.

If an applicant informs us that he or she or a member of his or her household does have a disability which would affect his or her ability to maintain a tenancy with us then we will offer advice and/or assistance and we would normally expect the applicant to engage with any offer of support or assistance which is made.

We will also ask applicants to keep us informed of any change in their circumstances, or the circumstances of members of their households, which would affect their ability to continue to maintain a tenancy with us. We will then offer advice and/or assistance and we would normally expect the applicant to engage with any offer of support or assistance which is made.

Referrals made by the Mental Health Services are normally dealt with on a case by case basis and given preference by the awarding of appropriate hardship/medical/welfare points.

An applicant leaving hospital is normally dealt with under the terms of the Hospital Discharge protocol. These referrals are normally dealt with on a case by case basis and given preference by the awarding of appropriate hardship/medical/welfare points.

False Information

Section 171 of the Housing Act 1996 states that a person guilty of an offence of withholding information or making false statements is liable on conviction to a fine not exceeding £5000.

The Council also has the right to seek possession of a tenancy which has been granted as a result of a false statement by the tenant or anyone acting for or directed by the tenant.

Applicants who give false information in support of their housing application will normally be excluded or suspended from the housing register or given less preference.

Sheltered Housing

If a tenant is currently living in a sheltered bedsit and has advised the Housing Solutions Team in writing that they would like to move to a one bed flat within the scheme, they will normally receive priority to move to the next available one bed flat.

Bungalows

Council bungalows will normally be allocated to:

- persons of pensionable age (in accordance with the Pension Credit qualifying age applicable at the time of allocation/transfer)
- disabled persons (regardless of age) where the disability is physical in nature and affects the person's mobility to a considerable extent. The applicant must be claiming high rate disability living allowance for mobility (or in receipt of enhanced rate PIP) and receive these awards indefinitely

Council bungalows will be advertised as follows:

75% transfers
25% new applicants

The quota is a Borough-wide illustration and allocations on individual estates may vary.

When the list of older and disabled applicants has been exhausted, then applicants who have bid for the property under the pensionable age will be considered for the bungalow. This will be done on a 'banded' approach with applicants aged 55 and over being considered first.

Reasonable Offers

In the event of an officer matching a property for the applicant and submitting a proxy bid a reasonable offer will normally be -

- (I) on an estate or in an area requested by the applicant on their housing application form
- (II) be suitable in terms of size
- (III) the applicant must be eligible for the offer

If however an applicant has bid on the property this will be deemed a reasonable offer.

Home Visits

The Council may visit any applicant in their home prior or subsequent to authorising them for an offer, to check that their housing circumstances are as set out in their application for housing.

Reasonable notice will be given to applicants of impending home visits. Applicants are expected to allow visiting officer's access to all parts of their home. Failure to do so will normally result in the applicant not being authorised for an offer.

Number of Reasonable Offers

Priority Band Applicants will normally receive 1 reasonable offer. Refusal of this offer will normally result in the loss of Priority Band status and the application will be placed in the appropriate Band based on their current housing circumstances and will receive 2 or 3 further offers, depending upon that Band. **Statutory homeless households will receive one offer made by way of direct match.**

Transfer Band and General Band 1 Applicants will normally receive 2 reasonable offers. Refusal of 2 such offers will normally result in the application being deferred for a set period of time which will normally be a minimum of 12 months.

General Band 2 Applicants are able to receive 3 reasonable offers. Refusal of 3 such offers will normally result in the application being deferred for a set period, which will normally be a minimum of 12 months.

Homeless applicants in the Priority Band with Housing Related Debt are eligible for offers of accommodation and the debt will still remain their responsibility

Introductory Tenancies

Chesterfield Borough Council operates an Introductory Tenancy Scheme - all new tenants will normally be offered Introductory Tenancies for 12 months. Introductory tenants under normal circumstances will not be able to bid on properties until they become a secure tenant.

In exceptional circumstances a request can be made for a decision to allow an Introductory Tenant to move by the Service manager – Customer Division and will be assessed on an individual basis.

After 12 months, if no terms of the Tenancy Agreement have been broken, the Tenancy will automatically become Secure.

Statutory Homeless Applicants

Any applicant owed a duty under Part VII of the Housing Act 1996 will normally receive one suitable offer of accommodation. In line with the Homelessness Statement, as a result of the changes in the Localism Act 2011 this may be an offer of accommodation in the private rented sector. In cases of domestic violence, violence, harassment or abuse the applicant must clearly state prior to a decision being made, any areas or estates where they could not be offered a property due to an actual or perceived threat. The applicant will be required to provide details of the alleged perpetrator.

Applicants will be given reasonable preference and **duty will be discharged by way of direct match to** either a Council, Housing Association or Private Sector property.

Nominations to RSLs

Nominations to RSLs, and other housing providers, with whom the Council has a nomination agreement, will count as a reasonable offer of accommodation (if the applicant has bid on the advertised property or is a result of a proxy bid).

The Choice Based Lettings Allocations Scheme

The Council's Allocations and Transfer Policy works on a banding approach, with applicants being placed in the Priority Band, Transfer, General 1 or General 2.

Eligible applicants will be entitled to bid on 3 properties per advertising cycle. The applicant can withdraw their bid at any time prior to the closing date. Once offered a property, no further bids can be made on alternative advertised properties.

Applicants can bid on any advertised property they are eligible for.

The **Service Manager - Customer Division** has discretion to set quotas to take account of changing demand and/or supply factors, performance to date on achieving the targets, and the relative needs of the priority groups between themselves.

However, lettings will normally be advertised in accordance with the quotas set out in the table below, normally with a 5% flexibility to change quotas as required.

| Priority | Transfer Band | General Band 1 | General Band 2 |
|----------|---------------|----------------|----------------|
| 25% | 45% | 25% | 5% |

75% of 2 bed houses will be advertised with a preference to a current Chesterfield Borough Council tenant in the Transfer Band.

Bidding

Applicants will need to search and bid for homes in the normal way. However they will also need to be aware of the following conditions.

- Priority will only be given for homes that meet the applicants need. For example, if an applicant has mobility needs for level access, they will not be given priority to move from a house with stairs to another house.
- Applicants in the Priority Band will be expected to bid on all types of homes for which they are eligible, for example 2 bedroom flats as well as houses, and may need to compromise on their ideal choice in order to move quickly.
- With valid reason we can make a bid on applicant's behalf (proxy) or review or cancel priority at any time.

Advice and assistance can be provided to help applicants through this process.

Non Bidders

If applicants on the Housing Register do not express an interest in any property over an extended period of time, we will contact them to see if they need any help using this system or if their circumstances have changed.

If an applicant in the Priority Band (**not statutory homeless applicant**) has not made a bid within **12** weeks we will contact them to find out why and to offer support, help and advice. **Normally a direct match will be made to the next suitable property. If this offer is refused, priority status will be removed and the application placed in the appropriate band - Transfer or General 1 or 2.**

Priority Band

Applicants in the Priority Band will include the following reasonable preference groups.

- | | |
|-------------------------------------------------------------------------------------------|--------------------------------|
| □ Statutory Homeless | 200 points |
| □ Statutory Unfit/Lacking Amenities | 100 points |
| □ Statutory Overcrowded | 100 points per bedroom lacking |
| □ Welfare/Hardship Groups | 100-200 points |
| □ Critical or Crisis Medical Needs/ Alternative to Adaptation | 200 points |
| □ Threatened with homelessness, in priority need and unintentionally homeless (s195/2) | 100 points |
| □ Intentionally homeless in priority need | 25 points |
| □ Households in temporary accommodation | 25 points |

Transfer Band

All transfers with additional preference (s.166A/3). Single points are not accumulative, sorted by date

- Medical 50-100 points
- Overcrowding (as per our standard) 80 points per bedroom lacking **(160 max)**
- Under Occupation 80 points per bedroom extra **(160 max)**
- Welfare/Hardship 25-75**100** points
- Children in flats 25

General Bands

General Bands 1 and 2 will contain all other applicants.

General Band 1 will contain applicants who have a connection with the Borough - This will normally mean applicants who live within the Borough Council boundary and have done so for a period of **twelve** months, immediately prior to registration or have **long-term** employment in the Borough for **twelve** or more hours per week.

Employment within the Borough for sixteen or more hours per week will normally be on a permanent **or long-term** contract **for more than twelve months**.

You will not be classed as resident in the Borough if you have been placed in the Borough by another organisation or local authority.

General Band 2 contains applicants with no specific housing need.

General 1

All general applicants with additional preference. Single points, not accumulative sorted by date.

- Medical 50-100 points
- Armed Forces 100 points
- Over Crowding 80 points per bedroom lacking
- Under Occupation 80 points per bedroom extra
- Preventing Homelessness 70 or 100 points
- Welfare/Hardship 25 -**100** points

General 2

All other applicants with no additional or reasonable preference (including transfer applicants) Sorted by date order. Only properties in good supply will be advertised in this band

All out of borough applicants with a medical/disability need and require accommodation in chesterfield will be assessed on a needs basis to be awarded up to 12 months additional registration time. This time will be assessed using the criteria for medical points.

Points

Medical points

50-100 points

Awarded following the completion and assessment of a medical form

Armed Forces

100 points

Awarded in line with the provisions of the Localism Act 2011 and the Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012

We will monitor allocations made and may, subject to high demand, introduce a lettings quota in order to balance the needs of all applicants in need of accommodation

Under-occupation

**80 points per bedroom extra
up to a maximum of 160 points**

Applicants will be assessed in line with the bedroom standard

Preventing Homelessness

70 or 100 points

70 points will be awarded to applicants who are threatened with homelessness but have accommodation that they can stay in for more than 28 days. These points will be time restricted for three months

100 points will be awarded to applicants who have approached the Council for homelessness assistance pending a decision and have a priority need and local connection with the Borough. These points will be time restricted for 2 months.
100 points will also be awarded to MOPP referrals

Overcrowding (not bedroom standard)

**80 points per bedroom lacking,
up to a maximum of 160 points**

The overcrowding criteria for children within the household is that points will be awarded in the following circumstances:

- children of the opposite sex, the eldest being 4 years old or more, having to share a bedroom
- children of the same sex, where the age difference is 5 years or more, having to share a bedroom
- points will be awarded if non-related children under the age of 16 are having to share a bedroom

The **Service Manager - Customer Division** has discretion to alter these ages to take into account changing demand and/or supply factors, performance to date on achieving the targets, and the relative needs of the priority groups between themselves.

If an applicant indicates that they are overcrowded as per the bedroom standard, the Housing Solutions Officer must carry out a home visit, if necessary, to assess the need prior to referring to Environmental Services.

Overcrowding points will not be awarded if an applicant moves from accommodation which is suitable in size for the household, to accommodation which is smaller than required.

Hardship/Welfare

25 – 100 points

Applicants who need to move on welfare/medical/hardship grounds will normally fall in to one of the following categories:

- a mental illness or disorder
- a physical or learning disability
- chronic or progressive medical conditions
- infirmity due to old age
- the need to give or receive care
- the need to recover from the effects of violence or threats of violence or abuse
- ability to fend for self restricted for some other reason
- young people at risk
- people with behavioural difficulties
- need for adapted housing and/or extra facilities
- need for sheltered housing
- need for ground floor accommodation
- need to be near friends or relatives on medical grounds
- household within a household

Hardship/ Welfare

25/50/75/100/200

Critical or Crisis Medical Needs

200

Medical General

50-100

Low Level Medical

50 points

There are several different levels of points to reflect the wide range of hardship, medical and welfare needs and its impact on the applicants housing situation.

If an applicant has a disability or a medical problem or is suffering hardship or has welfare issues, which are made worse by their current housing, self-assessment form will need to be completed by the applicant. Once this has been completed the Housing Solutions Officer who will clarify the applicant's circumstances and when appropriate will visit the applicant. If necessary and with the applicant's permission, additional information will be sought from other relevant bodies, for example, the applicants GP or Social Services. Each application will be assessed and a decision made regarding the level of points to be awarded.

If an applicant indicates that they are giving or receiving support they should be sent the standard support form to complete. Completed forms will be considered by the Assistant Managers. In awarding support points they will consider the following:

- the location of the person(s) giving and receiving support
- the age of the person(s) giving and receiving support
- any medical or social factors the availability of accommodation in the areas requested (alternative solutions may be suggested to meet the need)

Persons who have suffered a breakdown in relationship will normally be awarded welfare points depending on their individual circumstances

A request for a review of this decision may be made to the Housing Solutions Manager.

Once an agreed level of points has been awarded the case will not normally be re-assessed for 6 months unless a person's circumstances changes significantly.

PREGNANCY

The Council's allocations system does have the facility to record when an applicant is pregnant. Applicants will be required to provide proof.

Pregnancy will not normally increase an applicant's eligibility for a family house unless there are no applicants on the waiting list for that particular property.

As soon as the child is born, the applicant will be eligible for a family house. Proof of birth will be required to activate the eligibility on the allocations system.

CHILDREN

For the purpose of this policy a child is anyone under the age of 16.

MOVE ON PROTOCOL

Any applicant applying for move on accommodation from within the borough is required to have had a connection to the borough for six months prior to moving into the support accommodation. If the applicant does not meet this criterion and is unable to return to his/her local area, the applicant will normally be required to make a homeless claim.

MOVE ON FROM CHESTERFIELD BOROUGH COUNCIL (CBC) SUPPORTED ACCOMMODATION

An offer will be made by way of a direct match when ready to move on.

C R E RECOMMENDATION

CBC does have nomination rights to a small number of large family houses specifically for BME families. These are managed by Walbrook Housing Association and when staff become aware of applicants who may be interested in these properties they should liaise with the Assistant Housing Solutions Manager.

Tenancies

Introductory Tenancies

All new tenants of CBC will initially be granted an Introductory Tenancy for a period of 12 months. Exceptions to this are:

- persons already holding a secure tenancy with CBC or another local authority
- persons having an assured tenancy with a housing association

These exceptions are eligible for a secure tenancy providing there has been no break between the termination and the commencement of the tenancies.

Joint Tenancies

Where applications are made in joint names, any subsequent Tenancy Agreement should also be in joint names.

Where joint applications are made and consideration is being given to creating a sole tenancy only, it must be approved by the Assistant Housing Solutions Manager

In cases of joint applications where one applicant is aged 16 or 17 years, and the other applicant is 18 years or over, the Tenancy Agreement should be in joint names. In such cases, the older tenant automatically becomes the guarantor for the younger tenant.

Eligibility for Property Types

Properties will be advertised and allocated to households in accordance with the attached Matrix.

Where there is no demand from the relevant household type the eligibility criteria will be relaxed and those applicants not eligible who have bid on the property will be considered. For example, where all households with two or more children have been exhausted for three bedroom houses, then households with one child may be considered.

General Needs Family Accommodation

Family accommodation includes Houses, Flats and Maisonettes.

Family houses will normally only be allocated to families who have dependent children living with them and it is their children's main and only home.

An applicant having access to children who are already suitably housed will normally only be eligible for a 1 bedroom flat.

Two bedroom flats will be allocated firstly to applicants with permanent childcare responsibilities.

Older Persons Accommodation

Older person's accommodation includes Bungalows, Flats and Sheltered Accommodation.

Successions

Existing tenants at 1st April 2013

Following the death of a secure tenant, a person is qualified to succeed to the tenancy if he/she occupies the property as his/her only or principal home and he/she is either the deceased tenant's spouse or civil partner or he/she is another family member (and, in the latter case, he/she must have resided with the late tenant for at least 12 months before his/her death).

If you are a joint tenant of the property or the spouse or civil partner of the deceased tenant then you will become the sole tenant of the property.

If a person is qualified to succeed as another family member (rather than as a spouse or civil partner) but does not qualify for the property in accordance with the Occupancy Standard, then the Council may seek possession of the property. However, any action would not commence until six months after the tenant's death and the Council would offer suitable alternative accommodation.

There can only be one statutory succession to a secure tenancy.

New secure tenants after 1st April 2013

The right to succeed to a secure tenancy, as set out above, is limited to the deceased tenant's spouse, civil partner, cohabitee or the surviving joint tenant for any new secure tenancy which started after 1st April 2013.

Termination by a Joint Tenant

Either party to a joint tenancy can give notice to terminate that tenancy and this act will terminate the whole tenancy. Following the termination of a tenancy the Council will deal with any requests from an ex-tenant wishing to remain in the property in accordance with the Council's Allocations Policy.

The Council will consider granting a new tenancy (which will normally be a sole tenancy) of the same property where the household does not under occupy the property by more than one bedroom (and subject to any other relevant criteria in this policy). This will be determined using the definitions with the Council's Allocations Policy for overcrowding. However if the property type is a house, consideration will only be given to households with a child or children as defined in the Council's Allocations Policy.

Where a person is not eligible to be allocated the property, then the Council will offer suitable alternative accommodation in accordance with the Occupancy Standard.

Local Lettings Policy

In order to encourage balanced communities it will be, from time to time, necessary for the Council to apply specific lettings policies designed to address particular local management issues. The Council will aim to ensure that any allocation scheme and lettings plan are representative of the needs of the community and promote community cohesion.

Management Moves

If a current Council tenant needs to move on management grounds, these allocations will normally be made outside the CBL process by way of direct match

HOUSEHOLD ELIGIBILITY FOR PROPERTY TYPES

| Size of Household | Bedsit | 1 bed flat | 2 bed flat/ maisonette | 2 bed house | 3 bed flat/ maisonette | 3 bed house | 4 bed house | 1 bed bungalow | 2 bed bungalow | 3 bed bungalow/ prefab | Sheltered |
|-------------------------------------------|--------|------------|------------------------|-------------|------------------------|-------------|-------------|----------------|----------------|------------------------|-----------|
| One adult (Under 60) | √ | √ | | | | | | | | | |
| 2 adults (under 60) | | √ | √ | | | | | | | | |
| 3 adults (under 60) | | | √ | | √ | | | | | | |
| Household with one child | | √ | √ | √ | | | | | | | |
| Household with two children | | | √ | √ | √# | √# | | | | | |
| Household with three or more children | | | | | √ | √ | √ | | | | |
| Household with dependents aged 16 or over | | | √a | √a | √a | √a | √a | | | | |
| Older people (60 or over) | √ | √ | | | | | | √ | √ | | √ |
| Disabled (Mobility) (under 60) | √ | √ | √ | | | | | √ | √ m | √ * | √ |

* These properties are normally let to families with a disabled family member

** Subject to no demand from families with permanent childcare responsibilities.

Not all households with two children are eligible for three bedrooms; eligible households are defined by the councils overcrowding guidelines

a properties in good supply only

b a child is aged 15 or under

m medical need for 2 beds